



March 1, 2021

To: Members of the Senate Human Services Reform and Finance Committee
RE: SF 3408 – Changes to Task Force on Eliminating Subminimum Wage

Dear Chair Abeler and Committee Members,

We write regarding the proposed changes to the Task Force on Eliminating Subminimum Wage in SF 3048. The Minnesota Disability Law Center (MDLC) and the Legal Services Advocacy Project (LSAP) are statewide projects of Mid-Minnesota Legal Aid. MDLC serves as the Protection and Advocacy (P&A) organization for Minnesota, one of 49 other state P&A's federally designed under a Congressional act. MDLC provides free legal services to children and adults with disabilities in Minnesota. LSAP is the advocacy arm of Legal Aid and has provided legislative and administrative advocacy on behalf of Legal Aid's clients and all low-income Minnesotans since 1977.

We continue to have concerns about the language proposed in Senate File 3408. The task force has already begun its work and we do not support changing the purpose of the task force, particularly at this stage.

Developing plans to phase out the use of subminimum wage is what the task force should focus on. Paying people who have disabilities less than minimum wage is a practice initially sanctioned under the Fair Labor Standards Act in 1938. It is time to make a plan to move beyond this outdated practice.

We understand the concern that this task force has generated, yet we don't believe it is warranted. The main focus of the task force is to prepare and plan for how our state can make this necessary and important transition while still ensuring that everyone who is currently paid less than minimum wage can continue to work or spend their time in meaningful and satisfying ways. If the prospect of paying more than subminimum wage seems to providers that it will not be workable, that is precisely the purpose of the task force – to support providers to find approaches that will work while paying a minimum wage. This may include addressing imbalances in payment rates for disability waiver day program services, or other approaches. And there are grants available to support providers to transition away from subminimum wage.

We are very supportive of promoting independence and increasing opportunities for people with disabilities to earn competitive wages—the language proposed in Senate File 3408. But our state has spent extensive time and resources promoting employment opportunities, including the

Employment First policy in 2014, setting goals in our Olmstead Plan, provider transformation grants through MN-TAP, Section 511 counseling through Vocational Rehabilitation, and more. These are just a few of the efforts we've undertaken as a state, and yet we still have one of the highest numbers of people earning subminimum wage for our state's population across the nation. We are not confident that with the proposed purpose in Senate File 3408 that this task force will promote changes toward more competitive, integrated employment than the outcomes we've achieved so far with our various efforts. The task force already has a substantial amount of work to do to gather information and make recommendations about how Minnesota can move away from paying subminimum wages. Changing the task force's purpose could reduce how effective it can be in helping Minnesota put in place a considered, detailed plan to ensure a successful transition for people earning subminimum wages and providers.

Many states have made this shift,¹ and we should continue as directed by the 2021 legislature to make a plan to address this important civil rights issue. We urge you to permit the task force to continue its work as originally enacted.

Thank you for your leadership and your commitment to people who have disabilities in Minnesota and for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hulden', with a horizontal line extending to the right.

Maren Hulden
Staff Attorney
Legal Services Advocacy Project

¹ Alaska, Maine, Maryland, New Hampshire, Rhode Island, Vermont have ended the use of subminimum wages and other states, including Colorado, Delaware, Hawaii, Oregon, and Washington, have set an end date for ending subminimum wage.