

# 2022 NYDA Legislative Priorities

NEW YORK  
**DISABILITY  
ADVOCATES**  
*Life. Supported.*

## INVESTING IN NEW YORK'S CARE ECONOMY

### COLA – 5.4% FOR FY 2023

Following a decade of provider agencies not receiving the statutorily required cost-of-living adjustment (COLA), the significant fiscal impacts of COVID-19 and the current level of inflation, **agencies' costs have increased significantly necessitating that the full 5.4% COLA be included in the State's FY 2023 Budget.**

Sizable cost increases related to mandated fringe benefits, repairs and maintenance, utilities, food, supplies, transportation, insurance, and other increases over the past 10 years have resulted in significant financial pressure on agencies. Additionally, since they are solely funded by Medicaid, agencies are unable to increase reimbursement. This has also directly led to the inability to invest in workforce wages for direct care workers and other essential front line staff, resulting in wage stagnation.

**NYDA BUDGET REQUEST: Accept HMH Part DD**

### WORKFORCE

**Continued and sustained investment in DSPs' salaries is essential to recruit and retain staff and for the future viability of the field.** The Executive Budget includes a proposal to make up to \$3,000 bonus payments to frontline health care and mental hygiene workers. This is a welcome proposal that will provide additional resources to help address the current workforce crisis.

#### NYDA BUDGET REQUEST:

**Advance amendments to HMH Part D to include part-time employees who worked on average at least 15 hours and reduce the top tier from an average of 40+ hours to an average of 35 hours.**

Additionally, in keeping with the Governor's stated commitment to address the low wages for frontline healthcare and mental hygiene workers, it is crucial that Direct Support Professional salaries be considered in any SFY 2023 budget discussions about increasing wages in order to support a strong, stable and equitable healthcare and mental hygiene service delivery system. Despite recent significant one-time investments to the I/DD field over the past several months, statewide average wages for DSPs remain at or below the statewide Fast Food Minimum Wage. We must work collaboratively to address the workforce shortages that exist and to support future higher wages for our Direct Support Professionals.

### ESTABLISHING A PERSONAL INCOME TAX CREDIT FOR DIRECT CARE STAFF

To address the significant workforce challenges of the I/DD and mental hygiene service delivery systems and to recognize the vital work that DSPs do to support individuals with disabilities, a personal income tax credit should be established to provide recruitment and retention incentives to these vital employees.

#### NYDA BUDGET REQUEST:

**Include S7643, which would establish a refundable personal income tax credit for direct care staff employed by provider agencies.**

## NURSES ACROSS NEW YORK

I/DD providers historically have had challenges in recruiting and retaining essential nursing staff. The proposed Nurses Across New York program will provide loan forgiveness for nurses working in underserved communities, which would support recruitment and retention.

### NYDA BUDGET REQUEST:

Amend HMH Part A to specify I/DD and Behavioral Health agencies are included as eligible places of employment for loan forgiveness.

## CAPITAL FUNDING

The Executive Budget proposes authorizing additional funds for the Statewide Health Care Transformation Program and new funding for the Nonprofit Infrastructure Capital Investment Program, which was created to make targeted investments in capital projects that aim to improve the quality, efficiency, and accessibility of nonprofit human services organizations.

These investments by the state are vital to spurring innovation and efficiencies in the service delivery system to improve outcomes for individuals with disabilities.

### NYDA BUDGET REQUEST:

Accept the inclusion of the Nonprofit Infrastructure Capital Investment Program (NICIP), and amend the Statewide Health Care Facilities Transformation Program (SHCFTP) to include community-based intellectual/developmental disabilities providers that are authorized, approved and/or funded by OPWDD as eligible applicants.

## RECRUITMENT AND RETENTION

The following strategies have been identified as NYDA budget request priorities:



### Implementation of Statewide Recruitment Programs

Expansion of the current BOCES and Community College Programs statewide to create a pipeline for the DSP care field.



### Implementation of Credential and Career Ladder Programs

- **Credential Program** – Advance language in the SFY 2023 Budget to implement a statewide standardized DSP credential program.
- **Career Ladder** – Advance language in the SFY 2023 Budget to establish a career ladder program, which will provide a pathway to an associate's degree in the human services field for current DSPs.



### State of New York Advocacy for New Federal Standard Occupational Classification for Direct Support Professionals

Which would provide metrics for planning purpose.



### Regulatory Reform Proposals as Suggested by the Arc New York in the areas of:

- Hiring, Training and Evaluation of Staff
- Supportive Apartments
- Medical/Nursing Documentation
- Emergency Drill Streamlining

# 2021 NYDA SURVEYS

NYDA provider organizations recently conducted their annual statewide workforce survey. The 2021 survey results reflect the period from January 1 through April 30 and capture data from 118 providers responsible for well over 60% of statewide disability services program funding. This year, a few new questions were added to capture the impact of COVID-19 and the workforce shortage on people who receive services and the staff who provide those services.

## APRIL 2021 SURVEY RESULTS

As of April 2021 – the average statewide DSP Staff Vacancy for NFP Providers	24.75%
Region 1 (NYC Metro) %	18.29%
Region 2 (Capital Region and Mid-Hudson) %	27.33%
Region 3 (Central New York) %	25.77%
Region 4 (Western New York) %	27.61%
Increases in Average Statewide Staff Vacancy Rate from pre-pandemic through January 1, 2021–April 1, 2021	74.3%
Agencies reporting senior staff had to cover shifts due to staffing shortages from January 1, 2021–April 1, 2021	69.2%
Agencies that had to close programs or reduce operations due to staffing shortages	47.9%
Agencies reporting programs not opened due to staff shortages	39.32%
Agencies reporting a decrease in job applicants	93.16%

## OCTOBER 2021 SURVEY RESULTS

% of NFP Agencies have seen an increase in staff vacancies since April 2021.	66.14%
% of Provider Agencies reported that they have had to close or modify programs over the past year due to financial hardship.	49%
% of Provider Agencies reported that over the past year, they have attempted to expand program offerings, but have been unable to do so because of staffing shortages.	77%
Vacant DSP positions at NFP agencies - Statewide	23,563
% of provider agencies report that they had DSP staff vacancies in excess of 20%	50%
% of Agencies Statewide reporting staff vacancy in excess of 40%	10.5%
% of agencies report a decrease in the number of job applications.	93.1%

# NYDA WAGE SURVEY DATA

The average Starting Wage for DSPs Statewide is approximately 3.45% lower than the State's Fast-Food Minimum Wage.

AVERAGE/STARTING WAGE BY REGION					
Region	Average Starting Wage	Industry Average Wage	Fast Food Minimum Wage	DSP Starting Wage Compared to FF Min Wage	DSP Job Vacancies
Long Island	\$15.27	\$16.20	\$15.00	1.80%	3,896
New York City	\$15.80	\$16.67	\$15.00	5.33%	4,066
Mid-Hudson	\$14.37	\$16.12	\$15.00	-4.20%	3,992
Capital Region	\$14.11	\$14.79	\$15.00	-5.93%	2,518
Mohawk Valley	\$14.79	\$15.71	\$15.00	-1.40%	1,200
Central	\$13.91	\$14.57	\$15.00	-7.27%	988
North Country	\$14.30	\$16.15	\$15.00	-4.67%	1,072
Southern Tier	\$13.98	\$15.00	\$15.00	-6.80%	719
Finger Lakes	\$14.34	\$15.17	\$15.00	-4.40%	1,584
Western	\$13.96	\$14.75	\$15.00	-6.93%	3,740

Note: Beginning 7/1/21 the Fast Food Minimum Wage in NYS is \$15/hour statewide