S T A T E O F N E W Y O R K

10409

I N A S S E M B L Y

May 25, 2016

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to direct the commissioner of the office for people with developmental disabilities to study and report on the recruitment and retention of direct support professionals working with people with developmental disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The Legislature hereby finds that Direct Support Professionals (DSPs) are the lynchpin of the system of supports for people with developmental disabilities. These dedicated and skilled direct support professionals allow more than 100,000 New Yorkers to lead safe, fulfilling lives. More than 90% of all funding to support the salaries of these highly trained professionals comes from Medicaid or other state funds.

The Legislature further finds the current funding for these highly trained professionals is insufficient to pay a fair wage for the work these skilled professionals do, leaving these dedicated workers in short supply. Recent surveys by voluntary agencies employing these valued professionals indicate a high and increasing statewide vacancy rate, high and increasing staff turnover rates and increasing difficulty recruiting and retaining these valuable employees.

The Legislature further finds that women and minorities are the cornerstone of the direct support professional workforce in New York State. According to recent surveys, 73 percent of direct care staff are women and 56.5 percent are either African-American, black or of Hispanic and Latino origin. It is critically important that these skilled and dedicated professionals receive the fair wage they deserve, for the work they do.

The Legislature further finds that in his April 2012 Report to Governor Cuomo, Clarence Sundram, the Governor's Special Advisor on Vulnerable Persons, found that "a strong, well trained and committed direct support staff" is essential to safeguard and care for vulnerable individuals. In order to attract and retain such a workforce, and to ensure

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15398-03-6

appropriate recruitment, job training, coaching, motivation and the inculcating of core agency mission values in these front line workers by agency supervisors and managers as envisioned by the Sundram report, the Legislature finds not for profit agencies must be given the resources needed in order to pay these workers and front-line managers and supervisors a fair wage consistent with the responsibilities and duties these individuals perform.

The Legislature further finds that as a result of fiscal difficulties the state faced beginning in 2009, the state has failed to provide appropriate funding to allow not for profit providers to pay the fair wages these dedicated and skilled professionals deserve for the work they do.

The Legislature further finds that in order to begin to address the wage losses sustained by these dedicated professionals, and in order to ensure these workers receive a fair wage commensurate to their skill, training and heightened responsibilities, and to address the unacceptably high vacancy and turnover rates, which disrupts care-giving, lessens the quality of the lives of those with intellectual and developmental disabilities, and threatens health and safety, a funding mechanism needs to be established for DSPs in order to appropriately value the work they do.

The Legislature further finds it is necessary to quantify the factors having an adverse impact on the ability of providers of supports and services for people with developmental disabilities to recruit and retain qualified staff and on their ability to provide the supports and services necessary for their health, safety and happiness and an identification of the resources necessary.

S 2. The commissioner of the office for people with developmental disabilities shall develop and issue a report enumerating the causes of the high and increasing turnover and vacancy rates of Direct Support Professionals (DSPs) working with people with intellectual and developmental disabilities. Such report shall include an assessment of all factors which are causing the vacancy and turnover rates of providers of supports and services for individuals with intellectual and developmental disabilities to raise.

S 3. The report shall include identification of resources necessary to attract and retain a quality workforce, and the fiscal resources necessary to maintain a quality workforce in sufficient number to assure the health and safety of individuals with developmental disabilities and to reverse the unacceptably high vacancy and turnover rates.

S 4. On or before November 1, 2016, the commissioner of the office for people with developmental disabilities shall complete the study conducted pursuant to sections two and three of this act and shall thereafter deliver a copy of the findings of the study and any legislative recommendations he or she deems to be necessary, to the governor, the temporary president of the senate, and the speaker of the assembly.

S 5. This act shall take effect immediately.