

Written Testimony on behalf of DC37, AFSCME, SEIU Local 200, RWDSU/UFCW Local 338, CSEA

Joint Legislative Public Hearings on the 2025-2026 Executive Budget Proposal Human Services & Mental Hygiene

We provide the following testimony on behalf of the over 10,500 direct service professionals represented by District Council 37, AFSCME, SEIU Local 200, RWDSU/UFCW Local 338 and CSEA. These members provide direct care to the developmentally disabled New Yorkers in a variety of healthcare and living settings. DSPs provide critical care which is both physically and emotionally challenging, these workers allow our family members and fellow New Yorkers to live in dignity but are forced to work for undignified wages.

Our members are employed by various agencies funded in whole or part by the OPWDD. Due to years of underfunding and structural complexities that have allowed for the funding earmarked by the legislature to address the low wage scale of these workers to be used for other agency needs, our members continue to face low and often unlivable wages. In 2024 the legislature and the Governor included language in the final budget that required at least 1.7% of the total 4% COLA went directly to salary increases for non-executive staff. This was a crucial step forward in addressing the low wages that for years have been driving a recruitment and retention crisis across this workforce.

We urge the Governor and the legislature to continue the work they began last year to ensure that the funding intended for workers goes directly to workers so they can afford to continue their crucial work caring for some of New York's most vulnerable residents.

Our ask is:

- A total 7.8% increase with at least 4% for the sole use of increasing wages/salaries of non-executive staff
- inclusion of the following language:

Notwithstanding any inconsistent provision of law, subject to the approval of the director of the budget and available appropriations therefore, for the period of April 1, 2025 through March 31, 2025 the commissioners shall provide funding to support a seven point eight percent (7.8%) increase in funding to all eligible programs and services under this section for all eligible programs and services as determined pursuant to subdivision five of this section.

Each local government unit or direct contract provider receiving the cost-of-living adjustment established herein shall use such funding to provide a targeted and permanent salary increase of at least 4 percent (4%) to non-executive direct care staff, non-executive direct support professionals, non-executive clinical staff, and non-executive administrative staff.

Each local government unit or direct contract provider receiving the cost-of-living adjustment established herein shall have the flexibility to use the remaining 3.8% in funding to support eligible programs and service, but are not prohibited from using such funding for additional wage increases for eligible non-executive staff.

Each local government unit or direct contract provider receiving such funding for the cost-of-living adjustment established herein shall submit a written certificate, in such form and at such time as each commissioner shall prescribe, attesting how such funding will be or was used for purpose eligible under this section. Further, providers shall submit a resolution from their governing body to the appropriate commissioner, attesting that the funding received will be used solely to increase the hourly and/or salary wages of non-executive direct care staff, non-executive direct support professionals, and non-executive clinical staff.

Our members provide critical care for adults with any number and combination of developmental and physical disabilities that require varying degrees of care and coordination with medical providers, physical and occupational therapists, work programs, social activities, and family support. Our job titles include medical coordinators, rehabilitation assistants, case managers, cooks, drivers, teachers, and therapists. Caring for our most vulnerable people takes communication, experience, empathy, skill, training, and organization.

Unfortunately, the wage scale for the direct service workers has been artificially suppressed for many years at the state level. When McDonald's, retailers, and even Amazon increased their salary scales to attract workers during the Covid economic downturn, our workers and agencies were unable to make similar adjustments to attract more workers or to retain workers. Although our workers were deemed essential, not all received their promised retention bonuses. The low wages have also contributed to agencies' ability to retain the existing staff. Worker shortages and difficulties in retaining workers make the likelihood of a worker staying in a position low, causing instability in the continuity of care for the patients.

Worker retention is so important to the mental and physical health of our members. Some have reported that they could make more at other jobs with much less stress and responsibility. We hear from our members that they must do mandatory overtime, or work for more than one agency to make enough money to pay their bills. Direct care work is not for everyone, but certainly those who have the skill, the temperament, the ability to provide for the personal needs of our most developmentally disabled neighbors should be able to at least support themselves and their families with a livable salary.

The Executive Budget proposes a 2.1% Inflationary Increase without a mandated amount required for worker pay increases. This is an unreasonable starting point considering the increased cost of living pressures that all New Yorkers are facing. The Executive Budget also fails to include the language passed in the 2024 budget to ensure at least a specified portion of the funding goes directly to workers. In past years we have seen how the flexibility of this language allowed agencies to address “other critical non personal service costs”, leaving insurers, administrators, and agency executives ample opportunity to funnel the funds into other priorities. These other priorities, such as parking tickets or administrative costs, do not adequately solve the recruitment and retention crisis the direct care industry is experiencing. More and more direct care employees are leaving this important work because they do not feel valued by their employers or OPWDD.

We strongly believe that agencies require additional funding to address operational and other costs to adequately address the recruitment and retention crisis. This is why we support an additional 3.8% increase on top of the 4% exclusively for non-executive staff pay.

This year, New York must pass a 7.8% COLA, at least 4%, of which must go directly into the hands of the employees performing this essential job. It is crucial that we build up the language of the 2024 budget not go backwards to ensure that agencies cannot continue to ignore the needs of their workers and ensure our direct care human service workers receive earnings that reflect their value to our communities.