



March 12, 2024

The Honorable John A. Hoffman
Chair, Human Services Committee
Minnesota Senate
2111 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Jim Abeler
Ranking Minority Member, Human Services Committee
Minnesota Senate
2207 Minnesota Senate Bldg.
St. Paul, MN 55155

Re: Legal Aid letter regarding SF 4399

Dear Chair Hoffman, Ranking Minority Member Abeler, and Members of the Committee:

Thank you for the opportunity to provide written testimony regarding SF 4399. We have comments on two part of the bill—sections 1 & 19.

Special certificate prohibition (Section 1, lines 1.18-1.28)

Last year, the legislature voted to invest in employment services and individualized supports to assist workers with disabilities find and retain jobs in which they earn at least minimum wage. There was also investment in resources and technical assistance for 14(c) certificate holders to shift their business models, ensure financial viability for their organizations, and stop paying people with disabilities less than the minimum wage. We ask that you finish this work and support SF 4399, sunseting 14(c) certificates. All Minnesota employees deserve to make at least minimum wage for their work.

Opponents of the bill say that 14(c) organizations will have to shut their doors if they are not allowed to pay their employees less than the minimum wage. However, we know this is not the case. So far, eight 14(c) organizations have taken advantage of the funding made available last session and are working towards phasing out subminimum wages by April 2024. Others made the transition on their own before then—in the Twin Cities and in greater Minnesota.

Thirteen states and the District of Columbia have ended the subminimum wage, and several more are phasing it out. Vermont phased out subminimum wage employment for people with disabilities in the early 2000s. In studying the last sheltered workshop that closed in Vermont,

Legal Aid Letter re: SF 4399

March 12, 2024

University of Vermont researcher Brian Dague reported that 80% of people had found competitive employment in the community. The remainder found community-based, integrated non-work placements—but at minimum wage or higher.

Minnesota can and should do better for people with disabilities and support employment services over funding subminimum wage employment. This can be done by investing in the right services and supports. Minnesota must live up to the tenets of Olmstead, Employment First, etc. We can build a more just, more supportive employment network for people with disabilities that does not rely on over segregation and poverty wages. Please end the subminimum wage.

Informed choice in and technology prioritization in implementation for disability waiver services (Section 19, lines 19.17-19.27)

The Disability Law Center (DLC) urges the committee to reject the changes to this section. This change would require lead agencies to offer waiver recipients assistive technology or remote supports before offering them direct support staff in initial cases and renewals. The change would impact all waiver recipients, regardless of whether they are satisfied with their current direct support staff and do not wish to alter their service plans. It is not the informed decision making required by this statute when one type of service is favored and must be discussed and rejected before the full array of services available are presented. Waiver recipients should have all service types explained to them, and then be permitted to make an informed decision about what services they would like to use. Please reject this provision.

Thank you for allowing us to submit input on SF 4399.

Sincerely,



Jennifer Purrington
Legal Director/Deputy Director
Minnesota Disability Law Center



Ellen Smart
Staff Attorney
Legal Services Advocacy Project

This document has been formatted for accessibility. Please call Ellen Smart at 612/746-3761 if you need this document in an alternative format.