



Supporting People with Developmental Disabilities: The Impact of Low Wages and the Minimum Wage Debate on the

Direct Support Professionals Workforce

A Joint Publication of:



Supporting People with Developmental Disabilities: The Impact of Low Wages and the Minimum Wage Debate on the Direct Support Professionals Workforce

EXECUTIVE SUMMARY - NOVEMBER 2015

- Over 110,000 Direct Support Professionals (DSPs) are the lynchpin of the system of supports for people with developmental disabilities, with 97,000 working for not-for-profit agencies. This report incorporates survey data from 131 not-for-profit agencies that employ more than 64,000 of these DSPs.
- These highly trained professionals are why more than 100,000 New Yorkers lead safe, fulfilling lives.
- Funding for the salaries of these professionals, which comes from the Medicaid program, is insufficient to pay competitive wages, leaving these professionals in chronic short supply.
- Survey respondents report needing 5,300 DSPs to fill currently vacant positions—this represents a statewide vacancy rate of 8%.
- The shortage of DSPs resulted in an inordinate dependence on overtime with survey respondents reporting more than 2.9 million hours in one year.
- The State’s decision to raise the minimum wage for fast food workers and state workers without addressing wages of DSPs will make DSP wages even less competitive, exacerbating the DSP shortage and jeopardizing the supports for people with developmental disabilities.
- Wage increases must be implemented in an equitable fashion for all human service workers. Equitable wage increase for DSPs must be funded through adequate provider rate increases.
- We applaud Governor Cuomo for making the minimum wage a priority. We support the hard working employees of the fast food industry and state workforce, but our DSPs, who are responsible for supporting the lives of so many special New Yorkers, deserve attention as well.
- Should minimum wage increases leave DSPs behind many will consider changing jobs, leaving the people they care about behind to work in another field.

EXECUTIVE SUMMARY - NOVEMBER 2015 (Continued)

- 80% of agencies surveyed indicate that DSP staff turnover and poor retention is already a serious problem, with unattractive wages cited as one of the biggest challenges to recruit and retain workers. DSP wages turnover is already close to 20% per year.
- We ask Governor Andrew Cuomo and the state legislature to fund increases for provider rates to increase DSP wages and the wages for other low wage developmental disability support workers such as cooks and maintenance workers who support individuals in the community.
- Almost all of the funding for programs serving people with developmental disabilities comes from the Medicaid program. Unlike for-profit business sector, not-for-profit agencies do not have the ability to increase prices or reduce the return to shareholders to increase wages.
- The 2016-2017 state budget should include Medicaid funding to increase DSP and developmental disability support worker wages a commensurate amount to the first two steps of the Commissioner of Labor approved increase in the fast food minimum wage that will happen on December 31, 2015 and December 31, 2016.
- Funding these wage increases will incentivize qualified and compassionate people to pursue employment in a profession that helps more than one hundred thousand New Yorkers with developmental disabilities lead productive, fulfilling, and safe lives in their communities.
- Special education providers serving children with disabilities face similar obstacles; years of state funding freezes or paltry increases that prevents increasing the wages for low-paid teacher assistants and teacher aids at special-needs preschools and school age programs. These programs face similar staffing challenges to overcome recruitment and retention difficulties.

WHO ARE DIRECT SUPPORT PROFESSIONALS?

Direct Support Professionals (DSPs) assist people with disabilities to lead productive lives and to participate fully in their communities. DSPs are employed by provider organizations to provide support services to many of New York's most vulnerable citizens. Direct Support Professionals work in group residential settings, independent apartments and homes, and in recreational and therapeutic day support settings. They are caring and committed individuals working long hours to provide necessary care, 24-hours a day, to individuals with developmental disabilities. They find the work that they do supporting these individuals fulfilling and rewarding and often effectively serve as part of their extended family.

DIRECT SUPPORT PROFESSIONALS (DSPs) ASSUME NUMEROUS RESPONSIBILITIES

DSPs have the responsibility to ensure that people with developmental disabilities are safe, lead fulfilling lives, and receive attention for complex medical and therapeutic needs.

- DSPs provide the supervision and coordination necessary to manage the daily activities of the people they support such as eating, dressing, hygiene, employment, and recreation.
- A DSP supports the delivery of physical and behavioral health services in both routine and crisis situations. This requires DSPs to navigate the health care system while working with medical professionals to administer medications and attend to a variety of complex medical needs.
- DSPs teach individuals life skills such as home care activities, food preparation, personal care management, money management and social management skills.
- DSPs are advisors, assisting individuals in making complex decisions.
- DSPs serve as companions listening to and supporting individuals in social outings and gatherings. For many individuals, DSPs are a critical part of their extended family.
- Being a DSP is physically strenuous work. It often involves the lifting and moving of individuals in the performance of daily activities such as bathing. DSPs provide walking assistance and help people with limited mobility and in wheelchairs get around.
- DSPs transport individuals to medical appointments, therapeutic programming, jobs, as well as recreational activities within the community.
- DSPs must be proficient in understanding and communicating complex information to others via daily logs, progress reports and other electronic mechanisms. They must deal with an enormous burden of paperwork essential to regulatory compliance.

DIRECT SUPPORT PROFESSIONALS MANAGE CHALLENGING SITUATIONS

Providing support services to individuals is not an entry level job. It demands an experienced workforce that is patient, compassionate, and resilient. DSPs help individuals achieve dignity by supporting Activities of Daily Living (ADLs).

- DSPs assist in feeding people that may need it.
- They address and may assist in meeting hygienic needs such as bathing, teeth brushing, toileting, hair grooming and helping individuals to get dressed.
- DSPs are trained to know how to deal with combative behaviors that include screaming, yelling, crying and aggressive physical contact and expressions.
- DSPs help people with disabilities build relationships including moderating and de-escalating volatile peer social interactions, ensuring a safe and healthy environment.

DIRECT SUPPORT PROFESSIONALS RECEIVE EXTENSIVE TRAININGS AND CERTIFICATIONS

In the words of the NYS Office for People with Developmental Disabilities (OPWDD) “Direct Support Professionals are the ‘core’ of New York’s system of supports for individuals with developmental disabilities. Their jobs require technical and values-based skills that make life-changing differences in the lives of the individuals they support.” DSPs must therefore receive very intensive training in a wide variety of critical areas. The core competencies for DSPs can be found on the OPWDD website at:

http://www.opwdd.ny.gov/opwdd_careers_training/training_opportunities/core_competencies.

A full list of trainings ranging from abuse prevention to elder care is available at: <http://www.opwdd.ny.gov/node/3653>.

CHECKS AND BALANCES: OVERSIGHT AND REGULATORY SYSTEMS

Caring for and providing support services to vulnerable individuals is subject to the oversight of many entities to protect the safety and well-being of individuals with developmental disabilities. DSPs and their employers are held to the highest standards of accountability. This requires them to navigate a lengthy and complicated job application process, including a criminal background check. The multiple regulatory layers monitoring and overseeing DSPs include:

- Internal mechanisms administered by provider organizations
- Levels of supervisory and management oversight to include an interdisciplinary team of professionals
- Quality Assurance teams
- New York State Office for People with Developmental Disabilities
- New York State Justice Center for the Protection of People with Special Needs
- Audits and oversight by a variety of agencies including the Inspector General, Office of the State Comptroller, and NYS Attorney General.

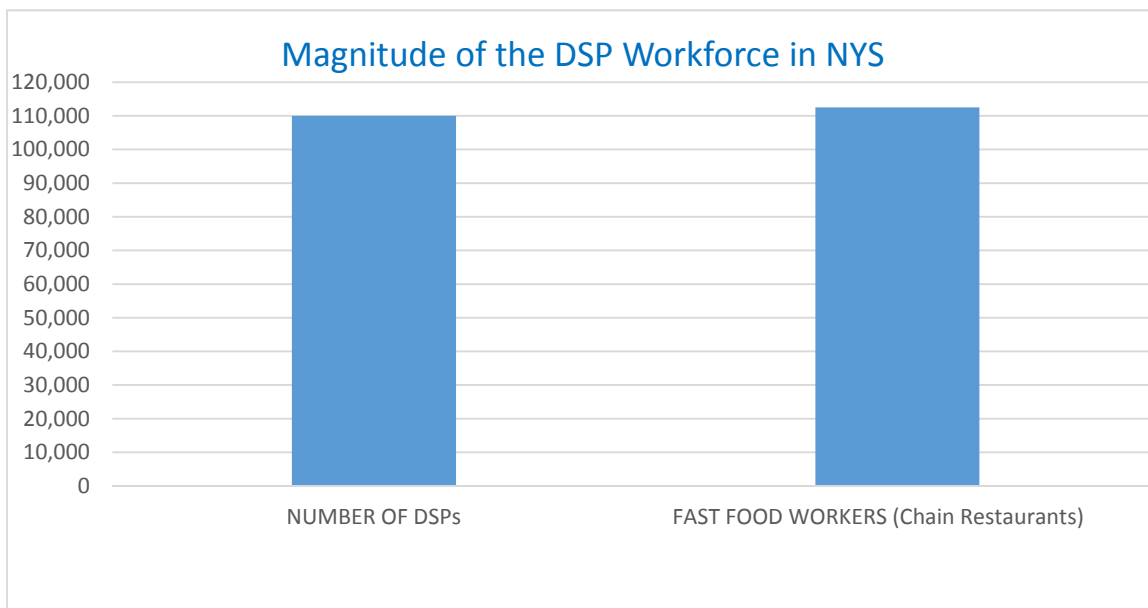
Trainings include:

- Annual training in medication administration, first aid, CPR, safe behavioral de-escalation and intervention, safety, and OSHA regulations.
- Training and demonstration on-the-job in Core Competencies adopted by the NYS Talent Development Consortium. The Competencies are broken down into seven goals covering all aspects of an individual's life.
- Training in a Code of Ethics curriculum developed by the National Alliance for Direct Support Professionals (NADSP) to facilitate and cope with ethical dilemmas facing individuals consistent with the highest professional standards.

DIRECT SUPPORT PROFESSIONALS ARE DIFFICULT TO RECRUIT AND RETAIN

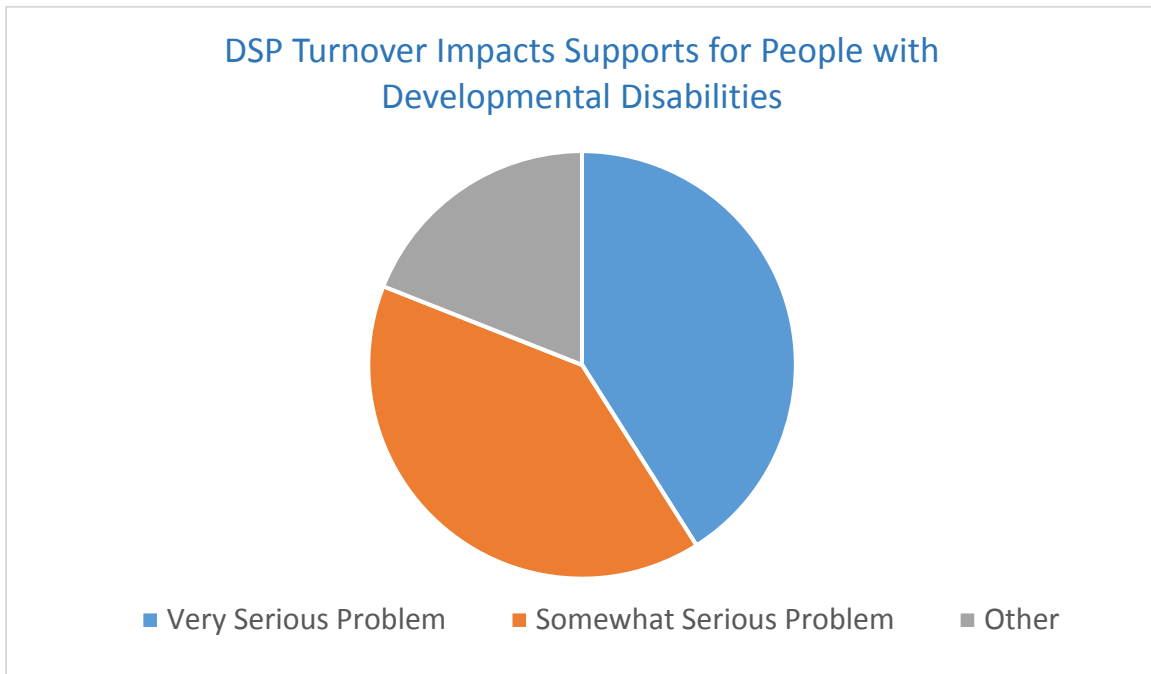
Providing support services for 100,000 New Yorkers with developmental disabilities and their families is an enormous challenge for provider organizations. Non-profit provider organizations rely on DSPs for the hands on support, without which there would be no care. But the intense demands of being a DSP lead to high turn-over rates.

Provider organizations must compete with other industries in recruiting DSPs, particularly the fast food industry which has recently been mandated to implement a \$15 per hour minimum wage. As the following chart illustrates, the fast food industry constitutes a huge workforce with many potential job opportunities for those DSPs who feel overburdened and underpaid.

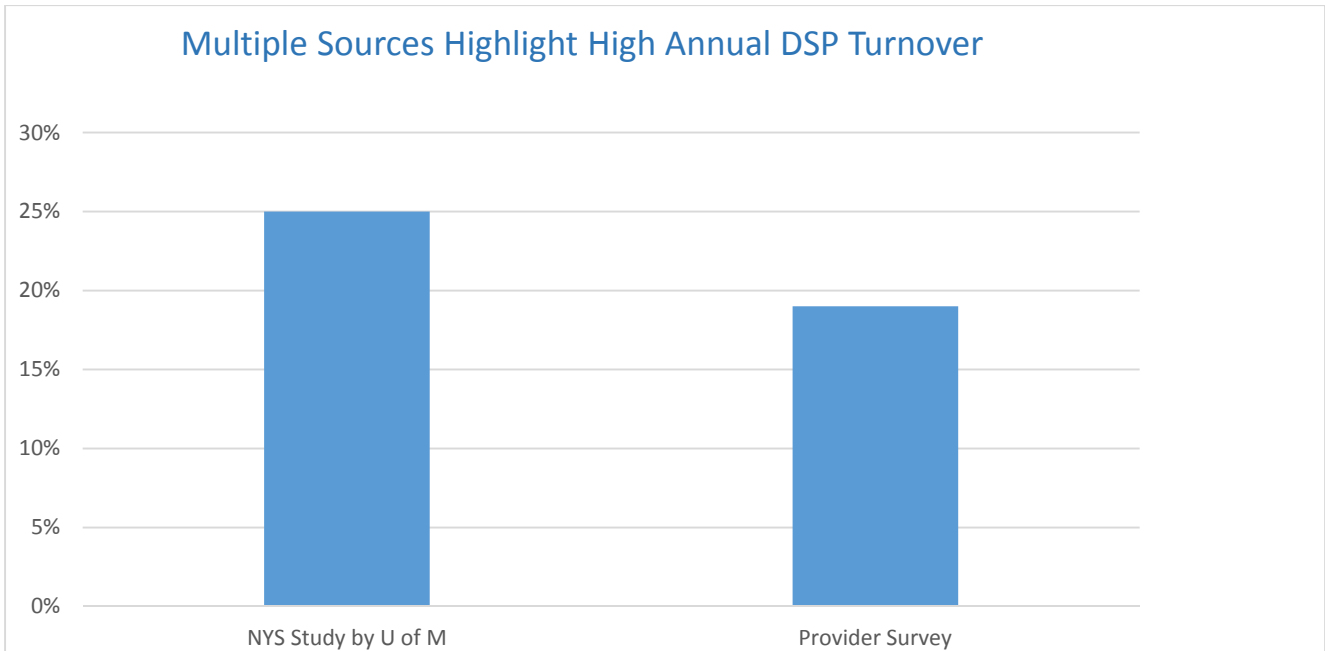


NYS Fast Food Wage Board Data was used to estimate that there are between 101,700 and 124,000 fast food workers at chain restaurants.

More than 80% of agencies surveyed indicate that DSP staff turnover and poor retention is a serious problem.



- Human Service providers are already experiencing significant challenges recruiting and retaining staff due to an improving economy and a tightening job market.
- Agencies reported needing more than 5,300 DSPs to fill positions created by a statewide vacancy rate of 8%.
 - This shortage of DSPs resulted in more than 2.9 million overtime hours at the 131 responding agencies during 2014.
- Agencies surveyed report a one year turnover rate of 19% for DSPs, requiring an investment of \$5,000 in training and other costs for each new employee hired to fill those vacancies. Major impediments to recruitment and retention of DSPs included:
 - Wage and benefit packages that were not attractive
 - Insufficient numbers of qualified applicants
- A recent survey by the University of Minnesota indicates that the average turnover rate for DSPs in NYS is 25% annually, among more than 130 community-based providers of services to people with developmental disabilities.



COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS

Direct Support Professionals assume numerous daily responsibilities which they must perform according to the highest professional standards. They work under the strict scrutiny by multiple oversight agencies. Their work is critical to the well-being and safety of the thousands of people with developmental disabilities they serve. However, without paying them a decent wage recruitment and retention issues pose an enormous threat to the people with disabilities who rely on DSPs.

According to CMS' Toolkit, *Coverage of Direct Service Workforce Continuing Training within Medicaid Policy and Rate Setting*, "Linking wage increases to workers' advancement in training programs (i.e. career pathways, apprenticeships, credentialing, or certification programs) represents an important coordinated strategy that may be implemented on the state level (Harris-Kojetin et al., 2004)."

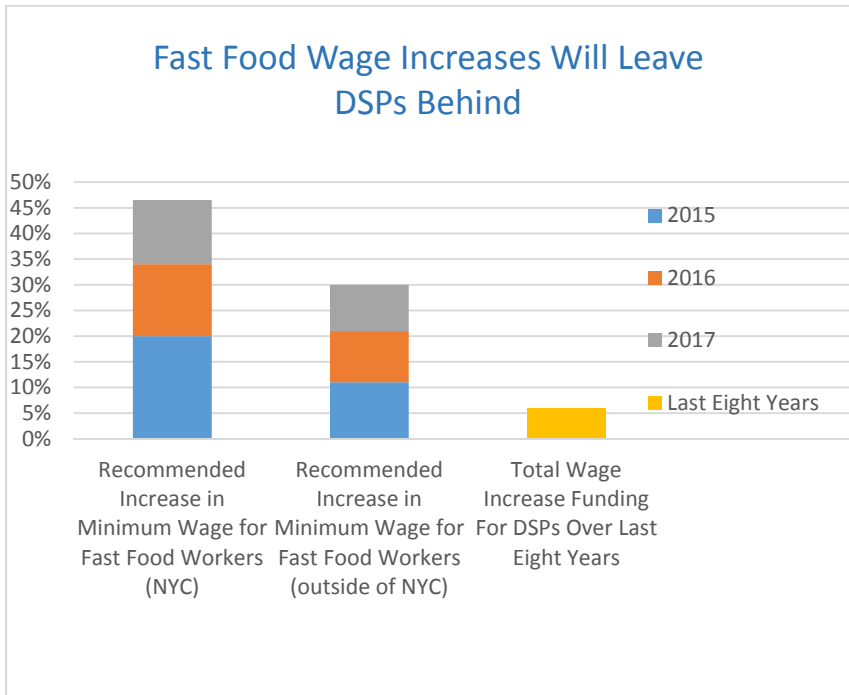
Offering benefit packages to employees including Direct Service Professionals has proven to be a useful recruiting tool in the past. However, changes in health care coverage for all employees has somewhat reduced the effectiveness of benefits as a recruitment strategy putting more pressure on better wages to recruit and retain employees.

As New York's minimum wage increases, along with changes in wages for the Fast Food industry, it will be more important than ever to proportionally increase DSP wages to attract quality professionals.

GOVERNMENTS ROLE AND RESPONSIBILITY

Organizations that provide services to vulnerable populations have little to no control over their ability to increase DSP wages. Most are heavily dependent upon funding from government, especially New York State’s Medicaid program. In fact, 90% of funding for programs serving people with developmental disabilities is Medicaid. Increases in wages can only be achieved when government decides to fund such increases. Therefore, a minimum wage increase depends almost entirely on increases in government rates, fees and contracts.

New York State, in conjunction with the federal government which pays 50% of Medicaid costs, has an obligation to provide sufficient funding so that DSPs can make a fair wage.



A 2% COLA for DSPs equates to approximately 20 cents per hour.

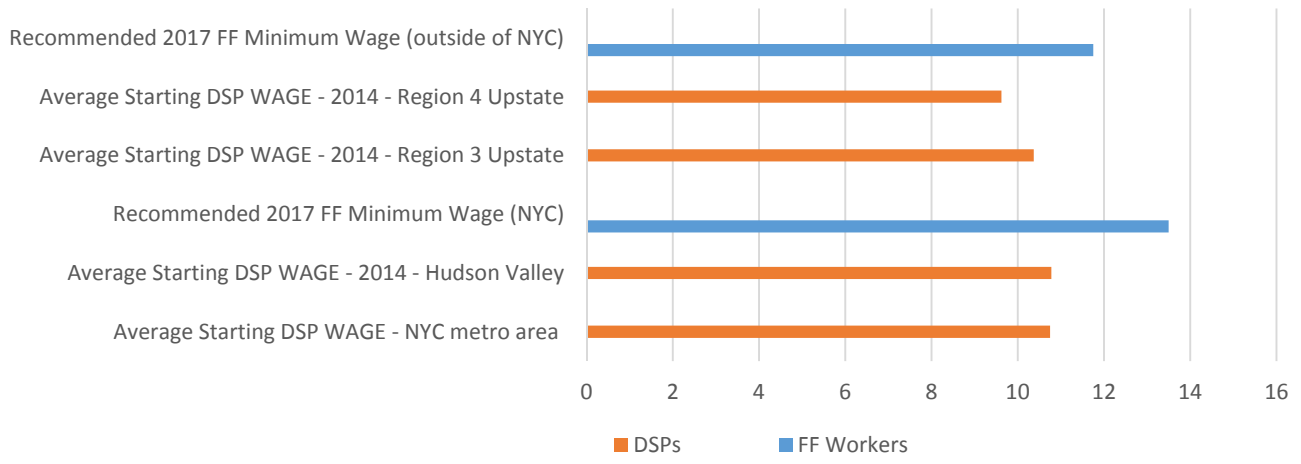
- An increase in the minimum wage for only one segment of the workforce will give the fast food industry an insurmountable competitive advantage in attracting employees.

BEYOND WILLOWBROOK... THE ROAD TO REALIZING THE DREAM

The 1978 Willowbrook Consent Decree led to the subsequent closure of Willowbrook State School on Staten Island after the disclosure of the horrific conditions at that and other institutions serving people with developmental disabilities.

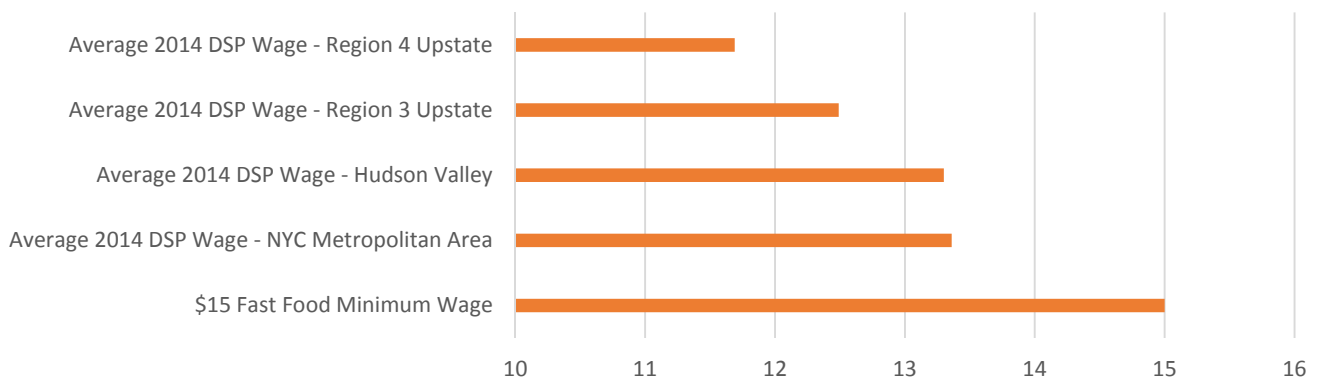
The aftermath of Willowbrook led to a revolution in care for people with developmental disabilities. It brought them out of institutions and into communities throughout the State and nation, restoring their rights as full citizens. Today that revolution continues through a joint federal/State initiative known as the “Transformation Agenda.” Through it the State along, with the Centers for Medicare & Medicaid Services (CMS), have identified a series of shared goals to improve opportunities for individuals with developmental disabilities in the areas of employment, integrated living, and self-direction of services. Meeting the goals of this initiative will require the services of a high quality Direct Support Professional workforce, which is paid a fair wage.

Fast Food Workers Will Have Significantly Higher Starting Salaries Than DSPs



- Even experienced DSPs will feel the pinch. The difference between the average salary and the starting salary represents the increases that providers can pay to employees as they gain experience and expertise over time. Providers need to not only be concerned with how entry level wages compare to the proposed fast food minimum wage, but also maintaining the spread between entry level wages and average wages to maintain the career ladders and incremental pay differentials that have been achieved by many experienced DSPs.

Without Equitable Increases, Even Experienced DSPs Will Feel the Pinch



- Unlike private industry, not-for-profit agencies that support persons with developmental disabilities cannot increase the wages of DSPs without a corresponding rate increase from the State.

WHAT CAN BE DONE?

Funding minimum wage increases for the professionals who support people with developmental disabilities

Decent pay for DSPs must be an object of intense advocacy in the face of changes to the minimum wage for the entire workforce in general and fast food workers, in particular.

We ask Governor Andrew Cuomo and the state legislature to fund increases for provider rates to increase DSP and developmental disabilities support worker wages and incentivize qualified people eager to take on this integral role in supporting our State's neediest citizens.

The 2016-2017 state budget should include Medicaid funding to increase DSP wages and the wages of developmental disability support workers such as drivers, cooks, and maintenance workers a commensurate amount to the first two steps of the Commissioner of Labor approved increase in the fast food minimum wage that will happen on December 31, 2015 and December 31, 2016.

CONTACT US

Margaret Raustiala
ALIA
(631) 521-1458
mrconsultinginc@gmail.com

Barbara Crosier
VP, Government Relations
CPNYS
(518) 436-0178
bcrosier@cpofnys.org

J.R. Drexelius, Jr.
Government Affairs Counsel
DDAWNY
(716) 316-7552
jrdrexelius@gmail.com

Winifred Schiff
Assoc. Executive Director for
Governmental Affairs
IACNY
(212) 645-6360

Katie Mayo
Associate Executive Director
NYSACRA
(518) 449-7551
katiem@nysacra.org

Ben Golden
Assoc. Executive Director for
Governmental Affairs
NYSARC, Inc.
(518) 439-8311
goldenb@nysarc.org

Michael Seereiter
President/CEO
NYSRA
(518) 449-2976
michael@nysrehab.org

SCHOOLS SERVING STUDENTS WITH DEVELOPMENTAL DISABILITIES (4410 & 853)

Pre-school and school age programs for people with developmental disabilities face a similar workforce struggle. A survey of 96 providers that serve more than 17,000 students shows a growing vacancy rate for teacher assistants and/or teacher aides (CFR codes 228,230,232,243,265). These jobs titles require skilled individuals who are responsible for providing day-to-day support for children with complex needs. More than 60% of the responding schools indicated that retention and turnover of teacher assistants and aides was a serious problem. Many agencies have starting salaries that are close to the current minimum wage and average wages for some job titles are in the \$11 to \$13 dollar range. These schools are already struggling with years of nearly flat funding that does not keep pace with cost increases. More than half of respondents indicated they will have to increase starting salaries for some positions as of 12/31/15, despite a lack of tuition increases, to match the new required minimum wage for fast food workers. To minimally keep pace with the already approved increases in minimum wage for fast food workers in New York State, tuition reimbursement for the various teacher aide/ teacher assistant positions must be increased a commensurate amount.

wini@iacny.org

