

## Task Force on Eliminating Subminimum Wages

Meeting summary, Sept. 13, 2022, 10 a.m. to 1 p.m. (Virtual session)

- Participants listed below.
- Go to the [task force webpage](#) and select the meetings tab to review the formal meeting agenda, presentation slides and any other relevant documents from the meeting. (Sometimes postings to the Department of Human Resources website are delayed.)

### Main meeting topic

Vet ideas from the task force workgroups on possible recommendations, with discussion and reaction from task force members. Public Sector Consultants (PSC) also presented on findings from the engagement survey.

### Key agenda items

1. Task force updates.
2. Recommendation ideas from workgroup on measuring and monitoring.
3. Recommendation ideas from workgroup on services and supports about assistance and support for providers.
4. Recommendation ideas from workgroup on services and supports about services and supports for people with disabilities.
5. Recommendation ideas from workgroup on statutes, rules and policies.
6. PSC engagement work update and report on survey results.

### Task force reviews, reacts to recommendation ideas from workgroups

**Note:** Review task force presentation slides 12-45 for information about the workgroups and for wording of recommendation suggestions that the task force considered. The presentation slides will be posted on the [task force webpage](#). Task force members used the polling function in Zoom to register their reactions to suggested recommendations about services and supports for people with disabilities, as well as statutes, rules and policies. Task force members did not use Zoom polls to register their reactions to suggested recommendations about measuring and monitor or support for providers. The September meeting was the first time task members heard about these ideas for their workgroups.

### Suggested recommendations from measuring and monitoring workgroup: Task force comments, questions, and discussions

Ryan Merz presented on the suggested recommendations from the measuring and monitoring workgroup. Ryan is co-lead for that workgroup and a staff member at the Minnesota Department of Human Services (DHS) in the Disability Services Division. Here are the key points that task force members made, plus summaries of the questions and discussions:

#### Task force comments to consider for draft recommendations on measuring and monitoring

Add location, based on county, to the demographic information that would be collected about people so that progress and outcomes can be tracked for rural areas, as distinct from metropolitan areas. For the proposed state collection of data on non-work activities, consider if this data is needed. Weigh the benefits of the data against the concern that asking people about non-work activities infringes on their privacy.

#### Task force questions and discussion about draft measuring and monitoring recommendations

**Question from task force member:** For the recommendation that providers with 14c certificates report annually through a statewide data collection system, would that make it harder for them to pay subminimum wages?

**Answer from Ryan:** He doesn't think it would make it harder to pay subminimum wages, but that having this data would allow the state to track progress toward an end to subminimum wages.

**Question from task force member:** Which state agency or agencies would manage data collection? Where within state government would these data collection efforts happen and where would the data be kept?

**Answer from Ryan:** The workgroup assumes that DHS, as Minnesota's Medicaid agency, would handle data collection for the short-term recommendation about reporting by 14c certificate holders to

measure progress toward an end to subminimum wages. The other workgroup recommendation for a broader data collection effort to monitor and track outcomes would be an interagency effort, he said.

**Question from task force member:** Why do the suggested recommendations mention the date "June 15, 2023"?

**Answer from Ryan:** That date was picked to match any action taken by the state legislature during its next session. The workgroup wanted to cite a specific date to make things consistent for everyone, starting from the same point in time.

**Question from task force member:** Why did the workgroup include the demographic data that it did and not other demographic information.

**Answer from Ryan:** The demographic factors relate to important areas. So for example, age is important because young people must transition from school to work and other activities. Race is important for equity considerations, and data about race and ethnicity allows the state to track outcomes across different groups. Disability is included to track if the system is supporting people across a range of disabilities.

**Discussion:** Add location so that the state can track differences in outcomes for rural areas and metro areas. Some worry that the shift away from subminimum wages to competitive integrated employment will be harder in rural areas.

**Question from task force member:** Why collect data about non-work activities for people with disabilities?

**Answer from Ryan:** The workgroup wanted to include information about non-work activities to gauge progress on people working toward life goals outside of work. Some people worry that people with disabilities will not have meaningful hobbies or activities and will just sit around at home if they don't have jobs that pay subminimum wages.

**Discussion (several task force members):** Providers and the government collect so much information about people with disabilities. If someone decides not to work for subminimum wages, that's their choice. Does asking about non-work activities cross the line and infringe on the person's right to privacy? Track the provider when it comes to non-work activities, instead of the individual. It's out of date to think people with disabilities shouldn't choose to sit at home. People with disabilities elsewhere in the country are asked about activities outside of work to understand outcomes aside from employment. It is important to track that people have choices for what they want to do. For the federal Work Innovation and Opportunity Act (WIOA), the government collects data at least annually from people with disabilities about their interest in jobs at competitive wages, but that data doesn't track outcomes.

### **Suggested recommendations for provider support from the services and supports workgroup: Task force comments, questions, and discussion**

Danielle Mahoehney, co-lead for the services and supports workgroup, presented on suggested recommendations for provider support. Here are the key points that task force members made, plus summaries of the questions and discussions:

#### **Task force comments to consider for draft recommendations on provider support**

For the draft recommendation about a focused communications and engagement plan from the Minnesota's Department of Employment and Economic Development (DEED) for employers, 1) add people with disabilities to the groups that DEED should consult, 2) consider and leverage existing DEED resources and 3) avoid overemphasizing incentive programs that encourage employers to hire people with disabilities.

The recommendation about employment service rates needs more detail, including a look at codes and the addition of information about wage compression in the context of the rate management system.

The recommendation about rate enhancement for individualized home supports (IHS) and personal care assistance (PCA) also needs more detail.

#### **Task force questions and discussion about draft recommendations on provider support**

Task force members discussed the draft recommendation about an employer communications and engagement plan from DEED.

**Discussion (several task force members):** Don't put too much emphasis on incentive programs for employers who hire people with disabilities. Such incentives set people with disabilities apart from other workers. Public programs, including incentive programs, may create administrative burdens for employers. Dakota County uses an incentive program and may have information about whether incentive programs have an impact on hiring.

**Discussion:** The recommendation says DEED should consult with business specialists and existing workforce entities but doesn't call on DEED to consult with people with disabilities. People with disabilities should be a part of this from the start. We should make sure that people with disabilities are included in the plan.

**Comment from Danielle:** The draft recommendation on transition resources is about a transition away from subminimum wages, not about the transition of youth from school to employment.

**Question from a task force member:** Does the draft recommendation about expanded training opportunities for employment support professionals include funding for that training?

**Answer from Danielle:** That draft recommendation about expanded training opportunities doesn't cover funding, but another recommendation from the workgroup does. It focuses on reinvention grants to providers.

Task force members discussed the draft recommendation about benefits information training. A task force member said the workgroup should consider how this recommendation translates to information shared with people who have disabilities. Information about the impact of employment on benefits will need to be in plain, understandable language. In response, Danielle said the workgroup addressed this concern in its recommendations for services and supports to people with disabilities, rather than including it in this recommendation regarding assistance and support for providers.

**Comment from Karen Gaides of Management Analysis and Development (MAD):** The fifth provider support recommendation about employment service rates is a work in progress, with more detail to come, shortly.

**Discussion:** A task force member on the services and supports workgroup said there's a need to look at codes and come up with rates. She reiterated that more information is needed, including the topic of wage compression in the context of a rate management system.

**Comment from Karen:** The sixth provider support recommendation about rate enhancement for IHS and PCA is also a work in progress, with more detail to come.

**Discussion (several task force members):** The idea behind this draft recommendation is that supports beyond those tied to employment help get people out in the community and into the workforce. The suggestion for enhanced data collection, again, raises concerns about the fine line between collecting needed data and infringing on a person's privacy. Danielle said the suggestion for enhanced data collection came from another task force focused on the direct care workforce. So, the data collection is about places, not individuals with disabilities.

**Clarification from task force co-chair Andrea Zuber:** The draft recommendation about assisting employers and service providers calls for new navigator services as the state phases out subminimum wages. This would be like the navigator assistance offered through housing stabilization services (HSS), under Medical Assistance (MA).

#### **Suggested recommendations from the services and supports workgroup about services and supports for people with disabilities: Task force reactions**

Jillian Nelson, the task force co-chair and co-lead of the services and supports workgroup, presented updated language for draft recommendations about services and supports for people with disabilities. The task force had already reviewed these ideas at an earlier meeting. Task force members had no questions or comments about the suggested recommendations from the workgroup.

Task force members used the polling function in Zoom to record their reactions to five draft recommendations. The response options for the poll are included in the table of results, below. A task force member noted that polling option 4—"I'm leery of it"—doesn't necessarily show if the task force member supports or opposes the idea. Someone could be supportive of a recommendation but still worry about how it will be implemented or about some of its impacts.

Tables 1a and 1b, below, show the results for polling on the recommendations for services and supports for people with disabilities. The tallies include the 14 task force members who were in the meeting when the polling took place and two members who were not present during this portion of the meeting. They registered their reactions with MAD outside of the meeting.

**Poll of task force members on suggested recommendations about services and supports to people with disabilities**

Table 1a

Repeal of Minn. Stat. §177.28, Subd. 5 (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.	Clarify and affirm the role/importance of competitive integrated employment and informed choice. (Based on Employment First policy.)	Changing fee schedules and allowable reimbursements under Medicaid waiver plans. (Adding a new billable service?)
8 = Love it	12 = Love it	6 = Love it
5 = Like it	2 = Like it	8 = Like it
1 = Can live with it	2 = Can live with it	1 = Can live with it
2 = Leery of it	0 = Leery of it	0 = Leery of it
0 = Loathe it	0 = Loathe it	0 = Loathe it
0 = Undecided	0 = Undecided	1 = Undecided

Table 1b

Require competitive wages (minimum wage or higher) in service definitions.	Place limitations (duration) on use of subminimum wages in waiver supports.
9 = Love it	10 = Love it
3 = Like it	2 = Like it
2 = Can live with it	1 = Can live with it
1 = Leery of it	2 = Leery of it
0 = Loathe it	0 = Loathe it
1 = Undecided	1 = Undecided

**Suggested recommendations from the workgroup on statutes, rules, and policies: Task force comments and reactions**

Raquel Sidie-Wagner and Jillian presented updated language for draft recommendations from the workgroup on statutes, rules, and policies. Raquel is a task force member and lead for the workgroup, and, and Jillian is also a member of this workgroup. The task force had already reviewed most of these ideas at an earlier meeting. Task force members had several comments about the draft recommendations from the workgroup, noted below.

Task force members again used the polling function within Zoom to register their reactions, this time in two rounds. Tables 2a, 2b, and 2c below show the results for 11 draft recommendations related to statutes, rules, and policies. The tallies include the task force members who were in the meeting when the polling took place and the 1 or 2 members who were not present during this portion of the meeting and so registered their reactions with MAD outside of the meeting. (Jillian was present for the first round but had to leave before the second.)

**Task force comments to consider for final version of the recommendations on statutes, rules, and policies**

For the case management recommendation about capping caseloads, Jillian, in her presentation, noted that many case managers lack the bandwidth to take more intensive approaches for the people they serve because of heavy caseloads. So, limiting their caseloads could help that.

In a typed comment shared with MAD, a task force member said she is conflicted about the workgroup recommendations on case management. "I think it's out of scope and prefer the idea of [using] a navigator service." [The navigator services is included in the provider support recommendations, cited above]. She said case management may not be stable enough to function at the level that people need. Plus, it "will be nearly impossible" to find the additional case managers required for smaller caseloads.

This same task force member also shared a typed comment with MAD about the recommendation to have case managers ask individuals about their interest in continuing jobs that pay subminimum wages or moving to competitive employment. She doesn't think it's necessary to ask people if they want to continue making subminimum wages if those subminimum wages are being phased out.

A task force member suggested that the draft recommendation to clarify and affirm the role and importance of competitive integrated employment and informed choice might be merged with other draft recommendations about statutes, rules, and policies, such as the one about increased interaction between the waiver service providers and groups working with vocational rehabilitation services (VRS).

Raquel, in her presentation, said the workgroup plans to work on details and language for two of the recommendations about statutes, rules and policies. One recommendation is about increasing interaction between the waiver service providers and VRS groups. The other one is about supporting and encouraging seamless collaboration among the Minnesota Department of Education, DEED and service providers.

**Poll of task force members on suggested recommendations for statutes, rules and policies.**

Table 2a

Collaborate to develop, create and distribute trainings and informational pieces on services available in Minnesota and stories from individuals served about their successes in these services.	<b>Day supports:</b> Provide training and technical assistance to provider agencies to develop and implement high-quality community-based day supports.	Examine day supports waiver service and recommend policy changes to incentivize community-based options.	Continue the work of the Minnesota Transformation Initiative (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.
9 = love it	9 = love it	7 = love it	10 = love it
6 = like it	5 = like it	5 = like it	3 = like it
1 = can live with it	1 = can live with it	3 = can live with it	3 = can live with it
0 = leery of it	0 = leery of it	1 = leery of it	0 = leery of it
0 = loathe it	0 = loathe it	0 = loathe it	0 = loathe it
0 = undecided	1 = undecided	0 = undecided	0 = undecided

Table 2b

Minnesota must reaffirm its commitment to the state's Employment First policy and, as part of any transition plan, carry out a comprehensive	<b>Case management:</b> Increase in funding and mandated training for case managers, including comprehensive training for benefits	Case managers will have a cap on case load. (Perhaps calculated from a baseline involving available work hours and number of hours billed
--	--	---

communication and engagement campaign to reach people who are currently earning subminimum wages.	information, disability-specific training, planning and analysis so staff can provide individuals and families with a full view.	
12 = love it	7 = love it	7 = love it
2 = like it	4 = like it	5 = like it
2 = can live with it	2 = can live with it	1 = can live with it
0 = leery of it	0 = leery of it	2 = leery of it
0 = loathe it	0 = loathe it	0 = loathe it
0 = undecided	2 = undecided	1 = undecided

Table 2c

In yearly plan review with case manager, ask if the person would like to continue with job making subminimum wages or move to competitive/customized employment.	<b>Employment fidelity model enforcement:</b> Lead agencies in Minnesota must annually report to DHS on employment outcomes for people who receive waiver case management supports through the agency. Lead agencies and DHS shall work on remediation plans...	Increase interaction between the waiver service providers and VRS groups. (More seamless interaction between DHS and DEED.)	Support and encourage seamless collaboration amongst MDE, DEED, and service providers.
8 = love it	9 = love it	8 = love it	9 = love it
3 = like it	2 = like it	5 = like it	6 = like it
4 = can live with it	3 = can live with it	2 = can live with it	1 = can live with it
1 = leery of it	1 = leery of it	0 = leery of it	0 = leery of it
0 = loathe it	0 = loathe it	0 = loathe it	0 = loathe it
0 = undecided	1 = undecided	1 = undecided	0 = undecided

### Presentations to the task force

#### Task force updates

Karen from MAD noted that three new members joined the task force, replacing members who have left the task force since the start of the year. The new members are:

- Kirk Langsjoen: Replaced Val Barnes; appointed as a person with disabilities
- Heidi Maghan: Executive Director of Epic Enterprise, in Dundas, replacing Lisa Parteh; appointed to represent an employer authorized to pay subminimum wages.
- Either Dalaine Remes, Legal Advocate, or Susan Fleurant, an Equal Justice Works Fellow from the Minnesota Disability Law Center, replacing Kristina Petronko; serving as a member appointed by the Minnesota Disability Law Center. Because the decision is pending about which of these two individuals will join the task force, Dalaine attended the task force meeting via Zoom, while Susan viewed the proceedings via YouTube.

Karen also reviewed task progress and plans, including target dates for report milestones.

#### Public Sector Consultants (PSC) update and report on engagement and education work

Melissa Jimison, with help from Erin Lammers, gave an update on engagement work carried out by Public Sector Consultants (PSC) for the task force and presented on findings from the task force engagement survey.

More than 370 people completed the survey about employment and subminimum wages, including almost 70 people with disabilities. Of those with disabilities, most had jobs. Of those with jobs, about 80 percent were earning minimum wage or more, while 20 percent earned subminimum wages. PSC sought broad participation in the survey from all types of stakeholders. They took a number of steps to encourage the participation of people with disabilities, including those with intellectual and developmental disabilities. PSC also knew going in that a survey wouldn't be the best way to get input from people earning subminimum wages.

Other PSC engagement activities have included listening sessions, small group discussions and interviews. PSC will soon hold four solutions sessions to get reactions to the task force's work from people with disabilities, families, guardians and providers.

Melissa asked task force members if the survey results pointed to anything the task force hadn't yet considered for its recommendations and plans. No task force members suggested any gaps.

### **Task force comments and questions about the survey findings**

- A task force member pointed out the difference between the large share of those earning subminimum wages who said they don't earn enough money and the relatively few family members who cited wages as most important when helping a family member find a job. Among the most important things for jobs, fewer family members cited wages than safety on the job, skills and strengths, transportation to and from work, keeping benefits, and other factors. The task force member said that wages likely are important to family members but not necessarily the most important factor.
- A task force member noted that the survey respondents were 92 percent white and 69 percent female, so not a very diverse group of respondents. Melissa said PSC was disappointed that the survey didn't attract responses from a more diverse population and asked task force members to continue to help attract broader engagement. She also reported that half the people with disabilities who participated in a recent engagement discussion were Black, Indigenous, or other people of color (BIPOC).
- A task force member asked if the people with disabilities who will participate in upcoming solutions sessions will be included in sessions with family members or if people with disabilities will have their own, independent session. Melissa said the solution session for people with disabilities will be for them alone. She reported that PSC took this same approach earlier in the engagement effort, too, when organizing small group discussions and interviews for people with disabilities.
- A task force member said she would like to know more about what's behind some findings, such as the importance to family members of safety on the job. She wondered if this referred to worksite safety or worries about teasing for example. Melissa said that for the survey analysis, PSC is limited to the survey questions and answers, so it would be hard to tell. But she suggested another survey could be conducted in the future.

### **Participants**

Task force members present

- Larissa Beck
- Sara Ellstra
- Brittanie Hernandez-Wilson
- Amanda Jensen-Stahl
- Alex Junge
- Kirk Langsjoen
- Debbie Luther
- Heidi Maghan
- Christine McVey

- Natasha Merz
- Jillian Nelson
- Dalaine Remes
- Lori Schluttenhofer
- Raquel Sidie-Wagner
- Andrea Zuber

Others

- Danielle Mahoehney (ICI)
- Ryan Merz, DHS
- Jessica Burke, MAD
- Karen Gaides, MAD
- Matt Kane, MAD
- Melissa Jimison, PSC
- Erin Lammers, PSC