



Impact of COVID-19 on Employment Services for People with Disabilities in Minnesota

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SUMMARY

When the COVID-19 pandemic led to closures of businesses and programs that help people with disabilities work, the Minnesota Disability Law Center (MDLC) wanted to know if and how people with disabilities were receiving services to help them work. We conducted a survey of 94 Community Rehabilitation Programs (CRPs) in the spring and summer of 2020 to find what services they were providing. This report summarizes what we learned from the CRPs who responded to the survey and includes MDLC's recommendations based on the information we gathered.

Highlights of the survey include:

- A large majority of CRPs that had clients who were classified as essential workers during the stay-at-home order provided services to those clients, enabling clients to continue to work at their jobs in the community.
- A significant majority of CRPs notified their clients working in competitive, integrated employment about applying for Unemployment Insurance and a majority of CRPs notified their clients that they should report income changes to the Social Security Administration.

- Nearly half of CRPs provided services during the stay-at-home order in the spring of 2020 in the form of meetings with clients and their team and Medicaid Home and Community-Based Service Waiver Employment Services, such as Employment Exploration Services, Employment Development Services, Employment Support Services.
- CRPs that reopened are not providing the full range of services that they provided before the COVID-19 pandemic, in part because of state restrictions and changes in the number of clients seeking in-person services.

MDLC's recommendation include:

1. Continue remote services or services at alternate locations when appropriate
2. Increase efforts to help clients find work in the community
3. Provide services to clients who are essential workers
4. Assist clients to apply and file for unemployment insurance

BACKGROUND

The Minnesota Disability Law Center (MDLC) is the federally-designated network of lawyers and advocates providing free legal help to people with disabilities in civil cases in Minnesota. We help people with any type of disability, of any age, and at all income levels. MDLC is a statewide project of Mid-Minnesota Legal Aid.

MDLC helps people receiving Social Security disability benefits who want to work or are working but face a legal barrier to working. MDLC's focus on this area is funded by the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program.

The COVID-19 pandemic disrupted the lives and work of many people with disabilities. On March 13, 2020, Governor Walz declared a peacetime emergency in response to a rising number of COVID-19 cases in Minnesota. On March 15th, the governor ordered the closure of bars, restaurants, salons, and non-essential retail establishments. "Essential" businesses that were allowed to remain open included gas stations, grocery stores, or any store that sold food or drink.

The Governor granted the Minnesota Department of Human Services (DHS) emergency temporary authority to change administrative and regulatory requirements for food assistance, home care, public health care and other state regulated programs, including day training and habilitation (DT&H) facilities for adults with disabilities. DHS regulates DT&H facilities and Community

Rehabilitation Programs (CRPs) that provide services to people with disabilities through Medicaid Home and Community-Based Service Waivers, including services to help people work.

CRPs help people with a range of disabilities, including development, neurological, orthopedic and mental health disabilities. CRPs also help people who are blind, Deaf, DeafBlind or hard of hearing, and people who have a history of brain injuries. Some clients who get services from CRPs use assistive technology to increase, maintain, or improve their abilities to be able to work.

All DT&H facilities suspended their operations in large part during the stay-at-home Executive Order. Some DT&H facilities and other Community Rehabilitation Programs (CRPs) continued to provide employment supports, particularly for the clients they serve who were deemed "essential" workers because they worked at "essential" businesses.

On June 9, 2020, as closed businesses began to reopen, DHS issued Bulletin #20-56-01: Employment services and the right to make informed choices during the peacetime emergency. The bulletin reiterated the agency's commitment to the state's Employment First policy and provided guidance for CRPs to facilitate employment support in person and by remote technology. Throughout the summer of 2020, DHS lifted some restrictions on in-person DT&H services.

From May to July 2020, MDLC surveyed CRPs regarding the services that they were able to provide between March and June 2020 and what, if any, long-term changes they expected the closures to have on their clients' current and future work prospects. MDLC wanted to gather information both during the stay-at-home period and during the time in which restrictions were easing and more people were returning to work.

METHODOLOGY

MDLC collected survey responses from thirty-four CRPs across Minnesota. Fifteen responses were provided during the initial phase of the survey process, prior to the gradual reopening of non-essential businesses that began in Minnesota in mid-June 2020. Nineteen surveys were collected during the second phase of the survey process, in early July, when many businesses and CRPs were reopening.

Participants

During the initial phase of survey collection, which began on May 12, 2020, MDLC emailed a survey link to ninety-four DT&H providers. The providers were selected from individual CRPs' websites, public licensing information provided on DHS's website, and email contact information that MDLC gathered from existing contacts obtained during MDLC's 2018 monitoring project. Due to facilities being closed at the time of the initial survey email, there were fifty-nine unopened emails and only fifteen total responses.

On July 6, MDLC emailed a second, slightly modified survey to providers who had not yet responded to the first survey. The new survey was modified to address providers' reopening strategies and challenges. Additionally, MDLC contacted some providers by telephone and manually entered responses to ensure that an

adequate number of responses would be received from every geographic region of the state.

Research Methods

MDLC's first survey, created on May 12, 2020, contained nineteen questions consisting of multiple choice, yes/no, and short-answer response prompts. The survey was created using Survey Monkey, an online survey tool.

MDLC's second survey, created on July 6, 2020, contained twenty-three questions consisting of multiple choice, yes/no, and short-answer response prompts. This survey was also created using Survey Monkey. The survey was distributed by email to participants from the previously used email list who had not yet replied to the first survey. MDLC also completed some surveys manually based on survey responses provided during telephone interviews with CRP managers.

By the close of the second phase of the survey in July 2020, thirty-four of the ninety-seven CRPs contacted had completed a survey, a response rate of 36 percent. The majority of respondents are located in the Metro Area. (*Figure 1*). Over 50 percent of the CRPs surveyed are larger providers, serving over 150 individuals. (*Figure 2*).

FIGURE 1

IN WHAT REGION ARE YOU LOCATED?

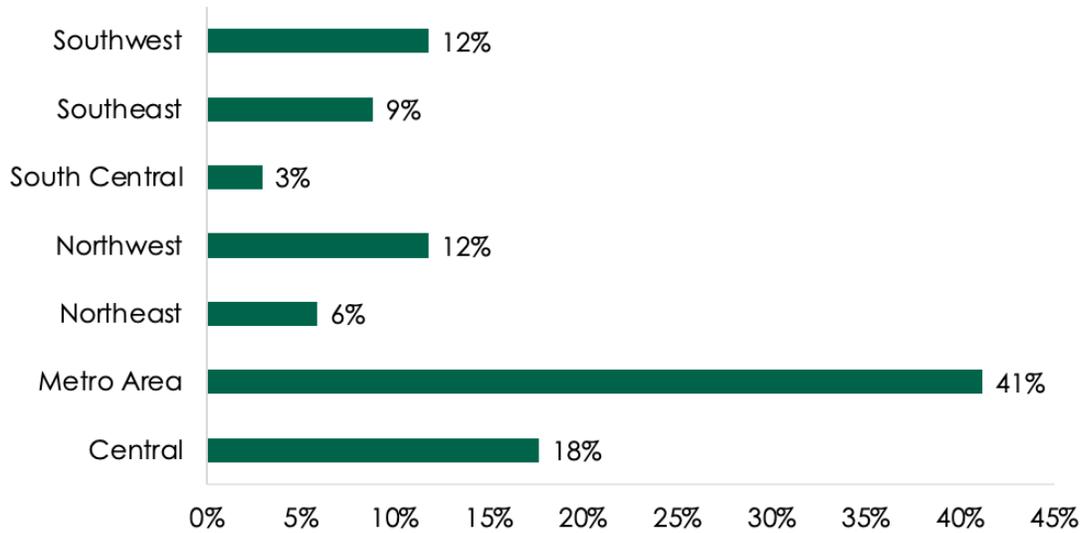
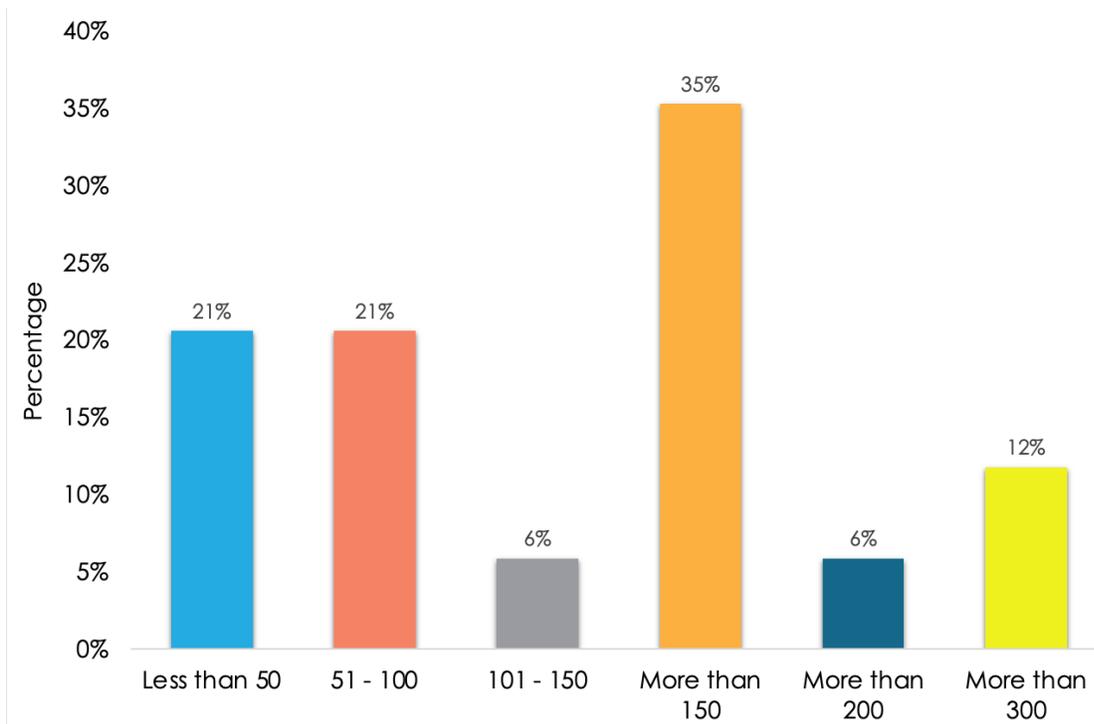


FIGURE 2

HOW MANY CLIENTS DO YOU SERVE?



RESULTS

During the stay-at-home order, a little under half of providers reported providing any services. Those CRPs providing services during the stay-at-home order provided Waiver Employment Services and Independent Living Services (ILS) services. CRPs also held annual meetings with clients and their support team to discuss what services client wanted in the coming year. CRPs provided services by video chat, phone, and in person. (Figure 3). CRPs reported that in-person services were most effective.

Of the CRPs surveyed, 62 percent reported that some of their clients were classified as essential workers. (Figure 4). Eighty-six percent of CRPs who reported having clients who were essential workers provided work support to clients. (Figure 5).

FIGURE 3

HOW DID YOU PROVIDE SERVICES?

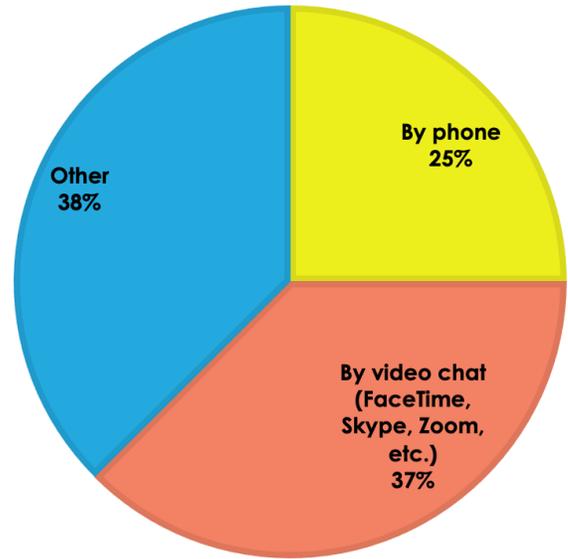


FIGURE 4

WERE ANY OF YOUR CLIENTS CONSIDERED ESSENTIAL WORKERS?

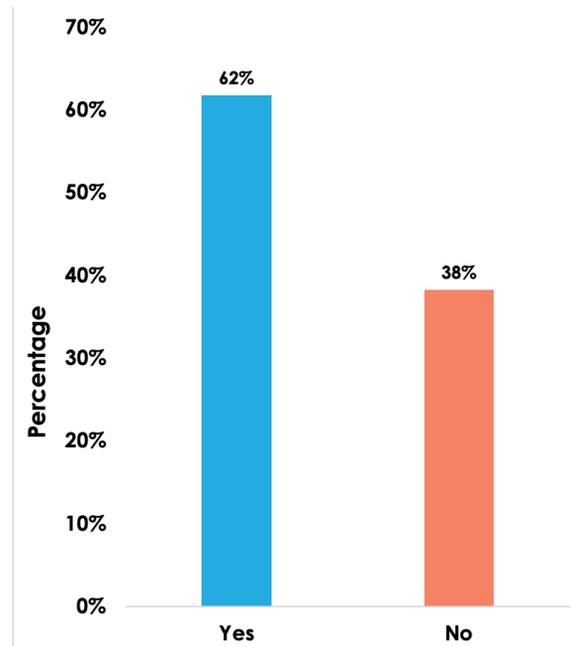
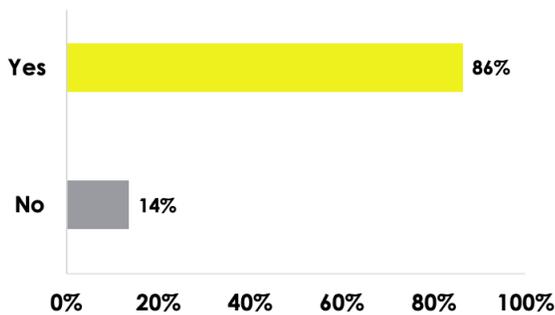


FIGURE 5

IF YOUR CLIENTS WERE ESSENTIAL WORKERS, DID YOU PROVIDE THEM WITH WORK SUPPORTS?



A significant majority (68 percent) of CRPs with clients working in the community notified clients about applying for unemployment insurance (*figure 6*) and a majority (57 percent) notified clients about reporting income changes to Social Security (*figure 7*). A little more than a third of CRPs provided their clients with paid time off, such as sick days or vacation days.

The first version of the survey was sent out on May 12, 2020. At this time, the majority of providers reported plans to re-open immediately when DHS permitted CRPs to re-open. A majority of CRPs reported that they planned a phased re-opening or re-opening when financially responsible. Some CRPs reported being unable to re-open during the stay-at-home order. Of those CRPs planning to re-open, 63 percent expected to resume all services. For CRPs that did not plan on resuming all services, they either expected to provide services that would be financially feasible while abiding by social distancing guidelines, or they expected to provide limited services to high-risk individuals. At least one CRP that returned to operations did not resume its Individualized Placement and Supports Services (IPS) program for clients with mental health disabilities. At the time of the first survey, providers were able to provide in-person services to an average of 51 individuals and provide services remotely to an average of 39 individuals.

The second survey was sent out on July 6, 2020 to CRPs that had not responded to the first survey. At the time of the second survey, seventy-nine percent of CRPs who responded to the second survey had resumed

FIGURE 6

DID YOU NOTIFY CLIENTS WHO WORK FOR EMPLOYERS IN THE COMMUNITY ABOUT FILING FOR UNEMPLOYMENT INSURANCE?

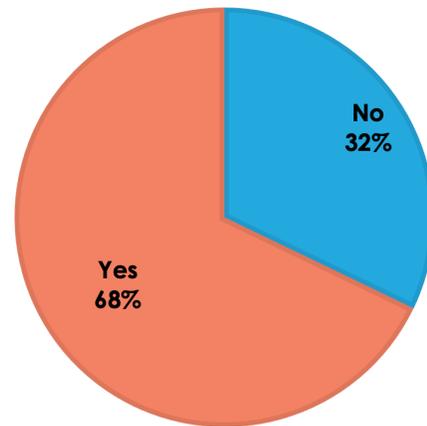
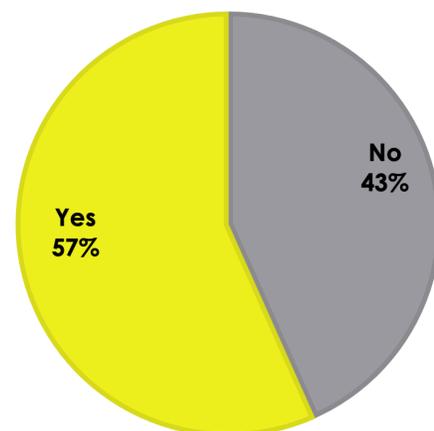


FIGURE 7

DID YOU NOTIFY CLIENTS ABOUT REPORTING A CHANGE IN THEIR INCOME TO THE SOCIAL SECURITY ADMINISTRATION?



operations. Of those respondents who had not resumed operations, eighty-three percent planned to resume operations. Eighteen percent of the CRPs who had started operating resumed all services. Some CRPs

reported that they were unable to resume in-person and on-site services, and some were unable to start community-based services again. One CRP reported only being able to provide in-person services to 40 individuals out of the 550 individuals they typically served. Thirty-seven percent of CRPs reported that they planned to resume by the end of 2020 all of the services they provided before the stay-at-home order.

Some CRPs mentioned positive changes in their service provision as a result of the stay-

at-home order. The positive changes included providing services remotely by phone, video call or email. For example, one provider reported they were able to provide remote services to a client during their dialysis treatment. Additionally, clients with physical disabilities who otherwise would be unable to attend in-person services are able to receive services remotely. Other positive changes included the opportunity to review and improve current policies and procedures.

MDLC'S RECOMMENDATIONS

While we hope that the unprecedented events of the COVID-19 pandemic do not occur again, MDLC urges CRPs and policy makers to draw on the lessons learned during the pandemic to make beneficial service changes and to prepare for the event of a future emergency. MDLC has four recommendations for CRPs and policy makers.

1. Continue Remote Services or Services at Alternate Locations when Appropriate

MDLC encourages DHS to continue to allow CRPs to provide remote services or services at an alternate location when necessary for clients. We also suggest that CRPs familiarize themselves with the technology to provide remote services, develop materials that can be provided remotely

and devise a plan to provide remote services when necessary for a client. As part of the plan, CRPs will need to coordinate with clients, clients' caregivers and residential provider staff to assist with technology if a client needs help to get services effectively.

2. Increase Efforts to Help Clients Find Work in the Community

According to the State of Minnesota's Employment First policy and *Olmstead* Plan, the state expects that all people with disabilities can work and want to work in competitive, community-based employment. Competitive, community-based employment (often called competitive, integrated employment) means working in the community among people with and without disabilities, and earning minimum wage or

higher. DHS and CRPs should increase their efforts to determine which CRP clients want to work in competitive, integrated employment and provide them with robust services to find competitive, integrated employment. DHS and CRPs should refer clients to Vocational Rehabilitation Services (VRS) and State Services for the Blind (SSB) as appropriate and consistent with the 2019 Memorandum of Understanding between DHS, VRS and SSB. Current DHS COVID-19 pandemic policy limits the number of CRP clients who can be present at a CRP's facility. Assisting CRP clients to find competitive, community-based employment helps clients achieve their goals, fulfills the commitment of the Employment First policy and *Olmstead* Plan, and opens up spaces for clients working in CRPs' center-based employment.

3. Provide Services to Clients who are Essential Workers

MDLC applauds those CRPs that continued to provide services during the stay-at-home order, particularly to those clients who were working in the community and deemed essential workers. While we hope that another stay-at-home order is not needed, if CRPs would need to close some operations again,

MDLC urges DHS to allow CRPs the flexibility to provide services like Waiver Employment Services to clients who are essential workers at community businesses.

4. Assist Clients to Apply and File for Unemployment Insurance

MDLC commends the majority of CRPs that notified clients who may be eligible for unemployment insurance (UI) about UI and the filing process. We also recognize the important work of CRPs who assisted clients with filing for UI. It may be difficult for some clients to navigate the UI application and weekly filing process due to clients' disabilities or access to technology. MDLC urges CRPs that did not provide assistance with UI to familiarize themselves with UI eligibility, and the application and filing processes to enable them to help clients file for UI in the future.

CRPs can learn more about UI from the Minnesota Department of Employment and Economic Development (DEED). Local legal aid offices and LawHelpMN can also be helpful resources. You can read more about UI and find a local legal aid office at www.lawhelpmn.org

For more information or if you need legal help, contact MDLC at 1-800-292-4150. Learn more about MDLC at www.mndlc.org or www.facebook.com/legalaid

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