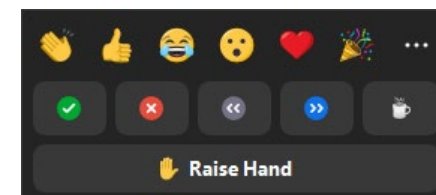
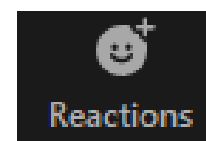
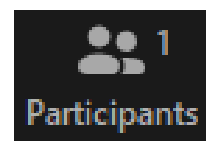
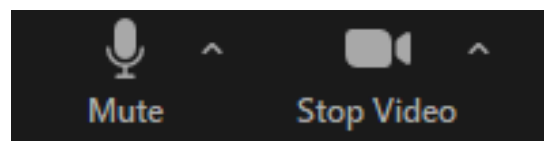


Welcome! December 13, 2022

- 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 November meeting?

Meeting Agenda

- Focus of meeting today is on voting on revised recommendations (from the recommendations that were set aside at the November meeting)
- Discuss and vote on the task force's future
- Review report format and questions or comments

Task force updates

Upcoming activities

- Task force votes on revised recommendations today
- MAD adds recommendations to draft report and report goes to MAD copy editor December 15
- Task force receives report for additional review by January 3
- MAD incorporates changes and task force votes to approve report at Jan 10 meeting

Task force updates – objections

- Gathering objections to recommendations
 - MAD provided task force members with the opportunity to note any objections to a task force recommendation.
 - **There were no objections as of the close of the form on November 30.**
 - After today's meeting MAD will again provide task force members with the opportunity to register objections, with a much shorter timeframe (due by end of day December 15).

Overall 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 13-15: Objection form open
- December 15: MAD internal review begins

January

- January 3: Task force receives report for second review
- January 10: Task force meets to approve final report
- January 15: Report to DHS/DSD for accessibility and plain language review

February

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

Background information for voting on recommendations

Recommendations – background information

There are 8 recommendations for the task force to consider today

Recommendations held over for revision

- The task force did not vote on 5 recommendations in the November meeting, sending them to groups of task force members to revise the recommendations and bring them back to the task force for a vote at this meeting. One of the 5 was dropped, so there **4 recommendations** held over.

New recommendations, additional revisions:

- There are **4 other recommendations** to vote on—3 that are new, and 1 that was significantly revised (#3) by the task force members revising another recommendation.

Recommendations review and revisions

- Overview of recommendation review and revisions
 - Small groups worked to revise recommendations held over from November task force meeting.
 - Transformational experts reviewed 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, reviewed recommendations to provide additional information on potential costs or savings, as well as to identify possible funding opportunities.

Recommendations review and revisions - continued

Admin Review Committee (task force co-chairs and DHS Disability Services Division staff) facilitated by MAD:

- Reviewed the revised recommendations between the November and December meetings to ensure the task force's concerns were addressed in the revised recommendations. Note: the refined recommendations are what the task force is voting on today.
- Reviewed comments from transformational experts to ensure recommendations were clear and did not leave significant gaps.
- Edited many approved recommendations for clarity. The intent and substance of these recommendations did not change.

Voting Overview

Voting Today is Actual Voting

- Voting today is “actual voting” to determine the remaining 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."

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.
 - As mentioned, 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 **8** recommendations will be broken into two groups of recommendations, so task you will vote on 3 of them, then next you'll vote on 5 of them.
- Co-chairs will present each recommendation.
- On a separate topic, there will also be a vote on if the task force should continue after March 31, 2024.

Voting Reference Document

- TFESW Recommendations – Word document 12.06.22
 - For each recommendation, there is the full language of the recommendations, plain language summary of recommendation, and cost estimate, if available.
 - Recommendations to be voted on are highlighted in yellow in the document

Recommendations

Recommendations: Transition plan for ending subminimum wages

Repeal subminimum wage

1. The task force recommends that the Minnesota State Legislature take immediate action to end the use of subminimum wages by August 1, 2025, to allow for a phased implementation period overseen by a statewide transition manager. To do this, the legislature should:

- Repeal Minnesota Statute §177.28, Subdivision 5 effective August 1, 2025;
- Amend Minnesota Statute 177.24 to include:

Subd. 6. On and after August 1, 2025, an employer shall not pay an employee with a disability less than the highest applicable minimum wage regardless of whether the employer holds a special certificate from the United States Department of Labor under section 14(c) of the federal Fair Labor Standards Act. On and after August 1, 2023, employers shall not hire any new employee at a wage that is less than the highest applicable minimum wage. By January 1, 2024, organizations in Minnesota holding a special certificate from the United States Department of Labor under section 14(c) of the federal Fair Labor Standards Act shall submit a transition plan to the commissioner of labor and industry for ending payment of subminimum wages to people with disabilities in Minnesota by August 1, 2025.

3. Create a state-level transition manager and technical assistance program

The task force recommends that Minnesota establish transition resources and supports as well as identify a manager to oversee the statewide move to competitive wages. This includes:

- Establishing a state-level transition manager to oversee the phase out of subminimum wages and reporting to the legislature. The transition manager shall assess statewide progress in phasing out the use of subminimum wages against the following milestones based on an August 1, 2023, baseline.

Transition resources

Date	Milestone
August 1, 2023	No additional hiring at subminimum wages; establish baseline
December 31, 2023	5% reduction
March 31, 2024	10% reduction
June 30, 2024	20% reduction
September 30, 2024	40% reduction
December 31, 2024	60% reduction
March 31, 2025	80% reduction
June 30, 2025	95% reduction
August 1, 2025	100% reduction—subminimum wages are no longer legal under Minnesota state law.

3. Create a state-level transition manager and technical assistance program (continued)

- Establishing a state technical assistance center through the end of 2028 to
 - 1) support the transition of provider organizations to transform business models and funding supports to incentivize competitive integrated employment,
 - 2) provide technical assistance support to lead agencies in Minnesota, and
 - 3) administer a transition grant program for 14(c) holders modeled after the provider reinvention grant program.

Work and benefits education and support

4. Engage, educate, and support people earning subminimum wages during transition

The task force recommends DHS, in collaboration with DEED, carry out a comprehensive communication and engagement campaign to reach every person who is currently receiving subminimum wages and their families to 1) educate and address common concerns on statewide phase out of subminimum wages 2) affirm options and supports available to help, and 3) provide work and benefits education. This campaign should occur within the first 18 months of phase out. It will include:

1. Educate on statewide phase out of subminimum wages and address common concerns: This engagement campaign should address common concerns, including concerns about:
 - a) Transportation
 - b) Safety and social inclusion in the community
 - c) Willingness of businesses to hire people with disabilities
 - d) Job security and retention

Work and benefits education and support

4. Engage, educate, and support people earning subminimum wages during transition (continued)

2. Affirm options and supports available: Every person who is currently earning subminimum wages and is on a waiver will be offered support to make an informed choice through waiver employment exploration or other services. They will be informed of all services and supports available to them, including:

- a) Customized employment and other employment supports,
- b) Work incentives,
- c) Supports for a meaningful day, and
- d) Other supports to meet their needs.

3. Provide work and benefits education: Every person who is currently earning subminimum wages and is on a waiver will be offered education and supports about work and benefits, referred to as “benefits planning.” Benefits planning is a person-centered process that identifies and addresses concerns, provides tailored information based on the individual’s benefits, includes stories to teach core concepts about work and benefits, and offers education about key supports (resources, tools and services) to help the person along the way. During the 511 process, individuals and their guardians will be asked if they have any concerns about their benefits as they consider work. If so, they will be given core information and resources and offered follow up by Disability Hub MN for a deeper conversation.

Work and benefits education and support

4. Engage, educate, and support people earning subminimum wages during transition (continued)

The engagement campaign will be informed and tested by the intended audience and offered in multiple formats and languages to meet individual preferences and needs. The campaign will build off the work started by the task force and efforts through the Provider Reinvention Grant Program, including advancing self-advocacy, training of peer mentors who have successfully transitioned to competitive wages, development and sharing of success stories, and equipping community partners to help families address questions and concerns.

As part of this campaign, all providers holding a 14(c) certificate should be required to work with a state appointed technical assistance firm to support their communication with families during the transition of subminimum wages.

Vote

Recommendations to address barriers and strengthen the system

NEW: Strengthen information on supports and services

6. Strengthen core information on supports and services available to people with disabilities in Minnesota

The task force recommends the E1MN interagency partnership ensure all youth in transition and people on HCBS waivers receive core information that is addressed in common language across state programs, grounded in storytelling, and informed by feedback from end users. This core information will:

- Help people understand and prepare for the assessment and support planning process so they are controlling their own plans
- Educate on HCBS service options
- Share stories of how past recipients used those services to reach their goals
- Offer key resources that can help them manage their benefits and services, and plan for the future
- Affirm their rights and how to assert those rights

To help develop this work, E1MN will establish an Advisory Group and design deeper engagement with the target audiences to inform and test the information and distribution strategies. Information will be offered at key points in the planning process, including request for disability services, MnCHOICES Assessments, service initiations, youth in transition planning meetings starting at age 14 and annually during transition, and any other points of key social services interactions. Information will be offered in multiple formats and languages to meet individual preferences and needs.

Changing fee schedules and reimbursement rates

11. Incentivize employment and community access in Minnesota's Medicaid HCBS waiver policy and fee structures

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

- Update the DWRS BLS codes for employment exploration services to ensure person-centered, informed choice employment supports are adequately reimbursed and incentivized, regardless of staffing ratio, over day or facility-based employment services.
- Allow separate procedure codes to be used for Day Support Services based on the service provided. For example, one procedure code for a group service and one for a 1:1 service.

NEW: Improve transportation options

13. Strengthen access to transportation supports

The task force recommends prioritizing interagency coordination on equitable transportation and changes to HCBS waiver services transportation guidance and fees to expand access to transportation supports for people with disabilities. These include:

- Ensure payment rates incentivize access to the community for people who access transportation during Day Support Services
- Ensure coordination between DHS, MNDOT, Minnesota Council on Transportation Access (MCOTA) and other stakeholders to expand equitable transportation statewide.
- Update the transportation language in the Community-Based Services Manual (CBSM) to clearly state that rideshare programs, such as Lyft, Uber, or other ride shares/carpool programs, are allowable reimbursements under waiver programs.

15. Assess and remove barriers to employment supports in Personal Care Assistant (PCA) and Medicaid HCBS waiver services policy

The task force recommends that DHS assess and remove any barriers in PCA policy that limits the ability of people to receive needed supports. DHS shall specifically assess barriers to:

- The ability of PCAs to provide transportation to jobsites for the people they support.
- Access to PCA supports at a jobsite for people who receive Community Residential Services through Medicaid HCBS Waiver Services.

Improve VRS/SSB collaboration and referrals

21. Ensure work experiences, collaboration, and seamless referrals for services between school professionals and Vocational Rehabilitation Services/State Services for the Blind

The task force recommends the following improvements to VRS/SSB referrals and the individualized education program (IEP) processes in order to ensure seamless collaboration and referrals for services:

- Amend state statute to require, in accordance with state (Minn. Stat. § 13.32) and federal law (20 U.S.C.A. § 1232g (5)(A)), schools provide DEED Vocational Rehabilitation Services (VRS) and/or State Services for the Blind (SSB) “directory information,” including 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
- 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.

Improve VRS/SSB collaboration and referrals

21. Ensure work experiences, collaboration, and seamless referrals for services between school professionals and Vocational Rehabilitation Services/State Services for the Blind (continued)

- MDE and DEED shall provide continuing education unit (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.

Improve VRS/SSB collaboration and referrals

21. Ensure work experiences, collaboration, and seamless referrals for services between school professionals and Vocational Rehabilitation Services/State Services for the Blind (continued)

- 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 14 through 21 leave school with a concrete plan, resources, and contacts for future education, training, or employment.

Vote

Break

Task force decides on its future

TFESW continuation beyond March 31, 2024

Statute language:

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, consider a draft recommendation, and vote on the recommendation

Continuation language to consider

If Minnesota takes legislative action to phase out subminimum wages, we recommend that the Task Force on Eliminating Subminimum Wages continue beyond its scheduled expiration date of March 31, 2024, and through the transition period in order to monitor, assist, and educate during the phase out. The task force would then conclude its duties and expire once subminimum wages have ended in the state, currently identified as August 1, 2025.

If Minnesota does not take legislative action, we recommend that the Task Force on Eliminating Subminimum Wages end at its current expiration date of March 31, 2024.

Discussion on continuation language

- Task force discusses the draft continuation language
 - Questions, concerns and comments

Vote

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 and additional information from points shared by task force and workgroup members

Executive summary

- Will focus on recommendations

The legislative Task Force on Eliminating Subminimum Wages

- Task force charge and duties
- Membership
- Meetings and topics

Subminimum wages and their use in Minnesota

- Federal emphasis on jobs in the community at minimum wage or more
- How subminimum wages work
- Subminimum wages in Minnesota
- Data and facts about subminimum wages in Minnesota
- Other states are shifting away from subminimum wages

The path to task force recommendations

- How the task force developed and approved recommendations
- Recommendations match themes from engagement activities and task force discussions
- Focus on equity

Task force recommendations: A plan to eliminate subminimum wages

- Transition plan for ending subminimum wages
- Recommendations to address barriers and strengthen the system

Task force engagement efforts

- Engagement purpose and values
- Finding the right people and getting feedback
- Common feedback topics by group
- Solutions from engagement activities

Benefits to eliminating subminimum wages in Minnesota

Barriers and challenges, including mention of costs

Barriers that the task force recommendations address

- Identifying barriers
- Important barriers
- Broad challenges for people with and without disabilities

Costs for the important transition away from subminimum wages

- Considering costs
- No estimates for specific costs

- **Comments from task force members opposed to task force recommendations or plans**
 - Include only if there are objections
- **Task force duty 2 to consult and advise on limiting the payment of subminimum wages**
- **Task force duty 3**
 - Still determining if it will be included
- **Appendices**

Task force discusses draft report

- If needed – any questions, comments, or corrections to discuss from member review of draft report?
- Reminder: recommendations will be added in the second draft of the report to be sent to task force members by January 3

Task force open discussion or questions (if needed)

- **Next task force meeting:** Tuesday, January 10, 2023 (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!