

NUMBER

#20-56-01

DATE

June 9, 2020

OF INTEREST TO

County/tribal directors

Social services supervisors and staff

HCBS waiver service providers

People who receive HCBS waiver services

ACTION/DUE DATE

Please read information and prepare for implementation

EXPIRATION DATE

June 9, 2022

Employment services and the right to make informed choices during the peacetime emergency

TOPIC

Availability and use of home and community-based services (HCBS) waiver employment services during COVID-19 peacetime emergency and emphasis that people with disabilities have the right to make informed choices about returning to work.

PURPOSE

Provide lead agencies and HCBS waiver employment service providers with:

- Information about employment services during the COVID-19 pandemic
- Guidance on supporting people's informed choices about returning to work

CONTACT

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SIGNED

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

As Minnesota transitions from stay-at-home executive orders (EOs) [20-20 \(PDF\)](#) and [20-33 \(PDF\)](#) to Stay Safe MN [EO 20-63 \(PDF\)](#), more businesses will open and more workers will be able to return to community-based jobs.

In the current environment, many people—including those with disabilities—have lost employment and face uncertainty in their future employment path. Areas where many people gather at the same time are high-risk areas for the spread of COVID-19. Many people with disabilities live and work in these types of settings. Competitive, community-based jobs may lower the risk of spreading COVID-19.

Now more than ever, it is important for all Minnesotans to implement our [Employment First policy](#). DHS remains committed to the belief that people with disabilities should work in competitive jobs and be fully integrated into the workplace. Competitive, integrated employment is the first and expected outcome for people with disabilities.

We must not lose the progress Minnesota has made to include people with disabilities in the regular workforce. Minnesota must adapt its efforts to meet the challenge presented by COVID-19. This bulletin clarifies the availability of employment services for people with disabilities and their right to make an informed choice about whether it is safe to return to a community-based job during the peacetime emergency.

II. HCBS waiver employment services remain available

The following people can receive [employment support services](#) through home and community-based services (HCBS) waivers:

- People who have jobs that are considered critical, per paragraph 6 of [EO 20-20 \(PDF\)](#) and as updated in future executive orders
- People who have jobs with employers that are reopening their businesses within the requirements of [EO 20-48 \(PDF\)](#)

People can receive [employment exploration services](#) and [employment development services](#) through HCBS waivers if they are exploring employment or searching for employment in critical jobs or with reopening businesses.

People who are considered high risk, per [EO 20-55 \(PDF\)](#), are strongly urged to stay home or work from home if feasible, but they have a right to make an informed choice about returning to work. See the [making an informed choice about returning to work section](#) for information about how to support people in making this decision.

Service delivery

To facilitate employment supports during the peacetime emergency, providers may deliver employment services in person and via remote technology. These options will support people who are returning to work in the community, searching for work in the community or exploring employment.

Providers can deliver remote employment supports to one person at a time or to a group of people (e.g., a virtual meeting accessed by multiple people).

Providers can deliver remote support to people who live in provider-controlled residential settings (e.g., corporate adult foster care, family foster care, customized living), as well as people who live in their own homes.

Resources

- The [Disability Services COVID-19 FAQ – Remote service functions](#) provides information and examples of how to provide employment services remotely.
- The [Disability Hub MN](#) can help people access needed resources and understand the impact of work or job loss on their benefits.
- [Vocational Rehabilitation Services](#) and [State Services for the Blind](#), administered by the Department of Employment and Economic Development, are available remotely to people across Minnesota.

III. Making an informed choice about returning to work

People with disabilities have the right to make an informed choice about whether they want to return to work. Lead agencies and providers should set up times to have conversations with the person and their support team to discuss the individual risks and benefits of returning to work. Factors to discuss and/or consider include:

- Is the person at a higher risk for infection because they are older than age 65 or have an underlying health condition, as defined in [EO 20-55 \(PDF\)](#)?
- Is it possible for the person to receive employment supports remotely?
- Has the team reviewed the employer’s COVID-19 preparedness plan, as required in [EO 20-56 \(PDF\)](#)? Does the person feel confident the employer will implement that plan effectively?
- Can the person protect themselves and others by washing their hands often; avoiding touching their eyes, nose and mouth; covering their coughs and sneezes; and wearing a protective mask or cloth face covering?
- Can the person access transportation safely?
- Is this a good time for the person to consider different employment options?
- Given all these factors, is the benefit of returning to work outweighed by the health risk associated with returning to work?

The lead agency should document a summary of these important conversations and the person’s resulting decisions in the person’s support plan. If the person expresses interest in additional employment options, the lead agency should also document this information in the person’s support plan and start an informed decision-making and planning process.

Americans with Disabilities Act (ADA) advisory

This information is available in accessible formats for people with disabilities by calling 651-431-4300 (local) or 866-267-7655 (toll free) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.