

Questions and Responses

RFP Regional Centers for Workforce Transformation

May 12, 2014

1. Is there a clear definition / delineation of which positions are considered DSP?

a. No, not as of this writing—May 12, 2014.

b. There is significant interpretation in our field about the definition of DSP. Varied interpretations will continue until OPWDD issues an Administrative Memorandum (ADM) on the definition of DSPs and how the NADSP Code of Ethics, NYS DSP Core Competencies and related Performance Evaluations apply to them. Commissioner Kelley, understanding that there is no perfect time for ADMs, has decided not to issue the ADM just yet. There exists a prepared draft ADM that will likely undergo some changes once it is released to the Provider Council for comment. The guidance below, not the exact language expressed in the current draft of the ADM, is expected to be supported by the Regional Centers for Workforce Transformation (RCWT) until an ADM to the field is published and indicates otherwise. The guidance is:

i. Direct support professional (DSP) is an umbrella term that includes many different titles and functions; for example: direct care, direct support worker/specialist/assistant/counselor, habilitation specialist, residential counselor, activities of daily living specialist, relief staff, apartment worker, developmental disabilities specialist, job coach, employment specialist, community bridge-builder, paid friend/neighbor, family care provider, family support services aide, community companion, personal assistant, etc. A person who performs one of these or similar functions for a salary,

stipend, or payment for services rendered is considered a DSP.

- ii. New York State's Consolidated Fiscal Reporting (CFR) defines direct support professionals under the rubric of "Direct Care Staff" within the following Code numbers: 201, 207, 254 and 290.
- iii. Direct support professionals are distinct from natural supports and volunteers who provide some level of assistance to persons with a developmental disabilities without monetary compensation from public sources.
- iv. The adoption of the NADSP Code of Ethics and the creation of the NYS DSP Core Competencies and performance evaluations recognize that services are changing emphasis from congregate to individualized supports. Because of this, DSPs must be able to think for themselves, exercise ethical judgment and be skillful in ways that are useful and important for the individuals. Mastering the core competencies is especially important for those DSPs not working in congregate settings.
- v. The adoption of these Core Competencies will provide a standardized set of expectations to properly identify and advance the profession of direct support. A consistent, high expectation of performance also encourages greater quality of supports, an opportunity for portability of skill transfer between and among service providers, a sharp focus on people-first services and a method that encourages the achievement of self-directed personal outcomes.

2. *Is DSP differential compensation in agencies for incremental capacity achievement an expected outcome of RCWT?*

- a. No. A RCWT is not responsible for ensuring that compensation increases related to the DSPs gain of knowledge, skills, achievements and credentialing.
- b. Many of the "other highlights of a successful RCWT" indicate leading practices that already exist in New York among agencies considered to be workforce champions. There are New York service providers who, in these financially difficult times, offer DSPs post-secondary educational opportunities and competency-based trainings based on nationally validated

standards, and these agencies reward success with career lattice titles, bonuses and base-wage increases. Many of the bulleted “highlights” are stretch goals for service providers all over our state, and RCWT are expected to identify regional leading practices in this regard and encourage other providers to consider the same or similar efforts.

c. Part two of your question is: will there be State and Federal sources to support this initiative?

i. We hope so.

ii. The current NYS Budget has given OPWDD a Legislative mandate to study and recommend a DSP credentialing process that will help stabilize this large segment of our workforce and meet the transformation goals of involving individualized supports. OPWDD’s research and recommendations will include costs that are needed from State and Federal sources to support these efforts.

3. Will the Frontline Supervisor Core Competency Set be rolled out at the same time as the DSP Core Competencies?

a. No, assuming that you mean the Frontline Supervisor Core Competency Set will be mandated as the DSP Core Competencies are being required.

b. Last year, the University of Minnesota’s Research and Training Center (UMN-RTC) developed and nationally validated the Frontline Supervisor Core Competency Set (attached).

c. With permission from UMN-RTC, OPWDD’s Talent Development Consortium (TDC) workgroup modified the order of the eleven competencies and some of the wording and is recommending adoption by New York. The most current draft is attached. So far, OPWDD’s disposition on the document is that it is extremely useful but it is not mandated. Noteworthy among the competencies of both UMN-RTC and New York is the primacy of “Direct Support” as a key competency for Frontline Supervisors.

d. Service providers who have already begun the rollout of the DSP Core Competencies have learned that the success of rolling out the DSP Core Competencies hinges on Frontline Supervisors’ understanding of and commitment to the DSP Core Competencies.

4. Can OPWDD provide a list of agencies with contact information within each of the regions?
- a. Yes. These lists of agency contact information will be made available to any applicant who requests them specifically no later than June 2, 2014
 - b. Requests for one or more of agency contacts in the regions must be made directly to: Regis.M.Obijiski@opwdd.ny.gov by applicants by cob June 2, 2014.
5. Are OPWDD-operated programs within the regions expected to be included in the scope or plan of action?
- a. State Operations has a separately defined rollout plan for the Code of Ethics and the Core Competencies that have a similar organizational cascading method as is being recommend to all service providers in the [DSP / Rollout Kit](#) on the OPWDD website among [Resources and Tools](#) .
 - b. RCWT will be expected to invite participation not only from the DDRO directors from the DDSOO directors and their designees. Current lists will be provided to contract awardees.
6. What are OPWDD efforts with the NYS DOL regarding recognition of direct support profession as a distinct and legitimate occupation and how can the RCWT complement these efforts?
- a. When OPWDD's Talent Development Consortium by consensus assumed that service providers would have fully adopted the DSP Core Competencies and all direct support professionals demonstrated satisfactory performance with the developed Performance Evaluations, OPWDD met with NYS DOL Commissioner Rivera and his deputies in 2013 to seek occupational recognition. DOL's response was that our field had too many titles and criteria too varied for DOL to declare occupational recognition. DOL did acknowledge the [DSP competency-based apprenticeship](#) program that was upgraded in February 2013 from an earlier (2006) time-based version. Acknowledging that their apprenticeship program is robust, DOL was willing to consider direct support professional initial certification to everyone in the field who satisfactorily passed an standardized performance evaluation based on the OPWDD's

DSP Core Competencies. That concession is tantamount to occupational recognition. Since that time, OPWDD has extended full compliance with the Core Competencies and attending Performance Evaluations to April 2017.

- b. The RCWT can assist with and complement these efforts by enlisting service providers to meet these expectations even before April 2017. Demonstrating significant numbers of DSPs completing this requirement, OPWDD will have a strong case to present to NYS DOL for occupational recognition. Currently, DOL, Workforce Investment Boards and other know DSPs, who represent 80% of our workforce, as workers who are like home health care aides, like certified nursing assistants, like personal care attendants, like.... In the eyes of policy makers and funding authorities, DSPs are not recognized for who they are. OPWDD, RCWT and service providers in our state are positioned to make that important change.

7. Are Frontline Supervisors (FLS) excluded from meeting the performance standards of the Core Competencies? Are FLS omitted intentionally from this requirement? Is this an oversight? When will FLS Core Competencies be released?

- a. OPWDD acknowledges that Frontline Supervisors
 - i. have a variety of titles among service providers;
 - ii. have one of the most difficult jobs in our system because they are neither administration nor direct support exclusively, but they are both—being responsible for policy and practice at the same time;
 - iii. are the policy filters of the administration and the reflection of day-to-day performance of the people they supervise;
 - iv. are the most significant culture pivot points in an organization, carrying the power to make or break almost any culture enhancing initiative; and
 - v. are those who were promoted into their positions because they were excellent direct support professionals.

- b. For the reason listed above, the RCWT have learned that successfully introducing the Core Competencies to DSPs in congregate settings requires that FLS understand the Competencies, embrace them and teach them.
- c. OPWDD adopted and modified the University of Minnesota's [Frontline Supervisor Core Competency Set](#)—eleven nationally validated competencies. Among the eleven FLS core competencies is a proficiency with DSP Core Competencies. New York's version, still in draft form, changed the order of the UMN competencies and some of the wording. OPWDD has not yet authorized its version of FLS competencies because of the enormous task we face rolling out the DSP Core Competencies. There is no current discussion on mandating the FLS Core Competencies, but we are encouraging agencies to prepare their FLS staff with these competencies. In fact, there is a small group of agencies in our state that are preparing to graduate a cadre of FLS and possibly advance them as the first FLS in United States to attain a FLS national credential with NADSP. Until the NYS FLS Core Competencies are released at some point in the future, OPWDD is encouraging—not mandating—the use of the UMN FLS Core Competency Set.