



The Arc[®]

New York

**Testimony Prepared for a Public Hearing by
The NYS Senate Standing Committee on Disabilities
to Evaluate the Current Workforce Challenges of the Intellectual
and Developmental Disabilities Service Delivery System**

SEPTEMBER 14, 2021



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Introduction

The Arc New York is the largest non-profit provider for individuals with intellectual and developmental disabilities (I/DD) in New York state. Our 37 local Chapters collectively support 60,000 people and employ more than 30,000 staff. The parents who created our organization were among the earliest advocates for quality services and opportunities for people with intellectual and developmental disabilities (I/DD). In the more than 70 years since our founding, New York has developed a robust system of exceptional, comprehensive individualized services and programs that aid independence, support families, and emphasize inclusion in communities.

Today, we face a rapidly escalating workforce crisis that has pushed that essential system to the brink of collapse.

For decades, New York state has not made adequate investments to sustain the programs and services its citizens with I/DD rely on. Our field has received virtually no cost-of-living adjustment (COLA) to keep up with inflation and rising costs in the last decade. To date, the field has received only a 0.02% COLA in more than 10 years. A 1% COLA was included in the approved state budget this year, but rates still have not been updated to reflect that modest increase.

The nonprofit agencies that support New Yorkers with I/DD are funded almost entirely by Medicaid, and more than 70 percent of their costs go directly to wages for staff who provide direct care.

Without adequate funding, I/DD providers cannot offer competitive wages to recruit and retain the skilled direct support staff that provide the foundation of care for more than 140,000 New Yorkers with I/DD. The existing workforce crisis escalated dramatically in the wake of the COVID-19 pandemic. Without immediate action, this emergency will continue to force service reductions, program closures, and loss of supports for people with I/DD throughout the state.

For years, you have heard us tell you the future of services and supports for New Yorkers is I/DD in jeopardy.

We are no longer talking about the future.

According to a recent New York Disability Advocates (NYDA) survey of non-profit I/DD providers, including all Chapters of the Arc New York, 48 percent of providers were forced to close or reduce programs due to lack of staff.

Nearly half of all providers shuttered essential programs for New Yorkers with I/DD because they have no staff to run them. We are literally closing doors on the very people for whom it is our mission to provide opportunity.

In addition to the systemic lack of investment by New York over the last decade, cuts have been exacted over that same period, including one scheduled to take effect retroactively to May 1, 2021 that will pull over \$230M out of our residential programs each year. During a period when the workforce crisis is at an all-time high, and the federal government is providing New York with an unprecedented amount of funding, implementing these cuts is not only unnecessary, it is negligent.

In addition to the program closures, the recent NYDA survey found that:

- 93% of providers saw a decrease in job applicants this year
- Statewide vacancy rates increased 75% since pre-pandemic levels

- 25% of all DSP positions are currently vacant statewide¹
- 39% of providers did not reopen programs due to staff shortages
- 69% of providers pulled senior & administrative staff from leadership responsibilities to cover direct care shifts

DSPs are the backbone of services for New Yorkers with I/DD. Their 24-hour support includes:

- Supporting activities of daily living
- Administering medication
- Tube feeding, wound care, mobility support, and oxygen administration
- Delivering physical and behavioral health services
- Teaching money management
- Transporting to appointments and community activities

DSP staff shortages directly impact people with I/DD and put this vital system of supports in jeopardy. The situation is dire. Providers are preparing contingency coverage plans for staffing shortages, including considering makeshift beds in facilities typically used for day programming. Providers are resorting to other extreme measures such as closing programs, doubling up bedrooms, closing homes, and leaving homes vacant so individuals supported can be transferred to locations where proper staffing can be maintained. Senior and administrative staff are covering direct support shifts, and programs are running on razor-thin staffing levels.

Recent Wage Data

To better understand and address the workforce crisis, we have begun to review the reported wages across The Arc New York Chapters, and are working with NYDA to analyze similar data fieldwide. Our initial review revealed some startling conclusions:²

¹ For The Arc New York Chapters alone, as of the second quarter of 2021, our collective vacancy rate for DSPs was 21.1%.

² The wage information referenced in this testimony is based upon a recent survey and data collection from all The Arc New York Chapters. The Chapters were divided into 10 regions that align with New York State's Economic Development regions. Wage data was collected for programs including community habilitation, day habilitation, prevocational, residential, and supported employment, and several others.

- In **6 of 10 regions**, the median DSP wage is **less than** the \$15/hour minimum wage for a fast food worker in New York state.
- The median wage DSP across all Arc New York Chapters is only **\$15.31/hour**
- Field-wide, **the average wage for a DSP at 69% of providers is within one dollar of the fast food minimum wage** – including the wages of seasoned DSPs with years of experience.
- On Long Island, one provider’s starting wage for a group home employee is **52.8% lower** than the living wage for a single adult with no Children, based on MIT’s Living Wage Calculator.³
- In the Capital Region, the starting wage for a group home worker in one county is almost **20% lower** than the living wage.
- In Albany – the capital of the state-- the average starting wage for a DSP supporting people in our residential programs is almost **\$1.50 lower than the minimum wage at a fast-food restaurant**, where employees have less responsibility, less accountability, and fewer training requirements.⁴

These are not minimum wage jobs. Our direct care staff are highly skilled essential workers. They have been unsung heroes throughout the pandemic, unflagging in their commitment to supporting New York’s most vulnerable citizens. They deserve to be respected as the professionals they are – and they deserve a living wage.

The Solutions

Immediate action is needed from the state to address the current crisis and implement long-term solutions for the I/DD sector’s workforce challenges. This will require a multi-pronged approach to elevate the DSP position and innovate within the field. In addition, New York needs to address the fact that other positions in the I/DD field are not competitive and suffer from wage compression. Retention of other skilled professionals, including clinicians,

³ See MIT Living Wage Calculator, New York State Counties, <https://livingwage.mit.edu/states/36/locations>.

⁴ \$13.51/hour is the lowest aggregate starting wage in the residential program for our Capital Region Chapters.

administrators, and other employees is also a challenge due to a systemic lack of investment.

Establish a Living Wage

Not-for-profit providers must be included in the statutory COLA, which has been notwithstanding for our field for more than a decade. Unlike for-profit entities that can raise prices, not-for-profit providers can only pay rates as afforded by the funding provided by OPWDD. The lack of rate increases has caused stagnation in our wages.

Voluntary non-profit organizations are in competition with New York state, which pays approximately 40% more for the same roles than voluntary entities can afford. This is not sustainable.

While the federal matching funds that are expected shortly from the American Rescue Plan are critically needed, a one-time influx of funds will not be the long-term solution to this problem. We need a sustainable and reliable ongoing commitment to secure and maintain a living wage for our DSPs and other staff.

Reform Regulations to Encourage Recruitment and Retention

The Arc New York has a number of suggestions that we believe will result in eliminating or modifying outdated or unnecessary regulations that threaten the ability of organizations to recruit and retain staff. These suggestions can be found in the attached document, “The Arc New York Regulatory Reform Report,” dated September 9, 2021. The report outlines a number of proposed opportunities for regulatory relief that would enhance efficiency without compromising safety or quality of care. They include regulatory modifications in the hiring, training and evaluation of staff, the operation of Supportive Apartments, and other areas. The recommendations also call for reform of the NYS Justice Center for the Protection of People With Special Needs, which unnecessarily treats errors and accidents by staff performing this challenging work as neglect or abuse.

Create a Standard Occupational Code

DSP wage and occupation data is not accurately captured by the Bureau of Labor Statistics, leading to an understatement of the workforce crisis. A discrete standard occupational classification for DSPs will yield the appropriate data to assist states and federal agencies in better understanding the workforce and addressing challenges.

Expand the BOCES Program

A successful pilot program with Capital Region BOCES teaches students the skills necessary for a long-term career supporting people with disabilities. The pilot project aligns state education standards with quality DSP training metrics and offers certification in six areas. We recommend that the state establish a plan to replicate this program statewide by 2023.

Professionalize the DSP Role

Many direct care workers lack access to a career pathway or advanced training opportunities. This limits their ability to build competency and expertise in their field that, when gained, may lead to an increase in their earning capacity. By providing grant opportunities for the recruitment, retention, and advancement of direct care workers, we can enrich the DSP role, and provide opportunities for career growth.

We have partnered with New York state to build a robust system of essential supports and services, to realize social justice and ensure integration for all New Yorkers with I/DD. The services we deliver are a cornerstone of that commitment, and our workforce is its foundation. We will continue to collaborate with government to identify efficiencies, fight for equity for our workforce, and sustain quality care, integration, and opportunity for New Yorkers with I/DD. We ask for your partnership and commitment in achieving this goal.