

Issue Brief: The Basics of the National Council on Disability's Social Security Report

The Social Security Administration's Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems

(<http://www.ncd.gov/newsroom/publications/2005/ssa-promoteemployment.htm>)

The National Council on Disability's (NCD) overall purpose is to promote policies and practices that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and integration into all aspects of society. A key element of NCD's mandate includes promoting employment for people with disabilities. Americans with disabilities remain underemployed, despite the fact that many are willing and able to work. In addition to helping maintain a healthy economic outlook for our nation, and expanding the workforce, employment provides opportunity for people with disabilities to achieve independence and self-determination. However, millions of Americans with disabilities who receive benefits from the Social Security Administration (SSA) never successfully transition to the working world or return to competitive employment.

The SSA, in conjunction with other federal agencies responsible for crafting and implementing disability and employment policy, must create circumstances where people with disabilities can seek employment without worrying that doing so will jeopardize access to health care or basic financial supports, including the ability to reinstate benefits in the future if the attempt to transition back to work is unsuccessful. One of the fundamental difficulties in this regard lies in the conceptual disconnect between establishing eligibility for SSA programs and returning to work.

Our nation's current disability benefit programs are based on a principle that equates the presence of a significant disability and lack of substantial earnings with a complete inability to work. In the real world, however, conditions vary, and a disability may be partial or temporary. Some disabilities are cyclical, and other conditions, including mental health issues, have not been adequately studied in this context to provide a good match for the method of determining disability and thus, eligibility for financial supports. People who might be able to participate in part-time or modified employment are discouraged from making such an attempt, because even partial employment could delay or even eliminate eligibility for Social Security disability benefits. Unsuccessful attempts to work are seen to carry a potentially devastating negative impact, including the loss of benefits and possibly, health care coverage.

The 1956 definition of disability used to determine eligibility for Social Security Disability Insurance (SSDI), a program originally intended as an early retirement insurance program for older workers not yet eligible for their pension whose disabling conditions prevented them from continuing to work, remains the standard, despite changes in the economy, medical care, rehabilitative technologies and perceptions of how people with disabilities can participate in employment. The rules governing SSDI and

Supplemental Security Income (SSI) programs, as discussed in a forthcoming NCD brief detailing the two programs, are complex and can be intimidating, particularly for dual-program beneficiaries. Income (categorized as earned or unearned) and asset determinations and how these sources affect the Social Security payment amount can be difficult to comprehend and navigate effectively, adding an additional layer of obstacles to seeking employment.

The resulting dependence on federal benefits results in a life of limited choices and poverty for people with disabilities. Instead, the nation should devote resources to integrating people with disabilities into the larger community, with employment playing a key role in this process. This can be accomplished by creating incentives for working, for instance, by increasing the asset limit, instead of creating fear of penalties. The current lengthy process of determining eligibility undercuts later return-to-work efforts. Getting involved early in rehabilitation yields better results than instituting such programs after a long, sometimes arduous process to receive a hard-won benefit, which a recipient will not want to risk forfeiting by attempts to find a job or return to work.

The Social Security system, in conjunction with other federal entities, should provide improved coordination and planning to prepare people with disabilities to begin working or return to work. The Ticket to Work Program (TTW), for example, is a well-intended step, but does not defuse the fundamental disconnect between the perceived risk of jeopardizing future benefits by attempting to work. To show one's "inability to engage in any substantial gainful activity" for a period of at least twelve months creates a strict test that encourages people with disabilities not to attempt to work if they hope to successfully demonstrate eligibility for Social Security benefits. Rehabilitation efforts to prepare recipients to return to work kick in once eligibility for a disability benefit has been established. In order to encourage all Americans to create productive and independent lives, this system should focus on rehabilitation first, rather than on demonstrating an inability to work in order to receive benefits.

Congress and the SSA have made efforts in this area, but the attempts to date do not address the underlying disconnect between demonstrating eligibility for benefits by demonstrating inability to work, followed by programs that encourage the recipient of disability benefits to work. Participation in programs such as TTW remains low at least in part because of that mismatch. Recipients of SSDI, in particular, may not necessarily be better off working due to a sharp decrease in cash benefits. Losing access to health care and the fear of losing Medicare and Medicaid eligibility is another part of this picture, and will be discussed in greater detail in a forthcoming brief.

NCD is available to provide you with advice and assistance pertaining to these and other issues of importance to people with disabilities and welcomes any inquiries from you and your staff. NCD would be happy to provide information and analysis in person or via conference call to Members of Congress and staff, individually or in any configuration that works for your schedule. Please contact NCD's Congressional Liaison, Mark Seifarth at mseifarth@ncd.gov, or reach NCD by telephone at (202) 272-2004 (v), (202) 272-2074 (tty).

