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TESTIMONY SUBMITTED TO THE NEW YORK STATE LEGISLATURE

Joint Hearing of the Senate Finance and Assembly Ways and Means Committees

2023-24 Executive Budget

Mental Hygiene

New York Disabilities Advocates Testimony

New York Disability Advocates (NYDA) is a coalition of the seven statewide provider associations representing the not-for-profit agencies that provide crucial supports and services to more than 85% of New Yorkers with intellectual and developmental disabilities (“I/DD”).

For more than a decade, New York State did not make sufficient investments to sustain essential supports and services for New Yorkers with I/DD. Without adequate state funding, I/DD provider agencies have been unable to offer the competitive wages needed to recruit and retain the skilled direct care staff that they depend on to provide critical supports and services, resulting in a workforce crisis that has grown into an emergency.

We recognize and thank the Legislature for its tireless advocacy on behalf of this sector and specifically for the inclusion of the 5.4% Cost of Living Adjustment (COLA) in the SFY 2023 Enacted Budget, which was a crucial investment in the field. However, due to inflationary growth, agencies’ operating costs have increased significantly over the past year and average wages remain barely above minimum wage.

The Governor’s proposed 2.5% COLA does not provide the needed investment in this field, and therefore an 8.5% COLA must be included in the Enacted SFY 2024 Budget. Significant cost increases, related to mandated fringe benefits, repairs and maintenance, utilities, food, supplies, transportation, and insurance over the past 12 months, have resulted in intense financial pressure on the non-profit agencies that provide services to more than 85% of New Yorkers with I/DD. Additionally, since these provider agencies are almost exclusively Medicaid funded, they are unable to increase reimbursement for services to compensate for increased costs of operations.

The investment that was made this past year is working. Based on NYDA’s most recent workforce survey of the not-for-profit provider agencies, we have seen a small but welcome decrease in staff turnover and in staff vacancies. However, our field is still experiencing a 17% average staff vacancy and a 30.7% annual staff turnover rate. For context, staff vacancies are still 42.5% above pre-pandemic levels. This represents approximately 20,000 vacant direct support positions in our system.

In addition to the COLA, permanent investment in the salaries for Direct Support Professionals' (DSP) and other support staff who are responsible for providing life supporting services is essential to recruit and retain staff and for the future viability of the field.

As highly skilled professionals dedicated to the essential care of people with I/DD, DSPs take on numerous critical responsibilities to ensure the safety, independence, and well-being of the entire I/DD community. DSPs are responsible for providing important practical and administrative support such as first aid and CPR, administering medication, meal preparation and transportation, as well as attending to the comprehensive social, emotional, and psychological needs of those for whom they care. Whether it's teaching personal care skills and money management or guiding crisis de-escalation, DSPs are required to be well trained, skilled, and constantly prepared for all the essential life-support services their profession demands.

Through their fundamental support and services, DSPs are integral pillars of support for New York's I/DD community and are crucial in ensuring that over 130,000 New Yorkers with I/DD can live their highest quality of life.

To directly address the need for permanent investment in the salaries for this dedicated workforce, this past fall, NYDA proposed a Direct Support Wage Enhancement ("DSWE"), to OPWDD and the Executive Chamber, which would provide \$4,000 per eligible employee to be used for the purpose of enhancing the hourly pay rate for all staff that have direct care/support responsibilities for people with I/DD.

The proposed DSWE would increase hourly pay by approximately \$2.19/hour for all eligible staff.

In fact, New York State recognizes the role that these dedicated workers play in the lives of people with I/DD and has already made the decision to invest in DSP salaries, *but only DSPs employed by the State*, with a 13% wage increase in FY 2023 and an additional \$50 million increase announced for FY 2024, which will increase wages by \$4,000 upstate and \$6,000 downstate. This latest increase for state workers mirrors the DSWE that NYDA proposed but leaves out 85% of the workforce.

The current starting wage for State OPWDD workers, following the increase in FY 2023 is \$21.13 for upstate and \$22.59 downstate. The new increase will bring starting wages for State workers to slightly over \$23/hour upstate and \$25/hour downstate.

Meanwhile, the staff providing the same services to the same people with I/DD, but employed by a not-for-profit provider agency, are starting at \$16.07/hour on average. This represents a wage difference of 35.5% upstate 43.5% downstate.

We fundamentally believe that this inequity must be addressed, and the same increase must be provided to non-profit sector workers, who support more than 85% of all New Yorkers with I/DD.

New York Disability Advocates, families, self-advocates, staff, and volunteers appreciate all your support, and we look forward to working with you to ensure that the critically needed investments of an 8.5% COLA and a Direct Support Wage Enhancement are included in the final budget.