



AGENCY OF HUMAN SERVICES

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

Commissioner's Office

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To: Representative Helen Head, Chair, House Committee on General, Housing and Military Affairs
Senator Michael Sirotkin, Chair, Senate Committee on Economic Development, Housing and General Affairs

From: Monica Caserta Hutt, Commissioner, DAIL
Mark Levine, Commissioner, VDH

A handwritten signature in black ink, appearing to be "Monica Caserta Hutt", written over the "From:" field.

Date: April 25, 2018

Re: Act 48 of 2013: Sunset of Self Determination Alliance

In 2013, the Vermont legislature passed Act 48, relating to independent direct support providers. This act amended Sec. 1. 21 V.S.A. chapter 20 and established the rights of independent direct support (IDS) workers who provide home- and community-based services to a service recipient and is employed by the service recipient, shared living provider, or surrogate [§1631(6)]. Included in their rights is the right to organize, form, join, or assist a labor organization for the purposes of collective bargaining without interference, restraint, or coercion [§1632 (1)].

At the urging of various aging and disabilities advocacy organizations, Act 48 also established the Self Determination Alliance (SDA) to advise the State on issues related to stabilizing the independent direct provider workforce and improving the quality of services provided to people with disabilities and elders who manage their services (Section 2). The SDA was comprised of service recipients from the affected programs including Choices for Care, the Traumatic Brain Injury Program, Developmental Services, the Attendant Services Program and the Children's Personal Care Program along with the Commissioner of Health or designee and the Commissioner of Disabilities, Aging and Independent Living or designee. Although there was no support structure established for the SDA, VDH and DAIL moved forward with outreach to try to recruit members for the SDA and was initially successful in assembling the required membership and a Chair was appointed by the Governor. It should be noted; however, that recruiting and retaining members proved to be a continual challenge and numerous efforts were made over time, including seeking assistance from provider and support agencies, consumer organizations and direct outreach to program participants.



The SDA was charged with advising the State about how to attract and retain a high-quality IDS provider workforce and to make recommendations to improve the quality, stability, and availability of the IDS provider workforce [Sec. 2 (c)]. Despite on-going challenges with recruitment, in January 2014, it produced a set of goals and recommendations that were presented to the Agency of Human Services (AHS) Secretary in time to be taken into consideration as the first collective bargaining agreement between the State and the Labor Union representing IDS providers, AFSCME, was being negotiated. These recommendations remain relevant today. By 2015, membership and engagement of the SDA dwindled and efforts to recruit new members were unsuccessful. DAIL has regularly discussed issues related to supporting and retaining a high-quality workforce, including IDS providers, with both the DAIL Advisory Board and the Developmental Services State Program Standing Committee. The Department of Health regularly receives feedback from the Children's Personal Care Services community via their staff who interact with the families and through the Vermont Family Network.

Section 3 establishes the repeal of the Self-Determination Alliance on June 30, 2018 and requires that prior to this date, members of the SDA shall review the purpose and membership of the SDA and report its recommendation on the future role of the Alliance to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs. Given that the SDA has not met in some time and efforts to recruit new members have been unsuccessful and considering that the SDA has fulfilled its purpose described above, DAIL and VDH are writing to support the sunset of the SDA. AHS will reference the recommendations developed by the SDA in future collective bargaining and both departments will continue to seek input about supporting IDS providers through our established methods. Please feel free to contact us if you would like to discuss this matter further.

Cc: Tracy Dolan, Deputy Commissioner, VDH
Camille George, Deputy Commissioner, DAIL
Ron Wild, Committee Assistant, House Committee on General, Housing and Military Affairs
Kayla Dewey, Committee Assistant, Senate Committee on Economic Development, Housing and General Affairs