



United Spinal Association

Pathways to Employment Preparing for the World of Work after a Spinal Cord Injury

A national resource to help you make a successful transition to work
living with a spinal cord injury.

Acknowledgments

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About This Resource Guide

This resource guide was created as a part of the United Spinal Association's *Pathways to Employment* Program. Its purpose is to give readers information to address the barriers to employment opportunities and training for people living with spinal cord injuries. This guide includes information to assist people with disabilities to get past the barriers, acquire knowledge, and develop skills for gainful employment.

United Spinal Association's mission is to improve the quality of life of all people living with spinal cord injuries and disorders (SCI/D). We believe no person should be excluded from opportunity on the basis of their disability.

United Spinal, was founded in 1948 to improve the lives of all paralyzed Americans. Our mission is to improve the quality of life of all people living with a spinal cord injury or disease. We provide active-lifestyle information, peer support and advocacy that empower individuals to achieve their highest potential in all facets of life.

Pathway to Employment empowers individuals living with SCI by providing the tools and support necessary to overcome barriers to gainful employment. Achieving meaningful employment enables a person to live independently and is integral to the social, economic, mental and physical well-being of people with disabilities.

What's Inside?

Preparing to Return to Work

Questions Raised About Return to Work
Preparing to Return to Work
Return to Work Checklist
Resume Writing and Job Search Tips

What About My Benefits

Benefits Eligibility Screening Tool (BEST) (Initial Benefit Planning)
Social Security and Disability
Social Security Disability Insurance (SSDI)
What do I do if Social Security Denies My Claim for SSDI?
Supplemental Security Income (SSI)
What do I do if Social Security Denies My Claim for SSI?
Medicare and Medicaid - What is the difference?
Medicare

- Medicare eligibility
- Health insurance before Medicare starts
- Medicare Part A and Part B?
- What does Medicare Part B cost?
- What does Medicare Part A Cover?
- Medicare Part C (Medicare Advantage Plans)
- Medicare Part D
- What if I can't afford my Medicare Premiums

Medicaid

Returning to Work – Employment Supports & Incentives

SSDI Employment Supports Overview
SSI Employment Supports Overview
Ticket to Work Program

- Employment Network (EN)
- Vocational Rehabilitation Program (VR)
- Other Programs Related to Ticket to Work
 - Work Incentives Planning and Assistance (WIPA)
 - Protection and Advocacy for Beneficiaries of Social Security (PABSS)
- Summary of Service Providers Under Ticket to Work
- Work Incentive Seminar Events (WISE)

Other Work Incentive Support Programs:

Employment Incentive Support Programs for SSDI Eligible Only

- Trial Work Period (TWP)
- Extended Period of Eligibility (EPE)
- Continuation of Medicare Benefits
- Medicare for Persons with Disabilities who Work (SSDI only)

Employment Incentive Programs for SSDI and SSI Eligible

- Subsidies and Special Conditions
- Unsuccessful Work Attempts (UWA)
- Expedited Reinstatement (EXR)
- Impairment-Related Work Expenses (IRWE)
- Plan to Achieve Self-Support (PASS)

Employment Incentive Support Programs for SSI Only

- Earned Income Exclusion
- Student Earned Income Exclusion (SEIE)
- Property Essential for Self-Support (PESS)
- Special SSI Payments for Persons Who Work – Section 1619(a)
- Medicaid While Working– Section 1619(b)

Benefits Planning

- Resources
 - Work Incentive Liaison (WIL)
 - Area Work Incentive Coordinator (AWIC)
 - Benefits Planning Query (BPQY)
- What Happens if I return to Work If I am on SSDI? Example

Other Things You Need to Know – Fact Sheets:

Private Health Insurance – The Affordable Care Act

The Rehabilitation Act

- Applying for Jobs With the Federal Government

American with Disabilities Act

- Title I - Employment
- Title II – State and Local Government Services
- Title III – Public Accommodations
- Resources for information about your rights and assistance with accommodation

Employer Tax Incentives for Hiring People with Disabilities

Traveling for Your Job

- Air Carrier Access Act

Moving for Your Job

- Fair Housing Act

Appendixes

- Schedule A letter
- Checklist For Online Adult Disability Application
- Sample Resume

Additional Resources

Advocacy and Resource Organizations

Internet Resource

State Agencies and Programs

Glossary of Abbreviations and Acronyms

"Do not let what you cannot do interfere with what you can do." - **John Wooden**

Preparing to Return to Work

Research shows that returning to, or gaining access to employment is one of the greatest obstacles for people living with a spinal cord injury. This is particularly frustrating when we realize that work plays an important role in our lives – beyond financial rewards. Work provides a vehicle to participate in society. It gives meaning and purpose to many. It provides a form of identity to others. Work provides a social outlet to meet others with similar interests.

Following an accident or illness, your work role often changes. You find yourself in a new role without your work identity. You find yourself without the work vehicle to participate in society, and without the meaning and purpose work brought you.

There are many reasons people living with spinal cord injuries do not return to work. Fear related to the loss or coordination of health and income benefits is common and may threaten personal motivation to return to work. Lack of knowledge about available work incentive programs adds to the fears and creates myths about loss of benefits. Lack of training and counseling may also make this transition difficult.

United Spinal Association wants you to have every opportunity to return to your work role and the benefits inherent in being a working person. This guide is a first step for you to take to look at to dispel the myths and break down the barriers to returning to the workplace. This guide will help you to prepare to return to work by viewing it as a possibility and looking at the steps you need to take to move towards that goal.

Adapted from Kornblau, B. L., & Jacobs, K. (Eds.). (2000). *Work: Principles and practices*. Bethesda, MD: American Occupational Therapy Association.

Questions Raised About Return to Work

There are several issues and questions that arise about when you think about returning to work following a spinal cord injury.

One set of questions addresses the work itself.

- Can I do my previous job?
- Is there another job I can do?
- Will my employer work with me to find a job I can do?
- Will anyone hire me?
- What happens if I need a special device to enable me to do my job?
- What if I need to change the way I do my job? Can I?
- What if I find a job in another city and I have to move?
- Can I travel for my job?

Another set of questions addresses benefits.

- Will I lose all or some my benefits if I am able to return to work?
- What happens to my health coverage if I get a job?
- How can I afford attendant care services if I get a job?
- Is there anyone who can help me decide what benefits are available to me if I try to return to work?
- Are there other barriers to my being able to work?
- What happens if I try to return to work and I fail?

This guide takes you on a journey to help you answer these questions and move closer down your pathway to employment.

Adapted from Kornblau, B. L., & Jacobs, K. (Eds.). (2000). *Work: Principles and practices*. Bethesda, MD: American Occupational Therapy Association.

Preparing for Return to Work

Transition is a time for learning new information, developing new skills, making decisions and taking action. All of this involves some important planning. You may find this useful in your learning and planning the things you need to do to prepare for this transition, and how this booklet can help you.

What do I need to do?	How will this resource guide help me?

Return to work checklist

	Yes	No need help	No need to learn	N/A Will not need	Need More info
Job Specific:					
Can I return to my same job with my current employer?					
Can I do my job as it is?					
Do I need accommodations to do my job?					
Do I know what accommodations I need to do my job?					
Will my employer work with me to help me return to my job?					
Can I return to a different job with my current employer?					
Can I return to my same job with a different employer?					
Can I return to a different job with a different employer?					
Do I need retraining or more or different education or training?					
If I need a different job, do I know what resources are available to help me?					
What do I do if I have problems at work because of my disability?					
Job related:					
Accommodations					
Housing – Do I need to move for my job? Can I put a ramp in my Condominium apartment entrance?					
Travel – Do I need to travel for my job?					
Transportation – How will I get to work?					
Benefits Related:					
Will I lose my Social Security Disability benefits if I get a job?					
What happens to my attendant care if I get a job?					
What are my biggest concerns about returning to work?					

Return to Work Planner

As you start thinking about returning to work, these are questions you should ask your self and answer (set up like a form)

What is my work experience?

What are my skills?

What do I like to do?

What accommodations do I need to ask for?

What does the job involve?

What parts of the job can I do?

What parts of the job will I have difficulty doing?

What accommodations can enable me to do those parts of the job?

Tips for a job search:

1. Prepare a resume that is specifically geared to the job for which you are applying.
2. Look for a job with the Federal government, since they have affirmative action for hiring people with disabilities (See Section on Rehabilitation Act).
3. Look for a job with companies that are federal government contractors, since they have a duty of affirmative action for hiring people with disabilities (See Section on Rehabilitation Act).

What About My Benefits?

You can use the **Benefits Eligibility Screening Tool (BEST)** to help in your initial benefit planning. The BEST will help you see which benefits you may be eligible for from Social Security at <http://www.benefits.gov/ssa>. This is not an online application but a 5 -10 minute questionnaire to help you see what benefits you can get from Social Security. This is a good starting point.

You can locate your local Social Security Office through this website by inserting your zip code here: <https://secure.ssa.gov/ICON/main.jsp>

Social Security and Disability

Many people who live with spinal cord injuries rely on Social Security benefits as they adjust to life with a spinal cord injury.

- Social Security pays benefits to people who cannot work because they have a medical condition that is expected to last at least one year or result in death.
- The benefits begin after you have been disabled for 5 months.
- Social Security defines “work “ with the term “substantial gainful employment” or SGA.
 - It generally uses *earnings guidelines* to evaluate whether your work activity is SGA.
 - In 2014, if you are not blind, earnings averaging over \$1,070 a month (for the year 2014) generally demonstrate SGA or that you can work (minus Impairment-related Work Expenses (IRWE) described below)
- There are two programs available for people with disabilities:
 1. [Social Security Disability Insurance](#) (SSDI), which pays benefits to you and certain members of your family if you are "insured," meaning that you worked long enough and paid Social Security taxes; and
 2. [Supplemental Security Income](#) (SSI), which pays benefits based on financial need.

Social Security Disability Insurance (SSDI):

- pays benefits to you and certain members of your family if you are "insured," meaning that you worked long enough and paid Social Security taxes.
 - a. For people with spinal cord injuries who are not blind to qualify, you must meet two different earnings tests to get disability benefits:
 - i. A “**recent work**” test based on your age at the time you became disabled; and
 - ii. A “**duration of work**” test to show that you worked long enough under Social Security.
 - b. Recent Work: The following table shows the rules for how much work you need for the “recent work” test based on your age when your disability began. The rules in this table are based on the **calendar quarter** in which you turned or will turn a certain age.

The calendar quarters are:

First Quarter: January 1 through March 31;

Second Quarter: April 1 through June 30;

Third Quarter: July 1 through September 30; and

Fourth Quarter: October 1 through December 31.

Rules for work needed for the “recent work test”	
<i>If you become disabled...</i>	<i>Then you generally need:</i>
In or before the quarter you turn age 24	1.5 years of work during the three-year period ending with the quarter your disability began.
In the quarter after you turn age 24 but before the quarter you turn age 31	Work during half the time for the period beginning with the quarter after you turned 21 and ending with the quarter you became disabled. Example: If you become disabled in the quarter you turned age 27, then you would need three years of work out of the six-year period ending with the quarter you became disabled.
In the quarter you turn age 31 or later	Work during five years out of the 10- year period ending with the quarter your disability began.

From Social Security Disability Benefits <http://www.ssa.gov/pubs/EN-05-10029.pdf>

- c. **Duration of Work:** The following table shows examples of how much work you need to meet the “duration of work test” if you become disabled at various selected ages. For the “duration of work” test, your work does not have to fall within a certain period of time.

NOTE: According to Social Security, This table does not cover all situations.

Examples of work needed for the “duration of work” test	
<i>If you become disabled...</i>	<i>Then you generally need:</i>
Before age 28	1.5 years of work
Age 30	2 years
Age 34	3 years
Age 38	4 years
Age 42	5 years
Age 44	5.5 years
Age 46	6 years
Age 48	6.5 years
Age 50	7 years
Age 52	7.5 years
Age 54	8 years
Age 56	8.5 years
Age 58	9 years
Age 60	9.5 years

From Social Security Disability Benefits <http://www.ssa.gov/pubs/EN-05-10029.pdf>

- Once you meet the “recent work test” and the “duration of work” test, you can apply for social security disability benefits online at www.socialsecurity.gov or by calling 1-800-772-

1213, to make an appointment to file a disability claim at your local Social Security office or to set up an appointment for someone to take your claim over the telephone. You may want to read the information on the website before your appointment.

<http://www.socialsecurity.gov/disability/>

- There is a five month waiting period from the date you become disabled to the date you begin collecting benefits
- Social security will collect a lot of information about your medical condition. They will want to know specific details about your accident or illness, your hospitalizations, your treatment, your physicians, and your medications.
- Social security will also collect a lot of information about your work history. They will want to know the type of work that you did in all of your previous jobs, and the specific tasks you performed.
- It will be helpful to review the forms on this website http://www.ssa.gov/disability/disability_starter_kits_adult_eng.htm and the Adult disability starter kit before you begin the application or interview process.
- You will need to have the following with you to apply:
 - Your social security number
 - Your birth certificate
 - A list of your hospitalizations, with dates, and your diagnosis
 - The names and addresses of all of the doctor, caseworkers, and other health care providers who treated you for your condition and the dates they treated you
 - The names of all of your medications, the doses you take, and the name of the doctor who prescribed them
 - Copies of medical records from any and all health care providers and caseworkers. (It is a good idea to keep copies of your medical records in your possession because you will be needing them for benefits and to share with other health care providers)
 - Copies of all lab tests and other test results
 - A list of where you worked, with dates you worked, and the kind of work you did on each job.

Social security will determine whether or not you are disabled by looking at the following questions:

1. Are you working?
 - a. If you are working in 2014 and your earnings average more than \$1,070 a month, social security cannot consider you disabled.
 - b. If you are not working, they will look at whether your medical condition prevents you from working and go to the 2nd question
2. Is your condition severe?

- a. Severe means your condition interferes with basic work-related activities. If it does not, social security will not find you disabled and will go to the 3rd question
3. Is your condition found in the listing of disabling conditions?
 - a. Spinal cord injury is in the list of disabling condition:
 - i. **11.08 Spinal cord or nerve root lesions, due to any cause** with disorganization of motor function as described in 11.04B.
 1. B. Significant and persistent disorganization of motor function in two extremities, resulting in sustained disturbance of gross and dexterous movements, or gait and station (see 11.00C).
 2. C. *Persistent disorganization of motor function* in the form of paresis or paralysis, tremor or other involuntary movements, ataxia and sensory disturbances (any or all of which may be due to cerebral, cerebellar, brain stem, spinal cord, or peripheral nerve dysfunction) which occur singly or in various combinations, frequently provides the sole or partial basis for decision in cases of neurological impairment. The assessment of impairment depends on the degree of interference with locomotion and/or interference with the use of fingers, hands and arms.
 - b. Your condition should satisfy the requirement that you are disabled for social security purposes. If not, the social security will go to the 4th question.
4. Can you do the work you previously did?
 - a. If social security determines that your condition is severe but not at the same or equal level of severity as spinal cord lesions on the list, then it must determine if it interferes with your ability to do the work you did previously.
 - b. If you can still do your previous work, social security will deny your claim. If you can't do your previous work, social security will go to the 5th question.
5. Can you do any other type of work?
 - a. If you cannot do the work you did in the past, social security will look to see if you are able to adjust to other work.
 - b. Social security will consider your medical conditions and your age, education, past work experience and any transferable skills you may have or skills from other jobs that you can use in a different job. If you cannot adjust to other work, your claim will be approved. If you can adjust to other work, your claim will be denied.

Adapted from <http://www.ssa.gov/dibplan/dqualify5.htm>

What do I do if Social Security denies my claim for SSDI?

Social Security denies most of the claims filed for SSDI.

- Sometimes the claims are denied because Social Security doesn't have all of the records.
- Sometimes the claims are denied because Social Security says you didn't work long enough.
- Sometimes it is difficult to tell why the claim was denied.
- If social security denies your claim, there are several layers of appeal in the appeals process.

- You will probably need to get more evidence of the limitations you have from your disability, from your doctors and physical and occupational therapists.

If social security denies your claim, you have a four level process of appeals available to you.

1. **Reconsideration:**

- a. This is your first step in the appeal process.
- b. You have 60 days from the day you receive the letter denying you benefits, to ask for a reconsideration in writing.
- c. A reconsideration is a review of your claim by someone who did not take part in the original decision on your claim.
- d. You have to fill out a form requesting a reconsideration available at <http://www.socialsecurity.gov/forms/ssa-561.pdf>
- e. You can submit additional evidence with the request for reconsideration.
- f. You want to submit any medical reports, and test results not included in the original decision.
- g. You may also want to ask your physician, or occupational or physical therapist to prepare a summary of your functional status to include as evidence.
 - i. This functional status profile should list in detail all of the activities of daily living that you have difficulty performing together with all of your functional limitations that show impairments in motor function.
 - ii. Sometime this is enough to explain your limitations to meet Social Security's "*Persistent disorganization of motor function.*" standard from the list of disabling conditions.

2. **Hearing by an administrative law judge:**

- a. If you disagree with the results of the reconsideration, you can request a hearing before an administrative law judge, who is new to your case.
- b. The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.
 - You may bring a representative or an attorney to help you explain your case.
 - You may also bring witnesses.
 - You may review your file and submit new information to the judge.
 - The administrative law judge will question you and any witnesses you bring. Medical or vocational experts may testify on your behalf or on behalf of Social Security.
 - The administrative law judge will make a decision, based on all the information in your case, including any new information you provide at the hearing.
 - You will receive a letter with a copy of the judge's decision.
 - Social Security must approve any attorney's fees charged by your attorney. Social security may withhold a portion of the money it owes you to pay your attorney. You can locate an attorney through the National Organization of Social Security Claimants' Representatives at <http://www.nosscr.org> or 800.431.2804

3. **Appeals Council**

- a. If you disagree with the results from the administrative law judge, you can ask for a review by Social Security's Appeals Council

- b. The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct.
 - c. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review.
 - d. Social Security will send you a copy of the decision of the Appeals Council.
4. Federal Court
- a. If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.
 - b. The letter Social Security sends to you about the Appeals Council's action also will tell you how to ask a court to look at your case.

Adapted from <http://www.ssa.gov/pubs/FEN-05-10041.pdf>

Supplemental Security Income (SSI)

- [Supplemental Security Income](#) pays benefits based on financial need.
 - Supplemental Security Income (SSI) is a Federal income supplement program funded by general tax revenues (not Social Security taxes)
 - SSI is designed to help aged, blind, and disabled people, who have little or no income; and
 - SSI provides cash to meet basic needs for food, clothing, and shelter
 - The basic SSI amount is the same nationwide. However, many states add money to the basic benefit. You can call social security to find out the amounts for your state.
 - The amount of income you can make and still qualify for SSI benefits varies by states.
- Since SSI is based upon your income, you need to know how social security figures out your income – what it counts and what it doesn't count:
- Social Security does **not** count the following:
 - The first \$20 a month of most income you receive;
 - The first \$65 a month you earn from working and half the amount over \$65;
 - Supplemental Nutrition Assistance Program (SNAP) benefits, (food stamps)
 - Shelter you get from private nonprofit organizations; and
 - Most home energy assistance.
- If you are married, Social Security will also include part of your spouse's income and resources when deciding whether you qualify for SSI.
- If you are younger than age 18, they include part of your parents' income and resources.
- And, if you are a sponsored noncitizen, they may include your sponsor's income and resources.
- If you are a student, some of the wages or scholarships you receive **may not** count.
- If you are disabled but work, Social Security **does not** count wages you use to pay for items or services that help you to work. For example, if you need a wheelchair, the wages you use to pay for the wheelchair do not count as income when Social Security decides whether you qualify for SSI.
- Social Security **does not** count any wages a blind person uses for work expenses, such as transportation services to and from work.
- If you are disabled or blind, some of the income you use (or save) for training or to buy things you need to work **may not** count.

- Social Security will count real estate, bank accounts, cash, stocks and bonds in figuring your resources
 - You may be able to get SSI if your resources are worth no more than \$2,000.
 - A couple may be able to get SSI if they have resources worth no more than \$3,000.
 - If you own property that you are trying to sell, you may be able to get SSI while trying to sell it.
- Social Security does not count the following as part of determining whether you qualify for SSI:
 - The home you live in and the land it is on;
 - Life insurance policies with a face value of \$1,500 or less;
 - Your car (usually);
 - Burial plots for you and members of your immediate family; and
 - Up to \$1,500 in burial funds for you and up to \$1,500 in burial funds for your spouse.
- Other requirements and recommendations for SSI:
 - You must live in the US, To get SSI, or the Northern Mariana Islands
 - You must be a U.S. citizen or national.
 - In some cases, noncitizen residents can qualify for SSI. For more information, see *Supplemental Security Income (SSI) For Noncitizens* <http://www.socialsecurity.gov/pubs/11051.html>
 - If you are eligible for Social Security or other benefits, you should apply for them. You can get SSI and other benefits if you are eligible for both.
 - If you live in certain types of institutions, you may get SSI.
 - If you live in a city or county rest home, halfway house or other public institution, you usually cannot get SSI. But there are some exceptions.
 - If you live in a publicly operated community residence that serves no more than 16 people, you may get SSI.
 - If you live in a public institution mainly to attend approved educational or job training to help you get a job, you may get SSI.
 - If you live in a public emergency shelter for the homeless, you may get SSI.
 - If you live in a public or private institution and Medicaid is paying more than half the cost of your care, you may get a small SSI benefit.
- You can apply for SSI benefits online at www.socialsecurity.gov or by calling 1-800-772-1213, to make an appointment to with a Social Security representative.
- You will need to have the following with you when you apply:
 - Your Social Security card or a record of your Social Security number;
 - Your birth certificate or other proof of your age;
 - Information about the home where you live, such as your mortgage or your lease and landlord's name;
 - Payroll slips, bank books, insurance policies, burial fund records and other information about your income and the things you own;
 - The names, addresses and telephone numbers of doctors, hospitals and clinics that you have been to, if you are applying for SSI because you are disabled or blind;
 - Proof of U.S. citizenship or eligible noncitizen status; and
 - Your checkbook or other papers that show your bank, credit union or savings and loan account number.
- If you are approved for SSI, you must receive your payments electronically. Payments may

be made via direct deposit, the Direct Express® card program or an Electronic Transfer Account. For more information, visit www.GoDirect.org.

Adapted from <http://www.ssa.gov/pubs/11000.html>

What do I do if Social Security denies my claim for SSI?

- If Social Security denies your claim for SSI benefits, the appeals process is the same as for SSDI benefits. See above. It is critical that you ask for a reconsideration in writing, within 60 days of receiving the letter that denies you benefits.

SSI and SSDI

It is possible to qualify to get both SSI and SSDI.

You must tell Social Security **if**:

- There is any change in your ability to work;
- You return to work; or
- Your medical condition improves.

Medicare and Medicaid

What is the Difference between Medicare and Medicaid?

Medicare

Medicare is a federal health insurance program paid for by the Medicare tax you pay as part of your payroll deductions and premiums paid by people who have Medicare coverage. Medicare generally covers people over 65, and people with disabilities who are under 65 and who receive SSDI benefits.

Medicare helps with the cost of health care, but it does not cover all medical expenses or the cost of most long-term care. Some people may buy a Medicare supplement policy (called Medigap) from a private insurance company to cover some of the costs that Medicare does not. Federal law does not require that insurers provide Medigap coverage to people who receive Medicare benefits who are under 65. New York, New Jersey, and Pennsylvania require that insurance companies offer at least one kind of Medigap policy to people with Medicare under 65.

Medicaid

Medicaid is different from Medicare. Medicaid is a joint federal and state program that helps with medical costs for some people with limited income and resources. Medicaid also offers benefits not normally covered by Medicare, like nursing home care and personal care services. If you qualify for Medicaid in your state, you may automatically qualify for help to pay for Medicare premiums.

If you get SSI benefits, you are eligible for Medicaid. Medicaid is based on financial need. Coverage and eligibility criteria vary from state to state. Each state has different rules about eligibility and applying for Medicaid. We will discuss Medicaid more below.

Am I eligible for Medicare?

You are eligible for Medicare health coverage if you qualify for SSDI.

When will I start getting Medicare coverage?

There is a two-year waiting period from the time you are eligible for SSDI benefits to when you start to receive Medicare coverage. Medicare will automatically enroll you in Part A and Part B Medicare after you two years from the date of your entitlement to SSDI benefits.

What can I do for health insurance coverage during the two-year waiting period?

While you are waiting for Medicare coverage to kick-in, you have several options.

- You can elect COBRA to continue your employer-based health insurance coverage. This may be expensive
- You can purchase a health insurance plan on the marketplaces or exchanges set up by the Affordable Care Act. Usually you can only purchase coverage during open enrollment. There is an exception that gives you a special enrollment period if you experience a qualifying life event. Qualifying Life Events include for example:
 - **Losing other health coverage**—due to losing job-based coverage, the end of an individual policy plan year in 2014, COBRA expiration, aging off a parent's plan, losing eligibility for Medicaid or CHIP, and similar circumstances – not voluntary
 - For people already enrolled in Marketplace coverage: **Having a change in income or household status** that affects eligibility for premium tax credits or cost-sharing reductions
 - Marriage or divorce
 - Having a baby, adopting a child, or placing a child for adoption or foster care
 - Moving your residence
- You can see if your spouse or domestic partner can add you to his or her insurance plan.
- If you cannot afford coverage and your income and resources are limited, you may qualify for Medicaid.
-

What Are Medicare Part A and Part B?

Part A and Part B Medicare are also known as traditional Medicare

Medicare Part A is called Hospital insurance. Part A helps pay for inpatient care in a hospital or skilled nursing facility (following a hospital stay), some home health care and hospice care. You do not have to pay a premium if you have received SSDI for 24 months or two years. You will automatically be enrolled in Part A.

Medicare Part B is called Medical insurance. Part B helps pay for services from doctors and other health care providers, outpatient care, home health care, durable medical equipment, physical and occupational therapy, and some preventive services. Anyone who is eligible for free Medicare hospital insurance (Part A) can enroll in Medicare medical insurance (Part B) by paying a monthly premium. Some beneficiaries with higher incomes will pay a higher monthly Part B premium.

How much Does Part B Medicare cost?

You pay a premium each month for Medicare Part B (Medical Insurance).

- Most people will pay the standard premium amount of \$104.90 each month.
- However, if your modified adjusted gross income as reported on your federal income tax return (IRS) from 2 years ago is above \$85,000, you may pay a higher amount.
- If you don't sign up for Part B when you're first eligible, you may have to pay a late enrollment penalty.

In addition to your monthly premium, you pay \$147 *per year* for your Part B deductible.

- A deductible is the amount you pay before Medicare starts to pay for you

Adapted from Part B Costs <http://www.medicare.gov/your-medicare-costs/part-b-costs/part-b-costs.html>

What Does Medicare Part A Cover ?

- You pay \$1,216 and no copayment for days 1–60 each **benefit period**.
 - A benefit period begins the day you're admitted as an inpatient in a hospital or skilled nursing facility. The benefit period ends when you haven't received any inpatient hospital care (or skilled care in a SNF) for 60 days in a row.)
- You pay \$304 for days 61–90 each benefit period.
- You pay \$608 per "lifetime reserve day" after day 90 each benefit period (up to 60 days over your lifetime).
 - In traditional Medicare, your lifetime reserve are the additional days that Medicare will pay for when you're in a hospital for more than 90 days.
 - You have a total of 60 reserve days that can be used during your lifetime.
 - For each lifetime reserve day, Medicare pays all covered costs except for a daily coinsurance.
- You pay all costs for each day after the lifetime reserve days.
- Inpatient mental health care in a psychiatric hospital is limited to 190 days in a lifetime.

Adapted from Medicare and You, <http://www.medicare.gov/Pubs/pdf/10050.pdf>

What does Part B Cover?

Under Original Medicare, if the Part B deductible (\$147 in 2014) applies, you must pay all costs (up to the Medicare-approved amount) until you meet the yearly Part B deductible before Medicare begins to pay its share. Then, after your deductible is met, you typically pay 20% of the Medicare-approved amount of the service, if the doctor or other health care provider accepts assignment. If they accept assignment, this could save you money. There's no yearly limit for what you pay out-of-pocket.

- Part B Medicare covers 80% of certain durable medical equipment such as wheelchairs after you pay the Part B deductible
 - You pay 20% of the Medicare-approved amount, and the Part B deductible applies.
 - In all areas of the country, you must get your covered equipment or supplies and replacement or repair services from a Medicare-approved supplier for Medicare to pay.
 - **Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program:** To get certain items in some areas of the country, you generally must use specific suppliers called "contract suppliers," or Medicare won't pay for the item and you likely will pay full price.
 - Visit [Medicare.gov/supplier](http://www.medicare.gov/supplier) to find Medicare-approved suppliers in your area.
 - If your ZIP code is in a competitive bidding area, the items included in the program are marked with an orange star. You can also call 1-800-MEDICARE (1-800-633-4227).

Part B Medicare pays 80% of doctor visits and occupational and physical therapy after you pay the deductible.

You can find out more about covered services from Medicare and You,

<http://www.medicare.gov/Pubs/pdf/10050.pdf>

Adapted from Medicare and You, <http://www.medicare.gov/Pubs/pdf/10050.pdf>

Are Insurance Policies Available to Help me Pay the Uncovered Portions of Medicare Part A and Part B?

Federal law provides for Medigap policies for people who receive Medicare who are over 65. However, federal law does not provide for or require Medigap policies for people who receive Medicare who are under 65. However, at present, 26 states require insurance companies offer at least one kind of Medigap policy to people with Medicare who are under 65.

What are the Other Parts of Medicare?

Medicare Advantage Plans (Medicare Part C).

If you receive your benefits from a Medicare Advantage organization or other company approved by Medicare, you have a **Medicare Advantage plan (Medicare Part C)**. If you have Medicare Parts A and B, you can join a Medicare Advantage plan. Private companies approved by Medicare offer Medicare Advantage plan. If you have a Medicare Advantage plan you cannot have a Medigap policy. Medicare Advantage (Part C) plans are available in many but not all areas.

If you decide to join a Medicare Advantage plan, you use the health card that you get from your Medicare Advantage plan provider for your health care. Also, you might have to pay a monthly premium for your Medicare Advantage plan because of the extra benefits it offers.

If you have traditional Medicare and you have a problem, you can contact Medicare for assistance at 1-800-Medicare or www.medicare.gov. There is an appeals process in place if health care services are denied.

How do I file an appeal if I have a Medicare Advantage Plan or other Medicare health plan?

Requesting an organization determination:

- You have the right to ask your plan to provide or pay for items or services you think should be covered, provided, or continued. This is called an "organization determination." You, your representative, or your doctor can ask your plan for an organization determination. Get your plan's contact information from a this website: <https://www.medicare.gov/find-a-plan/questions/home.aspx>
- If you think your health could be seriously harmed by waiting the standard 14 days for a decision, ask your plan for a fast decision. The plan must give you its decision within 72 hours if it determines, or your doctor tells your plan, that waiting for a standard decision may seriously jeopardize your life, health, or ability to regain maximum function.
- If the plan won't cover the items or services you asked for, the plan must tell you in writing why it won't give or pay for the items or services and how to appeal this decision. You'll get a notice explaining why your plan fully or partially denied your request and instructions on how to appeal your plan's decision. If you appeal the plan's decision, you may want to ask for a copy of your file containing medical and other information about your case. Your plan may charge you for this copy.

Note

Your doctor or other prescriber (for prescription drug appeals) can request this level of appeal for you, and you don't need to appoint them as your representative.

What if you disagree with the organization determination?

If you disagree with your plan's initial decision, you can file an appeal. The appeals process has 5 levels. If you disagree with the decision made at any level of the process, you can generally go to the next level. At each level, you'll be given instructions in the decision letter on how to move to the next level of appeal.

- Level 1: Reconsideration from your plan
- Level 2: Review by an Independent Review Entity (IRE)
- Level 3: Hearing before an Administrative Law Judge (ALJ)
- Level 4: Review by the Medicare Appeals Council (Appeals Council)
- Level 5: Judicial review by a federal district court

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Adapted from <http://www.medicare.gov/claims-and-appeals/file-an-appeal/medicare-health-plan/medicare-health-plan-appeals.html>

Medicare Part D (Prescription Drug Coverage)

If you have Medicare hospital insurance (Part A), medical insurance (Part B) or a Medicare Advantage plan (Part C) you are eligible for prescription drug coverage (Part D).

- Joining a Medicare prescription drug plan is voluntary, and you pay an additional monthly premium for the coverage.
- There are many plans from which to choose.
- Medicare Part D does not pay for all of your prescribed medications. You will pay co-pays and other out of pocket costs.
- Some beneficiaries with higher incomes will pay a higher monthly Part D premium.
- If you do not enroll in a Medicare drug plan when you are first eligible, you may pay a late enrollment penalty if you join a plan later. You will have to pay this penalty for as long as you have Medicare prescription drug coverage.
- You will not pay a penalty if you have Extra Help because of your low income, or another creditable prescription drug plan. To be creditable, the coverage must be, on average, at least as good as Medicare prescription coverage.

Adapted from Disability Planner: Medicare Coverage If You're Disabled
<http://www.ssa.gov/dibplan/dapproval4.htm> and Medicare
<http://www.socialsecurity.gov/pubs/10043.html>

What if I Can't Afford My Medicare Premiums?

If you cannot afford to pay your Medicare premiums and other medical costs, you may be able to get help from your state. In some cases, Medicare Savings Programs may also pay Medicare Part A (Hospital Insurance) and Medicare Part B (Medical Insurance) deductibles, coinsurance, and copayments if you meet certain conditions.

There are 4 kinds of Medicare savings programs that you may qualify for if you have income from working – even if your income is higher than the income limits listed below.

1. Qualified Medicare Beneficiary (QMB) Program
2. Specified Low-Income Medicare Beneficiary (SLMB) Program
3. Qualifying Individual (QI) Program
You must apply every year for QI benefits. QI applications are granted on a first-come, first-served basis, with priority given to people who got QI benefits the previous year. (You can't get QI benefits if you qualify for Medicaid).
4. Qualified Disabled and Working Individuals (QDWI) Program
The QDWI program helps pay the Part A premium. You may qualify if any of these apply to you:
 - You're a working disabled person under 65
 - You lost your premium-free Part A when you went back to work

- You aren't getting medical assistance from your state
- You meet the income and resource limits required by your state

If you qualify for a QMB, SLMB, or QI program, you automatically qualify to get Extra Help paying for Medicare prescription drug coverage.

The programs may pay some or all Medicare premiums and also may pay Medicare deductibles and coinsurance. To qualify, you must have Part A (hospital insurance) and have limited income and resources. You can find more information about assistance programs here

<http://www.medicare.gov/your-medicare-costs/help-paying-costs/get-help-paying-costs.html>

Adapted from Medicare Savings Programs <http://www.medicare.gov/your-medicare-costs/help-paying-costs/get-help-paying-costs.html>

Medicaid:

- Medicaid is a need-based combined federal and state program that helps people with limited income and resources pay for medical costs. Medicaid pays for a comprehensive range of home and community services that allow people with disabilities to live in the community instead of unnecessary institutional care. Most states still spend the majority of their Medicaid funds on nursing home care.
- In 2012, more than 10.2 million people with disabilities received Medicaid benefits.
 - You are eligible for Medicaid if you receive SSI disability benefits.
 - Other people with disabilities become eligible for Medicaid because they incur large expenses from hospitals, prescriptions, or long-term care expenses.
- Medicaid requires certain basic benefits. States can add to those benefits to provide more health care services. States can also change eligibility requirements in their states
- Private insurance and Medicare do not cover the range of home and community services that Medicaid provides. The fear has always been that if you lose Medicaid, you lose home and community services like attendant care or personal assistant services.
- One incentive to encourage people on Medicaid to return to work is the Medicaid “buy-in” program.
 - Under this program, your state may allow you to buy Medicaid if you are disabled and no longer entitled to free Medicaid because you returned to work.
 - You may qualify if you:
 1. Meet the definition of “disabled” under the Social Security Act; *and*
 2. Would be eligible for Supplemental Security Income (SSI) payments if it were not for your earnings.
 - If you are not an SSI recipient, your state decides if you are disabled. Your state will not consider whether you are working when it makes that decision.

Question: I’m under 65 and have a disability. I’d like to go back to work. Can I keep my Medicare coverage?

Yes. You can keep your Medicare coverage for as long as you’re medically disabled. If you return to work, you won’t have to pay your Part A premium for the first 8 ½ years. After that, you’ll have to pay the Part A premium.

If you can't afford the Part A premium, you may be able to get help from your state. You may be eligible for the Medicare Savings Program called Qualified Disabled and Working Individuals Program (QDWI). You can get more information about Medicare coverage for working people with disabilities below.

Adapted from Signing up for Part B if you have a disability: <http://www.medicare.gov/people-like-me/disability/signing-up-for-part-b-disability.html>

Can I get both Medicare and Medicaid?

Some people who are eligible for both Medicare and Medicaid are called “dual eligibles.” If you have Medicare and full Medicaid coverage, most of your health care costs are likely covered. Your state Medicaid may pay for your Medicare premiums.

Adapted from: <http://www.medicare.gov/your-medicare-costs/help-paying-costs/medicaid/medicaid.html#1320>

Returning to Work – Employment Supports & Incentives

Work plays many roles in our lives. For many it provides a sense of identity. It gives us a way to participate in society in a meaningful way. It provides us with social interaction and feeling of competence and self-worth.

People with disabilities used to lose their benefits if they tried to return to work. They were penalized for taking a job with the loss of income and health insurance coverage. This has changed.

Social Security recognizes the value of work in peoples' lives. It has several programs in place to help you ease back to the world of work without losing all of your benefits. Now there are programs in place to ease the transition back to work that extend disability payments and insurance coverage as you try to return to work. Social Security calls these "work incentive programs." These employment support programs have developed over time to smooth the transition back to work so you do not lose your health coverage and your income.

SSDI Employment Supports Overview

According to Social Security, the SSDI employment supports provide help over a long period of time to allow you to test your ability to work, or to continue working, and gradually become self-supporting and independent. In general, you have at least 9 years to test your ability to work. This includes full cash payments during the first 12 months of work activity, a 36-month re-entitlement period during the extended period of eligibility, and a 5-year period in which Social Security can start your cash benefits again without a new application (called expedited reinstatement [described below]). You may continue to have Medicare coverage during this time or even longer.

Adapted from *The Red Book 2014* <http://www.socialsecurity.gov/redbook>

Once you receive SSI, Social Security considers your disability to continue until you medically recover, even if you work. If you cannot receive SSI checks because your earnings are too high, your eligibility for Medicaid may continue while you are working. In most cases, if you lose your job or are unable to continue working, you can begin receiving checks again without filing a new application.

Adapted from *The Red Book 2014* <http://www.socialsecurity.gov/redbook>

Below you will find information about these programs. At the end of this section you will find additional resources including webinars, websites, and downloadable publications where you can learn more about the work incentive programs.

Ticket to Work Program

The TTW Program is a voluntary program for SSI or SSDI beneficiaries who want to work and participate in planning their employment.

- If you are between 18 and 64 and you receive disability benefits, you are eligible for the Ticket to Work Program (TTW).
- The goal is to help you earn enough money so you can become independent of benefits.
- The TTW program helps you get vocational rehabilitation, training, job referrals and other employment support services at no charge to you.

The purpose of the TTW Program is to

- Offer people with disabilities who receive SSDI and SSI expanded choices to seek services and supports to enter, re-enter, and/or maintain employment;
- Increase the financial independence and self-sufficiency of people with disabilities who receive SSI and SSDI; and
- Reduce and, whenever possible, eliminate reliance on disability benefits.

Under this program, eligible people with disabilities who receive SSDI or SSI can participate by signing up with an approved service provider of their choice. You receive a “ticket” to obtain the free support services from a service provider.

- This can be an Employment Network (EN) or a State Vocational Rehabilitation (VR) agency.
 - An **Employment Network (EN)** is a qualified public or private organization under contract with Social Security to coordinate, and deliver employment services, vocational rehabilitation services, or other support services to you if you participate in the Ticket to Work program.
 - An employment network may be a single organization that provides all of the services you need, or it can be a group of providers.
 - You can choose from a variety of employment networks and find one that has experience with assisting people with spinal cord injuries find employment.
 - When you find one you like, you assign your ticket to them.
 - You can find out about employment networks and see a profile for each employment network at <http://www.choosework.net/enreport/jsp/ensearch.jsp>
 - The **Vocational Rehabilitation (VR)** program is a public program administered by each State’s VR agency in each State or U.S. territory to help people with physical or mental disabilities become gainfully employed.
 - You can find out about Vocational Rehabilitation agencies and their contact information at <http://www.choosework.net/resource/jsp/searchByState.jsp>
- If they accept the Ticket assignment, the EN/State VR agency, will coordinate and provide appropriate services to help you find and maintain employment.
 - These services may include training, career counseling, vocational rehabilitation, job placement, and ongoing support services necessary to achieve a work goal.

- **If you agree to work with an EN**, together you will develop a plan that states your goals for the type of work you want to do, and may include the amount of money you want to earn.
 - The plan also will state the specific services the employment network will provide to help you reach your goals.
 - It will also explain that you have a right to go to another EN if you are not satisfied with the EN's services.
 - It will provide you with information about settling disputes with the assistance of your state's protection and advocacy system or (PABSS) described below.
- **If you agree to work with a state vocational rehabilitation agency VR**, the state will first determine if you are eligible. Then the agency will outline a plan for the services it will provide.
- Both the EN and VR will have you sign the plan and give you a copy. When you sign the plan, you are agreeing to get services from the agency and follow the plan.
- You can take your ticket to another EN by contacting the Ticket Helpline.
- If you chose an EN or VR you are not happy with or you want advice about choosing an EN or VR, you can seek advice or information from several sources
 - You can contact the Ticket Helpline at 1-866-968-7842 or
 - You can contact your state's protection and advocacy system or PABSS described below.
- While you participate in TTW, Social Security will not conduct any medical reviews of your condition, which is probably not a problem for people living with spinal cord injury.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Your Ticket to Work <http://www.ssa.gov/pubs/EN-05-10061.pdf>

Other Programs Related to Ticket to Work

Work Incentives Planning and Assistance (WIPA)

The law that put the Ticket to Work Program in place allowed Social Security to award money to organizations to provide community-based work incentive expertise to people with disabilities who get SSDI and SSI.

- Work Incentives Planning and Assistance (WIPA) projects are community-based organizations that support and guide people with disabilities who get SSI and SSDI benefits. This helps you and other people who get disability benefits make informed choices about work.
- WIPA supports working people with disabilities who get SSI and SSDI make successful transitions to financial independence and helps them build economically secure futures.
- The goal of the WIPA programs is to enable you and other people with disabilities who get SSI or SSDI to make informed choices about work, and to support you when you are working to make a successful transition to self-sufficiency.
- Each of the 95 WIPAs, located in every state and US territory, employ Community Work Incentive Coordinators (CWICs) who
 - provide in-depth counseling about benefits and the effect of work on those benefits;
 - conduct outreach efforts to people who get of SSI and SSDI (and their families) who are potentially eligible to participate in Federal or State work incentives programs; and

- work in cooperation with Federal, State, and private agencies and nonprofit organizations that serve disabled SSI and SSDI beneficiaries.
- work with people with disabilities who get SSI and SSDI to gather accurate and pertinent information and guide them as they return to work or enter the work world for the first time.
- You can find your local WIPA here <http://www.choosework.net/resource/jsp/searchByState.jsp>

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>; Your Ticket to Work <http://www.ssa.gov/pubs/EN-05-10061.pdf>, and Work Incentives Planning and Assistance <http://www.socialsecurity.gov/work/WIPA.html>

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

Each state and US territory has a protection and advocacy system (P&As) that protects the rights of people with disabilities.

- The 57 P&As across the country provide attorney representation, education on disability rights, and advocacy for several different programs.
- One of those programs is for people with disabilities who receive SSI and SSDI.
- Attorneys and advocates who work for the PABSS projects provide support, guidance and information on your rights as a person with a disability who receives SSI and SSDI.
- When necessary, the P&A will offer free legal services, including representation.
- The PABSS goal is to remove barriers preventing you from working so employment can be a real option.

Each PABSS agency can:

- Investigate any complaint you have against an employment network or other service provider that is helping you to return to work;
- Give you information and advice about vocational rehabilitation and employment services;
- Tell you about Social Security's work incentives that will help you to return to work;
- Provide consultation and legal representation to protect your rights in the effort to secure or regain employment; and
- Help you with problems concerning your individual work plan under the Ticket to Work program.

You can find your local PABSS at <http://www.choosework.net/resource/jsp/searchByState.jsp>

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>, Your Ticket to Work <http://www.ssa.gov/pubs/EN-05-10061.pdf>, and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Client Assistance Programs (CAP)

CAP was established by the 1984 Amendments to the Rehabilitation (Rehab) Act. Though not directly related to Ticket to Work, the CAP program can help you move along the path to return to work. If you have a disagreement with the vocational rehabilitation system, the CAP program can help you resolve those issues and advocate for a workable rehabilitation plan.

CAP agencies (many of which also provide PABSS) provide information and assistance to individuals who seek or receive vocational rehabilitation (VR) services under the Rehabilitation Act, including assistance in pursuing administrative, legal and other appropriate remedies. CAP agencies may provide assistance and advocacy to clients for services directly related to their employment or their application for employment.

Adapted from: <http://www.ndrn.org/en/about/paacap-network.html> & <http://www.benefits.gov/benefits/benefit-details/914>

Summary of Providers Under Ticket To Work



Employment Networks (EN)

ENs can help you with free career counseling, job placement, and then ongoing support once you have started working. If you think you are ready to return to work or make more money at a job you already have, you should contact several ENs who provide the services you need until you find the right one for you.



Vocational Rehabilitation Agency (VR)

State VR can help you if you want to return to work but need more significant services before you can start. VR can help you get ready to work, and, if necessary, you can then find an Employment Network or EN who can help you keep the job and make more money.



Work Incentives Planning and Assistance (WIPA)

WIPA projects are community-based organizations that work to enable beneficiaries with disabilities to make informed choices about work, and to support working beneficiaries to make a successful transition to financial independence. Each WIPA project has a Community Work Incentives Coordinator who will work with you one on one to provide in-depth counseling about benefits and the effect of work on those benefits.



Protection and Advocacy for Beneficiaries of Social Security (PABSS)

The Protection & Advocacy (P&A) network is the nation's largest provider of legally based advocacy service for people with disabilities. Social Security's P&A Program, known as Protection and Advocacy for Beneficiaries of Social Security (PABSS), serves Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries with disabilities who want to work.

Adapted from: <http://www.chooseworkttw.net/resource/jsp/searchByState.jsp>

You can learn more about the types of service providers above that can connect you with employment services under Ticket to Work and get you the help you need. For questions or guidance specific on your situation, you can 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. For general inquiries, you may e-mail support@chooseworkttw.net.

You can find providers in your location from this website.

<http://www.chooseworkttw.net/resource/jsp/searchByState.jsp>

Work Incentive Seminar Events (WISE)

Social Security conducts national **Work Incentive Seminar Events (WISE)** Webinars online each month for people with disabilities like you who receive social security benefits and their families. These webinars give you the opportunity to learn more about the Ticket to Work Program and available work incentives through accessible, informal, learning opportunities. WISE webinars are hosted monthly and are very tailored to provide information specifically on subjects the people attending the webinars request. The goals of a WISE are to encourage people with disabilities who get SSDI and SSI to explore their work options and join the workforce. You can register to attend a Work Incentive Seminar Event (WISE) webinar online at <https://www.chooseworkttw.net/wise/jsp/wise.jsp>

Other Work Incentive Support Programs:

Employment Incentive Support Programs for SSDI Eligible Only

Trial Work Period (TWP) (SSDI only)

The **trial work period**, (TWP)

- lets you test your ability to work or run a business for at least nine (9) months and receive full SSDI benefits if you report your work activity and your physical impairment does not improve.

During your trial work period,

- you will receive your full Social Security benefits regardless of how much you are earning as long as
 - you report your work activity and
 - you continue to have a disabling impairment.

In 2014, a trial work month is

- any month in which your total earnings are over \$770, or,
- if you are self-employed, you earn more than \$770 (after expenses) or
- work more than 80 hours in your own business.

During the trial work period, there are no limits on your earnings.

The trial work period continues until you have worked nine months within a 60-month period.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Extended Period of Eligibility (EPE) (SSDI only)

The **extended period of eligibility** (EPE) is

- the consecutive 36-month period that follows your trial work period (TWP).
- During your EPE (36 months after your TWP), you may still receive payments for any month your earnings are not “substantial.” Social security can pay you disability benefits during your EPE if:
 - your condition is still disabling, and
 - your work is not substantial gainful activity (SGA) (earnings averaging over \$1,070 a month for the year 2014 if not blind)

During the 36-month extended period of eligibility, you usually can make no more than \$1,070 a

month or your benefits will stop.

- This \$1,070 is after the deductions for work expenses you have as a result of your disability or Impairment-related Work Expenses (IRWE) (See below)
- If you have extra work expenses, your earnings could be substantially higher than \$1,070 before they affect your benefits.
- This substantial earnings amount usually increases each year.

Your benefits will end if your work is substantial after the end of your EPE. You do not need to fill out a new application or request a new disability decision for you to receive a Social Security disability benefit during this period.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Continuation of Medicare Benefits (SSDI only)

If your Social Security disability benefits stop because of your earnings, but you are still disabled,

- your free Medicare Part A coverage will continue for at least 93 months after the nine-month trial work period.
- The 93 months start the month after the last month of your TWP.
- After that, you can buy Medicare Part A coverage by paying a monthly premium.
- If you have Medicare Part B coverage, you must continue to pay the premium.
- If you want to end your Part B coverage, you must request it in writing.

This provision allows your health insurance to continue even after your benefits have stopped.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Medicare for Persons with Disabilities who Work (SSDI only)

After your premium-free Medicare coverage ends as explained above, you can buy continued Medicare coverage, as long as you remain medically disabled.

- You may be eligible for state premium assistance under various Medicare Savings Programs, if you have limited income and resources.
- Your state Health and Human Services agency decides whether you qualify for this help.

You are eligible to buy Medicare coverage if:

- You are under 65; and
- You still have a disabling impairment; and
- Your Medicare stopped due to work

You can buy:

- Medicare Hospital Insurance (Part A) at the same monthly cost that uninsured eligible retired people pay. You may be eligible for a reduced in premium in certain circumstances
- Premium Supplemental Medical Insurance (Part B)
- You can buy Part A only but you must buy Part A in order to buy Part B. Part D drug benefits are also available.

States are required to pay Part A premiums for some working people with disabilities. You qualify if you:

- Are eligible to enroll in Medicare Part A for persons with disabilities who work; and
- Meet certain income and resource requirement; and
- Apply for assistance with your state Medicaid agency; and
- Are ineligible for Medicaid on any other basis.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Employment Incentive Support Programs for SSDI and SSI Eligible

Subsidies and Special Conditions (SSDI and SSI)

Social Security considers **subsidies and special conditions** when it determines whether or not you have achieved substantial gainful activity (SGA - earnings averaging over \$1,070 a month for the year 2014 if not blind). Social Security bases its SGA decision on the real value of work you performed minus the subsidy or special condition,

- A **subsidy** is support your employer provides that may results in you receiving more pay than the actual value of the service you perform.
- A **special condition** is support or on the job help that your employer or someone other than your employer provides – such as a vocational rehabilitation agency. Because of this support, you may receive more pay than the value of the work you performed.
- You may have a subsidies or special condition if:
 - You receive more supervision than other workers doing the same or a similar job for the same pay; *or*
 - You have fewer or simpler tasks to complete than other workers doing the same job for the same pay; *or*
 - You are given additional or longer paid breaks than other workers doing the same job for the same pay; *or*
 - You have a job coach or mentor who helps you perform some of your work
- Subsidies and special conditions do not affect your SSI payment amounts.

● Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Unsuccessful Work Attempt (UWA)

An **Unsuccessful Work Attempt (UWA)** is when you

- make an effort to do substantial gainful activity in employment or self-employment,
- but stopped or reduces to below Substantial Gainful Activity (SGA) level after 6 months or less because of
 - Your impairment or
 - Removal of special conditions related to your impairment that you needed to work. (See special conditions above)

When Social Security makes an SGA decision to determine if your disability continues or stops because of you work, it will not count your earnings during a UWA

An UWA can occur during the Extended Period of Eligibility (EPE) (See below) Social Security will consider a UWA as part of the SGA decision for months up to and including the month it decides your disability has ceased. (When Social Security refers to your disability ceasing or stopping, it refers to the time when you are able to do substantial gainful activity (SGA or - earnings averaging over \$1,070 a month for the year 2014 if not blind).

Social Security does not consider a UWA during a trial work period (TWP) (See below).

With regard to your monthly SSI payment, Social Security only considers a UWA at the time you file an initial claim. After that, Social Security does not consider a UWA in figuring your monthly SSI payment.

- Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Expedited Reinstatement (EXR) (SSDI and SSI)

Expedited reinstatement is a safety net if your cash benefits end because of your work.

- After your benefits stop because your earnings are substantial, you have five years during which you may ask the Social Security to start your benefits **immediately, if you find yourself unable to continue working because of your condition.**
- You may request reinstatement of your benefits within five years of when they ended if you stop working at the substantial gainful activity (SGA) level because of your impairment.
- You may get up to six months of provisional (temporary) benefits while we make a decision on your request.
- You will not have to file a new disability application and you will not have to wait for your benefits to start while your medical condition is being reviewed to make sure you are still disabled.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Impairment-Related Work Expenses (IRWE) (SSDI and SSI eligible)

Impairment-related Work Expenses (IRWE) are expenses for certain items and services you may have to pay for if you work that people without disabilities do not pay for. Social Security may be able to deduct these expenses from your monthly earnings before it determine if you are still eligible for benefits.

When Social Security determines your a SGA (the amount of money you are making) for SSI and SSDI, it can deduct the cost of those items and services that you pay out of pocket that you need to work because of your impairment or disability.

- Some examples are:
 - medicines
 - co-pays
 - service animals – food, licenses, and veterinarian bills

- a wheelchair,
 - cost of modifying a van for accessibility, and
 - attendant care services related to getting you ready for work, or at work, but not on non-work days.
- It does not matter if you also need the items for normal non-work daily activities.
 - Social security can usually deduct the cost of these same items from earned income to figure your SSI payment.
 - So, if you pay an attendant or have service animal expenses, those amounts are deducted from the SGA amount (earnings averaging over \$1,070 a month for the year 2014 if not blind) to figure out your earning for SSDI eligibility.

Social security will deduct IRWE for SGA purposes when:

- The item(s) or service(s) enables you to work;
- You need the item(s) or service(s) because of a physical or mental impairment;
- You pay for the item(s) or service(s) and are not reimbursed by another source such as Medicare, Medicaid, or a private insurance carrier;
- The cost is “reasonable”, that is, it represents the standard charge for the item or service in your community.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled – How We Can Help <http://www.ssa.gov/pubs/10095.html>

Plan to Achieve Self-Support (PASS) (SSDI and SSI eligible)

The Plan to Achieve Self-Support (PASS) is a work incentive program that allows you to put aside income besides your SSI and/or resources for a period of time so you may pursue a specific work goal.

- The purpose of the work goal is to reduce or eliminate your need for SSI or SSDI benefits that you now receive.

Under an approved PASS, you may set aside income and resources over a reasonable time that will enable you to reach a work goal to become financially self-supporting.

- You can use the income and resources that you set aside to obtain training or education, purchase equipment, establish a business, etc.
- Normally, Social Security would reduce your SSI by other income you have but the PASS is an exception.
- Social Security does not count the income and resources that you set aside under a PASS when it decides your SSI eligibility and payment amount.
- Your benefits may actually increase if you set aside money for your plan

Your plan can include full or part time work, a home business, or starting a business of your own.

With an approved plan, you can set aside money to pay expenses to reach your work goal. For example, the money you save can be used for:

- Transportation to and from work;
- Tuition, books, fees and supplies needed for school or training;
- Child care;
- Attendant care;
- Employment services, such as job coaching and resume writing;
- Supplies to start a business;
- Equipment and tools to do the job; or
- Uniforms, special clothing and safety equipment.

Your plan is like a formal business plan designed especially for you. You need to fill out a 15 page document (PASS form SSA-545-Bk available from <https://www.socialsecurity.gov/forms/ssa-545.pdf>) that explains the details of your plan:

- You need to explain your work goal.
 - It should be a job that you are interested in doing and that you think you will be able to do when you complete your plan.
 - Social Security can refer you to a vocational rehabilitation counselor who can help you figure out your work goal. Other third parties can help you, too.
 - You can set up a plan to cover the costs of vocational services (including testing, vocational services and business planning).
- You need to find out all the steps you need to take to reach your goal and how long it will take you to complete each step.
- You must decide what items or services you will need to reach your goal.
 - Your plan must show how an item or service will help you reach your goal.
 - For example
 - if you want to work in a restaurant, you may need training to learn to cook.
 - If you want to become a computer programmer, you may need a college degree.
 - If you want to start your own business, you may need to buy equipment.
- You need to get several cost estimates for the items and services you need. Social Security will approve reasonably priced items and services.
- You need to find out how much money you will have to set aside each month to pay for these items and services. If you are setting aside income for your plan, your SSI payment usually will increase [to help you meet your living expenses. Social Security can estimate what your new SSI amount will be if it approves your plan.](#)
- You need to tell Social Security how you will keep your plan's funds separate from any other money you have.
 - The easiest way to do this is to open a separate bank account for the money you save under your plan.
- You need to include a detailed business plan with your application if you want to start your own business. Your business plan should explain:
 - What type of business you want to start (for example, a restaurant, a print shop);
 - Where you will set up your business (for example, rent a store, share space);
 - Your hours of operation;
 - Who your customers, suppliers and competitors will be;
 - How you will advertise your product or service;
 - What items and services you will need to start the business;
 - What these items and services will cost;
 - How you are going to pay for these items and services; and

- Your expected earnings for the first four years of the business.
- You will need to complete ALL the questions on the Form SSA-545-BK, sign it, date it, and make sure all of your contact information is accurate.
- You will need to take or mail your completed form to your local Social Security office.

Putting your pass plan together is complicated. You may want to get help from the Small Business Administration (SBA) or the Senior Core of Retired Executives (SCORE) or someone you know who is successful in business, or a banker. You can include the cost of this help in your plan. If you need help writing your plan your local Social Security office can either help you or refer you to a local organization that will help you

If your plan is denied, you can appeal. If your plan is accepted, Social Security will contact you periodically to make sure you are following your plan.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/> and Working While Disabled—A Guide To Plans For Achieving Self-Support <http://www.socialsecurity.gov/pubs/EN-05-11017.pdf>

Employment Incentive Support Programs for SSI only

Earned Income Exclusion (SSI eligible Only)

- Social Security does not count the first \$20 you earn. This is the general income exclusion.
- On top of that, Social Security does not count the next \$65 of the earning you receive in a month, plus one half of the remaining earning.
- In other words, Social Security counts less than ½ of your earnings when it figures your SSI payment amount.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Student Earned Income Exclusion (SEIE) (SSI eligible Only)

If you are under 22 and you attend school regularly, Social Security does not count up to \$1,750 (in 2014) of earned income per month when it figures your SSI payment amount. The maximum yearly exclusion is \$7,060. You can find more information here

<http://www.socialsecurity.gov/ssi/spotlights/spot-student-earned-income.htm>

Property Essential for Self-Support (PESS) (SSI eligible Only)

Social Security does not count some resources essential to your means of self-support. For example, Social Security will not count your property if you use it in a trade or business such as inventory or goods. The property Social Security excludes under this provision must be used for self-support activities or will be within a reasonable period of time. You can find more information here <http://www.socialsecurity.gov/redbook/eng/ssi-only-employment-supports.htm#a0=3>

Special SSI Payments for Persons Who Work – Section 1619(a) (SSI eligible)

You can receive Supplemental Security Income (SSI) cash payments even when your earned income (gross wages and/or net earnings from self-employment) is at the substantial gainful activity (SGA) level. This provision eliminates the need for the trial work period or extended period of eligibility under SSI.

- **To qualify, you must:**
 - Have been eligible for an SSI payment for at least 1 month before you begin working at the SGA level; *and*
 - Still be disabled; *and*
 - Meet all other eligibility rules, including the income and resource tests.
- **How does it work?**
 - Your eligibility for SSI will continue for as long as you meet the basic eligibility requirements and the income and resource tests.
 - Social Security will continue to figure your SSI payment amount in the same way as it did before.
 - If your state provides Medicaid to persons on SSI, you will continue to be eligible for Medicaid.
 - You do not need to file a special application. Just keep Social Security up to date on your

work activity.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Medicaid While Working– Section 1619(b) (SSI eligible)

After you return to work, your Medicaid coverage can continue, even if your earnings (alone or in combination with your other income) become too high for a Supplemental Security Income (SSI) cash payment.

To qualify, you must meet all of the following qualifications:

- Were eligible for an SSI cash payment for at least 1 month;
- Would be eligible for cash payment except for earnings;
- Still be disabled;
- Still meet all other eligibility rules, including the resources test;
- Need Medicaid in order to work; and
- Have gross earned income that is insufficient to replace SSI, Medicaid, and any publicly funded attendant care. (See following “threshold amount” discussion.)

The “threshold amount” is the measure that we use to decide whether your earnings are high enough to replace your SSI and Medicaid benefits. Your threshold amount is based on:

- The amount of earnings that would cause your SSI cash payments to stop in your state; and
- The average annual per capita Medicaid expenditure for your state.

If your gross earnings are higher than the threshold amount for your state, you may still be eligible if you have:

- Impairment-related work expenses (IRWE)
- Blind work expenses
- A Plan to Achieve Self-Support (PASS)
- Publicly funded attendant or personal care; or
- Medical expenses above the state per capita amount.

The 2014 threshold for NY: \$44,657
NJ: \$34,405
PA: \$35,897

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Benefits Planning

Since you get Social Security benefits and Social Security wants to encourage you to go back to work, Social Security has a way to inform you of your benefits and work incentives so you can plan for your return to work and you benefits.

Resources:

You can get information about Social Security's employment support provisions at Social Security field offices around the country. You may also call Social Security toll free at 1-800-772-1213, from 7 a.m. to 7 p.m., Monday through Friday.

Work Incentive Liaison (WIL)

Each local Social Security offices has a Work Incentive Liaison (WIL) who provides you and outside organizations that serve those with disabilities, with advice and information about Social Security's work incentive provisions and employment support programs.

Area Work Incentives Coordinator (AWIC)

Social security al so has Area Work Incentive Coordinators (AWIC), who are experienced employment support experts who:

- Coordinate and/or conduct public outreach on work incentives in their local areas;
- Provide and/or coordinate and oversee training on SSA's employment support programs for all personnel at local Social Security offices;
- Handle sensitive or high profile disability work-issue cases, if necessary; and
- Monitor the disability work-issue workloads in their areas.

Information on how to contact your local AWIC is available at www.socialsecurity.gov/work/awiccontacts.html.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Benefits Planning Query (BPQY)

The Benefits Planning Query (BPQY) is part of the Social Security Administration's (SSA) efforts to inform, you, the Social Security Disability Insurance (SSDI) beneficiaries and Supplemental Security Income (SSI) recipients about your disability benefits and the use of the work incentives. A BPQY statement contains detailed information about the status of your disability cash benefits, scheduled medical reviews, health insurance, and work history. In essence, the BPQY provides a snapshot of the your benefits and work history as stored in SSA's electronic records.

The BPQY is designed to provide you with information based on you Social Security Administration records to help you successfully return to work effort. You plan to return to work should begin with your learning about your existing disability benefit status and understanding how work will affect your disability benefits. A BPQY is an excellent starting point.

What Happen to My Benefits If I Return to Work and I am on SSDI? - Example (Adapted From the Red Book)

First you can start with the Trial Work Period (TWP)

- Test your ability to work
- Get paid your SSDI no matter how much you earn
- Lasts up to 9 months
- Must take place within 60 months (5 years)

For 2014, Social Security will decide if your monthly earnings count as a TWP month if they amount to \$770 per month. The 2014 self-employment earnings or activity that Social Security uses to determine if a month counts as a TWP month is \$770 per month or 80 hours per month.

The Next Step– The Extended Period of Eligibility (EPE)

Your EPE starts the month after your TWP ends.

- **How it works:**
 - After your TWP ends, you get a 36-month EPE.
 - Whether Social Security can pay you during this period depends on how much you work and earn.
 - During your EPE:
 - Social Security can pay you for any month your work and earnings are not at a substantial gainful activity (SGA) level (\$1070/month in 2014 minus the Independent-Related Work Expenses [IRWE]), and
 - Social Security can pay you for the first month that your work and earnings are substantial and for the next 2 months
 - Your benefits will terminate if your work is substantial in any month after your EPE ends.

Your Safety Net-Expedited Reinstatement (EXR) (SSDI and SSI eligible)

EXR is your safety net if your cash benefits end because of your work. If you make less money or you have to stop working because of your disability, Social Security may be able to restart your benefits right away if

- You stop working above the SGA level, and
- Your disability is the same as or related to your current disability, and
- You make your request within 5 years of when your benefits end.

What About Medicare?

If your disability payments stop because of your work, the Medicare coverage you have can continue if your disability still meets Social Security's rules. It can continue for at least 93 months after your TWP ends.

Adapted from The Red Book <http://www.socialsecurity.gov/redbook/>

Health Insurance – the Affordable Care Act

Before the passage of the Affordable Care Act (ACA), people with disabilities were not entitled to health insurance coverage. People with disabilities had difficulty finding insurance. Insurance companies could deny coverage based on pre-existing conditions (ie a SCI), cancel your insurance after you have an illness or injury (ie. a SCI), or charge higher, usually unaffordable premiums. Plus, most insurance plans had annual and lifetime caps on the amount of benefits they would pay.

Under ACA, several things have changed:

1. **No more pre-existing condition exclusions.** Most insurance plans can no longer deny coverage to anyone because they have a pre-existing condition such as a SCI.
2. **No more annual or lifetime caps on benefits.** People with catastrophic illnesses or injuries, such as SCI, no longer need to worry about a ceiling on health insurance benefits.
3. **You can purchase health insurance through the health insurance marketplaces.** You can go online and see different options for health coverage. Health plans are categorized as Bronze, Silver, Gold, and Platinum. The Platinum plans pay 90% of the cost of care with a co-pay of 10% - the most coverage, while the Bronze plan pays 60% of the cost of care with a co-pay of 40%. The Platinum is the most expensive plan and the Bronze is the least expensive plan. These plans are described on the online marketplace which is similar to websites like EBay or Amazon. Depending on your income, you may be eligible for premium subsidies or tax credits to help you pay for the cost of health insurance coverage.
4. **Adults up to age 26 can remain on their parents' insurance plan** if family coverage is available.
5. **There are limits on out-of-pocket expenses** depending on your income.
6. **Certain types of preventative care are free** – with no copays or deductibles. You can find out more about what's covered here: <https://www.healthcare.gov/what-are-my-preventive-care-benefits>.
7. **Medicaid expansion.** Traditionally Medicaid provides health coverage for impoverished people over 65, people with disabilities, children, and pregnant women. ACA expanded Medicaid to cover all adults with incomes just above the federal poverty level at around \$15,000 for a single adult. The Supreme Court rules in 2012 that the federal government couldn't tell the state that they had to expand Medicaid. According to the Court, it was up to the individual states. Twenty-seven states including the District of Columbia chose to expand Medicaid.
8. **Home and Community-Based Services.** ACA makes it easier for states to offer home and community-based services through their Medicaid programs so that people with disabilities can live at home or in the community instead of being forced to live in a nursing home. Medicaid enrollees with disabilities who are eligible to live in a nursing home – they

are limited in 2 or more activities of daily living – can receive home and community-based attendant service through the “Community First Choice Option.” States must elect to participate in this program.

Bottom Line: If you have a SCI, you can obtain health insurance.

Adapted from Kornblau, B.L, (2014, May 29). The Affordable Care Act, and rehabilitation: What lies ahead? Keynote address at the University of Washington, Department of Rehabilitation Medicine’s annual Justus F. Lehmann Day Symposium. Seattle, WA; Kornblau, B.L., (2014, March 12). The Affordable Care Act: What it Means For Occupational Therapy Practice & the People We Serve. Available at Occupationaltherapy.com; Kornblau, B.L. (2013, November 4) Disability, the affordable care act, and health: On the eve of 'going live.' 140th Annual American Public Health Association Annual Meeting and Expo, Boston, MA.

Rehabilitation Act

Congress passed the Rehabilitation Act in 1973 (Rehab Act) as the first piece of civil rights legislation to level the playing field for people with disabilities. Its language echoes the language of the Civil Rights Act of 1964, which prohibited discrimination by federally funded programs on the basis of "race, color, or national origin." The Rehab Act added "disability" as a group against whom federally funded programs could no longer discriminate.

Section 501 of the Rehab Act prohibits discrimination on the basis of disability in Federal employment. It requires Federal agencies to establish affirmative action plans for the hiring, placement, and advancement of people with disabilities in Federal employment. President Obama issued a proclamation to encourage more government employees with disabilities.

Section 502 established the Access Board that insures that certain buildings financed with Federal funds are accessible.

Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs), and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals. As of March 24, 2014, contractors must establish a goal of hiring 7% of their workforce as IWDs. Contractors apply the goal to each of their job groups, or to their entire workforce if the contractor has 100 or fewer employees. They must also collect data on the number of IWDs who apply for jobs and the number they hire. They must assess problems with their hiring and take action to address any problems they identify with their hiring practices.

Section 504 states that "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This means that programs that receive federal funds may not discriminate against people with disabilities based on their disability status. This includes hospitals that benefit from Medicare, colleges that benefit from student loan money and research grants, and other programs that receive or benefit from similar funds.

The protection you get from the Section 504 is similar to the ADA, which you will read about below. If you believe a recipient of federal funding, such as a hospital or university, discriminated against you, you can file an administrative complaint with the Office of Civil Rights of the agencies that provides the funding. Complaint forms are usually available on the agency's website.

Section 508 forbids the Federal government from procuring electronic and information technology equipment, goods, and services not fully accessible to people with disabilities. This includes requiring that websites are accessible.

See references for the ADA below

APPLYING FOR A JOB WITH THE FEDERAL GOVERNMENT:

The Federal government has offices all over the country. Because of Section 501 of the Rehab Act, the Federal government allows people with significant disabilities to apply to for some positions through a non-competitive hiring system called “Schedule A hiring.” This allows you to move to the front of the line and avoid the lengthy hiring process– if you are qualified for the position. You can search for jobs with the Federal government at usajob.gov. You may need a schedule A letter written by your doctor; a licensed medical professional; a licensed rehabilitation professional; or any federal, state, District of Columbia, or US territory agency that issues or provides disability benefits. You do not need to go into detail about your disability. (See appendix for a sample schedule A letter).

When you find a job you are interested in and qualified for on usajobs.gov, try to contact the selective placement program coordinator in the agency where you would like to work. You can find the directory here: <http://www.opm.gov/policy-data-oversight/disability-employment/selective-placement-program-coordinator-directory/> Keep in mind that the directory is not always up to date. You can also try to call the phone number listed for more information on the job announcement and ask them how to contact the selective placement program coordinator (SPCC). Explain to the SPCC that you would like to apply for the position through schedule A hiring authority for people with disabilities. They will tell you the procedures you must follow. When you prepare a resume for a government positions, make sure you include all of the key words in the occupational assessment for the position as it appears on usajobs.gov in your resume. If you are hired under Schedule A hiring, you will have a two year probationary period.

Adapted from and for more information see: www.dol.gov/odep/pdf/20120103ScheduleA.pdf

Another lead for government jobs is Bender Consulting Services (BCS). BCS mission is to recruit and hire people with disabilities for competitive career opportunities in the public and private sectors. It contracts with the federal government to recruit people with disabilities for federal employment positions. BCS hosts online job fairs a few times a year. You can find its website at <http://www.benderconsult.com/>

Americans With Disabilities Act

Congress passed the Americans With Disabilities Act (ADA) to extend the Rehab Act’s civil rights protections of people with disabilities to non-government employers and privately owned places of public accommodations. In plain English, this includes all places where people go to participate

in society. This includes everything from restaurants, to gas stations, to movie theaters, to doctor's offices to the human resources department of employers. Just about everywhere you go during your normal course of life is covered by the ADA with a few exceptions.

As a person with a spinal cord injury, you are considered a person with a disability under the ADA and the Rehabilitation Act because you are substantially limited in one or more major life activities. (ie, walking, caring for oneself, performing manual tasks, breathing, eating, etc)
The ADA is written in several sections or titles described below.

Title I of the ADA

Title I of the ADA prohibits discrimination against qualified people with disabilities in employment by private employers with 15 or more employees. Title I also prohibits employment agencies and unions from discriminating against you because of your disability.

You are a qualified person with a disability if

- you meet the job requirements for skills, training, education, and experience required for the job *and*
- you can perform the essential functions of the job, with or without reasonable accommodations

This means, potential employers, unions, and employment agencies cannot discriminate against you

- in the job application process,
- the hiring process,
- your pay scale,
- job training,
- or any aspect of the job once they hire you.

Your employer can't pay you less because you have a disability, or pass you over for promotion, or treat you differently.

If you are a qualified individual with a disability, your employer must make reasonable accommodations to enable you to perform your job. This includes making the workplace accessible, and usable by you. It may mean job restructuring, modifying work schedules, acquiring or modifying equipment or devices, or otherwise changing the way the work is performed. It might mean modifying training materials or policies, and providing readers.

Employers only need to make accommodations if they know that you have a disability and you ask for an accommodation. Even though your disability may be obvious, you need to tell your employer that you have a disability when you make the request. You have to ask for the accommodations you want and discuss them with your employer.

Example: Suppose you had a job that required that you answer phones and take orders about 5 times every hours. Since your injury, you are no longer able to hold the phone and record the orders. You know that a headset would help you answer the phones. Someone also told you about a computer program that would allow you to speak the orders into the computer. You can ask your employer to provide these accommodations to enable you do your job.

Your employer is not required to make accommodations if they impose an undue hardship on the operation of the business. An accommodation might be an undue hardship because it is difficult to do or is very costly considering the size, resources, and nature of the business. An employer does not have to give you the best accommodation – just an accommodation that works. Employers are not required to lower the production standard to make an accommodation.

Example: If you asked a small business to purchase a \$10,000 device to enable you to use the computer, your employer might not have to buy it if a \$100 computer program also works.

Example: If you worked at a family-owned, fast foot restaurant, and you requested that the entire area behind the counter be redesigned so you can maneuver in your wheelchair, the employer would probably not have to make that accommodation. Not only would it be very expensive for a small business, but the extensive remodeling would cause the restaurant to close for several months, resulting in lower production standards of hamburgers.

Your employer cannot ask you questions about your disability. Your employer can ask you if you are able to perform specific job tasks or functions with or without reasonable accommodations. An employer can make you a job offer and condition the job offer on the results of an employment physical but only if that physical is job related, and required of all employees in similar jobs.

Bottom Line:

The ADA can help you return to your job after an accident or illness if you can do your job with some changes to you do the way you do the work, or some other reasonable accommodations. You may want to discuss the types of accommodations you need with your center for independent living, rehabilitation counselors, occupational therapists, or a mentor with a disability. You can also call the Jobs Accommodations Network to ask about accommodations you may need. You will find their contact information at the end of this section. You will want to keep these things in mind when you speak with your employer about returning to work.

Title II of the ADA

Title II prohibits state and local governments entities and those with whom they contract from denying qualified people with disabilities the right to participate in or benefit from the service, programs, and activities it provides to the public. Title II requires that local government provide people with disabilities with the same services and programs it provides to people without disabilities. Title II also extends most of the employment protections from Title I to employment with state and local governments.

Under Title II, you are entitled to an equal opportunity to participate in whatever programs or services any state or local government, their departments and agencies, and any of their programs offered to others, such as public transportation. This requires making building accessible and changing policies to include you.

Example: You are called for jury duty and you would like to serve. The county has made modifications so you can get into the courthouse. However, when you get to the jury room, you find out that the jury boxes are not accessible. The clerk tells you that you are automatically excused from jury duty. The county has to find a way to accommodate you so you can participate in jury duty.

Bottom Line: State and local governments are required to have an ADA Coordinator and a complaint process in place should you face discrimination.

Title III of the ADA

Title III prohibits discrimination against people with disabilities in places of public accommodation. Places of public accommodation are places people go to participate in everyday life. Examples of places of public accommodations include the following:

Examples of Places of Public Accommodations under Title II	
Hotels, motels	Train stations
Restaurants, bars	Museums
Movie theaters, stadiums	Libraries
Convention centers	Parks, Zoos, Amusement Parks
Bakeries	Private schools and colleges
Shopping malls	Health Clubs
Laundromats	Bowling Alleys
Funeral Homes	Court Houses
Doctors' offices	Medicaid enrollment offices

Under Title III, these places of public accommodation must remove barriers so you can benefit from the goods, services, and advantages they provide. This can include physical barriers in the environment as well as attitudinal barriers that create rules and policies based on stereotypes about people with disabilities.

Places of public accommodation can't refuse you entry or services, or segregate you from people without disabilities. They must make reasonable accommodations to allow you to participate, which include removing architectural barriers that are readily achievable or easily accomplished without much expense. New construction must be accessible.

Example:

You go to a college football game. They inform you that the disabled section is in the end zone. You don't want to sit in the end zone. This is an example of segregating people with disabilities and is discrimination. If the stadium was recently renovated, it should have accessible seating scattered throughout the stadium

Resources:

If you need more information about your rights or reasonable accommodations you may need, or your employer needs help making accommodations for you, or you think you may be victim of discrimination, you may contact the following resources:

- Your state's equal opportunity office (See your state guide) – for information and complaints
- **The US Department of Justice** – for information and complaints about access to places of public accommodation or state and local government services <http://www.ada.gov/>
- **The Equal Employment Opportunity Commission** – for information and complaints and inform <http://www.eeoc.gov>
- **Job Accommodations Network (JAN)** is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. JAN works toward practical solutions that benefit both employer and employee, Phone: 800-526-7234 or <https://askjan.org/>
- **Disability and Business Technical Assistance Centers (DBTACs)** Provide “information, guidance and training on the Americans with Disabilities Act (ADA) tailored to meet the needs of business, government and individuals at local, regional and national levels Phone: 800-949-44232 or www.adata.org
- **National Disability Rights Network** –to find a local non-profit law firm that can provide you with information about your rights under the ADA – both employment and access issues and your benefits if you return to work. To find a local office go to <http://www.ndrn.org/en/ndrn-member-agencies.html>
- **Disability.gov** – for federal website links about many federal programs and services across the country, including answers to questions about the ADA and other benefits. www.disability.gov

Adapted from Kornblau, B. L. (2012). Americans with Disabilities Act and related laws that promote participation in work, leisure, and activities of daily living. In H. Pendleton & W. Schultz-Krohn (Eds.), *Pedretti's Occupational therapy: Practice skills for physical dysfunction*. (7th ed.). St. Louis, MO: Mosby, Inc; Kornblau, B. L. (2000). The Americans with Disabilities Act of 1990 and work practice. In B. L. Kornblau & K. Jacobs (Eds.), *Work: Principles and practices*. Bethesda, MD: American Occupational Therapy Association; Kornblau, B. L. (1998). The Americans with Disabilities Act: Legal ramification of ADA consultation. In V. Rice (Ed.), *Ergonomics in health care and rehabilitation*. Newton, MA: Butterworth-Heinemann; Kornblau, B. L., & Soll, M. (1992). The hiring process under the Americans with Disabilities Act. In Florida Bar (Ed.), *Breaking down the*

barriers: Access and employment rights under the new disability law. Tallahassee, FL: Florida Bar; Kornblau, B. L., Ellexson, M. T., & Soll, M. A. (1992, January). Implementing the Americans with Disabilities Act - a practical approach. *Florida Bar Journal*. Tallahassee, FL; Kornblau, B. L., & Ellexson, M. T. (1992, Winter). What every rehab professional in the U.S.A. should know about the ADA. 161-page manual of material that accompanied workshops by the same name, distributed by the authors, ADA Consultants, Inc., Miami, FL.

IF YOU HAVE TO TRAVEL FOR YOUR JOB

If your job involves airline travel, you need to know about the Air Carrier Access Act. Before you plan your trip, you need to find out if accessible taxicabs or shuttles will be available to take you from the airport to your hotel when you arrive. If you qualify for paratransit services where you live, those services are transferrable when you travel. You need to find out if the city you are

traveling to has a paratransit system, and arrange in advance to insure you will be able to use it when you arrive.

The Air Carrier Access Act

The Air Carrier Access Act prohibits discrimination against people with disabilities in air transportation by foreign and domestic carriers. The ADA above is the law that prevents discrimination against people with disabilities in the airport and up to the door of airplane. The Air Carrier Access Act takes over at the door.

If you have a ticket to fly, and you are a person with a disability, an airline carrier that offers regularly scheduled services to the public, cannot refuse to transport you, based on your disability. Airlines cannot limit the number of people with disabilities on the plane. They cannot refuse to transport a person with a disability because the person's disability may offend, annoy, or inconvenience crew members, or passengers. The following is a list of

Airlines cannot:

1. Require IWD to accept special services, such as pre-boarding
2. Segregates passenger with disabilities
3. Require advanced notice of their intention to travel with some exceptions:
 - a. traveling with oxygen
 - b. transportation of an electric wheelchair on an airplane with fewer than 60 seats
 - c. travel with a service animal in a flight longer than 8 hours
 - d. travel with an emotional support or psychiatric service animal
 - e. provision of an on-board wheelchair in an aircraft that lacks an accessible lavatory
4. Require an IWD to sit in a particular seat
5. Require an IWD to travel with an attendant except in the following circumstances:
 - a. A person traveling on a stretcher or in an incubator (for flights where such service is offered);
 - b. A person who, because of a mental disability, is unable to comprehend or respond appropriately to safety instructions from carrier personnel;
 - c. A person with a mobility impairment so severe that the individual is unable to assist in his or her own evacuation from the aircraft;
 - d. A person who has both severe hearing and severe vision impairments, which prevent him or her from receiving and acting on necessary instructions from carrier personnel when evacuating the aircraft during an emergency.

If the passenger with the disability and the airline disagree about whether or not the IWD can travel independently, the airline cannot charge for the transportation of an attendant or assistant. Concern that a passenger with a disability may need personal care services (*e.g.*, assistance in using lavatory facilities or with eating) is not a basis for requiring the passenger to travel with a safety assistant.

Airlines are required to provide the following reasonable accommodations upon request:

1. assistance getting you to and from your seat during planning and deplaning
2. assistance for preparing you to eat, such as opening milk cartons, but not assistance with eating
3. assistance to and from the lavatory, if the plane has an onboard wheelchair, but no assistance in the lavatory
4. assistance moving to or from the lavatory for a semi-ambulatory person, but not involving lifting or carrying
5. assistance loading and retrieving your carry-on items, including mobility aids stored onboard.

More Airline Do's and Don'ts

- Airlines must also provide personnel, ground wheelchairs, boarding wheelchairs, or mechanical lifts to assist you with boarding and deplaning. If access does not include an entry-level boarding route, airlines must provide you assistance via ramps or lifts, with exceptions for some low volume airports.
- Airlines may not leave you unattended for more than 30 minutes in a ground or boarding wheelchair if you cannot independently operate the wheelchair.
- Airlines must designate a complaint resolution officer at each airport it serves to receive complaints and make efforts to resolve them. If it is unable to resolve the complaint, it must give the passenger with a disability a written summary of the problem, and the efforts it took to try to resolve problem. It must also notify passengers with disabilities of their right to file a complaint with the U.S. Department of Transportation at http://airconsumer.ost.dot.gov/CP_DisabilityandDiscrimination.htm
- Airlines must insure wide-bodied airplanes have accessible lavatories and airplanes with 100 seats or more must include priority space for storing wheelchairs
- Airlines must ensure their terminals are accessible.
- Airlines must train their employees in awareness and appropriate responses to people with physical, sensory, mental, and emotional disabilities

Practical tips: People with SCI have been told they had to have an attendant or assistant to travel. Be prepared to advocate for yourself. People with SCI have also reported damage to their wheelchairs. Be prepared with an alternative should that happen to you.

Adapted from: Nondiscrimination on the Basis of Disability in Air Travel, 73 FR 27614, May 13, 2008, as modified by: Correction Notice of 74 FR 11469, March 18, 2009 and Correction Notice of 75 FR 44885, July 30, 2010

EMPLOYER TAX INCENTIVES FOR HIRING PEOPLE WITH DISABILITIES

The Internal Revenue Service (IRS) provides certain tax benefits to encourage employers to hire people with disabilities. These are helpful to you to know about as additional reasons employers should hire you.

Disabled Access Credit: The Disabled Access Credit provides a non-refundable credit for small businesses that spend money to provide access to persons with disabilities. An eligible small business is one that that earned \$1 million or less or had no more than 30 full time employees in the previous year. The small business may take the credit each and every year it incurs access expenditures. Form 8826, Disabled Access Credit http://www.irs.gov/file_source/pub/irs-pdf/f8826.pdf provides more information about eligible expenditures.

Barrier Removal Tax Deduction

The Architectural Barrier Removal Tax Deduction encourages businesses of any size to remove architectural and transportation barriers to persons with disabilities and the elderly. Businesses may claim a deduction of up to \$15,000 a year for qualified expenses for items they normally must capitalize. Businesses claim the deduction by listing it as a separate expense on their income tax return. Also, businesses may use the Disabled Tax Credit and the architectural/transportation tax deduction together in the same tax year, if the expenses meet the requirements of both sections. To use both, the deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

Work Opportunity Credit

The Work Opportunity Credit provides eligible employers with a tax credit up to 40 percent of the first \$6,000 of first-year wages of a new employee if the employee is part of a “targeted group.” An employee with a disability is a member of one of the targeted groups for the Work Opportunity Credit, provided the appropriate government agencies have certified the employee as disabled. The credit is available to the employer once the employee has worked for at least 120 hours or 90 days. Employers claim the credit on Form 5884, Work Opportunity Credit http://www.irs.gov/file_source/pub/irs-pdf/f5884.pdf

Adapted from <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Tax-Benefits-for-Businesses-Who-Have-Employees-with-Disabilities>

IF YOU HAVE TO MOVE FOR YOUR JOB

The Fair Housing Act

The Fair Housing Act Amendments of 1988, (FHA) added people with disabilities to the list of groups protected from discrimination in housing. The FHA prohibits discrimination against IWD in the sale, rental, or any other transactions involving housing or residential real estate, including mortgage loans. Private housing, housing that receives federal government assistance, and state and local government housing are covered. College dormitories may also be covered. Owner occupied apartment buildings, buildings with four or fewer units, and private homes where the owner owns fewer than three single-family homes and is not in the business of selling or renting dwellings are excluded from these FHA provisions.

Under the FHA, discrimination means a landlord or seller cannot deny a rental or sale to a person who plans to reside in the dwelling on the basis of his or her disability or the disability of someone with whom he or she is associated. Landlords cannot charge a higher rent to an IWD because of their disability.

The FHA gives people with disabilities certain benefits that allow you to live independently. For example:

1. Landlords cannot refuse to allow you to make a reasonable modification of existing premises or the premises you plan to occupy if the proposed modification is necessary for you to have full use and enjoyment of the premises. Unlike the ADA, the landlord doesn't have to make and pay for the accommodations to the dwelling. However, the landlord must allow you to make the accommodations. For example, if you need the bathroom door widened so you can get your wheelchair into the bathroom, the landlord has to allow you to make that change and you have to pay for it.
2. Landlords may require that you restore the premises to its condition before the modifications when you move from the premises. The landlord may require that licensed professionals perform the work with permits, and may require a reasonable description of the modification you want to make.
3. Landlords cannot increase your security deposit.
4. The FHA makes it illegal to refuse to make reasonable accommodations to policies, rules, practices, or services when needed by an IWD to have full use and enjoyment of the premises.
 - a. For example, if an IWD need an accessible parking space in a living community where parking spaces are assigned based on your apartment number, the community would have to make an exception to this policy to provide and appropriate accessible parking space.
 - b. In another example, a housing development with a "no pets" policy would have to modify its policy to allow you to have a service dog.
 - c. In another example, if the complex does not allow guests in the pool on weekends and your cousin wants to come over to help you in the pool every Saturday, the

complex would have to modify its policy to allow your cousin to help you in the pool on Saturdays.

5. If you encounter problems with housing discrimination, including housing units that will not allow you to make accommodations, you can contact the U.S. Department of Housing and Urban Development (HUS) to file a complaint at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

Practical tips: If you need to move for a job, the landlord probably has to let you put in grab bars and other modifications to allow you to live as independently as possible. You may need to hire a licensed professional and get permits.

Adapted from: Shamberg, S., & Kornblau, B. L. (2010, April 30). Meeting societal needs for access: Applying ADA Restoration, Fair Housing Act, and Section 504 for excellence in accessibility consultation Practice. American Occupational Therapy Association Annual Conference. Orlando, FL.

Sources for Job Searcher

(In addition to sources mentioned above and in your state guides)

Disabled Businessperson Association: www.disabledbusiness.com

US Small Business Administration: For information about starting your own business
www.sba.gov

US Office of Disability Employment Policy: For many resources to help you in your job search
www.dol.gov/odep

Disability and Employment Community of Practice - an online learning destination for public workforce system staff and partners, jobseekers, community-based organizations, grantees, and the business sector, who provide services and programs to people with disabilities and/or other challenges to employment. <http://disability.workforce3one.org/page/home>

The National Center on Workforce and Disability/Adult (NCWD) provides training, technical assistance, policy analysis, and information to improve access for all in the workforce development system. Provides webcasts and other information to help you get employed
<http://www.onestops.info/>

JobAccess and ABILITYJobs enables people with disabilities to enhance their professional lives by providing a dedicated system for finding employment. By posting job opportunities, or searching resumes, employers can find qualified persons with disabilities as well as demonstrate their affirmative action and open door policies. <http://abilityjobs.com/>

Bender Consulting Services hosts virtual job fairs for jobs with the federal government and private employers. Contracts with the federal government to place people with disabilities.
<http://www.benderconsult.com/>

APPENDIX A
SAMPLE SCHEDULE A LETTER

Letterhead of Person Writing the Letter

Either A physician, a licensed medical professional,
a licensed rehabilitation professional (like a VR counselor) or any federal, state,
District of Columbia, or US territory agency that issues or provides disability benefits

Date

Re: **Your Name**

To Whom It May Concern:

This letter serves as certification that **your name** is an individual with a documented disability, identified according the **Your State** Department of Rehabilitation policy and can be considered for employment under the Schedule A hiring authority 5 CFR 213.3102 (u).

Your name also has certification of job readiness for work in an office setting. S/he can travel for his/her job. S/he can perform all tasks necessary to complete **(the job you are applying for)**. S/he is likely to succeed in the duties of the position for which s/he is seeking employment.

Thank you for your interest in considering this individual for employment.

You may contact me at (phone number of person writing the letter), should you require additional information.

Sincerely,

John or Jane Doctor or Rehab Professional
Their Title

Appendix B

The Social Security Administration's Checklist For Online Adult Disability Application

This checklist will help you gather the information you may need to complete the online adult Disability application process. We recommend you print this page to use while you gather your information. We hope you find our online application easy and convenient.

Birth and Citizenship Information

If you were born outside the United States or its territories:

- Name of your birth country at the time of your birth (it may have a different name now)
- Permanent Resident Card number (if you are not a U.S. Citizen)

Marriage and Divorce

Name of current spouse and prior spouse (if the marriage lasted more than 10 years or ended in death)

- Spouse(s) date of birth and SSN (optional)
- Beginning and ending dates of marriage(s)
- Place of marriage(s) (city, state or country, if married outside the U.S.)

Names and Birth Dates of Children Who

- Became disabled prior to age 22, or
- Are under age 18 and are unmarried, or
- Are aged 18 to 19 and still attending secondary school full time

U.S. Military Service

- Type of duty and branch
- Service period dates

Employer Details for Current Year and Prior 2 Years (not self-employment)

- View your Social Security Statement online at: www.ssa.gov/myaccount
- Employer name
- Employment start and end dates
- Total earnings (wages, tips, etc.)

Self-Employment Details for Current Year and Prior 2 Years

- View your Social Security Statement online at: www.ssa.gov/myaccount
- Business type and total net income

Direct Deposit

Domestic bank (USA)

- Account type and number
- Bank routing number

International Bank (Non-USA)

- International Direct Deposit (IDD) bank country
- Bank name, bank code, and currency
- Account type and number
- Branch/transit number

Name, address and phone number of someone we can contact who knows about your medical condition(s) and can help you with your claim

List of your medical conditions

Information about Doctors, Healthcare Professionals, Hospitals and Clinics

Names, addresses, phone numbers, patient ID numbers, and dates of examinations and treatments

Names and dates of medical tests you have had and who sent you for them

Names of medications (prescriptions and non-prescriptions), reason for medication and who prescribed them

Information about other medical records that may be available from vocational rehabilitation services, workers compensation, public welfare, prison or jail, an attorney or lawyer, or another place**Job History**

Date your medical condition began to affect your ability to work

Type of jobs (up to 5) that you had in the 15 years before you became unable to work because of your medical condition

Dates you worked at those jobs, if available

Type of duties you did on the longest job you had

Education and Training

Highest grade in school completed and date you completed it

Name of special job training, trade school or vocational school and date completed

Special education school name, city and state, and date completed

We may contact you for additional information after you submit your online application.

Appendix C – Sample Resume

Your Name

1515 Main Street, Apt 202
Anytown, USA, 12345
111-555-1235
MyName@email.com

Objective: To obtain a position as web designer.

Education:

Associate Degree, 2011

Anytown County Community College

Anytown, USA

Major: Computer Design

North High School, Class of 2009

Anytown, USA

Member of the Jazz Band

Work Experience:

Web Designer

The Local Company

Anytown, USA

September 2012 – September 2014

- Designed and maintained a website for The Local Company and
- Designed PowerPoint presentations and brochures.

Sandwich Artist

Jimmy Johns

Anytown, USA

January 2012 – September 2012

- Took orders and made custom sandwiches;
- Operated cash register and took orders by phone; and
- Drove to deliver orders by car.

Camp Counselor & Life Guard

Bible Studies Camp,

Any Mountaintown, USA

Summers, 2008- 2010

- Assistant Unit Head, Summer 2010;
- Supervised and managed activities for youth in grades 3-9; and
- Oversaw safety at the pool & lake;

Other Skills and Experience:

Proficient in all Microsoft Office Applications

Proficient in Wordpress, and other major web design platforms

Excellent social media skills

Appendix D – Resources – National Organizations/Advocacy Organizations/Websites

United Spinal Association:

Over 40,000 people living with SCI/D. We are family members, friends, businesses and healthcare professionals. United Spinal is actively involved in advocating for laws and regulations that are beneficial to paralyzed Americans and all people with disabilities. United Spinal's Ask Us program connects you with information, resources, and access to our "Ask Us Spinal Cord Central" help center. Membership is free. <http://www.unitedspinal.org/>

Adapt

Adapt is a national grass-roots community that organizes disability rights activists to assure the civil and human rights of people with disabilities to live in freedom. www.adapt.org

American Association of People with Disabilities

The American Association of People with Disabilities is the largest nonprofit, nonpartisan, cross-disability organization in the United States. <http://www.aapd.com/take-action/>

Designing Accessible Communities

A nonprofit organization that provides information and education about accessibility to people with disabilities, and to professionals in the fields of design, construction, code development and enforcement. <http://www.designingaccessiblecommunities.org/>

Disability.Gov

A one-stop interagency portal connects people with disabilities, their families and caregivers to helpful resources on topics such as how to apply for disability benefits, find a job, get health care or pay for accessible housing. You can also find organizations in your community to help you get the support you need. www.disability.gov

Disability Resources, Inc.

Disability Resources, Inc. is a national nonprofit organization established to promote and improve awareness, availability and accessibility of information that can help people with disabilities live, learn, love, work and play independently.. <http://www.disabilityresources.org/>

Disability Rights Education and Defense Fund (DREDF)

DREDF is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. DREDF is dedicated to improving the lives of people with disabilities through legal advocacy, training, education, and public policy and legislative development. www.dredf.org

Disabled American Veterans

DAV is a national organization that advocates on behalf of veterans with disabilities. www.dav.org

National Council in Disabilities (NCD)

NCD is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities. NCD is comprised of a team of fifteen Presidential appointees, an Executive Director appointed by the Chairman, and eleven, full-time professional staff. www.ncd.gov

National Council on Independent Living

NCIL advances independent living and the rights of people with disabilities. The National Council on Independent Living is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: individuals with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States. You can locate your local Center for Independent Living from this website www.ncil.org

National Disability Rights Network

The National Disability Rights Network (NDRN) is a voluntary national membership association of protection and advocacy systems and client assistance programs. It assumes leadership in promoting and strengthening the role and performance of its members in providing legally-based advocacy services. www.ndrn.org

National Organization on Disability

The National Organization on Disability promotes the full participation and contributions of America's 56 million people with disabilities in all aspects of life. Today, NOD focuses on increasing employment opportunities for the 79 percent of working-age Americans with disabilities who are not employed. www.nod.org

Paralyzed Veterans of America

PVA is a national advocacy organization that represents veterans. PVA advocates for better health care and benefits, aid in the search for a truly satisfying career, and provide the path to adventure through adaptive sports. What's more, we are committed to ongoing care by educating clinicians about spinal cord injury, and we're deeply invested in the future—a cure for paralysis. www.pva.org

World Institute on Disability

WID's mission is to eliminate barriers to full social integration and increase employment, economic security and health care for persons with disabilities. Founded by the founders of the Independent living movement, QID creates innovative programs and tools; conducts research, training, public education and advocacy campaigns; and provides technical assistance. is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. www.wid.org

