

This Month's Issue

E-News is published on a monthly basis during the school year. Each issue focuses on a specific topic or theme. This month's theme is **EMPLOYMENT—Part Two**.

Job Accommodations

IEP teams frequently discuss accommodations within the school system, which are required under the Individuals with Disabilities Education Act (IDEA 2004). However, job accommodations, which are covered by the Americans with Disabilities Act of 1990 (ADA), tend to be a much less familiar topic. Since job accommodations may be a critical factor for some individuals with disabilities in obtaining and maintaining employment, it is important that students, their families, and educational professionals have a basic understanding of how job accommodations differ from educational accommodations.

The United States Equal Employment Opportunity Commission (EEOC) has a web page which provides guidance regarding *Reasonable Accommodations and Undue Hardship under the American with Disabilities Act* at <http://www.eeoc.gov/policy/docs/accommodation.html>. The following information is included under "General Principles" and "Undue Hardship Issues":

Title I of the ADA requires employers to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment—unless to do so would cause undue hardship. "In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." *29 C.F.R. pt. 1630 app. § 1630.2(o) (1997)*

"Reasonable accommodations" include:

"(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities." *29 C.F.R. § 1630.2(o) (1)(i-iii) (1997)*

Barriers to employment may be physical obstacles such as inaccessible facilities or equipment, or they may be procedures or rules such as rules concerning when work is performed, when breaks are taken, or how essential or marginal functions are performed. Reasonable accommodations remove workplace barriers for individuals with disabilities.

As noted, the only statutory limitation on an employer's obligation to provide "reasonable accommodation" is that no such change or modification is required if it would cause "undue hardship" to the employer. "Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

The ADA's legislative history indicates that Congress wanted employers to consider all possible sources of outside funding when assessing whether a particular accommodation would be too costly. Undue hardship is determined based on the net cost to the employer. Thus, an employer should determine whether funding is available from an outside source, such as a state rehabilitation agency, to pay for all or part of the accommodation. In addition, the employer should determine whether it is eligible for tax credits or deductions to offset the cost of the accommodation. Also, to the extent that a portion of the cost of an accommodation causes undue hardship, the employer should ask the individual with a disability if he or she will pay the difference.

There are many resources for job accommodations. They include:

Job Accommodation Network (JAN): <http://askjan.org/>

Employer Assistance and Resource Network (EARN): <http://askearn.org/>

Universal Design: http://askearn.org/refdesk/Inclusive_Workplaces/Universal_Design

Business Case for Accessibility: Improving Access for All:

http://askearn.org/refdesk/Inclusive_Workplaces/Business_Case

Employment Resources: <http://www.project10.info/Employment.php>

Southeast ADA Center: http://www.adasoutheast.org/se_region/se_regionTemplate.php?st=FL

Social Security Work Incentives and Benefits Planning

Many individuals with disabilities fear losing their Social Security benefits if they find employment. While it is true that earned income may impact benefits, there are many advantages to going to work—including work incentives that will allow people with disabilities to maintain employment and not lose benefits. Following is a sampling of some of the commonly used incentives described in *The Red Book: A Guide to Work Incentives* published by the Social Security Administration (SSA). *The Red Book* is updated annually and is available at <http://www.socialsecurity.gov/redbook/index.html>.

Student Earned Income Exclusion (SEIE)

When figuring the Supplemental Security Income payment amount, the SSA does not count up to \$1730 of earned income per month for youth under the age of 22 who are attending school. The maximum yearly exclusion is \$6,960. These amounts are for the year 2013. The amounts are usually adjusted each year based on the cost of living.

Impairment Related Work Expense (IRWE)

The cost of certain impairment-related items and services needed for work is deducted from the worker's gross earnings if the work is a Substantial Gainful Activity (SGA). It does not matter if these items and services are also used for non-work activities. IRWE is deducted for SGA purposes when:

- The items or services enable the person to work
- The items or services are needed because of a physical or mental impairment
- The cost of the items or services are not reimbursed by another source such as Medicare, Medicaid, or a private insurance carrier
- The cost is reasonable," i.e., it represents the standard charge for the item or service in the worker's community.

SSA's *Spotlight on Impairment Related Work Expense*, a series of questions and answers about IRWEs, is available at <http://www.socialsecurity.gov/ssi/spotlights/spot-work-expenses.htm>

Plan to Achieve Self-Support (PASS)

A PASS allows a worker to set aside income for a specified period of time to pursue a work goal that will reduce or eliminate the SSI or SSDI [Social Security Disability Insurance] benefits currently received. For example, persons receiving SSDI, wages, or other income could set aside some of that money to pay expenses for education, vocational training, or starting a business—as long as the expenses are related to achieving a work goal.

SSA's *Spotlight on Impairment Related Work Expense*, a series of questions and answers about IRWEs, is available at <http://www.socialsecurity.gov/ssi/spotlights/spot-work-expenses.htm>

Income set aside under a PASS is not counted when SSA figures the SSI payment amount. Resources set aside under a PASS are not counted when determining initial and continuing eligibility for SSI. Cornell University developed the **PASSonline.org** website (<http://ilr-edi-r1.ilr.cornell.edu/pass/>) to provide information regarding PASS and helpful hints to assist individuals in completing the application online.

Ticket to Work

Social Security's Ticket to Work Program is a free and voluntary program available to people ages 18 through 64 who are blind or have a disability and who receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits. Ticket to Work offers beneficiaries with disabilities improved access to meaningful employment with the help of specialized providers called Employment Networks (ENs). The Ticket Program can connect beneficiaries with a variety of free employment support services that will best serve them. The Ticket program and Work Incentives allow beneficiaries

to keep their benefits while exploring employment, receiving vocational rehabilitation, or gaining work experience.

Many Social Security beneficiaries do not realize that they have a Ticket (it is not always a piece of paper) or understand that Vocational Rehabilitation (VR) is an Employment Network. There are a variety of Employment Networks to choose from, and many individuals are not aware of recent changes to the Ticket to Work Program, called “Partnership Plus”, which allow more flexibility. Resources include the Ticket to Work website at <http://www.choosework.net/> and Ticket to Work Resources by State, including Employment Networks and access to their “Report Cards,” at <http://www.choosework.net/resource/jsp/searchByState.jsp>.

The importance of reporting employment wages to Social Security in a timely manner cannot be stressed enough—not doing so could result in a payback situation. The SSA document, *Spotlight On SSI Telephone Wage Reporting—2013 Edition*, provides information regarding telephone wage reporting, lists other options for reporting wages, and clarifies when and how to report. It is available at <http://www.socialsecurity.gov/ssi/spotlights/spot-telephone-wage.htm>.

Social Security now has a mobile site for smartphone users which includes a mobile field office locator. A news release with additional information on this new option is available at <http://www.ssa.gov/pressoffice/pr/ssa-mobile-pr-alt.pdf>.

Social Security Administration benefits planning support is available at no charge at 1-800-772-1213. SSA representatives are available from 7:00 a.m. to 7:00 p.m., Monday through Friday. There are also local resources, such as the two Florida Area Work Incentives Liaisons (AWICs): Wendy Bodiford, (877) 445-0843, ext. 11714, Wendy.Bodiford@ssa.gov, and Richard Cruz: (855) 722-3506 ext. 21505, Richard.cruz@ssa.gov.

Each local Social Security office also has a Work Incentive Liaison (WIL). WILs provide advice and information regarding work incentives and employment support programs to individuals with disabilities and organizations that support individuals with disabilities. AWICs and WILs should also be able to help individuals locate a Benefits Planner. Benefits planning is currently a contracted service offered through Vocational Rehabilitation; VR customers interested in receiving benefits planning should consult with their VR Counselor to see if they are eligible.

Additional Work Incentives Information and Resources

The free online mini-course, *Social Security Administration Work Incentives*, developed by FYI Transition, is available at <http://www.fyitransition.org/Minicourses/ssa/workincentives01.html>.

The Changing Face of Benefits, developed by the Florida Development Disabilities Council (FDDC) in collaboration with the National Disability Institute is a self-paced workbook that provides individuals, families, and professionals with basic information about Social Security Disability and Medicaid/Medicare benefits, information to support informed decision-making, and programs and services that help people with disabilities move toward financial success. The Workbook can be accessed at <http://www.realeconomicimpact.org/Benefits-Planning/The-Changing-Face-of-Benefits-002D-Florida.aspx>. It is also offered as a self-paced online course at www.floridabenefits.org. Successful completers of the online course may also apply for CEUs.

Disability Mentoring Day is October 16, 2013!

October is National Disability Employment Awareness Month. This year’s theme, selected by the Office of Disability Employment Policy in the U.S. Department of Labor, is “Because we are equal to the task.” The theme reflects the message of ODEP’s Campaign for Disability Employment and focuses on the education, training, experience, and desire of people with disabilities to be successful in the workplace. Disability Mentoring Day is a nationwide effort to promote career development for students with disabilities through hands-on career exploration.

Last year 2,625 mentees in 60 counties participated in Florida’s Disability Mentoring Day (DMD) which is organized by The Able Trust and agency and employer partners. Florida DMD matches students, veterans, and job seekers with disabilities with career exploration, job shadowing, and mentoring opportunities. Local community liaisons coordinate the matches between employers and participants in order to develop ongoing internship and employment opportunities for participants. For more information on Florida’s Disability Mentoring Day, including highlights of the 2012 event and information on being a business mentor, community liaison, or mentee, go to <http://www.floridadmd.org>. Businesses that would like to host Disability Mentoring Day experiences, may contact The Able Trust at (850) 224-4493 or info@abletrust.org.

Project 10 Website Updates

The following items were recently updated or added to the Project 10 website at <http://www.project10.info>:

About Us/Contact Us

Updated staff information

A-Z Library

New item on Transportation

New item on the Americans with Disabilities Act

District Resources

New information on home page

Ongoing updates to district contacts

Online Training

New *Developing Quality IEPs* training from BEESS

SSTIC

New Family Involvement Subcommittee page

Transition Topic Areas

New Transportation page (subpage of Independent Living)

Transition Wheel

New Self-Determination spoke

New Indicator 13: Writing Postsecondary Goals spoke

What's New

- Disability Mentoring Day is October 16, 2013!
- Disability History and Awareness Weeks (first two weeks of October)
- Materials from August 26, 2013, webinar on the VR School to Work Transition Program
- 2013-14 Directories of Services for Families with Children Who are Deaf or Hard of Hearing and Families with Children Who are Blind or Visually Impaired
- New Transition Wheel spokes
- SB 1076 Questions & Answers
- Developing Quality IEPs online training
- Life Centered Education video overview
- Certificate Program in Education and Health Care Transition
- APD Resource Guide

A New Look for Project 10 E-News!

Project 10 E-News will return next month with a new look and new mailing capabilities. You will soon receive your copy of the *E-News* via email in addition to accessing it on the Project 10 website at <http://www.project10.info/Newsletter.php>.

About Project 10 E-News

Project 10 E-News provides short information summaries and resource links related to secondary transition. Have a question? Want to find or recommend a resource? Have some great news to share? Send us an email at project10@stpete.usf.edu, and we'll take it from there! For back issues of *Project 10 E-News*, visit the *E-News* page on the Project 10 website at <http://www.project10.info/Newsletter.php>.

Project 10: Transition Education Network assists Florida school districts and relevant stakeholders in building capacity to provide secondary transition services to students with disabilities in order to improve their academic success and post-school outcomes.

Project 10: Transition Education Network - University of South Florida St. Petersburg

Questions or comments? Email us at project10@stpete.usf.edu