



## Smart Living, Learning & Earning with Autism

*Creating a World of Support for Autism*

### **Dear Members of the House Committee on Labor and Workplace Standards,**

I am a Founder and Co-Executive Director of SLLEA - Smart Living, Learning & Earning with Autism. Our nonprofit and Medicaid-licensed provider organization delivers comprehensive supported living services and housing to adults with autism and co-existing diagnoses. We individually support each client every day in living their most independent life. SLLEA operates in the Eugene and Springfield area and currently serves 27 individuals and employs 26 staff. As I write this, we are in process of intake for new clients and hiring additional staff as we try to meet the very specific support needs of a growing population of adults with autism.

**I am writing in strong opposition to HB 3838. It is duplicative of existing agency administrative oversight and ignores their knowledge, expertise and regulatory authority at a great cost. HB 3838 should not be supported further in any form.**

If passed, HB 3838 would result in damaging effect on I/DD individuals, staff service providers and provider organizations. HB 3838 seeks to create a Board that (1) is unelected and (2) duplicates and confuses the work of existing administrative agencies' who have greater expertise and knowledge, and yet nonetheless (3) seeks to empower this unelected Board with overreaching authority to unilaterally impose duplicative administrative burden on these other agencies and on I/DD service providers. Moreover, and of extreme concern, this bill would allow this Board to superimpose requirements without the legal safeguards, standards, and due process afforded under the Administrative Procedures Act, thus blindly ignoring broad representation that serves to more accurately inform, and due process that serves to protect rights. Rather than relying on existing agencies to perform functions and oversight that is within their depth and breadth of expertise, HB 3838 seeks to superimpose a Board that would operate in a vacuum of filtered and incomplete information and knowledge. Any such Board would provide low to no practical solution. Instead, it would create confusion, disruption, and needless administrative burden and inefficiencies.

**The end result of HB 3838 would be to create inefficient and expensive mandates that take away from very limited resources that we are now able to dedicate to employee wages, benefits and training.**

From our inception nearly a decade ago and continuing, SLLEA pays significantly higher wages to our employees than in-home PSWs receive even after years of union representation by SIEU. SLLEA also provides comparable and, in many cases, superior benefits than SIEU-represented PSWs receive. We have a solid history of high staff retention which is very important to us because it means less disruption and distress for our clients, which is critical to their well-being.

On the subject of training, at hire, SLLEA employees complete 32 separate base trainings specially designed and required by Oregon Department of Developmental Disabilities (ODDS). All employees also complete and maintain First Aid/CPR certification. For every year after the first year of employment, ODDS further requires that all of our employees complete an additional 12 hours of I/DD-related trainings every year.

Twelve hours is the minimum. At our organizational expense, both for training tuitions and for paid employee time, SLLEA employees typically complete an average of 30+ hours of specifically relevant trainings each year of employment. We seek out trainings that are specific to best practices and working with autistic adults (our mission), and that are evidentiary-based to help our staff in their day-to-day work, building and retaining skills, and in recognizing and attending to personal well-being and prevention of burnout. Our employee trainings include, for example, ongoing neurodiversity and autism-specific trainings, trauma-informed care, 4-day Collaborative Problem Solving trainings, suicide awareness and prevention trainings, case management training, WIN training, Food Handlers certification, and trainings in areas of nutrition and mental health (covering common co-existing diagnoses of OCD, depression, anxiety), and more.

HB 3838 would result in adding a compliance layer of generalized trainings that would be ineffective and costly to our provider mission, and that would create additional burden on our employees, thus contributing negatively to the vulnerabilities of employee burnout and staff loss. ODDS and agency providers like us have the expertise and client-based experience needed to select the most effective work trainings that will best support our staff in successfully performing the specialized and focused work that they perform and in taking care of themselves.

**HB 3838 proposes a Board and structure that duplicates the work and authority of existing agencies, and ignores the comprehensive nature of regulatory oversight that is already exercised over provider organizations. Any additional employer or provider mandates should be accomplished through the existing agency framework, not through creation of another administrative layer, particularly when that layer has no obligation to answer to any of the existing agencies.**

Existing State and Federal agencies (under rules developed with due process through APA rulemaking) already regulate, review and enforce the many aspects of our organization's work. As between the agencies that regulate I/DD services and staffing, and the agencies that regulate us as an employer, workforce standards are covered under these agency authorities. They are already in the best position and with the greatest expertise and knowledge to affect rulemaking and solution-based change to workforce standards, including all standards noted in the proposed bill. Creating a Workforce Board is duplicative, confusing and an inappropriate use of State time, funds and other resources. Further, to authorize forced collection and storing of private and personal employee information without the employee's permission or ability to opt out and without transparent explanation of purpose is suspect at best.

To broad-brush illustrate the regulatory framework that SLLEA and other Medicaid-licensed providers already operate in, below is a non-exhaustive list of agencies and divisions that we separately respond to:

- OR-DHS
- ODDS
- OR APD
- OHA
- Oregon Employment Department
- US Department of Labor
- BOLI
- Oregon OSHA
- SAIF
- Oregon Saves
- Paid Leave Oregon
- Oregon Sick Time
- Oregon Department of Revenue
- Oregon Department of Justice Charities Division
- Internal Revenue Service
- Lane County Developmental Disabilities Services
- Lane County Assessment and Taxation
- Lane County Homes for Good
- City of Eugene Community Safety Taxation Unit
- City of Eugene Rental Housing Program

While we understand and accept that each of the above-listed has important regulatory purpose, each creates its own administrative burden on our organization. We operate with finite resources and the cumulative effect of all these combined burdens is significant and uses up resources that are best dedicated to clients and staff.

The proposed unelected Workforce Board is unnecessary, duplicative, confusing, costly, and simply overreaching with endowed powers that ignore APA rulemaking and safeguards.

On behalf of my nonprofit organization and the many other I/DD service provider organizations across the State who work tirelessly to provide individualized and person-centered supports and services, I respectfully request that HB 3838 be rejected in its entirety.

Thank you for your valued time and consideration.

**Michele Smith**

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