



Department of Health

Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, MD, JD
Commissioner of Health, DOH

THEODORE KASTNER, MD, MS
Commissioner, OPWDD

July 16, 2020

Dear OPWDD Provider:

The 2019/2020 Enacted Budget included monies for the provision of a two (2) percent increase in annual salary and salary-related fringe benefits for direct care staff effective January 1, 2020. Additionally, the 2020/2021 Enacted Budget provided for another two (2) percent increase in annual salary and salary-related fringe benefits for direct care staff and clinical staff effective April 1, 2020. These compensation increases are being implemented to help alleviate the recruitment and retention challenges associated with the eligible staff positions and to continue and expand efforts to support the professionalism of the direct care workforce.

The purpose of this letter is to provide you with some specific information regarding the initiative so that your agency can begin to prepare for the implementation of the compensation increases. All affected OPWDD rates, fees and contracts will be revised to incorporate the two (2) percent salary increases, retroactive to January 1, 2020 and/or April 1, 2020, as appropriate.

Staff that occupy the following position title codes, as set forth in the Consolidated Fiscal Reporting (CFR) manual, are eligible for the January 1, 2020 salary and salary-related fringe benefit increase:

- 100 – 199: Support staff
- 200 – 299: Direct care staff

Staff that occupy the following position title codes, as set forth in the CFR manual, are eligible for the April 1, 2020 salary and salary-related fringe benefit increase:

- 100 – 199: Support staff
- 200 – 299: Direct care staff
- 300 – 399: Clinical staff

Each provider receiving funding for these salary and salary-related fringe benefit increases has flexibility in allocating that funding to support salary increases to particular job titles within the classification of staff position titles that are designated as eligible for funding. This flexibility is provided to allow agencies to best address the needs of its eligible staff and agency recruitment and retention challenges.

Written Certification from Providers – Submittal of Agency Board Resolution

Each provider agency is required to develop an implementation plan to ensure that the funding increases are utilized only for providing salary increases to eligible staff. The implementation plan must be retained by the provider and made available to regulatory agencies upon their request. In addition, each provider must submit to the Office for People With Developmental Disabilities (OPWDD) a resolution from their governing body attesting that funding received will be used solely to support salary and salary-related fringe benefit increases for eligible staff in conformity with the above delineation of eligible staff titles.

Attached is a form that your agency can utilize as a boilerplate document for the governing body resolution. The document is identified as "CERTIFICATION PURSUANT TO PART Y OF CHAPTER 57 OF THE LAWS OF 2019". Please note that the Board Resolution form must be signed by an Officer of the Corporation.

OPWDD requires that the Board Resolution be submitted to OPWDD within ninety (90) days of the provider's receipt of any funding for the January 1, 2020 and/or April 1, 2020 salary and salary-related fringe benefit increases. If a provider so chooses, one Board Resolution may be adopted by the Board which covers both the January 1, 2020 and April 1, 2020 funding increases. The Board Resolution(s) is to be sent by email to opwdd.sm.frda@opwdd.ny.gov or by certified mail to:

OPWDD, Fiscal Reporting and Data Analysis
Attention: Joanne P. Howard
44 Holland Avenue, 4th Floor
Albany, New York 12229-0001

Salary increases that take effect on or after April 1, 2019 may be used to demonstrate compliance with the January 1, 2020 funding increase except for salary increases necessary to comply with the State minimum wage requirements.

Reimbursement Calculation Methodology

- ICF/IID, Supervised IRA, Supportive IRA, Group Day Habilitation, Prevocational Services, Respite, Agency Sponsored Family Care, Community Habilitation, Pathway to Employment and Supported Employment rates/fees will be revised effective January 1, 2020 to incorporate an increase of two (2) percent to the direct care (CFR position title codes 100 – 299) and related fringe benefit components of the rates/fees.
- Contracts – the January 1, 2020 salary and related fringe benefit funding increase, related to eligible positions reimbursed through an OPWDD contract, will be paid "off-line" during 2020.

If you have any questions regarding this correspondence or the initiative, please contact Joanne Howard at joanne.howard@opwdd.ny.gov or the Department of Health at mhrs@health.ny.gov.

Joanne P. Howard, Director
Fiscal Reporting and Data Analysis
New York State Office for People
With Developmental Disabilities

Donna Cater, Deputy Director
Division of Finance and Rate Setting
New York State Department of Health

Attachment – Sample Board Resolution

BOARD RESOLUTION LANGUAGE

BOARD RESOLUTION PURSUANT TO PART Y OF CHAPTER 57 OF THE LAWS OF 2019

The Board of Directors (Trustees) of *{Insert OPWDD Agency Name and Corporate address}*

hereby certifies and attests to the following resolutions adopted on *{Insert Date of Board Meeting/Board Committee Meeting at which the Resolution was Adopted.}*

WHEREAS, Part Y of Chapter 57 of the Laws of 2019 provided for salary increases and salary-related fringe benefit increases to designated staff positions as defined by the Commissioner and in accordance with the standards prescribed by the Commissioner;

BE IT RESOLVED, that the funding provided to *{Name of OPWDD Agency }* pursuant to Part Y of Chapter 57 of the Laws of 2019 for the period beginning January 1, 2020 will be, or was, used solely to provide salary increases and salary-related fringe benefit increases for direct care staff and direct support professional staff as defined by the commissioner and in accordance with standards prescribed by the Commissioner;

BE IT FURTHER RESOLVED, that the funding provided to *{Name of OPWDD Agency }* pursuant to Part Y of Chapter 57 of the Laws of 2019 for the period beginning April 1, 2020 will be, or was, used solely to provide salary increases and salary-related fringe benefit increases for direct care staff, direct support professional staff and/or clinical staff as defined by the Commissioner and in accordance with standards prescribed by the Commissioner;

BE IT FURTHER RESOLVED, that such funding will not be and was not used for any other purpose or expense.

Signature

Printed Name of Signatory:

Official Board/Trustee Title of Signatory:

Date: