



Pennsylvania Advocacy and Resources  
for Autism and Intellectual Disability

4 Lemoyne Drive, Suite 203  
Lemoyne, PA 17043  
Phone 717-236-2374  
Fax 717-236-5625

August 21, 2018

Mr. Bryan Smolock  
Director, Bureau of Labor Law Compliance  
Pennsylvania Department of Labor and Industry  
651 Boas street, Room 1700  
Harrisburg, PA 17121



**Re: PA Department of Labor and Industry's Proposed Regulatory Amendments to 34 PA. Code Chapter 231 regarding Overtime Pay, IRRC #3202**

Dear Mr. Smolock,

PAR is the statewide association dedicated to supports and services to Pennsylvanians with intellectual disability or autism (ID/A). Our members provide \$2 billion in community services in Pennsylvania and employ approximately 50,000 Direct Support Professionals (DSPs).

PAR shares the intent of the Department of Labor and Industry's proposed Regulatory Amendments to 34 PA. Code Chapter 231 regarding Overtime Pay, IRRC #3302. **However, an industry governed by federal Medicaid regulations, wholly dependent upon government as its sole source of funding, cannot implement the pending regulation without a reciprocal increase in rates and related appropriations.**

Without an accompanying rate and appropriation increase, provider organizations would be forced to look at other cost centers for savings. Provider organizations cannot reduce services for individuals with disabilities as a means of cost cutting since services and staffing ratios are determined by the Office of Developmental Programs (ODP). Potential areas for cost savings are undesirable and unwise. Areas that would be exposed to cuts to pay additional overtime wages would include health benefits, retirement benefits, staff training and delayed or neglected infrastructure maintenance. Such "cost savings" cannot be viewed in isolation. These "savings" ultimately would erode the quality of supports and services for people with intellectual disability and autism and lead to higher staff turnover.

PAR members appreciate the efforts of the Administration and the Department of Labor and Industry in their work to improve the financial security of Pennsylvania's workforce. Our industry must be included in all employment regulatory improvements. If the Commonwealth chooses to proceed with the implementation of the Proposed Regulatory Amendments to 34 PA. Code Chapter 231 regarding Overtime Pay, it will be imperative to secure the following prior to the implementation of the regulation:

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- Sufficient lead time for the General Assembly to secure a rate and appropriation increase to cover the increased costs for the ID/A system which is wholly dependent upon federal and state funding to support these individuals and their families.
- Amend forthcoming ODP Proposed 55. PA. Code Chapter 6100 regulations to require an annual rate review inclusive of additional federal and state mandates as well as a nationally recognized market-based index such as the Home Health Market Basket Index.

Thank you for your consideration. Please feel free to contact me at [shirley@par.net](mailto:shirley@par.net) with any questions you may have. We would also welcome meeting with you at your request.

Sincerely,

A handwritten signature in cursive script that reads "Shirley A. Walker".

Shirley Walker  
President and CEO