THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

PUBLIC HEARING OF THE ASSEMBLY STANDING COMMITTEE ON PEOPLE WITH DISABILITIES

"Access to Residential Placements for New Yorkers with Intellectual and Developmental Disabilities"

November 3, 2025
Testimony by Wayne Spence

Good afternoon Chairperson Santabarbara and other honorable members of the Legislature. My name is Wayne Spence and I am the President of the 55,000-member strong New York State Public Employees Federation (PEF). I want to thank you for the opportunity to speak to you about access to residential placements for New Yorkers with intellectual and developmental disabilities. Our union is composed of professional, scientific and technical experts who provide critical services to the residents and taxpayers of New York State, including staff at the Office for People with Developmental Disabilities (OPWDD). PEF members take a great deal of pride in their work and the care they provide to New Yorkers.

Closure of State Operated Residences

It is obvious, but the continued closure of state-operated residences is one of the biggest factors impacting the availability of residential placements for individuals with developmental disabilities. Since 2020, more than 120 state-operated residential programs for individuals with developmental disabilities have closed or suspended services (see CHART 1). The inability to secure sufficient staffing has resulted in the movement of hundreds of individuals with developmental disabilities away from their long-term caregivers, their home communities and their families. It has also reduced the housing stock available for new service recipients in need of residential placements with the state. This leaves clinical staff and families with a Hobbesian choice – place their loved one in the housing option provided by the agency that is far from their families or move them back home, an often-unrealistic option.

As these closures accelerated during the pandemic, OPWDD cited a lack of direct care staffing, as well as dilapidated facilities and lease expirations as the rationale. But the retention of direct care staff is as much to blame as recruitment -- the biggest problem for retention is excessive mandated overtime. OPWDD has made significant improvement in being more transparent about residential suspensions and new initiatives. They have also set up joint labor/management committees with PEF and CSEA to strategize on recruitment and retention of new employees. This is much appreciated by PEF.

Clearly, rural areas have seen the greatest loss of residential homes. In these areas, service recipients are usually moved to homes far away from their families and, in most instances, far away from the other residents and caregivers they have known their whole lives.

CHART 1: State-Operated OPWDD Residences Closed and Reopened Since 2020[1]

DDSO	2020	2021	2022	2023	2024	2025	Total Closed	Total Reopened
Finger Lakes	1	11	3	8	2	7	32	15
Western NY	3	11	7	6	8	3	38	15

[1] Data supplied by OPWDD at PEF's request.

Broome	2	1	1	1	0	0	5	5
Central NY	6	17	2	7	6	3	41	0
Sunmount	2	3	2	3	2	0	12	1
Capital District	0	4	1	0	4	1	10	6
Taconic	2	5	4	4	1	1	17	4
Hudson Valley	1	5	1	1	2	2	12	6
Staten Island	0	2	0	0	0	0	2	1
Metro NY	1	0	0	0	0	0	1	0
Brooklyn	0	0	1	0	0	0	1	1
Bernard Fineson	0	2	0	0	0	0	2	0
Long Island	0	1	0	0	0	0	1	2
Total	**18**	**62**	**22**	**30**	**25**	**14**	**175**	**54**

Not depicted in the above chart is the loss of homes with 24-hour nursing care. These closures further limit new admissions and opportunities for service recipients that require 24-hour nursing care. For most of these service recipients, the only other choice is to go into a nursing home. Nursing homes do not provide the atmosphere, support or services most OPWDD service recipients require to thrive, much less survive.

While OPWDD has reopened up some of the residential homes that were previously suspended, these openings are mostly filled with service recipients from other newly suspended houses, or releasees from state prisons, or repatriated young adults with severe needs. There are few new admissions coming into state residential houses due to lower availability.

OPWDD is creating new residential opportunities in Comprehensive Adult Transition Homes (CATH) to deal with high-risk individuals, many from out of state institutions, who need more specialized behavioral and clinical services before they are placed in traditional residential services.

In the end, OPWDD cannot hope to fulfill its own mission statement to allow service recipients to "live in the homes of choice and fully participate in their communities," if residential and 24-hour nursing care facilities continue to close.

Staffing

All stakeholders agree that adequate staffing remains a major concern. OPWDD can neither maintain an adequate housing stock nor deliver quality and effective services for service recipients without adequate staffing. PEF is appreciative that after years of continued reductions in staffing, new leadership at OPWDD has made strides to improve their overall staffing census. The state has rightly begun to address its long-standing staffing issues by reducing arbitrary barriers to hiring practices and improving compensation and benefits for employees. While more work is needed, the increase in staffing effectuated by OPWDD has resulted in fewer overtime hours for staff, lower overtime costs to the state and improved services for service recipients in state-operated residences and programs.

CHART 2: OPWDD Staffing Levels[2]

					Total Staffing for Period 2013-24		2023-24		
Select Agencies Year	Staff 2013	Staff 2021	Staff 2023	Staff 2024	2013 vs. 2024 Difference	2013 vs. 2024 Percentage	2023 vs. 2024 Difference	2023 vs. 2024 Percentage	Overtime Cost 2024
OPWDD	22,606	18,439	18,241	19,326	-3,280	-14.5%	1,085	5.9%	$234.6M

(Source: *NYS New York State Agency Use of Overtime and State Workforce Trends, 2015 – 2024*, Office of the State Comptroller, July 2025)

While OPWDD has made strides to address its long-standing staffing issues, the state is still spending more than $230 million annually on overtime. Even after reducing the overtime hours worked by staff by more than 650,000 hours in 2024, OPWDD still asked its employees to work 5.3 million hours of overtime to support baseline programs and services.

The reliance on mandatory and other overtime to cover shifts, to deliver services and to monitor service recipients is not cost-effective and significantly hurts worker retention.

CHART 3: OPWDD Total Hours Overtime Worked 2020-2024[3]

	OT Hours 2021	OT Hours 2022	OT Hours 2023	OT Hours 2024	OT Difference 2023 vs. 2024	% Change
OPWDD	5,377,977	6,208,658	6,047,354	5,394,450	-652,904	-12.10%

Solutions

(1) **Increase compensation**: OPWDD should increase compensation, offer hiring bonuses and other financial and non-financial incentives to attract and retain the staff necessary to support the state-operated residential facilities and to ensure the delivery of quality and efficient services to service recipients.

(2) **Repair Tier 6 of the pension plan**: The state's defined benefit pension plan is designed as a tool to retain workers. However, when Tier 5 and 6 members see the discrepancy in the benefit structure with their Tier 4 colleagues (i.e., higher contribution levels, lesser pension factor, overtime exclusions, etc.) or that they are ineligible to retire until age 62 or 63, respectively, they fail to see the value of the pension plan. While we have made some progress over the last few years by reducing the vesting period and going back to three

[2] See also, " NYS New York State Agency Use of Overtime and State Workforce Trends, 2015 – 2024," Office of the State Comptroller, July 2025

[3] See also, "*NYS New York State Agency Use of Overtime and State Workforce Trends, 2015 – 2024*," Office of the State Comptroller, July 2025

years to calculate the final average salary, more needs to be done. Chief among them is instituting a "55/30" benefit to allow members to retire without penalty after they hit age 55 or older and have 30 or more years of service. This gives workers in these difficult jobs the ability to see a light at the end of the tunnel.

(3) **Improve agency culture**: Workplaces have been different since COVID-19 and are losing qualified employees due to inappropriate workplace conduct. The state needs a legislative or regulatory policy to identify and eradicate inappropriate conduct in all state agencies. New York currently has a law requiring all state employes to undertake an education program to identify and eradicate sexual harassment in the workplace, but no training to identify and prevent other inappropriate workplace conduct. PEF is open to any and all solutions to this workforce problem as continued inaction is hurting the state's efforts to attract and retain staff.

(4) **Establish an OPWDD facilities improvement and expansion plan:** Securing affordable housing is a problem for many New Yorkers and PEF supports efforts to address those concerns. As mentioned, over the past several years, OPWDD has shuttered or "suspended services" at more than 120 state-operated residences for individuals with the most profound needs. It is for this reason that we must dedicate funds to address the continued closure or "suspension of services" at state-operated residences for individuals with developmental disabilities and allocate additional resources to acquiring new state-operated facilities to address the current and projected future backlogs.

In conclusion, we would like to note that the new leadership at OPWDD has been responsive to PEF and has been working with us to address many of these issues. PEF fully understands and appreciates that decades of neglect cannot be reversed overnight. However, the state has an obligation to New Yorkers with profound developmental disabilities and their families to provide adequate housing and services and programs to help them thrive -- to live out their lives in dignity and in proximity to their loved ones.

Thank you for the opportunity to share our concerns with you. We look forward to working with you to ensure that the final budget provides state agencies with the resources they need to help improve the lives of all New Yorkers.

Respectfully submitted,

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