



Minnesota Department of **Human Services**

March 4, 2015

David Ferleger, Esq.
Court Monitor
Archways Professional Building
413 Johnson Street
Jenkintown, PA 19046

By Email

Re: Response to the Court Monitor's February 18, 2015 Report to the Court [Doc. 388, Filed February 18, 2015] "*Community Support Services Staffing*" [Civil No. 09-1775 (DWF/FLN)]

Dear Mr. Ferleger:

The Minnesota Department of Human Services ("Department") submits this response to the Court Monitor's Report to the Court: "*Community Support Services Staffing*" dated and filed February 18, 2015 [Doc. 388].

In the Court Monitor's Report, you conclude that the DHS November-December 2014 Compliance Update reporting no vacancies in CSS staffing appears to be inaccurate as incompatible with the one vacancy among the 14 FTE's and several vacant functionally equivalent positions as reported by CSS (Report, pp. 1, 6.). The report of no vacancies by the Department in its November-December 2014 Compliance Update was accurate, and the vacancies reported by CSS to the *Jensen* Implementation Office concerning the 14 FTE's and functionally equivalent positions was based on a misunderstanding as to how positions are counted.

Page 17 of *Jensen* Settlement Agreement states: "Expansion of CSS will begin in February of 2011 with an estimated completion date of June 30, 2011. This increase will be an additional fourteen (14) full time equivalent positions, which will equate to fifteen people. The proposed positions are as follows:

- Two (2) Behavior Analyst 3 positions
- One (1) Community Senior Specialist 3
- Two (2) Behavior Analysts 1
- Five (5) Social Worker Specialist positions and
- Five (5) Behavior Management Assistants "

As indicated in Attachment 1, since March 1, 2011, the Department has assigned to Community Support Services (CSS) 19 ¼ FTE positions that are dedicated to the implementation of the *Jensen* Settlement Agreement Comprehensive Plan of Action (CPA). This staffing complement, which

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includes functionally equivalent positions, exceeds the requirements identified in the Jensen Settlement Agreement. DHS defines functionally equivalent positions as follows:

“A functionally equivalent position involves the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, responsibility and authority.

In addition to the CSS staff dedicated to the *Jensen* Settlement Agreement Comprehensive Plan of Action, DHS has also hired an additional four Board Certified Behavioral Analysts, as part of the Successful Life Project (SLP). The work of these SLP staff is focused almost entirely on members of the Therapeutic Follow-up group with some of their work similar in nature to CSS in terms of consultation and planning.

I have also attached (See Attachment 2) the draft Direct Care and Treatment organizational chart, which shows the relationship of Successful Life Staff and Community Support Services Staff.

I am hopeful that the information provided brings some clarity around the CSS positions as well as demonstrates the Department's commitment to our continued efforts to deliver the right care at the right time in the most integrated setting.

Sincerely,



Anne M. Barry
Deputy Commissioner
Direct Care and Treatment

Cc: The Honorable Judge Donovan W. Frank
Shamus O'Meara, Attorney for Plaintiffs
Colleen Wieck, Executive Director for the Governor's Council on developmental Disabilities
Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities
Scott Ikeda, Assistant Attorney General
Gregory Gray, Chief Compliance Officer
Amy Akbay, DHS Chief General Council

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Attachment 1 - CSS Positions Added Since March 1, 2011

Classification	PCN	Date Added	FTE	Function in JSA CPA Implementation	Notes
BA3	01018285	6/8/11	1.00	EC 67, 69, 71, 73, 74	Functional Equivalent for SWS
BA3	01011400	7/25/11	1.00	EC 67, 69, 71, 73, 75	
BA3	01107560	5/18/13	1.00	EC 67, 69, 71, 73, 76	Functional Equivalent for BA1
BA3	01011399	7/5/12	1.00	EC 67, 69, 71, 73, 77	Transferred from MSHS--Cambridge
BA1	01011798	6/8/11	1.00	EC 67, 69, 71, 73, 78	
Psy 2	01009389	11/27/12	1.00	EC 67, 69, 71, 73, 79	Transferred from MSHS--Cambridge
CSPS3	01103333	6/8/11	1.00	EC 67, 69, 71, 73, 80	Care Coordination Specialist
SWS	01103334	4/20/12	1.00	EC 67, 69, 71, 73, 81	
SWS	01103337	6/8/11	1.00	EC 67, 69, 71, 73, 82	
SWS	01103338	7/6/11	1.00	EC 67, 69, 71, 73, 83	
SWS	01103339	9/9/13	1.00	EC 67, 69, 71, 73, 84	
BMA	01008069	8/5/11	1.00	EC 67, 69, 71, 73, 85	
BMA	01103343	3/23/11	1.00	EC 67, 69, 71, 73, 86	
BMA	01103344	11/16/12	0.75	EC 67, 69, 71, 73, 87	
BMA	01103345	8/5/11	0.75	EC 67, 69, 71, 73, 88	
BMA	01103346	8/5/11	0.75	EC 67, 69, 71, 73, 89	
BMA	01103355	3/23/11	1.00	EC 67, 69, 71, 73, 90	
RPSM Sr.	01111271	7/2/14	1.00	67.3, 67.6, 70.2, 73.3, 75.3	Northern Regional Manager
RPSM Sr.	01111272	7/2/14	1.00	67.3, 67.6, 70.2, 73.3, 75.3	Southern Regional Manager
OAS Sr.	01111135	5/21/14	1.00	Admin support for data collection	
Total FTEs:			19.25		

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Attachment 2 - DCT DRAFT Organizational Chart

DCT Community Based Services Organizational Chart (DRAFT) 2/11/15

