



Testimony on spending at the Office for People with Developmental Disabilities

Before:

New York State Senate Task Force on Government Efficiency
Chair, Senator Jeff Klein

Testimony Submitted by
Fran Turner

Thank you for allowing us to submit testimony for your hearing regarding spending practices within the Office of People with Developmental Disabilities (OPWDD). As you may know, CSEA represents approximately 17,500 employees within OPWDD, a larger percentage of who are direct care workers. Many of these members have made a career out of caring for individuals with developmental disabilities. They do this not only for a paycheck, but because they truly care about those that they care for. These employees provide stability and consistency of care to individuals with developmental disabilities who may otherwise have no other options. CSEA's advocacy on issues within OPWDD not only benefits CSEA members, but also creates a better quality of care for consumers.

When the *New York State Senate Task Force on Government Efficiency* issued its report regarding OPWDD, CSEA was disappointed that no attempt was ever made to discuss these issues with us prior its release. CSEA has always been very vocal on the issues that affect the quality of work for employees as well as the quality of care that consumers receive. We would have been happy to discuss how current policies effect direct care workers, however, we were never given this chance. Had you discussed this with us, you would have known that we have long criticized excessive and widespread abuse of mandated overtime which is directly caused by understaffing. However, instead of discussing these issues with us, you chose to issue a report that blames employees for working excessive amounts of overtime without examining why overtime was so high.

The state has always been the provider of last resort. They care for individuals who many times have a severe medical disability in addition to a developmental disability. Not-for-profits, on the other hand, have traditionally taken only those who have less intense needs and who require less intense supervision. Your recommendation that the state utilize more voluntary organizations in place of state workers is not practical for this reason. Not-for-profits have decided not to take on the hardest cases and it is up to the state to handle them. This population, however, is the most expensive population to deal with. Staff training is more intense, the clients require more staff to care for them, and expensive medical care is the norm. For these reasons, costs will almost always be higher for the state when compared to the not-for-profits because the not-for-profits do not handle the same clients.

A news article that covered the release of your report quoted Senator Klein as saying, "If we can do it cheaper, then we should." First and foremost, CSEA will never apologize for the fair wages and benefits that we have negotiated for our members. While you may view fair wages as a negative, we view it as an investment in quality care. Fair wages and benefits allow the state to recruit trained and dedicated staff, which is essential when dealing with a population who many times has both a developmental disability as well as other medical problems. While employee cost can not be ignored totally, simply saying that we should use cheaper employees without looking at how this will impact client care is irresponsible. Your advocacy for replacing trained and qualified developmental aides, who make on average \$38,000 a year after twenty years of state service, is shocking. The families of clients who require care on a daily basis should be confident that the state is hiring the most qualified individuals to take care of the loved ones, instead of worrying that an employee was hired only because they were the least expensive person to apply for the job.

As a union that represents employees in both state-run OPWDD facilities as well as not-for-profits facilities, we have seen first hand the wage differential between the two groups of employees. We do not believe that the wages of state employees need to come down, as your report suggests, but rather that we need to lift up the wages of the employees in the voluntary organizations. The fact is that higher wages create a stable workforce, which leads to stronger bond between client and staff, and can lead to a better quality of care for the client. We have seen a correlation between the lower wages paid at the not-for-profits and a high turnover rate in the facilities. We estimate that not-for-profits see a turnover rate that is 3 to 4 times higher than turnover at OPWDD. High turnover only hurts the care of a client, and it should be minimized as much as possible.

CSEA takes exception with your description of overtime utilization by employees of OPWDD. While some employees of OPWDD may have increased salaries due to increased overtime, your report leads readers to believe that it is the rule and not the exception. For the most part, however, overtime use within OPWDD is mainly due to mandatory overtime caused by poor staff hiring practices, causing facilities to be severely understaffed. For years CSEA has been calling for additional hiring at OPWDD facilities, especially for direct care employees. Many employees are forced to work

double shifts several times per week due to the minimal number of staff available. While the state is increasingly utilizing more per diem and part-time employees, this does not make up for the lack of full-time employees required within a facility. Over the long term, increased staffing will bring overtime costs down, relieve current employees of stressful 16 hour shifts, and will help maintain a consistency of care for consumers.

CSEA has long advocated for more reasonable work hours at these facilities. Not only does mandated overtime cause undue hardship on employees and their families but it creates a quality of care issue for the consumer. If an employee is on the 14th hour of a 16 hour shift their attention span will be shorter, their senses will be duller, and their ability to make rational decisions will be dramatically lowered. We have laws on the books for nurses, truck drivers and airline pilots but when it comes to caring for our most vulnerable citizens we have nothing to protect the consumer. We should not only be looking at overtime use from a dollar and cents perspective, but also as a safety issue as well.

While your report does condemn the salaries that state employees make, nowhere in your report do you mention the large salaries that the CEOs of these voluntary organizations make. In a letter that we sent to this committee on June 10, 2010 we attached a list of salaries for numerous CEOs for various not-for-profit facilities throughout New York State. Shortly thereafter, the Albany Times-Union ran a story on these salaries as well. To argue that voluntaries are performing these services more cheaply than state employees, when you ignore the salaries of their CEOs, which are being subsidized by tax dollars, is dishonest.

Working with the state, we are proud that we have been a part of the transformation of the system for those with developmental disabilities. We have been partners in working with the office to move more clients from facilities back into communities where they can lead lives that are as normal as possible. We would like nothing more than continue to make New York a model for care throughout the state. However, when reports are issued that show a lack of regard for the consumer who needs the services and is a slap in the face to state workers who go to work day-in and day-out and service these consumers, it is very difficult for us to feel that we are part of the solution instead of being made into a problem. We look forward to discussing these

issues with you in further detail so we can find a solution that will increase client and employee safety, as well as create more reasonable costs within the office.