

**3300.6000 DEFINITIONS.**

Subpart 1. **Scope.** When used in parts 3300.6000 to 3300.6070, the terms defined in this part have the meanings given them.

Subp. 2. **CARF.** "CARF" means CARF International, the independent, nonprofit organization that sets standards and provides accreditation for service and quality of community rehabilitation providers.

Subp. 3. **Center-based employment.** "Center-based employment" means employment for which an individual:

A. works at a location that is owned or operated by the individual's extended employment provider;

B. receives wages and benefits from an employer who is, directly or indirectly, the individual's extended employment provider;

C. performs work that does not meet all of the conditions of either the supported employment subprogram or the community employment subprogram.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Employment and Economic Development or the commissioner's designee.

Subp. 5. **Community employment.** "Community employment" means employment for which an individual:

A. works at a location that is not owned or operated by the individual's extended employment provider;

B. receives wages and benefits from an employer who is or is not, directly or indirectly, the individual's extended employment provider;

C. performs work that does not meet all the conditions of the supported employment subprogram.

Subp. 6. **Community employment subprogram.** "Community employment subprogram" means the commissioner's service category for individuals in community employment under subpart 5.

Subp. 7. **Competitive, integrated employment.** "Competitive, integrated employment" means work performed on a full- or part-time basis, with or without supports, for which an individual:

A. works at a location that:

(1) for state fiscal years 2019 and 2020, is or is not owned or operated by the individual's service provider, and where the individual with a disability interacts, for purpose of performing job duties, with people without disabilities in similar positions within the work unit and the entire work site, not including supervisors or individuals providing services to the employee; and

(2) for state fiscal year 2021 and thereafter, is not owned or operated by the individual's extended employment provider, and where the individual with a disability interacts, for purpose of performing job duties, with people without disabilities in similar positions within the work unit and the entire work site, not including supervisors or individuals providing services to the employee;

B. receives wages and benefits from an employer who:

(1) for state fiscal years 2019 and 2020, is or is not, directly or indirectly, the individual's extended employment provider; and

(2) for state fiscal year 2021 and thereafter, is not, directly or indirectly, the individual's extended employment provider;

C. is paid at or above the federal, state, or local minimum wage, whichever is highest, as defined in this chapter; and

D. is compensated at or above the customary wage and benefits as defined in subpart 8.

Subp. 8. **Customary wage and benefits or customary rate.** "Customary wage and benefits" or "customary rate" means the wage paid and the level of benefits provided by the employer to an individual without disabilities performing the same or similar work with comparable training, skills, and experiences with that employer.

Subp. 9. **Department.** "Department" means the Department of Employment and Economic Development.

Subp. 10. **Employer.** "Employer" has the meaning given in United States Code, title 29, section 203(d).

Subp. 11. **Extended employment provider or provider.** "Extended employment provider" or "provider" means a community rehabilitation provider that receives funding through the extended employment program.

Subp. 12. **Extended employment services.** "Extended employment services" means the development of an extended employment support plan and the delivery of ongoing employment support services.

Subp. 13. **Individual receiving extended employment services or individual.** "Individual receiving extended employment services" or "individual" means an individual who meets the eligibility requirements in this chapter and who receives extended employment services under the extended employment program. Any reference in parts 3300.6000 to 3300.6070 to an individual receiving extended employment services includes the individual's legal representative.

Subp. 14. **Minimum wage.** "Minimum wage" means an hourly wage rate not less than the higher of the rate specified in section 6(a)(1) of the United States Fair Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1), or the rate specified in the Minnesota Fair Labor Standards Act, Minnesota Statutes, section 177.24, or local minimum wage law, and that is not less than the customary wage and benefits.

**Subp. 15. Ongoing employment support services.**

A. "Ongoing employment support services" means any of the services in item B that are:

- (1) identified in the individual's extended employment support plan;
- (2) related to the individual's serious functional limitations to employment; and
- (3) necessary and required to maintain or advance the individual's current employment.

B. Ongoing employment support services include:

- (1) rehabilitation technology, job redesign, or environmental adaptations;
- (2) disability awareness and accommodations training for the individual, or the individual's employer, supervisor, or coworkers, including related services to increase the individual's inclusion at the work site;
- (3) job skill training at the work site;
- (4) regular observation or supervision of the individual;
- (5) behavior and symptom management;
- (6) coordination of support services;
- (7) job-related safety training;
- (8) job-related self-advocacy skills training to advance employment;
- (9) training in independent living skills including money management, grooming and personal care, social skills, orientation and mobility, and using public transportation or drivers' training;
- (10) communication skills training including sign language training, Braille, speech reading, and the use of communication devices or other adaptive methods for the individual, or the individual's employer, supervisor, or coworkers;
- (11) follow-up services including contact with the individual's employer, supervisor, or coworkers; the individual's parents, family members, advocates, or legal representatives; and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
- (12) training in job-seeking skills;
- (13) career planning to advance in employment; and
- (14) any other service that is identified in the individual's extended employment support plan related to the individual's serious functional limitations to employment that is needed to maintain or advance the employment of an individual in the extended employment program.

Subp. 16. **Qualified professional.** "Qualified professional" means a professional who is licensed, certified, or registered in the state where the professional practices, and who provides a diagnosis of a disability or disabilities within the scope of the professional's license, certification, or registration for an individual in the extended employment program.

Subp. 17. **Serious functional limitations to employment.** "Serious functional limitations to employment" means an individual experiences significant barriers to employment in three or more of the functional areas listed in items A through G that affect an individual's ability to maintain or advance in employment, and the individual requires ongoing employment support services to mitigate the effect of the limitations and achieve the individual's employment goals.

A. "Communication" means the ability to effectively give and receive information through words or concepts, using methods such as reading, writing, speaking, listening, sign language, or other adaptive methods.

B. "Interpersonal skills" means the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance and security.

C. "Mobility" means the physical and psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work.

D. "Self-care" means the skills needed to manage self or living environment, including eating, toileting, grooming, dressing, money management, and management of special health or safety needs, including medication management, as they affect an individual's ability to participate in training or work-related activities.

E. "Self-direction" means the ability to plan, initiate, organize, or carry out goal-directed activities or solve problems related to working.

F. "Work skills" means:

- (1) the ability to do specific tasks required to carry out job functions; and
- (2) the capacity to benefit from training in how to perform tasks required to carry out job functions.

G. "Work tolerance" means the capacity or endurance to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

Subp. 18. **Supported employment subprogram.** "Supported employment subprogram" means the commissioner's service category for individuals who are in competitive, integrated employment.

Subp. 19. **Work hours.** "Work hours" means the hours for which an individual performs paid work, including hours of paid holidays, paid sick time, paid vacation time, and other paid leaves of absence. The payment of a bonus or commission is not included in the computation of work hours.

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