Hi. My name is Katie. And I'm Lindsay. And today we'll be talking about employment and disability. Your rights. And the reason we put this presentation together is because, at the Disability Law Center, we hear pretty frequently from people with disabilities and their family members, all sorts of fears about going to work. Like, if someone will lose their benefits or if they will have all the resources they need to be successful in their job. So, we wanted to put together this presentation to give somebody with disabilities all the tools that they need to make a decision about if going to work is right for them. So, just briefly about the Disability Law Center. So, we are Utah's protection and advocacy agency for people with disabilities. So, we provide legal services to protect the rights and opportunities of people with disabilities in Utah. And we'll go into some of the work that we do in the employment area today. But just briefly, we can help people who have been discriminated against because
of their disability and help people who are having trouble accessing a program that serves people with disabilities.

So, examples of that would be like vocational rehabilitation or the school system through special education.

And all of our services are free.

To qualify, you just need to live in Utah and identify as a person with a disability.

We don't do any kind of income testing.

And then also, because we work at a law firm, we have to have a brief disclaimer.

And basically, this is just general information that we are providing.

Lindsay and I are not attorneys, so we're not giving you any legal advice today.

Only an attorney can give you legal advice to help you with a specific problem or answer specific questions.

And this information is all from the perspective of a disability advocate.

>> So, today we want to cover a number of topics.

And we've broken them down into questions that we think you might be asking yourselves as you're considering whether or not going to work is right for you.
So, we'll be covering those questions as we move along throughout the presentation. So, the first question we thought people might ask themselves is, "Do I want to work?" And we think that there are several benefits to working. So, when we give this presentation, the first thing people always say is, "I work," or "I want to work," because you earn money. And we think earning money is great. But we also think it translates into many other benefits, like greater financial independence, meeting new people, learning new skills, building confidence and self-esteem, contributing to overall happiness. And basically just being able to do what you want to do in life. So, the second question we thought someone might ask is, "Where can I get help to become work ready?" So, vocational rehabilitation is a state service. It's available in every state. And it is intended to help people with disabilities overcome work-related barriers and obtain employment. So, you can apply for vocational rehabilitation services starting at age 14.
And if you receive social security, SSI, or SSDI, you're automatically eligible. Or otherwise, if you are a person with a physical or mental impairment that is a substantial impediment to employment and who can benefit from VR, then you would likely be found eligible. And benefitting from VR basically just means that you need their assistance to get or maintain a job. Or advance in a job. And so, a reason that someone might want to apply for vocational rehabilitation services is because they can provide specialized vocational counseling. They can help connect you to services. And when it's appropriate, they can actually help pay for services that you need to reach a job goal. And how you can get hooked up with VR is to watch their orientation video online, fill out an application. And then from there they will call you in to meet with a counselor, where you'll talk about your disability. Some of the barriers to employment that causes you and also some of your employment interests. And then VR will have 60 days to make a decision about whether
or not you're eligible for their program.

And if you're found eligible, from there you'll work 1-on-1 with a counselor to create something called an individualized plan for employment.

And that basically is just your goal for what job you want and how you're going to get there with VR's help.

So, all the different services you might need to become employed.

So, then, these are just some other things that we wanted people to know about vocational rehabilitation services that are based off of things that we've heard and misunderstandings that people have had.

So, VR and transition. Specifically with transition-age youths, vocational rehabilitation can provide a few different services. So, they can provide individualized services, like what I was just talking about.

They can also provide something called pre-employment transition services.

And VR calls this sort of like the VR-light program. So, it allows you to do things like build soft skills without having to work 1-on-1 with VR.

But you can also, then,
work 1-on-1 with them.

In addition to providing preemployment transition services, VR can also be part of your IEP team and attend IEP meetings during the transition process and help come up with goals related to employment and be sort of that resource for when someone ages out of school.

And the rest of the transition team sort of fades into the background.

We also hear from people sometimes that they think VR has a long waiting list and that's why they haven't applied. But actually VR's waiting list, at most, is about a month long.

So, you really shouldn't have to wait very long for services. And then as far as the financial contribution goes, you may need to financially contribute towards VR services. But that's only if you are not on social security.

So, if you receive SSI or SSDI, you won't need to pay for any services that you get from VR. Otherwise, VR will look at your student's income if they're under 18. And will look at the parent's income. Otherwise, if your student is over 18, even if they're still living with a parent,
only that client's income is counted.

>> So, lastly, we wanted to talk to you guys about informed choice, which is a very important concept when you're working with your voc rehab counselor.

It's something as advocates that Katy and I have tried our best to impress upon people how important it is to make sure you are making choices throughout your case with your VR counselor.

As you're working with your voc rehab counselor, you want to make sure that you're choosing a job goal that you're interested in.

So, it should match your abilities. But more importantly your interests.

And then also as you're working with voc rehab, you're going to have choices along the way in choosing who is providing the other services that VR is giving to you.

So, if you're found ineligible to be receiving mental health counseling, you should be given a choice of counselors.

And have the ability to choose who you think would be the best fit for you.

>> And finally, if you have any problems while you're working with VR.

So, if you're found ineligible
or if you have disagreements

00:07:22;26 00:07:25;02 with your VR counselor
along the way.

00:07:25;04 00:07:28;21 Or if you just have questions
about what services VR can

00:07:28;23 00:07:30;01 and can't provide,

00:07:30;03 00:07:32;24 the Disability Law Center runs
something called the Client

00:07:32;26 00:07:33;26 Assistance Program.

00:07:33;28 00:07:37;03 Or you may have heard
it referred to as CAP.

00:07:37;05 00:07:40;12 And so, if you have an issue
with vocational rehabilitation,

00:07:40;14 00:07:43;07 it's really easy to get
assistance from CAP.

00:07:43;09 00:07:46;10 You just call the Disability
Law Center and sign a release

00:07:46;12 00:07:48;05 so that we can talk
to your VR counselor.

00:07:48;07 00:07:50;14 And then we can help advocate

00:07:50;16 00:07:53;10 for your rights in
the VR program.

00:07:53;12 00:07:55;11 >> So, you might
consider calling us if you

00:07:55;13 00:07:58;06 and your counselor can't
agree on a job goal,

00:07:58;08 00:08:00;12 if you need a service that
your counselor is not willing

00:08:00;14 00:08:01;27 to put into your plan.

00:08:01;29 00:08:04;28 Or if you just feel like you're
not making progress on your case

00:08:05;00 00:08:08;02 and you feel like you might need
an advocate to stick up for you

00:08:08;04 00:08:10;26 and get things back on the
right track with your counselor.

00:08:10;28 00:08:13;14 >> So, the next question we
thought someone might ask are,

00:08:13;16 00:08:16;13 "What are my employment rights
as a person with a disability?"

00:08:16;15 00:08:18;24 So, this is something
that you would consider

00:08:18;26 00:08:21;14 when you've made the decision,
"I want to go to work,"

00:08:21;16 00:08:22;24
and you want to know what your rights are in the workplace. So, the best place to start is to talk about Title I of the Americans with Disabilities Act, otherwise known as the ADA. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life. But Title I specifically focuses on the area of employment. People with disabilities are covered during any point in the employment process. This would include recruitment, interviewing, hiring, when you're on the job, if there are job-related activities. Basically, any aspect of work is a covered practice under the ADA. And it's important to keep in mind that private sector employers with at least 15 employees are covered under the ADA. And then all state and local governments are also subject to the ADA. >> And federal employers are covered by something like the ADA, it's just a different law. People who are covered under Title I of the ADA are qualified individuals with a physical or mental impairment that substantially limits
a major life activity.
So, examples of major life activities are walking, seeing,
hearing, breathing, communicating, learning,
operation of a major bodily function.
So, that's like the immune system, cell growth,
organ function, et cetera.
>> Also covered under Title 1 of the ADA are people who have a history of a disability or if your employer treats you like you have a disability even if you don't.
That might seem a little weird, and we get a lot of questions about what that means exactly.
So, if you are a person who has a history of, let's say, cancer.
But your cancer is in remission.
And your employer treats you differently for some reason.
Like, they are trying to get rid of you.
Or they think that you're going to be too costly to their health insurance.
They might treat you differently than everyone else,
even though your cancer is not active.
It's in remission.
You would still be covered under the ADA because you're being treated differently based on your history of having a disability.
You might also be wondering what it means to be qualified.
So, in addition to having the physical or mental impairment under the ADA, you also have to be qualified. And that means as the applicant or employee, you must possess the skill, education, certifications, or experience necessary for the job. And you must also be able to perform the essential functions of the job. Either with or without a reasonable accommodation. So, you couldn't be covered under the ADA and be a doctor if you didn't have a medical license.

We get a lot of questions about whether or not people need to disclose that they have a disability to their employer. However, there might be circumstances under which it may make sense to disclose. First, it's important to know that if you are asking for a reasonable accommodation, you are required under the ADA to disclose that you have a disability. So, your employer has the right to know that your request is related to your disability. You might also choose to disclose if you want.
to explain an unusual circumstance that's happening at work. So, for example, if your behavior has been corrected. If you've been written up for being late. Or if there have been other issues going on, you might choose to disclose your disability just to create an open dialogue with your employer. So that you guys can work together to find a solution to get you back on track. So, as I previously mentioned, you must tell your employer about your disability if you're asking for an adjustment or a change at work for a reason related to a medical condition. This is really what is called a reasonable accommodation. So, how to request a reasonable accommodation. You need to disclose the nature of your disability, the limitations involved, and how your disability affects your ability to learn or perform the job successfully. >> And then finally, just a little tip about disclosing your disability. You don't need to disclose your disability in an interview unless you need an accommodation for the interview. So, for example, if you are deaf and you need an ASL interpreter.
Or if part of the interview requires you to take a timed test, and you need extra time. Something like that.

>> So, what a reasonable accommodation is is any change in the work environment or in the way that things are normally done that would enable an individual with a disability to be treated equally at work.

It must be effective. So, it actually has to fix the problem that you're having at work.

It may not be exactly what you ask for, but it needs to fix the problem. That might mean that the employer may look for cheaper alternatives to what you ask for.

But as long as it is effective, then the ADA says that that's okay.

It doesn't include personal devices.

So, your employer is not on the hook for providing you with devices that you would use throughout your daily life, whether you're at home or you're at work.

They only have to provide you with accommodations that you're going to use while you're on the job.

So, for example, you might be tempted to ask your employer to provide you with a modified van that you could use,
you know, when you're at work, when you're at home, on the weekends. And the employer would be in the right to say, "No, that wouldn't be a reasonable accommodation." However, if you worked at like a flower shop, for example, and delivered flowers, you might ask them to install hand controls to make the delivery van accessible to you so that you can keep doing your job. Reasonable accommodations should create an equal playing field. Okay, let's talk about how you request an accommodation. First, that request needs to come from you as the employee. When you're making a request, you might be surprised to learn that you don't need to necessarily disclose your exact disability. This is especially important to people who might have diagnoses that they feel uncomfortable sharing with their employer. Or, you know, a disability that has a negative stigma attached to it. The ADA says that you don't have to identify your exact disability diagnosis when making the accommodation request, which is really nice.
You just need to point out that you have a disability and that you're having a problem. Keep in mind that the process of asking for a reasonable accommodation should be interactive. So, ideally, you and your employer would sit down and have a discussion. Talk about the problems that you're having and what you think might help fix them. Also, if asked, you must provide a letter from your doctor stating that you have a disability. And then we do have some tips when asking for a reasonable accommodation. Our first tip is to keep it simple. So, you don't need to use any magic words or legal language. You can really just use plain English. And you want to put it in writing. The ADA says that you can ask verbally. But the Disability Law Center, in the work that we've done, we've found it to be very helpful when accommodations are requested in writing and then formalized in your employee file. So, getting an accommodation in writing protects both you and the employer.
And it’s a really good idea to document all of the communications that you have with your employer, just in case something goes wrong.

And then make sure that you’re talking to the right people. So, you don’t necessarily need to broadcast to everyone at your company that you have a disability. Only the people that really need to know, need to know.

So, this might be your supervisor, manager, or HR representative. And then people who might be involved in implementing the accommodation also might need to know.

So, in certain circumstances, maybe a coworker would want to know or need to know that you have an accommodation in place. You do have the right to have your accommodation request and disability information kept confidential.

So, when you get to the point of talking to your boss about the accommodation that you need, you might want to have a few ideas in mind that you know are going to work for you.

You don't want to go into that meeting because you really know your disability best.
and the limitations that its causing. So, it's likely that you're going to have the best ideas in mind about what accommodations are going to be best for you.

A super helpful resource that you can use if you are unsure about what kind of accommodations other people have asked for would be askjan.org. It's the job accommodation network. And they are an excellent resource for getting ideas on what kinds of accommodations have worked for other people.

They have them listed either by disability or by limitation. So, if you have autism, they would have a whole section about accommodation ideas that have worked for people with autism. Or if you want to look by limitation, let's say your limitation is memory loss, you can actually pull up a whole section on memory loss and get ideas on what accommodations have worked for people who have that issue. So, what are some examples of reasonable accommodations? You can ask your employer to make existing facilities accessible. You know, if you use a wheelchair and are unable to use the restroom because
the doorway is too narrow, you could certainly ask your employer to make the bathroom accessible to you. You can also request part-time or modified schedules. This tends to be the most requested accommodation, and it costs your employer nothing. So, it should be fairly easy to get as long as it makes sense for your individual circumstances. You can also ask to acquire or modify equipment. You can ask for, like, screen reading software or an ergonomic chair or a standing desk. Anything that would help you overcome those limitations that you're having at work. You can also ask for tests or training materials and policies to be changed. As Katy mentioned earlier, if you needed extra time, like on an assessment or a test during the interview, you can ask for more time if you need it. You can also ask for a qualified reader or an ASL interpreter. You can also ask for flexible personal leave policies or even reassignment to a vacant position. And keep in mind that this is not an exhaustive list of all the accommodations that there are.
These are just some examples that you might consider if you think you might need an accommodation.

>> Here's an example of a reasonable accommodation request.

So, Maria is adjusting to a new medication and is having sleep difficulty. So, she's having trouble getting up in the morning. She's been late to work 3 days in a row. And she's worried about disclosing her medical condition but doesn't want her employer to take disciplinary action.

So, we would say this is a good time for Maria to disclose her disability so she can ask for a reasonable accommodation while she adjusts to her new medication. And something we think might be a good accommodation for Maria is a flexible leave schedule while she adjusts.

Another benefit to keep in mind that your employer might provide to you is the Family and Medical Leave Act. Otherwise known as FMLA. FMLA protects your job for up to 12 work weeks while you care for yourself or a family member facing a health issue. Not everyone is qualified to receive FMLA.

So, in order for an employer to
provide it, they have to have

at least 50 employees.

And then the employee isn’t eligible until they’ve worked

for the equivalent of 1 year.

So, just make sure that you check to see

if that's a benefit offered to you when you accept a job.

When you can use FMLA is when you're unable to work

because of a serious health condition.

Or if you need to take care of an immediate family member

who has a serious health condition.

So, you can use FMLA when you're unable to work due

to a health condition for yourself or for a family member.

It can apply to adult children if they're incapable

of self-care due to a disability

that impacts a major life activity.

And the 12 weeks don't necessarily need
to be taken all at once.

They can be taken intermittently if that's what you need in order
to provide that care for yourself or for a family member.

>> And we also just want you to know

that under the ADA you can ask for accommodations to FMLA leave.

So, normally you get 12 weeks, but you may be able to extend

that for disability reasons

under a reasonable accommodation request.
So, what to do if you're discriminated against at work because of your disability. So, the ADA basically says that if you are treated differently at work because of your disability, that is discrimination. So, some examples of discrimination in employment are denying or not responding to a request for a reasonable accommodation, not accepting your application because you have a job coach. Limiting, segregating, or classifying people with disabilities. Treating someone with a disability differently than other employees. And I'd just like to add here that even if that is something that your employer's doing because they're trying to protect you, that can still be discrimination. So, an example of that is an employer withholding a job posting from a person because they are deaf and the job requires using a phone. And the employer has assumed that that person wouldn't be interested. In the job based on their disability. Alright, so, if you think you've been discriminated against at work, you can contact the Disability Law Center. We'd like you contact
us within 120 days

You can also file a complaint with the Utah Antidiscrimination and Labor Division, or UALD.

If you do that within 180 days of the discrimination happening.

Or you can file a complaint with the Equal Employment Opportunity Commission, EEOC, within 300 days of being discriminated against.

>> If you think you've been discriminated against at work because of your disability or if your reasonable accommodation request has been denied, you can call the Disability Law Center for assistance.

You'll talk to someone on our intake team about what happened.

And if it's appropriate, you'll meet with an attorney in a legal clinic to discuss the situation and your options.

And we just want everybody to know that it's a client-driven process.

So we will never go barging into your employer and threatening to sue them.

So, a lot of what the Disability Law Center does is help people by ghostwriting letters.

So, that's us writing a letter, looking like it's coming from you to your employer, explaining your request and what their obligations are under the ADA.

But we can also assist with
demand letters, complaints,
and court proceedings, if it's necessary.

>> So, one of the most frequently asked questions we get is whether or not working is going to have an impact on your Social Security benefits.

It's really important to know that your benefits can change when you begin to work. And that it is your responsibility to report any work to Social Security.

Many people get worried that if they go to work that they're going to flat-out lose all of their benefits. But it's important to know that making money at work does not necessarily mean that you're going to automatically lose your benefits.

It's possible to work, keep the benefits you need, and make more money than if you didn't work at all.

In fact, some beneficiaries may be able to earn enough money to no longer need benefits at all.

You can get help from experts to understand exactly how working is going to impact your benefit situation.

And we'll talk a little bit more about that help that you can get in just a minute.
It is very important that you know which benefit it is that you’re receiving from Social Security. So, there are 2 programs. There’s the SSI program and SSDI. SSI is Supplemental Security Income. And it's available to low-income individuals who have either never worked or haven't earned enough work credits. It's really a needs-based program. And in order to receive SSI, you cannot have more than $2,000 in assets if you're an individual. Or $3,000 if you're a married couple. >> So, most transition-age youth will be on SSI. But some may be on SSDI. So, if you think that you are on SSDI, you may not actually be on that. But you may be on a related benefit called Childhood Disability Benefits. And the eligibility for this program and the amount of your benefit is based off of a parent's work record, not your own. So, you don't actually need to have your own work record. People may sometimes be eligible for this benefit if their disability began before the age of 22, they have a parent who...
paid into the system,
and they have a parent who is now drawing from the system.
Either through SSDI, so disability themselves,
or retirement, or is deceased.
And the Childhood Disability Benefit has the same work rules
and work incentives as the SSDI program.

>> Okay, so, let us stop right here and apologize.
Because we know we're giving you a lot of information
that may not make a whole lot of sense.
And that is kind of the case with a lot of things that come out of Social Security.
You're not expected to remember everything
that we've talked about.
We just want to draw your attention to the key differences
between the programs so that you can make sure
that you're finding out exactly what program you're on.
So that you can make sure that you're following the right set of rules.
In these next few slides, we're going to talk about something called work incentives.
There are many different Social Security work incentives
that may or may not apply to you.
Work incentive rules are complicated and confusing.
And everyone's situation is unique.
The only people that can help you discuss your individual situation are called Work Incentives Counselors. And we're going to talk more about them later, I promise. What we really want you to take away from this next section is that it may be possible to work and maintain the benefits you need. But Social Security encourages people to try out work. And if you want to work, you should definitely talk to a Work Incentives Counselor. Okay, so, what are work incentives? They are special rules that make it possible for people with disabilities receiving social security to work and sometimes still receive monthly payments and Medicare or Medicaid. Social Security refers to these as work incentives. In the next few slides, we're going to focus on SSI work incentives. And this tends to be the most applicable to transition-age youth who are likely, for the most part, on SSI benefits. So, the first thing, the first work incentive that Social Security provides under SSI is called the Earned Income Exclusion. And so, this is a concept that you'll want to keep in mind.
if you receive an SSI benefit and you want to go to work.

This is how Social Security counts your income.

So, earned income is money that you earn by working.

Generally, under SSI, about half of monthly earnings count against your social security benefit.

Carmen lives by herself in an apartment and receives $771 in SSI benefits in 2019. She has no other income.

Carmen takes a job that pays her $885 a month in gross wages.

So, how Social Security calculates Carmen's countable income is they take her $885 of earned income for the month.

They subtract $65 of the earned income exclusion.

Then they subtract another $20 in a general income exclusion.

Leaving Carmen with $800.

Social Security divides that by 2 to get $400.

Which is what Carmen's countable income for the month is.

So, Carmen will receive $371 in SSI benefits, which Social Security calculates by taking her $771 benefit and subtracting the $400 of countable earnings.

So, even though Carmen is receiving less money from Social Security now that she's working,

her gross monthly income
is now $1,256 rather than the $771 it was when she was just receiving SSI.

So, by working, Carmen is able to increase her income by $485 a month.

Another SSI work incentive is called 1619(b) Medicaid While Working. After you go to work, Medicaid coverage may continue even if your earnings become too high for an SSI cash payment.

To qualify, you must have been eligible for SSI cash payment for at least 1 month. Still eligible for SSI except for earnings.

So, still disabled, you still meet the resources test.

You must need Medicaid in order to work.

And you must also have gross earnings too low to replace SSI, Medicaid, other publicly funded attendant care.

So, for 2018 in Utah, that would be your income needs to be below $33,982.

If your earnings fall below the SSI limit in the future, your cash payments can easily be restarted.

Another work incentive under SSI is the Medicaid Work Incentive. It allows a person who has a disability and is working to earn and save more and keep their Medicaid coverage.

So, you must have at least $1 in earned income per month.

You must work at least
40 hours in the month.

You can earn up to 250% of the federal poverty level in countable income, which is about $1,300 a month.

The resource limit under this work incentive is $15,000 rather than the $2,000, and your retirement savings are not counted.

You may be asked to pay a monthly premium based on your income if you earn above the federal poverty level.

The take away here is that it's totally possible for a person receiving SSI to work and continue receiving the vital healthcare that they need.

One of our favorite work incentives under SSI is the Student Earned Income Exclusion. In 2019, you can exclude up to $1,870 a month of earnings, with a maximum exclusion of $7,550 a year. This deduction is in addition to other permitted income deductions. The definition of regularly attending school really depends on your grade and your circumstances.
But this might include training, transition programs, and home school.

Section 301 is another work incentive under SSI.

So, at the age of 18, Social Security does something called a redetermination.

When you turn 18, Social Security will determine if you are still qualified for benefits using a new disability definition.

And the definition is now based on your ability to do work.

Usually, if you're found no longer eligible, your SSI payments will stop.

However, if you're participating in an approved special education, vocational rehabilitation, or similar service, your benefits may continue while you participate.

Some examples are an individualized education plan or an IEP, a written 504 service plan, an individualized plan for employment with vocational rehabilitation, or an approved plan to achieve self support, a PASS plan.

Impairment Related Work Expenses, or IRWEs, are also a work incentive under Social Security.

These are items that you might purchase out of pocket that are related to your disability and are needed in order to work.

Social Security allows you
to deduct certain impairment-related items and services needed to work from your gross countable earnings. IRWE deductions are permitted in addition to other income deductions. Some examples of IRWEs might include service animal expenses, uncovered medical expenses like copays, work transportation needs made necessary due to your disability. Or impairment-related medications. Plans to achieve self-support, or PASS plans, lets you set aside income and resources for a specified period of time so you can reach a work goal that will reduce your SSI payments. For example, you can set aside earnings to help pay for education or vocational training, start a business, save up for a car that will help you get to work, save for other expenses related to achieving your work goal. Remember, a PASS plan may also qualify you for continued SSI payments under the Section 301 work incentive if you no longer meet the adult disability definition. If your PASS plan is approved, income and resources put in it don't count for SSI. We are briefly going to cover SSDI work incentives.
Once you've worked and earn enough credits, you will be switched from the SSI program to SSDI. And you'll be introduced to a whole new set of work rules. The rules for work are very different under SSDI. And we want to make sure that you remember that and keep that in mind. The good news is that there are many work incentives under SSDI that continue to encourage you to work. These include a trial work period, an extended period of eligibility. Impairment related work expenses, subsidies and special conditions. Unsuccessful work attempt, unincurred business expenses. Continuation of medical coverage. And the ticket to work program.

>> So, the Work Incentive Planning Services, or UWIPS in Utah, which is the Utah Work Incentive Planning Services, are the expert benefit planners that you'll meet with to understand how work will impact your Social Security and other benefits. So, UWIPS provides individualized benefits counseling for people who are currently receiving SSI or SSDI and who want information on how work may affect their Social Security.
and other benefits.
So, other benefits are things like Medicaid, Medicare,
foods stamps, housing.
All of your benefits that are impacted by earnings.
So, UWIPS first priority is to serve beneficiaries who are working.
But really good news is that their second priority is to serve transition students.
So, UWIPS definition of transition student is someone who’s 25 and under and is going to school.
But there’s no hour requirement for how many hours somebody’s attending.
And UWIPS can help people who want to understand how working will impact their benefits.
They don't help people apply for benefits.
And you can work with UWIPS by referring yourself, working with your vocational rehabilitation counselor, working with somebody from DSPD, Mental Health, the school, or other providers.
And all of their services are free.
>> And if you get to the point where you’ve decided that you want to work, but you have any fears associated with how that work is going to impact your benefits,
your first call really should be to the UWIPS program.
Where they can tell you
exactly down to the dollar

how much you can earn each month without getting into trouble with Social Security.

>> Something else we want you to know in relation to working and your Social Security benefits is how to avoid an overpayment.

So, overpayments can happen for a number of reasons. And one of them is when you earn too much money at work or have too much in countable assets according to Social Security's rules.

So, the best way to avoid a work-related overpayment or just an overpayment in general from Social Security is to make sure that you're keeping in touch.

So, report all pertinent changes to Social Security.

So, anytime that you change your name, your address, if you get married, if you get a new job.

If the amount of money you make at your changes, anything like that.

It's also critically important that you report your earnings to Social Security every single month.

Especially if you're on the SSI program.

In that case, you need to report to Social Security by the 6th day of the month to ensure that your SSI payment
is correct.

Make sure to keep records on when and how you report your earnings to Social Security.

Make sure that you understand the work rules so that you know when you get a check if you're entitled to the benefits.

And we also would suggest reporting your earnings online via Social Security's smartphone app or by fax so that you have a receipt and proof that you reported.

If you do think that you've received benefits you shouldn't have, don't spend the money. >> Sometimes, despite your best efforts, you may end up with an overpayment from Social Security anyway. Social Security will send you a notice explaining the overpayment and how much you owe.

Make sure that you pay attention to deadlines for appealing. If you appeal the overpayment within 30 days of the notice, then Social Security will not change your benefit. And they won't withhold anything from your check.

After 30 days, but no longer than 60 days, you can submit the appeal. And you'll preserve your rights. But Social Security may start keeping money from your benefits check.

The Disability Law Center
can help you understand the overpayment and your appeal options.

Our services, again, are at no charge to you.

We begin with a legal clinic to review your case.

And if we find that there's a legal argument that we can make on your behalf, we'll talk to you about how we can help represent you through the appeals process.

Social Security is generally very good at working with people to set up payment plans and to resolve overpayments.

So, even if you get an overpayment notice, don't panic. Just give us a call.

>> And the last thing that we want to talk to you about is something called Achieving a Better Life Experience Act, or ABLE.

So, ABLE is something that's kind of new. And it's a way for you and your family to save money for your disability-related expenses.

And it's a tax-advantaged account.

So, funds in an ABLE account are not counted against you or are given special treatment when determining eligibility for means-tested federally funded benefits.

Some examples of federal benefits with means testing are SSI, Medicaid,
00:38:08;10 00:38:09;26  and vocational rehabilitation.
00:38:09;28 00:38:13;25  And for SSI, you can
00:38:09;28 00:38:17;24  have up to $100,000
00:38:13;27 00:38:17;26  in an ABLE account before
00:38:13;27 00:38:18;18  SSI counts it as an asset.
00:38:13;27 00:38:20;14  And if you'll remember
00:38:13;27 00:38:22;19  from our previous slides,
00:38:17;26 00:38:20;16  normally you can only
00:38:17;26 00:38:23;19  have $2,000 in assets
00:38:23;21 00:38:25;05  under the SSI program.
00:38:25;07 00:38:28;18  So, the ABLE act really provides
00:38:25;07 00:38:31;14  the first way for people
00:38:25;07 00:38:31;16  who receive SSI to save money.
00:38:28;20 00:38:31;14  And you're automatically
00:38:28;20 00:38:35;00  eligible for an ABLE account,
00:38:31;16 00:38:35;00  you must be a person
00:38:31;16 00:38:36;23  with a significant disability
00:38:35;02 00:38:36;25  that onset before
00:38:36;25 00:38:39;08  your 26th birthday.
00:38:39;10 00:38:42;21  And you're automatically
00:38:39;10 00:38:46;09  eligible for an ABLE account
00:38:42;23 00:38:46;09  if you already receive
00:38:46;11 00:38:49;00  And if you don't, you must
00:38:46;11 00:38:49;00  still meet Social Security's
00:38:49;02 00:38:52;04  definition and criteria
00:38:49;02 00:38:52;04  for being disabled.
00:38:52;06 00:38:55;07  And you can just get a note
00:38:52;06 00:38:55;07  from your licensed physician.
00:38:55;09 00:38:58;11  So, the really cool thing
00:38:55;09 00:38:58;11  about ABLE accounts is
00:38:58;13 00:39:00;11  that they're so flexible.
00:39:00;13 00:39:02;26  ABLE account funds can
00:39:00;13 00:39:02;26  be used for all sorts
00:39:02;28 00:39:05;27  of qualified disability-related
00:39:02;28 00:39:05;27  expenses.
00:39:05;29 00:39:08;00  So, these would be
00:39:05;29 00:39:08;00  any expense related
00:39:08;02 00:39:10;20  to the beneficiary's
00:39:08;02 00:39:10;20  disability that can assist them
00:39:10;22 00:39:13;01  in improving or maintaining
00:39:10;22 00:39:13;01  health, independence,
00:39:13;03 00:39:15;20  and/or their quality of life.
00:39:15;22 00:39:19;13  So, some examples of that are
purchasing for school, paying rent, paying for transportation, employment training, assistive technology. Personal support services, healthcare, and financial management. And we get asked sometimes what's the difference between a special needs trust and an ABLE account. So, ABLE accounts provide more choices and control for the beneficiary. Because the money is actually controlled by the beneficiary. They can be established at a lower cost. And some people may benefit from having both. In Utah, we don't have an ABLE program. But that doesn't mean you can't have an ABLE account. You can still open an ABLE account in another state. Each state's ABLE program looks a little bit different. And some may meet your needs better than others. So, I would suggest going to the ABLE National Resource Center. The website is at the bottom of the slide. It's ablenc.org to learn more. In Utah, you can contribute up to $15,000 a year to an ABLE account. And that's contributions altogether. So, the person with the disability, family members, anyone can contribute.
But a really cool thing is on top of that,
now an account owner, so the person with the disability,
can contribute $12,140 of earned income on top
of the $15,000 a year.
Bringing the possible annual contribution to $27,140.
And in Utah, you can have up to $416,000 in an ABLE account.
And remember from the last slide,
that after the first $100,000, SSI will count that as an asset.
But you can have quite a bit of money in an ABLE account.
And there's also a 5% Utah state tax credit available
on the total amount of contributions in an ABLE account.
>> Thank you so much for taking the time today
to listen to this presentation.
We know we've given you a lot of really technical information to digest.
And we hope we haven't overwhelmed you.
We hope that we've given you some tools and some resources
to take into consideration as you're considering whether
or not you want to go to work.
>> And if you have any questions or want more information
about today,
please contact the Disability Law Center
for technical assistance.
If you email employmentrights
at disabilitylawcenter.org,

00:41:37;15 00:41:39;13 it will send an email
to both Lindsay and I.

00:41:39;15 00:41:41;23 And we will get back to
you with more information.

00:41:41;25 00:41:46;07 Or you can call our phone
number at 1-800-662-9080.

00:41:46;09 00:41:48;07 Thank you so much.

00:41:48;09 00:41:49;13 >> Thanks!

00:41:49;15 00:41:58;29 [ Music ]