



LINKS

ANCOR Links

September 9, 2013

Columns

CEO Perspective: DSP Recognition Week--Let Freedom Ring!

Renee L. Pietrangelo, PhD

DSPs are a critical part of ensuring freedom and inclusion for all. This week's National Direct Support Professionals Recognition Week celebrates all that they do.



I am very proud of the ANCOR National Advocacy Campaign's Direct Support Professional Recognition Week and the robust activity it has energized across the country by our member organizations.

The heartfelt and creative activities planned for this week celebrate freedom, the single principle in American life that engenders both tremendous opportunity and profound obligation.

Freedom gives us the opportunity to do great things; to change the world; and to make a difference in people's lives.

Day by day, hour by hour, moment by moment, direct support professionals use their freedom to work for the freedom of others.

ANCOR's National Advocacy Campaign is the driving force behind DSP Recognition Week, and has worked to galvanize our member organizations and thousands of others across the U.S. to help raise awareness about and take time to recognize and thank direct support professionals.

You have answered the call in many creative ways, supported by a record 35 Gubernatorial Proclamations acknowledging the commitment and determination of these dedicated professionals.

This week, we are profoundly reminded that real, enduring success does indeed emanate from the smallest, incremental, personal investments made by thousands of DSPs.

Every tiny increment in our struggle toward equality and fairness for people with disabilities is precious; every minor victory a springboard for fostering greater respect and understanding. DSPs are the linchpins to these efforts.

As servant leaders, it is incumbent upon us to translate our fundamental freedoms into bold actions. It's what the ANCOR National Advocacy Campaign has sought to do on behalf of the hundreds of thousands of direct support workers who make an extraordinary difference each and every day. To that end, we are indebted to and thank you for your continued and future voluntary support of the campaign.

Your support has helped us to recognize and raise awareness about DSPs and to seek improvements in compensation and training for these real heroes who day-by-day, hour-by-hour, moment-by-moment, make a meaningful, productive and inspired life in the community possible for millions of deserving people with disabilities.

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President's Corner: The Thin Caring Line

Dave Toeniskoetter

The work direct support professionals do is critical, but their role too often goes unnoticed and under-appreciated. This week's National Direct Support Professionals Recognition Week is an excellent time to thank your DSPs for their hard work, and to bring attention to the vital role they play.



The expression "Thin Blue Line" is sometimes used to refer to law enforcement personnel. For me, this expression suggests both the importance and the fragility of the role law enforcement personnel have in our society. They are the thin line standing between our orderly, civil society and the potential for chaos if our system of laws should break down. Let me coin a new expression: "The Thin Caring Line" to illustrate both the importance and fragility of direct support professionals (DSPs) in the lives of people with disabilities.

As a reader of *LINKS*, I'm sure you understand just how important the DSP workforce is in the lives of people with disabilities. Across our nation, over the past 40+ years, we have created and are still creating a robust network of services and supports that enable people with intellectual and developmental disabilities to live meaningful and productive lives in their communities. That's the good news. The bad news is that this network of services and supports is very fragile because it is entirely dependent upon the work of DSPs, and our workforce has never been more challenged than it is today. After years of frozen or declining Medicaid payment rates and soaring inflation in the cost of health care benefits

DSPs are hurting, and providers are struggling to hire and retain the direct support workforce we require in order to maintain our network of community services and supports.

The worse news is that much of our society and many of our elected leaders are unaware of the crisis within our direct support workforce. It is absolutely critical that we educate them about the "Thin Caring Line" and the risks to our network of services if that line is breached. That is why ANCOR's National Advocacy Campaign continues to be so focused on support for the DSP workforce.

Throughout this issue of *LINKS*, on ANCOR's website and on the ANCOR Connected Community you may read about the work our staff and member volunteers do to recognize the value of DSPs, most particularly through National Direct Support Professionals Recognition Week, September 8-14. Recognition activities are a way to say a much needed "thank-you" to DSPs, but they are equally important as a means to educate the American public and our elected leaders about the importance and fragility of The Thin Caring Line. Our investment in public recognition of DSPs will pay dividends when voters and elected leaders make difficult choices about the allocation of resources to support the people we serve.

By the time you read this message National DSP Recognition Week will have begun, and ANCOR members across our nation will join forces to thank and recognize our workforce. If you helped to obtain the U.S. Senate resolution or one of the 35 (and counting) gubernatorial proclamations in support of National DSP Recognition Week, thank you! If you participated in ANCOR's recent DSP Wage Survey, thank you! If you are looking for ways to get involved here are a few more:

- Participate in the DSP Recognition Week Virtual Rally on Tuesday, September 10.
- Register for the Workforce Matters summit meeting in DC, November 19-20.
- Nominate your best DSPs for recognition through ANCOR's DSP of the Year contest—watch for announcement of the 2014 contest this month.

Thanks for all you do to recognize the critical importance of our Thin Caring Line—the direct support professional workforce!

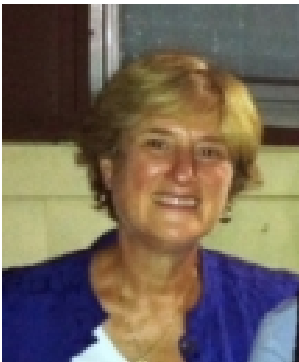
Author LINK: Dave Toeniskoetter is President and CEO of Dungarvin. He can be reached at dtoeniskoetter@dungarvin.com.



State Association Exec's Corner: Employer Burden under the ACA Delayed, but Not Dropped

Diane McComb

Certain aspects of the Affordable Care Act have been delayed. ANCOR is actively engaged in conversations regarding the implications of the ACA for our members.



The Obama administration recently announced a one year delay of the employer shared responsibilities under the Affordable Care Act. ANCOR applauds [this decision](#) to postpone the 2014 deadline.

The delay gives the administration and the Treasury Department time to consider issues raised, including ANCOR's comments proposing a tiered approach to penalties to account for Medicaid state rates that do not reflect increased costs of compliance. See more [here](#).

When implemented the employer shared responsibilities of the ACA will require businesses with more than 50 employees to provide health insurance to their full-time employees or pay a \$2,000 penalty for each full-time employee. Additionally, if at least one of the employees qualifies for a federal subsidy to purchase health insurance (someone with an income up to 400% of the federal poverty level, or FPL) additional penalties may apply.

Full-time employee is defined as someone who works an average of at least 30 hours a week.

Agencies providing home and community based services such as supported employment, meaningful day programs, residential and other long-term services and supports with more than 50 FTEs are dramatically and disproportionately impacted by the employer requirements under the ACA due to their revenue dependence on state Medicaid funding. In that most agencies in this category are essentially doing the work of the state through the provision of services under 1915 c HCBS waivers or 1115 waiver demonstrations they lack the ability to generate additional revenue to pay for the increased costs associated with the implementation of the Affordable Care Act.

All ANCOR members are paid through Medicaid or other state government funding with rates that are independent of actuarially sound practices. Rarely do agencies receive rates that cover the full cost of doing business. Since only a minority receives payment through private pay arrangements, there is no mechanism to increase the cost charged for the provision of services to offset the increased cost of health insurance.

The primary source of income of individuals with disabilities served by these agencies is most often supplemental security income. As such, the individuals served are not likely to be able to contribute more than they already do in paying for room and board in residential programs. Agencies licensed under Medicaid are prohibited from charging for services in which they are receiving reimbursement from Medicaid.

ANCOR is committed to the betterment of Direct Support Professionals (DSPs) working in this field and has engaged in a National Advocacy Campaign to raise awareness of the extremely low wages paid to this very dedicated workforce and to increase educational and training opportunities available. This workforce generally either lacks health insurance coverage or opts out of agency benefit programs as a result of not wanting or being unable to cover the premium cost. Direct Support Professionals work widely varying schedules that are often tailored to the individual needs of the people with disabilities supported. They are often employed by more than one agency and at differing rates of pay. This makes the FTE configuration particularly challenging to employers.

A 2013 survey of community agencies providing long-term services and supports to people with disabilities indicated only 4% do not currently offer health insurance to all their employees. Further, it is estimated that 10-50% of this workforce will fall within the 100% to 138% of FPL and will qualify for Medicaid in states that choose to expand coverage. Many others will qualify to purchase insurance through State Exchanges and receive a subsidy.

ANCOR is exploring multiple remedies to assist agencies in complying with the employer mandate of the ACA. We welcome the additional year to seek solutions that will boost DSP coverage options as well as address concerns related to compliance of the employer mandate on the part of agencies.

Agencies not already responding to the ANCOR ACA Employer Survey may do so by clicking [here](#).

Author LINK: Diane McComb is the Liaison to State Associations and can be reached at dmccomb@ancor.org.



Wage & Hour: Home-Like Environment Required For Some Employees Who Sleep Over

Joni Fritz

The Department of Labor requires employees be given a home-like environment when spending the night at work. That does not, however, mean they get their own apartment.



“Private quarters,” as required in a 1988 U.S. Department of Labor enforcement policy applies to employees who “reside on the premises for an extended period of time,” was discussed in a previous issue of *LINKS*. At the end of that article we promised to address the department’s requirements for a “home-like environment” which is closely tied to private quarters. Unfortunately, this definition is not quite as clear and could imply some things that it was not designed to and which were not followed up in writing.

By definition the 1988 policy says that “home-like environment” means “Facilities including ‘private quarters’ and also including on the same premises facilities for cooking and eating; for bathing in private; and for recreation (such as TV). The amenities and quarters must be suitable for long-term residence by individuals and must be similar to those found in a typical private residence or apartment, rather than those found in institutional facilities such as dormitories, barracks, and short-term facilities for travelers.”

For some people this implied that to work under this policy, employees who did not actually live on the premises “on a permanent basis” had to be provided with their own apartment with a private kitchen and bathroom. That was not the department’s intention. ***Rather, it***

meant instead that the “private quarters” or bedroom for employees who resided there “for an extended period of time (at minimum of eight hours over five consecutive 24-hour periods)” had to be in an apartment or group home setting. The kitchen and bathroom may be shared by others who live in the home. Bathrooms may not be used by more than one unrelated person at a time, however, and must have a lock on the door.

As it states in the definition itself, this type of staffing was never intended to be used in places like dormitories (which often have multiple toilet and shower stalls in bathrooms) or motels, the latter of which were sometimes being converted for housing for some groups of people with disabilities. The policy is just for staff of small community living arrangements, group homes and apartments.

1988 Policy does not apply to 24-hour duty or legal residences

It is important to note that the policy also does not apply to the long-existing federal regulations for employees who may agree not to be paid for sleep time because they work for periods of 24 hours or more under Section 785.22 or those who make their employer's premises their legal residence under Section 785.23. For a time DOL officials were mistakenly applying the policy to bona fide legal residential situations, but ANCOR obtained an opinion letter making it clear that that was an error and those rulings were reversed. There is more flexibility for employees in those situations.

Author LINK: Joni Fritz is a Labor Standards Specialist whose guidance is free to ANCOR members and to those who attend a Wage and Hour Workshop or participate in a teleconference she that has conducted. Any ANCOR member who wishes to make arrangements for consultation or workshops with Joni must first contact Barbara Merrill, ANCOR Vice President for Public Policy, for a referral at (703)535-785, ext. 103 or bmerrill@ancor.org.



This Month's Focus: Staffing

NADSP Staff Certification: Who, What, When, Where, How and Why it Matters

Carol Britton Laws

As DSPs seek recognition for their hard work, credentialing remains an important step in the professionalization of the field.



At NADSP we believe the most important measure of quality in support services is in the interaction between a DSP and a person receiving support. By obtaining a NADSP certification, a DSP demonstrates the knowledge, skills and values needed to be highly qualified to provide community-based supports and services. We believe that a DSP needs to have all three to ensure the highest quality: a DSP can have the values and the knowledge, but not the skill and therefore be ineffective in practice; a DSP can have the knowledge and skill, but not the values and therefore be unethical in practice; and a DSP can have the values and skills, but not the knowledge and therefore be uninformed of best practices. NADSP certification matters because it is based on accredited educational programs to ensure knowledge is current. It also boasts nationally validated competencies to guide the evaluation of relevant skills and a Code of Ethics to shape the DSP's values. The trifecta of quality. Interested? Here is what you need to know:

Who is eligible? All DSPs who have legally worked for at least six months and have a clean background check can start the process of becoming NADSP certified by completing the first step: being [registered](#) with NADSP. In honor of DSP Recognition week NADSP is offering tiered group discounts on registration for the month of September!

By early 2014 NADSP will also offer a parallel credentialing program for Frontline Supervisors.

What is NADSP Certification? NADSP recently changed our credentialing process to make it less daunting for DSPs to apply. We now have three levels after a DSP registers with us: NADSP Certification at the Initial Level (DSP-C-I) which requires 100 hours of education, a portfolio of four competency areas and \$100 fee; NADSP Certification at the Advanced Level (DSP-C-II) which requires an additional 100 hours of continuing education, a portfolio of 4 additional competencies and a \$50 fee; and the NADSP Specialist levels (DSP-C-III-S) in Inclusion, Health, Employment, Positive Behavior Supports, Mentoring and Supervision and Aging (coming soon!)

When can a DSP apply? One of NADSP's goals is to help encourage DSPs to stay with organizations that support them on the path to certification. NADSP requires a DSP to be employed for at least six months to become registered, one year of continuous employment to apply for the Initial certification level and an additional year to reach the Advanced level of certification.

Where can a DSP be employed? A DSP can work in any environment which will allow for the DSP to demonstrate skills in the [competency areas](#) recognized by NADSP. Further, DSPs in any state in the country can apply provided that they are receiving their 100 hours of education from an NADSP accredited program. For a current list of NADSP accredited training programs please see [here](#).

How can we get started? Find out all the details on DSP certification, training program accreditation and more on our [website](#).

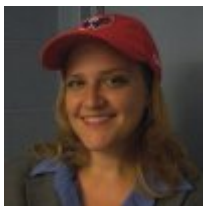
Carol Britton Laws is president of NADSP. She can be reached at carolbritton@gmail.com.



DOL Final Rules Improve Employment Opportunities for People With Disabilities

Katherine Berland

The Department of Labor recently issued final rules regarding employing people with disabilities. The new rules update regulations governing employment of people with disabilities in companies that contract with the U.S. government.



On August 27 the U.S. Department of Labor announced two final rules aimed at improving hiring and employment of people with disabilities and veterans. The new rules update requirements under Section 503 of the Rehabilitation Act of 1973 (Section 503 rule) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 otherwise known as the VEVRAA rule. These laws require federal contractors and subcontractors to affirmatively recruit, hire, train and promote qualified veterans and people with disabilities.

The changes to the Section 503 rule include a new hiring goal for federal contractors and subcontractors, requiring seven percent of each job group in their workforce be qualified people with disabilities. The rule also includes specific actions contractors must take in order to ensure workplace equality, which are similar to requirements currently in place regarding recruitment, training, record keeping and policy dissemination for women and minorities.

The changes to the VEVRAA rule include providing contractors with a quantifiable metric to measure their success in recruiting and employing veterans. Contractors are now required to annually adopt a benchmark based either on the national percentage of veterans in the workforce (which currently stands at eight percent) or a benchmark of their own based on the best available data. The rule also strengthens accountability and record-keeping requirements and clarifies job listing and subcontract requirements to facilitate compliance.

Though the rules contain specific percentages in their hiring goals, a DOL spokesperson was quick to point out the goals are not quotas. Patricia Shiu, director of the Office of Federal Contract Compliance Programs said "it is not a quota because if somebody does not actually attain the goal...there is no penalty, there is no fine, there is no sanction for not hitting the goal itself." She noted that the regulations are necessary in order to know who makes up the workforce, and the type of tracking that is required by the rules is only done voluntarily by a handful of employers.

The rules emphasize the importance the current administration places on ensuring that people with disabilities and veterans have the opportunity to participate in the country's workforce.

The Department of Labor press release is available [here](#).

The text of the Section 503 rule is available [here](#).

The text of the VEVRAA rule is available [here](#).

Author LINK: Katherine Berland is ANCOR's Director of Government Relations. She can be reached at kberland@ancor.org.



National Direct Support Professionals Recognition Week

It's not too late to celebrate your DSPs!



Still looking for ways to say thank you? ANCOR has some great resources and ideas posted [here](#). Be sure to share your photos and celebrations with us via the [ANCOR Connected Community](#) or on our [Facebook](#) page.



Member Musings

Board Spotlight: Bob Bond

We continue our series spotlighting ANCOR Board members. This month is Bob Bonds, Vice President of Government Relations for ResCare.

What brought you to this industry? Why the intellectual disability field?



My undergraduate studies were in Veterinary Medicine so I was looking for a field where I could apply my medical training. I found persons with intellectual disabilities to be open and honest people that I could relate to and felt comfortable working with.

What aspects of your work do you find most rewarding?

Being able to see individuals develop their own personalities and independence. We don't "change" people but playing a small role in creating an environment that allows people to change themselves through growth and development is quite rewarding.

What makes your organization unique?

ResCare is a company that promotes change and development rather than maintaining a status quo.

What innovative or new thing is happening/has happened at your organization?

ResCare was involved in a unique partnership as a large for-profit company teaming with a small non-profit company, state agencies and a public university to develop and market a tele-support system called Rest Assured. This unique system provides a number of capabilities including real time audio-video, tele-health and overall support services to a variety of populations.

Where do you see your organization in 10 years? What are the greatest challenges your organization must overcome to get there? How are you addressing those challenges?

As a leader in the field with a desire to grow, develop and provide new cost effective service delivery systems, ResCare will continue to evolve as the service delivery system evolves. As a larger company it becomes more difficult to be entrepreneurial and respond quickly to changes in the industry. To address this, ResCare's strategic planning initiatives are looking at changes in the delivery system, acceptance of more risk along with pay for performance and honing specific areas of expertise in order to not only be responsive to changes but to be an initiator of change.

What programs do you have in place to develop DSPs?

ResCare has its own orientation program that is in addition to that required by various states. Ongoing training, mentoring and skills assessment is provided. There is a program called Building Employee Skills for Success (BESS) which further enhances the direct care worker to assure they meet the standards to be called a Direct Support Professional. As many DSPs become front-level supervisors, ResCare provides training opportunities for DSPs to acquire knowledge and skills that allow them to be successful supervisors, which offers career and pay enhancement opportunities.

How has ANCOR membership affected your organization?

ANCOR has provided a number of benefits to ResCare, some of which include a platform to express national concerns for our entire industry, an opportunity to interact and communicate with other providers across all demographics (large, small, local, national, for-profit, non-profit, etc) and a dedicated workforce to address provider needs and concerns. The ability to generate issues and information from the local level (provider), coordinate at a state level (state associations) and address at a national level (ANCOR) is a vital process that would be a benefit to all organizations. I would recommend any agency become a member of ANCOR.

What do you wish more people understood about our industry?

I would like for people to realize that persons with intellectual disabilities have successes and failures in their lives just like anyone else. But having the opportunity to grow, develop and sometimes fail is a true measure of independence and living life to its fullest. We must avoid knee-jerk reactions that lead to unnecessary rules and regulations. Such over-regulation does not minimize risk, only opportunity.

Bob Bond is Vice President of Government Relations for ResCare, Inc. in Spencerville, IN. He can be reached at bbond@rescare.com.



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Comings and Goings

ANCOR member retirements and new appointments.



Tim Kral, Executive Director of the Oregon Rehabilitation Association, is retiring at the end of the month. Tim has been with ORA for over 25 years. Chris Burnett will be stepping into his shoes.




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Did you know: Office Depot

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Jamal Malone
National Children's Center



A Word From Our Sponsors

Recruiting with Benefits

Monica Ramirez

When looking for the edge in hiring talented and dedicated employees look towards your benefit package. Prospective employees are drawn to the positions that not only meet their financial needs but their healthcare, insurance, retirement and personal needs as well.

The best companies to work for are usually the ones with the best benefits. That's because benefits contribute to attracting, retaining and motivating employees. Salary alone is not enough to procure and preserve top talent for your organization.

It is essential to understand how important a competitive employee benefits package can be in order to recruit the best staff available to your organization. Although there is usually a significant cost associated with implementing a benefits program for your organization, there are ways of creating a program that works for you and your employees and stays within your budget. Sometimes you don't even have to spend anything for employee benefits.

Small and medium-sized organizations often have more difficulty hiring and retaining quality employees. In many cases, large companies can offer higher salaries, room for advancement and offer additional incentives in the form of fringe benefits. These larger companies are able to obtain benefits, such as healthcare, at a lower price than small and medium-sized companies because they can offer a high volume of employees. These group discounts often aren't accessible to smaller companies.

Group purchasing organizations (GPO's) can help leverage the purchasing power of a group of businesses or organizations by obtaining vendor discounts based on the collective buying power of the GPO members. Leveraging GPO's can result in better benefits, cost savings for the organization and cost savings for the employee. Many may be familiar with [ANCOR's own Shared Resources Purchasing Network](#), which in itself acts as a GPO; offering members, employees and person's served savings opportunities that would normally only be available to large corporations. Small organizations can even the playing field by utilizing the strength of a GPO.

Aside from budget, learning what employees need and want as a benefit is essential. The actual value employees place on various benefits is likely to change from one employee to another. For most, healthcare, retirement and paid time off are high on the list. Fringe benefits or "employee perks" also attract many employees, especially in the non-profit world, where budgeting is tight and salaries reflect that. Some employee perks could be subsidized cafeterias, discounts on products or services like the ones available through ANCOR's Shared Resources Purchasing Network, or fitness centers and off site recreational areas for employees and staff. There are many perks available and different ways of obtaining them, but one must understand the needs and desires of one's own team of employees to put together the right offerings.

Once you have put together a benefits plan that works for both your organization and your employees, you must, must, must communicate it with them. Employees need to know what is available before they can take advantage of the great benefits that they get through being employed with you. Even if they don't use it at the time, it is still important for employees to know that there are benefits available if and when they need them. Communication can be done through posting links and benefit descriptions on the company intranet so that employees can easily access it, or flyers placed in the benefits department, even a folder with a list of available benefits would get the message across. Some vendors have material already in place for you to distribute to your employees so feel free to ask them about announcement collateral.

Every company wants the best staff working with them but in today's economy, dollars are tight and organizations must do more with what they have to recruit and retain valuable employees. Healthy and happy employees increase the production capabilities of every organization. Whether large or small, companies should and can find creative ways to make benefits affordable and available.

Author LINK: Monica Ramirez is a Sprint Authorized Business Representative with Aims Communications. Sprint is offering comprehensive wireless products and services to ANCOR's members and their employees through ANCOR's Shared Resources Purchasing Network. For more information go to <http://www.ancorservicescorp.com/sprint> or call 888-745-4727.



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