

New York State Report – Addendum

By Hugo Dwyer

In politics, New York has had two events worth noting. The first was the publishing of a document by the NY State Assembly Minority Task Force on Protecting the Rights of People with Developmental Disabilities, called the C.A.R.E.S. Plan, which stands for Championing Aid, Rights, Equality and Services. As if this were not already enough to read in and of itself, the report is subtitled, “A Report on the Olmstead Decision & Its Impact on the State’s Developmental Disability Community.”

As remarkable as all of that sounds, what really stands out in this document is that the language the task force uses regarding the misinterpretation and misrepresentation of Olmstead sounds exactly like many of VOR’s own assertions about Olmstead’s misuse. The task force speaks of the way Olmstead has been used in NY State to close ICF’s instead of to protect them, as is explicitly written in the decision. It goes on to talk about how the movement to close sheltered workshops is following the same pattern of misrepresenting the law. I would encourage all VOR members to read this report. The task force’s C.A.R.E.S plan may be viewed at:

<https://drive.google.com/file/d/0BxUdKULIVC3fQnFMcHdhZVF5RXc/view>

The second political story came as the result of a concerted effort put forth by a campaign entitled #Fair2DirectCare, which was organized by coalition led by People, Inc. that included an assortment of other groups, and was led in the Assembly by the Western New York Legislative Delegation. This effort came in response to the state’s planned increase in the minimum wage. Direct Support Professionals (DSP’s) are not covered by this increase, as their salaries are paid through the 50-50 state/federal Medicaid system. If the state did not increase the amount it contributes to these workers, they would receive less money for their work than do most people at fast food restaurants or other entry-level jobs. In New York, even with modest overtime, this is less than a living wage.

Governor Cuomo and the State Assembly approved a \$55 Million allocation for the DSP’s. Quoting from an article from WIVB TV in Buffalo:

“The #Fair2DirectCare campaign is an example on how advocacy works. More than a year ago, direct support professionals (DSPs), individuals with developmental disabilities, family members and self-advocates banded together forming the #Fair2DirectCare campaign to educate members of the WNY State Legislative Delegation about the vital work of DSPs and to advocate for a living wage. On March 28, 2017, the effort culminated in a #Fair2DirectCare event at the New York state (NYS) Capitol, where it was announced by Governor Cuomo that funding to raise the wage of DSPs in the developmental disabilities field has been agreed to as part of this year’s NYS budget. People Inc. also views this announcement as a celebration of DSPs and their vital work.”

The \$55 million the Governor referenced is the state share (to be matched with federal Medicaid dollars, where applicable) of an investment in wages projected to take effect January 1, 2018. These resources would be given to DSPs, equaling a 3.25 percent increase. A second 3.25 percent increase is projected to be given to DSPs effective April 1, 2018. These funds will help to fund DSP wages and represents a two-year 6.5 percent commitment. It is an outstanding step toward the creation of the living wage #Fair2DirectCare supporters have sought to take effect over a period of six years.”

- <http://wivb.com/2017/03/29/governor-cuomos-plan-to-include-55m-in-state-budget-big-win-for-direct-care-workers>