

## CHAPTER 129A

### VOCATIONAL REHABILITATION

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#### 129A.01 DEFINITIONS.

For the purposes of this chapter, the following terms shall have the meanings given them:

- (a) "Department" means the department of economic security;
- (b) "Commissioner" means the commissioner of economic security;
- (c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 129A.03, clause (b);
- (d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;
- (e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;
- (f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped;
- (g) "Sheltered employee" means a handicapped person working for pay while participating in a long-term sheltered workshop program.
- (h) "Center for independent living" means a private nonprofit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. Boards of directors for the center for independent living are composed of community representatives. Fifty-one percent of the board members must be individuals who are either severely disabled themselves or spouses or parents of severely disabled persons.

**History:** *1Sp1985 c 9 art 2 s 3*

#### 129A.02 COMMISSIONER; CONSUMER ADVISORY COUNCIL, STAFF.

Subd. 2. **Commissioner.** The commissioner is the chief executive officer of the department of jobs and training and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation.

*[For text of subd 3, see M.S.1984]*

Subd. 4. *[Repealed, 1Sp1985 c 14 art 9 s 78]*

**History:** *1Sp1985 c 14 art 9 s 7*

**129A.03 POWERS AND DUTIES.**

The commissioner shall:

(a) develop and administer the long-term sheltered workshops and work activity programs and perform the duties as specified in section 129A.08;

(b) provide vocational rehabilitation services such as: diagnostic and related services incidental to determination of eligibility for services to be provided, including medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training; physical restoration, including corrective surgery, therapeutic treatment, hospitalization and prosthetic devices, all of which shall be obtained from appropriate established agencies; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and management of small business enterprises, merchandising programs or services rendered by severely disabled persons; establishment, improvement, maintenance or extension of public and other nonprofit rehabilitation facilities, centers, workshops, demonstration projects and research. These services shall be provided for handicapped persons in the state whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise; these persons are entitled to free choice of vendor for any medical or dental services provided under this paragraph;

(c) formulate plans of cooperation with the commissioner of labor and industry for providing services to workers covered under the workers' compensation act. Those plans are effective only if approved by the governor;

(d) maintain a contractual relationship with the United States as authorized by the act of Congress approved September 1, 1954, known as the "Social Security Amendments of 1954," Public Law Number 761, section 221, and the act approved October 30, 1972, known as the Social Security Amendments of 1972, Public Law Number 92-603, and subsequent amendments. Under the contract, the state will undertake to make determinations referred to in those public laws with respect to all individuals in Minnesota, or with respect to a class or classes of individuals in this state that is designated in the agreement at the state's request. It is the purpose of this relationship to permit the citizens of this state to obtain all benefits available under federal law;

(e) provide an in-service training program for department employees by paying for its direct costs with state and federal funds;

(f) conduct research and demonstration projects; provide training and instruction, including establishment and maintenance of research fellowships and traineeships, along with all necessary stipends and allowances; disseminate information to the handicapped and general public; and provide technical assistance relating to vocational rehabilitation;

(g) receive and disburse pursuant to law money and gifts available from governmental and private sources for the purpose of vocational rehabilitation. Money received from workers' compensation carriers for vocational rehabilitation services to injured workers must be deposited in the general fund;

(h) design all state plans of vocational rehabilitation services required as a condition to the receipt and disbursement of any money available from the federal government;

(i) cooperate with other public or private agencies or organizations for the purpose of vocational rehabilitation. Money received from school districts, governmental subdivisions, mental health centers or boards, and private nonprofit organiza-

tions is appropriated to the commissioner for conducting joint or cooperative vocational rehabilitation programs;

(j) enter into contractual arrangements with instrumentalities of federal, state, or local government and with private individuals, organizations, agencies or facilities with respect to providing vocational rehabilitation services;

(k) take other actions required by state and federal legislation relating to vocational rehabilitation and disability determination programs;

(l) hire staff and arrange services and facilities necessary to perform the duties and powers specified in this section; and

(m) adopt, amend, suspend or repeal rules necessary to implement or make specific programs that the commissioner by sections 129A.01 to 129A.09 is empowered to administer.

**History:** *1Sp1985 c 9 art 2 s 4*

#### **129A.061 REQUIREMENTS FOR CERTIFICATION.**

Subdivision 1. **Benefits.** A long-term sheltered workshop must, as a condition for receiving program certification, provide employees in a long-term employment program the personnel benefits prescribed in rules adopted by the commissioner of the department of economic security.

Subd. 2. **Grievance procedure.** A long-term sheltered workshop must, as a condition for receiving program certification, provide to employees in a long-term employment program a grievance procedure which has as its final step provisions for final and binding arbitration.

**History:** *1Sp1985 c 9 art 2 s 5*

#### **129A.07 COMMUNITY LONG-TERM SHELTERED WORKSHOP BOARDS.**

Subdivision 1. Every city, town, county, nonprofit corporation, or combination thereof establishing a community long-term sheltered workshop or work activity program shall appoint a long-term sheltered workshop board of no fewer than nine members before becoming eligible for the assistance provided by sections 129A.06 to 129A.08. When any city, town, or county singly establishes such a workshop or work activity program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or nonprofit corporations establishes a workshop or work activity program, the chief executive officers of the cities, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes a workshop or work activity program, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a handicapped person. One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for the handicapped, labor, the general public, and education, welfare, medical, and health professions. Nothing in sections 129A.06 to 129A.08 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as representation described above is preserved. If a county establishes a workshop or work activity program and manages the workshop with county employees, the governing board shall be the county board of commissioners and

other provisions of this chapter pertaining to membership on the governing board do not apply.

*[For text of subds 2 and 3, see M.S.1984]*

**History:** 1Sp1985 c 9 art 2 s 6

## **129A.08 EVALUATION AND FUNDING OF WORKSHOPS AND WORK ACTIVITY PROGRAMS.**

*[For text of subds 1 to 4, see M.S.1984]*

Subd. 5. **Rule authority.** In addition to the powers already conferred on him by law, the commissioner shall promulgate rules on:

(a) state certification of all long-term sheltered workshops and work activity programs;

(b) eligibility of community long-term sheltered workshops and work activity programs to receive state grants;

(c) standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) eligibility for service so that no person will be denied service on the basis of race, creed or color;

(e) regulatory fees for consultation services;

(f) standards and criteria by which handicapped persons are to be judged eligible for the services;

(g) evaluation criteria for long-term sheltered workshops; and

(h) program evaluation criteria for work activity programs in order to determine the extent to which these programs meet the goals and objectives established in state and federal law relating to work activity programs.

The rules on evaluation criteria for long-term sheltered workshops must be in effect by July 1, 1986. The rules must be used in making allocations for fiscal years beginning after June 30, 1987.

*[For text of subd 6, see M.S.1984]*

**History:** 1Sp1985 c 9 art 2 s 7

## **129A.10 INDEPENDENT LIVING SERVICES.**

Subdivision 1. **Services offered.** Independent living services are those services designed to materially improve opportunities for persons with disabilities to live and function more independently in their home, family, and community, and the services include:

(1) intake counseling to determine the individual's needs for services;

(2) referral and counseling services with respect to attendant care;

(3) counseling and advocacy with respect to legal and economic rights and benefits;

(4) independent living skills, training, and counseling;

(5) housing and transportation referral and assistance;

(6) surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;

(7) peer counseling;

(8) education and training necessary to living in the community and participating in community affairs;

(9) individual and group social and recreational activities;

(10) attendant care and training of personnel to provide the care; and

(11) other necessary services which are not inconsistent with sections 62A.26 and 62E.06, subdivision 1.

**Subd. 2. Administration.** This section shall be administered by the department of economic security through the division of vocational rehabilitation. The department may employ staff as reasonably required to administer this section and may accept and receive funds from nonstate sources for the purpose of effectuating this section.

**Subd. 3. Certification.** No applicant center for independent living may receive funding under this section unless it has received certification from the division of vocational rehabilitation.

The division of vocational rehabilitation shall involve disabled consumers and other interested persons to consider performance evaluation criteria in order to formulate rules by which centers will be certified by July 1, 1986.

The division of vocational rehabilitation shall review the programs for centers of independent living receiving funds from this section to determine their adherence to standards adopted by rule and if the standards are substantially met, shall issue appropriate certifications.

**Subd. 4. Application of centers for independent living.** The division of vocational rehabilitation shall require centers for independent living to complete application forms, expenditure reports, and proposed plans and budgets. These reports must be in the manner and on the form prescribed by the division. When applying, the center for independent living shall agree to provide reports and records, and make available records for audit as may be required by the division of vocational rehabilitation.

The applicant center for independent living shall be notified in writing by the division concerning the approval of budgets and plans.

**History:** *1Sp1985 c 9 art 2 s 8*