

“Employment Options for People with Disabilities”

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Disability Partners

More Resources

Ticket to Work Help Line at 1-866-968-7842 / 866-833-2967 (TTY) Monday through Friday from 8:00AM – 8:00PM

<http://www.chooseworkttw.net/>

Service Source/WIPA Eastern North Carolina
North Carolina Regional Office
600 Ames Street
Fayetteville, NC 28301
910-401-5495 Direct
910-401-5495

Objectives

- Section 503 of the Rehabilitation Act
- The variety of employment options available in North Carolina.
- Basics of returning to work with SSI and SSDI
- Various service providers who assist with the return to work
- Eligibility for these services
- Ways to access resources

Employment Statistics

Average rate of unemployment for the state of North Carolina according to most recent statistics is around 5.5%

(ncbls)

Rate of employment for people living with disabilities in North Carolina.

31.4%

Section 503 of the Rehabilitation Act

New Rules

On March 24, 2014, new rules for Section 503 of the Rehabilitation Act (RA) took effect, covering employers who are federal contractors or subcontractors. These new rules strengthen the enforcement of the ADA and put into place new employer requirements around recruiting, hiring and accommodating individuals with disabilities. Section 503 new regulations can be found at:

<http://www.dol.gov/ofccp/regs/compliance/section503.htm>

The aim of the Section 503 new rules

Despite nearly 25 years of the Americans with Disabilities Act (ADA), people with disabilities continue to face barriers to equal opportunity in employment. In 2012, the overall employment rate of adults with disabilities was 33.5%, as compared to 76.3% for others. Further, the full-time/full-year employment rate for people with disabilities was 20.9%, as compared with 56.4% for others (1). The revised Section 503 Regulations aim to change these statistics by requiring employers who are federal contractors or subcontractors to set affirmative action goals and to report progress toward meeting these goals.

Coverage and enforcement

RA Section 503 new rules are enforced by the U.S. Office of Federal Contract Compliance Programs (OFCCP). Employers with U.S. federal government contracts or subcontracts of \$10,000 or more are covered by the new rules. Also, covered employers with at least 50 employees and a federal contract/subcontract of at least \$50,000 must have in place an affirmative action program for hiring individuals with disabilities. However, federal contractors who already had a written affirmative action program in place on March 24, 2014 may have additional time to comply with this requirement.

A new benchmark

The new rules require federal contractors and subcontractors to aspire to, and track progress toward, employing individuals with disabilities. Though RA Section 503 has been in effect since 1973, there has not been a specific benchmark defining what the percent of individuals with disabilities are to be in the workforce of covered employers. Section 503 new rules now provide this benchmark. Called an aspirational goal, covered employers must now attain, or show progress toward attaining, a workforce that consists of at least seven percent of people with disabilities.

The seven percent workforce goal

Called a utilization or aspirational goal, this requirement is not a quota, but a way to ensure that federal contractors include disability in their strategies around recruitment and hiring. The seven percent goal will apply to each job group in the workplace or to the entire workforce if there are fewer than 100 employees.

Jobs

- www.snagajob.com currently has 39,000 jobs posted on its website for North Carolina.
- www.indeed.com lists 88,415.

SSI and work

- Supplemental Security Income (SSI) program pays benefits to adults and children living with disabilities who have limited income and resources.
- Work incentives are available to help people with disabilities achieve financial independence by supporting their return to work.

EARNED INCOME EXCLUSION

- SSA does not count the first \$65 of earned income plus one-half of the amount over \$65. Therefore, we reduce your SSI benefit only \$1 for every \$2 you earn over \$65.

STUDENT EARNED INCOME EXCLUSION

- If you are a student under age 22, SSA may exclude up to \$1,850 of gross earnings in a month (but not more than \$7,180 in calendar year 2015) in figuring your countable income.

IMPAIRMENT-RELATED WORK EXPENSES

- If you are disabled, SSA may exclude from your earned income any out-of-pocket expenses you pay for certain items and services that relate to your disability that you need in order to work. It does not matter if you also use these items and services for non-work activities. For example, we can deduct the costs of co-pays, medications, counseling services, car modifications or attendant care services. We call these expenses impairment-related work expenses (IRWE). However, if somebody reimburses you for these expenses, we cannot exclude them from your earned income.
- SSA will exclude IRWE from your earned income when we figure your SSI monthly payment amount. This means your SSI benefit could go up.
- SSA may also consider these items when we figure your earnings in order to decide if you are doing substantial work. We only look at Substantial gainful activity (SGA) when you first apply for SSI. If you are receiving SSI and go to work, SGA is not an issue. However, we do have to figure your countable income.

WORK EXPENSES FOR BLIND PERSONS

- If you are blind, SSA will deduct any part of your earned income that you spend to be able to work (such as for transportation, taxes, or special equipment) from the amount of income we use to figure your SSI benefit. The expense does not have to be related to your blindness.

PLAN TO ACHIEVE SELF–SUPPORT (PASS)

- If you are blind or have a disability, you may set up a plan to set aside income or resources to meet expenses for reaching an employment goal. You may also exclude part of your ineligible spouse's income and resources.
- If you are a child living with your parent(s), you may also exclude part of your parents' income and resources.
- Unlike impairment-related work expenses, you may use a PASS to exclude unearned income and resources as well as earned income and use that money to meet the expenses of reaching your occupational goal.
- We do not count income or resources set aside under a PASS when figuring the SSI benefit amount. Usually, you cannot use your SSI payment to pay the expenses necessary to reach your occupational goal. This is because you need the SSI to pay ordinary living expenses.
- You can use a PASS to establish, maintain, or increase SSI benefits.

TICKET TO WORK

- The Ticket to Work and Work Incentive Improvement Act of 1999 (Public Law 106-170) provides several important opportunities for people ages 18 through 64 who receive Social Security disability or SSI benefits and who want to go to work or increase their earnings. To find out more about this program, see our website: The Work Site — Ticket to Work.
- <https://www.socialsecurity.gov/work/>
- One of the opportunities provided by this law is the “Ticket” program. The Ticket program is available in all States. Under the Ticket program, you may be eligible to receive free employment services from an approved employment support service provider of your choice. Our term for an approved service provider is an “employment network.” Or you can choose to work with your State Vocational Rehabilitation Agency.
- The employment network will work with you to come up with a plan designed to help you reach your work goals. We pay the employment networks for helping you achieve certain earnings-related milestones and outcomes; there is no cost to you. The ultimate goal is to help you find a good job, a good career and a better self-supporting future.
- While you are participating in the Ticket program, we will not conduct regularly scheduled continuing disability reviews to see if your disabling condition has improved.

MEDICAID BUY-IN

- Another provision of the Ticket to Work and Work Incentive Improvement Act of 1999 (see above) expands the States' options under the Medicaid buy-in program for working individuals with disabilities.
- States can cover working individuals with disabilities who are at least age 16, but less than 65 year of age using income and resource limits set by the State; and
- States can provide Medicaid to employed individuals covered under the group described above, who lose that coverage due to medical improvement, but who still have a medically determinable severe impairment.
- The Social Security Administration and the Centers for Medicare & Medicaid Services (CMS) are encouraging States to participate in this program.

BENEFIT CONTINUATION FOR PEOPLE WHO WORK SECTION 1619(a) OF THE SOCIAL SECURITY ACT

- Section 1619(a) provides that, even if you are working at or above the SGA level, you may be able to continue to receive cash payments and Medicaid benefits. Your benefits will not necessarily stop just because of work. To qualify, you must have been eligible for an SSI payment for at least one month before you begin working at the SGA level; you must still be disabled; and you must meet all other eligibility rules, including the income and resource tests.

SSDI and Work

- SSDI provides benefits to people living with disabilities or blind persons who are “insured” by workers’ contributions to the Social Security trust fund. These contributions are based on your earnings (or those of your spouse or parents) as required by the Federal Insurance Contributions Act (FICA). Title II of the Social Security Act authorizes SSDI benefits. Your dependents may also be eligible for benefits from your earnings record.

Trial Work Period

- The TWP allows you to test your ability to work for at least 9 months. During your TWP, you will receive full Social Security Disability Insurance (SSDI) benefits regardless of how high your earnings might be as long as you report your work activity and you have a disabling impairment.?
- Your TWP starts when you begin working and performing “services”. In 2016, we consider your work to be services for the TWP if your gross earnings are more than \$810 a month, or if you work more than 80 hours in self-employment in a month. Your TWP cannot begin until the first month you are entitled to SSDI benefits, or the month you file for benefits, whichever is later.
- The TWP continues until you accumulate 9 TWP service months (not necessarily consecutive) within a rolling 60-month period.

Extended Period of Eligibility

After you complete your TWP, you begin your Extended Period of Eligibility (EPE) (see EPE. During the EPE, we evaluate your work and earnings to decide if you can work at the substantial gainful activity (SGA) level (see SGA). SGA in 2016 Non-Blind \$1,130 Blind \$1820

You are not eligible for disability benefits or a TWP if you work at the SGA level within 12 months of the start of your impairment(s) and before we approve your claim for disability benefits. This is because your impairment does not meet our definition of disability (see HOW DO WE DEFINE DISABILITY).

We can consider medical evidence that might demonstrate your medical recovery at any time. Therefore, it is possible for your benefits to stop due to your medical recovery before the end of your TWP.

We will not conduct a continuing disability review if you are participating in the Ticket to Work program and you are using your Ticket (see TICKET TO WORK). Unsuccessful Work Attempts do not apply during the TWP (see UWA).

Usually, we adjust the dollar amount of TWP “services” each year based on the national average wage index.

Continuation of Medicare Coverage

- Most persons with disabilities who work will continue to receive at least 93 consecutive months of Hospital Insurance (Part A); Supplemental Medical Insurance (Part B), if enrolled; and Prescription Drug coverage (Part D), if enrolled, after the 9-month Trial Work Period (TWP). You do not pay a premium for Part A. Although cash benefits may cease due to work, you have the assurance of continued health insurance. (93 months is 7 years and 9 months.)
- The 93 months start the month after the last month of your TWP.
- How do you qualify?
- You must already have Medicare and be working at substantial gainful activity, but not be medically improved.

Redbook

- <https://www.socialsecurity.gov/redbook/documents/TheRedBook2015.pdf>

Resources

- State Vocational Rehabilitation Agencies
- Intensive Training
- Education
- Rehabilitation
- Career Counseling
- Job Placement Assistance
- Benefits Counseling

Employment Networks

- Career Planning
- Job Leads and Placement
- Ongoing Employee Support
- Benefits Counseling

Centers for Independent Living

Provide a number of services to support consumers with vocational goals.

- Information and referral.
- Advocacy
- Peer Support
- Independent Living Skills
- Transition

Goodwill Career Centers

- 23 Locations in NC
- Skills Classes
- Career Coaching
- Job Placement
- Resume Writing
- Career Rediness Certification

Supported Employment Services

- Examples of these:
- Irene Wortham
- The Arc
- One on One comprehensive assistance

Work Incentives Planning and Assistance

Brenda Lowe (336-570-6855) - Alamance, Caswell, Davidson, Davie, Forsyth, Randolph, Rockingham Stokes, Surry, Yadkin.

Barbara Wilder (919-855-3581) - Anson, Bladen, Durham, Harnett, Hoke, Montgomery, Moore, Richmond, Sampson, Scotland, Wake. (Ava as backup); (Jackie as backup); Since Barbara works part-time, she will indicate on her voicemail who to call in her absence, and provide telephone numbers for them.

Leslie Karjanis (919-855-3584) - Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Polk, Swain, Transylvania.

Jacqueline Lucas (252-977-2112) - Alleghany, Alexander, Ashe, Avery, Burke, Caldwell, Catawba, Iredell, Mitchell, Rutherford, Watauga, Wilkes, Yancey.

Ava Bennett (919-855-3554) - Chatham, Cleveland, Cumberland, Gaston, Franklin, Granville Guilford, Lee, Lincoln, Orange, Person, Rowan, Vance.

Lisa Oakley (704-568-8804) - Cabarrus, Mecklenburg, Stan

Additional contacts for resources

Disability Advocates & Resource Center

702-A Johns Hopkins Dr.

Greenville, N. C. 27834

252-355-6215

www.darcnc.org

<http://www.dol.gov/odep/>

Disability Partners

108 New Leicester Hwy

Asheville 28806

828-298-1977

www.disabilitypartners.org

More:

- NC Works

Job Search

Explore Careers

<https://www.ncworks.gov/vosnet/Default.aspx>

- NC Health and Human Services

<http://www.ncdhhs.gov/assistance/disability-services>

- United States Department of Labor

ODEP(Office of Disability Employment Policy)

<http://www.dol.gov/odep/>

Additional Resources

WIPA (Work Incentive Planning and Assistance)

Eastern North Carolina

ServiceSource

North Carolina Regional Office

600 Ames Street

Fayetteville, NC 28301

910-401-5495 - Direct

910-401-5497 - Fax

Email: pablo.puente@servicesource.org

Website: www.servicesource.org

Ticket to Work Helpline

For questions or guidance specific to your situation please call the Ticket to Work Help Line at 1-866-968-7842 / 866-833-2967 (TTY) Monday through Friday from 8:00AM - 8:00PM EST.

Website: <http://www.chooseworkttw.net/>