

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:

1 Section 1. Legislative findings. The Legislature hereby finds that
2 Direct Support Professionals (DSPs) are the lynchpin of the system of
3 supports for people with developmental disabilities. These dedicated and
4 skilled direct support professionals allow more than 100,000 New Yorkers
5 to lead safe, fulfilling lives. More than 90% of all funding to support
6 the salaries of these highly trained professionals comes from Medicaid
7 or other state funds.
8 The Legislature further finds the current funding for these highly
9 trained professionals is insufficient to pay a fair wage for the work
10 these skilled professionals do, leaving these dedicated workers in short
11 supply. Recent surveys by voluntary agencies employing these valued
12 professionals indicate a high and increasing statewide vacancy rate,
13 high and increasing staff turnover rates and increasing difficulty
14 recruiting and retaining these valuable employees.
15 The Legislature further finds that women and minorities are the
16 cornerstone of the direct support professional workforce in New York
17 State. According to recent surveys, 73 percent of direct care staff are
18 women and 56.5 percent are either African-American, black or of Hispanic
19 and Latino origin. It is critically important that these skilled and
20 dedicated professionals receive the fair wage they deserve, for the work
21 they do.
22 The Legislature further finds that in his April 2012 Report to Governor
23 Cuomo, Clarence Sundram, the Governor's Special Advisor on Vulnerable
24 Persons, found that "a strong, well trained and committed direct
25 support staff" is essential to safeguard and care for vulnerable individuals.
26 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.

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

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

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

22 The Legislature further finds it is necessary to quantify the factors
23 having an adverse impact on the ability of providers of supports and
24 services for people with developmental disabilities to recruit and
25 retain qualified staff and on their ability to provide the supports and
26 services necessary for their health, safety and happiness and an iden-
27 tification of the resources necessary.

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

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

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

47 S 5. This act shall take effect immediately.