



Report on Recommendations for Changes to Minnesota Statutes Section 43A.071

Service Worker Class Specifications

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Legislative Requirement

Advisory Committee on Service Worker Class Specification

Pursuant to Laws of Minnesota 2023, chapter 62, article 8, section 24. ADVISORY COMMITTEE ON SERVICE WORKER STANDARDS.

The commissioner of management and budget shall convene an advisory committee to review and make recommendations regarding updates and clarifications to the service worker class specifications under Minnesota Statutes section 43A.071. By January 15, 2024, the commissioner shall report to the legislative committees with jurisdiction over state government employees on recommendations for changes to Minnesota Statutes section 43A.071.

Committee Members

- David Dively, Executive Director, Minnesota Council on Disabilities
- Chris McVey, Deputy Director, Disability Employment Services, DEED
- Blake Chaffee, Deputy Commissioner, Enterprise Employee Resources, MMB
- Dori Leland, Enterprise Director for Employee Classification and Compensation, MMB
- Teresa Pivec, Enterprise Director for Human Resource Management, MMB
- Eric Falk, Director of Workforce Diversity and State ADA Coordinator, MMB
- Natasha Jerde, Director, State Services for the Blind, DEED
- Amada Jenson-Stahl, Director of Strategic Initiatives, DEED
- Margie Webb, Customized Employment Specialist, DEED
- Marci Jasper, Program Specialist, Vocational Rehabilitation Services, DEED

Summary of Committee Activities

Over the course of several meetings throughout 2024, committee members explored the history of the current statute and current usage patterns promoting the employment of people with significant disabilities within state government.¹ The committee identified that there was significant overlap between the tasks identified within

¹ This report does not consider the “C-700” program, which permits individuals with a disability to demonstrate their suitability for existing state jobs through an on-the-job demonstration process, rather than a traditional competitive interview. That program has seen improvements and growth in recent years, but its audience are those with disabilities who are nonetheless able to perform existing state jobs; nearly all jobs are open to C-700 applicants and there is not a dedicated “C-700” job classification.

the “service worker” class specification and the “supported employment” classification: both describing routine clerical or custodial work, with or without the assistance or services of a job coach.

At the time of review, only two employees were employed in the “service worker” classification (with the most recent hire occurring in 2011,) and two employees were in the “supported employment worker” classification.

Committee members surveyed state agency human resources directors to better understand utilization of these existing classifications. Some noted the lack of “industrial therapy” or “habilitative therapy” programs that underlie the “service worker” class specification. Others noted changes in workplaces practices provided fewer opportunities for staff dedicated to, for example, “file items in file drawers” or “collate and staple correspondence.”

In addition, state agency human resources directors identified a challenge of operationalizing the “supported employment worker” as envisioned by the class specification, as it required that up to three people split the duties of an existing job classification. Many of those whose disabilities are severe enough to require a job coach were not well equipped to do most or all parts of existing job classifications; it was rare to find three people whose skills would collectively add up to the skills of one existing state position.

Chris McVey, the Deputy Director of Disability Employment Services, invited DEED staff involved with “customized employment” into the committee’s work. [Customized employment](#) uses a person-centered approach to identify work opportunities for individuals with significant disabilities: trained providers, like those currently at DEED, work with interested candidates to develop a skill profile, under the philosophy that everyone who wants to work should be able to do so, and everyone has a skill or ability to contribute to their community. Those potential employees – with the support of staff from DEED or other qualified providers – then meet with employers to match the potential employees’ skills with existing job tasks or projects. The Committee agreed that while there was no current mechanism for the state to offer “customized employment” opportunities within state government, a change in law would permit this type of approach.

Ultimately, in collaboration with the Vocational Rehabilitation Program at DEED and Natasha Jerde with State Services for the Blind, and with the full endorsement of the Minnesota Council on Disabilities, the committee opted to co-author the proposed legislative changes identified below.

Current Provisions

Service Worker

M.S. §43A.071 SERVICE WORKER.

The disability levels and types covered under the service worker category in the state civil service may include persons with physical disabilities, mental health disabilities, and developmental disabilities.

Service Worker Class Specification 0668

KIND OF WORK

Service and clerical work

NATURE AND PURPOSE

Under immediate supervision, employees in this class perform routine and repetitive clerical, custodial, food service, and manual labor tasks as part of a Department of Human Services regional center industrial therapy program or other similar habilitative therapy program for other state agencies; performs related work as required. This class differs from the Supported Employment Worker because a Service Worker does not require the continued support of a job coach, whereas, the Supported Employment Worker, who is not job ready, requires such assistance. The job coach is employed and paid by a rehabilitative organization (vendor) that serves people with physical, mental and/or developmental disabilities.

EXAMPLES OF WORK

(A position may not include all the work examples given, nor does the list include all that may be assigned.)

Photocopies documents (forms, letters, pages from manuals, bulletins, etc.) so that the duplication requests from the office staff are completed by operating a photocopier to select the number of copies, paper size, copy quality; by adding paper and toner as needed; and by clearing simple machine malfunctions such as paper jams, misfeeds, etc.

Files items (forms, cards, letters, etc.) in folders and file drawers so that they will be retained for further use by locating the appropriate folder and file drawer and placing items in them.

Receives, distributes, and forwards correspondence and packages so that they will be received by the proper office and individual by opening and sorting incoming inter-office and U.S. mail according to office or individual; by collating, stapling, folding and placing outgoing correspondence, forms and publications and envelopes and boxes.

Cleans the floors, furnishings, walls and windows of state buildings to maintain their physical condition and appearance by sweeping and mopping floors and vacuuming carpets; by emptying and replacing liners and wastebaskets; by dusting and washing windows, ledges and walls.

Rinses and washes dishes and kitchen utensils so that they are clean and sanitized by operating a dishwasher; by removing dishes and utensils from the dishwashing machine and storing them in the proper location; by cleaning the dishwashing machine at the end of each meal.

Supported Worker

M.S. §43A.421 SUPPORTED WORK PROGRAM.

Subdivision 1. Program established.

Active positions within agencies of state government may be selected for inclusion for a supported work program for persons with significant disabilities. A full-time position may be shared by up to three persons with significant disabilities and their job coach. The job coach is not a state employee within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14, unless the job coach holds another position within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14. All classified supported work job postings need to link to the overview and application process for the supported work program.

Supported Employment Worker Class Specification 002963

KIND OF WORK

Supported employment clerical and service work

NATURE AND PURPOSE

Under immediate supervision, employees in this class perform routine and/or repetitive clerical, custodial, food service and manual labor tasks as part of the Supported Work Program for persons with severe physical, mental health and/or developmental disabilities; perform other work as required. This class differs from Service Worker because the employees must qualify and maintain eligibility for the Supported Employment Program established in 1987 M.S. 43A.421. A Service Worker does not require the continued support of a job coach, whereas, the Supported Employment Worker will require such assistance. The job coach is employed and paid by a rehabilitation organization (vendor) that serves people with physical, mental and/or developmental disabilities. The job coach trains the employee and remains at the worksite until the employee is able to complete the tasks of the position. Thereafter, the job coach will monitor the employee's work performance to ensure that all tasks are satisfactorily completed.

EXAMPLES OF WORK

(A position may not include all the work examples given, nor does the list include all that may be assigned.)

Photocopies documents (forms, letters, pages from manuals, bulletins, etc.) so that the duplication requests from the office staff are completed by operating a photocopy machine to select the number of copies, paper size, copy quality; by adding paper and toner as needed; and by clearing simple machine malfunctions such as paper jams, misfeeds, etc.

Files items (forms, cards, letters, etc.) in folders and file drawers so that they will be retained for further use by sorting these items according to the job coach-selected method such as numerical, alphabetical or color code sequence; by locating the appropriate folder and file drawer and placing items in them.

Receives, distributes and forwards correspondence and packages so that they will be received by the proper office and individual by opening and sorting incoming interoffice and U.S. Mail according to office, individual or other methods designed by the job coach; by collating, stapling, folding and placing outgoing correspondence, forms and publications in envelopes and boxes.

Cleans the floors, furnishings, walls and windows of state buildings to maintain their physical condition and appearance by sweeping and mopping floors and vacuuming carpets; by emptying and replacing liners in wastebaskets; by dusting and washing windows, ledges and walls.

Rinses and washes dishes and kitchen utensils so that they are clean and sanitized by operating a dishwasher, following instructions designed by the job coach; by removing dishes and utensils from the dishwashing machine and storing them in the proper location; by cleaning the dishwashing machine at the end of each meal.

Committee Recommendations

The committee's core recommendation is to convert the existing little-used supported work program into a new pathway for employing people with disabilities: customized employment. Customized employment uses a person-centered approach to identify work opportunities for individuals with significant disabilities: trained providers, like those currently at DEED, work with interested candidates to develop a skill profile, under the philosophy that everyone who wants to work should be able to do so, and everyone has a skill or ability to contribute to their community. Those potential employees – with the support of staff from DEED or other qualified providers – then meet with employers to match the potential employees' skills with existing job tasks or projects. The Committee agreed that while there was no current mechanism for the state to offer "customized employment" opportunities within state government, a change in law would permit this type of approach.

These proposed changes would fully allow for the implementation of this new customized employment program and likely render the related service worker classification established in 43A.071 obsolete. The legislature could then choose to repeal this section.

Recommended Legislative Action: Update Minnesota Statutes section 43A.421, Supported Work Program, subdivision 1, Program Established, to:

43A.421 ~~SUPPORTED~~CUSTOMIZED EMPLOYMENT ~~WORK-PROGRAM.~~

Subdivision 1. The commissioner is responsible for the establishment, administration, and oversight of a program providing customized employment opportunities for individuals with significant disabilities, as defined at 29 U.S.C. 705(21)). ~~Program established. Active positions within agencies of state government may be selected for inclusion for a supported work program for persons with significant disabilities. A full-time position may be shared by up to three persons with significant disabilities and their job coach. The job coach is not a state employee within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14,~~

~~unless the job coach holds another position within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14. All classified supported work job postings need to link to the overview and application process for the supported work program. Employees in the customized employment program are appointed to a customized employment position by matching the skills offered by eligible individuals to specific tasks and projects within agencies, rather than to an existing job classification. When job coach services are necessary for the individuals employed through this program, the job coach is not a state employee within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14, unless the job coach holds another position within the scope of section 43A.02, subdivision 21, or 179A.03, subdivision 14.~~

Subd. 2. Program Established: Customized Employment.

~~Responsibilities.~~ (a) The commissioner is responsible for the administration and oversight of the ~~supported work~~ customized employment program, including the establishment of policies and procedures, eligibility, data collection and reporting requirements, and compliance.

(b) The commissioner or the commissioner's designee shall design and implement a training curriculum for the customized employment ~~supported work~~ program. All executive leaders, managers, supervisors, human resources professionals, affirmative action officers, and Americans with Disabilities Act coordinators must receive ~~annual~~ training regarding the program before participating in the program.

(c) The commissioner or the commissioner's designee shall develop, administer, and make public a formal grievance process for individuals in the program.