

The state needs to re-evaluate the role of human services

by William J. Taylor

Human service workers are perhaps the most misunderstood and undervalued members of the Commonwealth's workforce. As an executive of a community-based agency serving people with disabilities, I see close-up how hard these caregivers work, how much patience the job demands and how little compensation they receive for a very demanding job.

I cringed when I recently learned that a powerful person at the State House had said that "anybody" can be a human service worker as "it's little more than babysitting!" Nothing is further from the truth. Unfortunately, I also learned that these remarks reflect the views of other State House officials who are grossly misinformed about human service work, especially those people who work in a group home. Government officials need to examine more closely what they expect of contracted-human service caregivers whom they often refer to as "partners" in caring for the state's most vulnerable citizens.

If it is true that powerful people in government view human service workers as unskilled labor—reflected in their low pay of often less than \$11 per hour, then these state officials should spend a day shadowing frontline human service workers. As part of their daily responsibilities, these caregivers make critical decisions about urgent medical needs, administer complex medication regimens, implement individual treatment plans, manage aggressive client episodes and interface with distraught family members.

Working alone with people with disabilities brings with it more than life's customary quantity of emergencies, ranging from a life-threatening choking situation to evacuating a burning building in minutes. Analyzing the seriousness of the situation, prioritizing actions and knowing just when and whom to call for help all require in-depth training and careful judgment.

The undervalued status of frontline human service workers is, however, just one part of a much larger and more complex question facing the state about human services: how equal is the so-called "partnership" between the Commonwealth and the contracted, community-based providers? Some 30 years ago, the state's health and human service officials decided to stop caring directly for the state's most vulnerable citizens and instead, to contract with private, community-based human service providers. The state established a Purchase of Service rate-setting process to determine the "fair" and "adequate" rates for services delivered by community-based agencies. But since the state dismantled the rate-setting office in 1988, it has ended cost-of-living raises for workers, while providers' contracts have failed to keep pace with inflation.

The Commonwealth is extremely vigilant in setting standards for community-based providers, investigating any perceived transgressions in the community-based system of care and implementing new regulations, often without any additional funding to cover the cost. On the other hand, the state is slow to take responsibility for establishing "fair and adequate rates" for services delivered by contracted human services providers who have not received a rate adjustment over the past 17 years. As a result, providers go to the legislators every year and ask them to pass a "salary reserve" so they can give their frontline workers a cost-of-living adjustment. The annual salary requests are extremely time-consuming and take too much precious time away from the caring mission at hand.

The Legislature, however, has an opportunity to correct this unfair situation. The state's three leading human service trade associations have filed legislation, H.2885, that would begin to treat providers as equal "partners" with the Commonwealth. Entitled *An Act Relative to Rates for Human and Social Service Programs*, it calls for the Executive Office of Health and Human Services to have the sole responsibility for establishing program rates that are reasonable and adequate to meet the costs incurred in running contracted, community-based programs. This legislation would help eliminate the damaging anecdotes dominating the decision-making process and informing our current rate-setting structure which have also contributed to the level funding that providers have endured.

I urge you to contact your area legislators and educate them on the complexity of running a community-based system of care. Legislators and state officials need to understand that caring for people with disabilities, children who are abused and neglected, those suffering from substance abuse and those who are homeless and hopeless requires more than "babysitters." The state can elevate the value of human services and put it on an equal level with all the other services it supports with the passage of H 2885!

William J. Taylor is the president and chief executive officer of Advocates in Framingham.

Welfare reform must support people who are disadvantaged

by Robert M. Coard

It has been 10 years since federal welfare reform swept the land, ending many existing protections for poor children and families. Many states, including Massachusetts, received waivers from enacting some of the harsher work requirements of the federal law. In October that state waiver will expire, drastically affecting the lives of the 49,000 people currently receiving state welfare benefits.

To avoid losing millions in federal reimbursement dollars, Massachusetts must rethink its welfare strategy. Two plans are currently before the legislature: one from the Governor and the other from Rep. Anthony Cabral and Sen. Cynthia Creem.

Governor Romney's plan (House Docket 4638) calls for 14,000 current welfare recipients to enter the workforce, including pregnant women in their third trimester, mothers with children older than age one and about 5,600 disabled parents. The Governor's plan requires parents of children ages one to five to work 20 hours-a-week. Currently parents with children age two and younger are exempt from work requirements. It mandates parents of children ages six to eight work 30 hours a week instead of the 24 now required, while parents of children over age eight must continue to work 30 hours a week. The Governor also calls for a five-year lifetime cap on benefits.

Legislative leaders called the governor's bill "dead on arrival," and we

hope they are right. The abrupt loss of assistance to thousands of our most vulnerable families who have severe barriers to employment has the potential to push them into hunger, homelessness and despair. We know that with the appropriate childcare, training and support, many welfare recipients can be self-sufficient—but the supports need to be there. Many of the disabled recipients affected by the Governor's plan would have great difficulty finding and keeping jobs in the current Massachusetts labor market. They want to work, but they may require specialized employment services and supported work settings. We need to help them prepare for and obtain meaningful employment without putting them or their children at risk.

In addition, childcare funding is grossly inadequate to support the current cadre seeking work. In June 2005, there were 14,407 families on the state's confirmed wait list for subsidized childcare in Massachusetts. The Governor's plan would send to work an additional 14,000 welfare recipients with approximately 24,000 children, including some with disabilities as well as infants between ages one and two for whom childcare is very expensive and difficult to find. But in the FY06 budget, Governor Romney vetoed more than \$4 million in childcare spending directed to low-income families.

To avoid the harshest elements of the federal law, Massachusetts needs a way to continue assisting families who would otherwise be denied benefits. The Cabral-Creem bill (H.3866/S.71), recently reported "favorably" out of the Children and Families Committee, does this by creating a separate state-funded assistance program to pay benefits to families who would not qualify for assistance under the federal rules. Some state money would be put into an account to cover people who cannot meet the requirements of the federal law. This assistance program will not cost additional money because it qualifies for the required "maintenance of effort" funds that the state must spend to receive the federal welfare block grant. Twenty-nine states and the District of Columbia have set up similar state programs such as this one to provide assistance to families who do not qualify for exemptions under federal rules.

Many people are poor because they lack education and job skills that meet labor market needs. Moving them into the market economy cannot happen overnight. It requires major federal, state and private sector investments in education and job-training initiatives along with provision for childcare, health insurance and transportation supports to assist parents during the transition to paid jobs. Right now the Massachusetts economy is short on jobs—especially those for entry-level, unskilled workers—unlike the situation 10 years ago when the arrival of federal welfare reform was accompanied by a more positive national economy.

As human services providers, welfare reform affects all of us. We have seen that current policies often replace the "welfare-poor" with "working-poor" families who remain trapped in poverty without the resources to improve their lives. We must continue to press for relevant education and training, adequate childcare, health insurance and transportation supports that will give poor families a footing in the marketplace and set them on the road to a better life.

Robert M. Coard is president and chief executive officer of Action for Boston Community Development, Inc. (ABCD).

Preserving the Dover amendment

by Gary W. Lamson

State legislators are now considering the Massachusetts Land Use Reform Act (S.164/H.3544), a bill viewed by human service providers and advocates as a concerted effort to overhaul the state's zoning and regulatory practices. All community providers—and in particular residential providers—have a stake in this legislation since it poses significant changes to the Massachusetts General Law, Chapter 40A, Section 3, more commonly known as the Dover amendment.

Like the federal *Fair Housing Act*, the Dover amendment recognizes that people with disabilities have the same right as all citizens to access housing in the community. Unfortunately, discriminatory attitudes, restrictive actions or other barriers, in effect, delay or deny them such access. In 1950, the Legislature enacted the Dover amendment to recognize the important place of religious and educational institutions in community life. Over time, the state began to extend the Dover amendment's educational exemption to cover land uses such as childcare facilities and residential programs for various groups who need supportive services.

The Legislature eventually included these additional land uses under the Dover amendment in order to protect unpopular entities or groups from exclusionary *Not In My Back Yard (NIMBY)* zoning practices selectively imposed by many local communities. Despite the growth of tolerance through decades of experience with community residences, the *NIMBY* phenomenon still persists. Citizens may agree in principle that people with disabilities deserve to live in the community, but when faced with the reality of a residence in their neighborhood, many will still attempt to block its siting.

Federal fair housing law clearly states that actions need not intentionally discriminate in order to deny access to housing. Federal law also prohibits actions that have the effect of

discriminating and specifically includes local zoning ordinances. Zoning requirements such as "special permits" and "site plan review" may appear reasonable and relatively harmless. We know from experience, however, that opponents effectively use such requirements to block siting of community residences through costly, burdensome additions and significant delays.

Providers and advocates who support the housing rights of people with disabilities will contest any return to exclusionary and restrictive zoning practices with costly, time-consuming litigation if necessary. But they find it unproductive to divert the scarce resources available to support community-based care to cover litigation fees—particularly to regain hard won protections granted decades ago!

Those of us who serve people with disabilities have a responsibility to stand with them and fight back whenever we discern a threat to their rights and community membership. Persuasive case law on the educational use exemption has helped us avoid many legal battles. Revisions to the existing Dover Amendment language would render those legal precedents irrelevant and open the door to future litigation, with no guarantee of a favorable outcome. We must not allow that to happen.

If you have not yet done so, I urge you to contact members of the Joint Committee on Community Development and Small Business and the Joint Committee on Municipalities and Regional Government. Ask committee members to strike the proposed legislative changes to the Section 3, Chapter 40A of the state's existing zoning law and preserve the Dover amendment on behalf of all those who need support and have a right to enjoy community life.

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