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AUTHOR:	TONY COELHO		
AFFILIATION:	DC		
ADDRESSEE:	RICHARD MESERVE		
SUBJECT:	PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES...EDUCATIONAL KIT "2000"		
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PRESIDENT'S
COMMITTEE
ON EMPLOYMENT
OF PEOPLE
WITH DISABILITIES

July 21, 2000

Mr. Richard A. Meserve
Chairman
Office of the Chair/Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike, Room 17D5
Rockville, MD 20852-2738

Dear Mr. Meserve:

It is my pleasure to share with you a copy of the President's Committee on Employment of People with Disabilities' 2000 Educational Kit. The theme for this year's program, "Ability You Can Bank On," conveys a simple yet critical message: People with disabilities are ready, willing and able to be an essential part of our nation's human resource capital. With the country's lowest unemployment rate in 30 years, the federal government as the largest American employer must search for new labor pools to fill critical government jobs. Job candidates with disabilities offer a natural solution. As a group so often overlooked, those of us with disabilities – numbering 54 million strong – are among the most committed and motivated employees. And we want to earn a paycheck and pay taxes!

The 2000 Educational Kit has been constructed to provide you with materials to conduct year-round programs to ensure that persons with disabilities are part of the diversified workforce of this nation. I know we agree that it is essential to the future of this nation that we rededicate ourselves and our agencies to the utilization of the skills and strengths of every one of our citizens. I encourage you to focus on the abilities and accomplishments of individuals with disabilities as part of the July 26, 2000, celebration of the tenth anniversary of the Americans with Disabilities Act and in October when National Disability Employment Awareness Month is observed.

I would further challenge you to make one of your agency's priorities for FY2001 an increase in the number of employees with disabilities. As the President has stated, "We need to make the federal government a model employer if we expect the rest of the nation to follow."

I look forward to hearing about your agency's activities and programs to make persons with disabilities part of your workforce team. If you need additional copies of the Educational Kit, contact Faith Kirk at 202/376-6200, Ext. 13, or by e-mail at <kirk-faith@pcepd.gov>.

Sincerely

Tony Coelho

Tony Coelho
Chairman

Enclosure

1331 F Street, N.W.
Washington, DC 20004-1107

202-376-6200 (Voice)
202-376-6219 (FAX)
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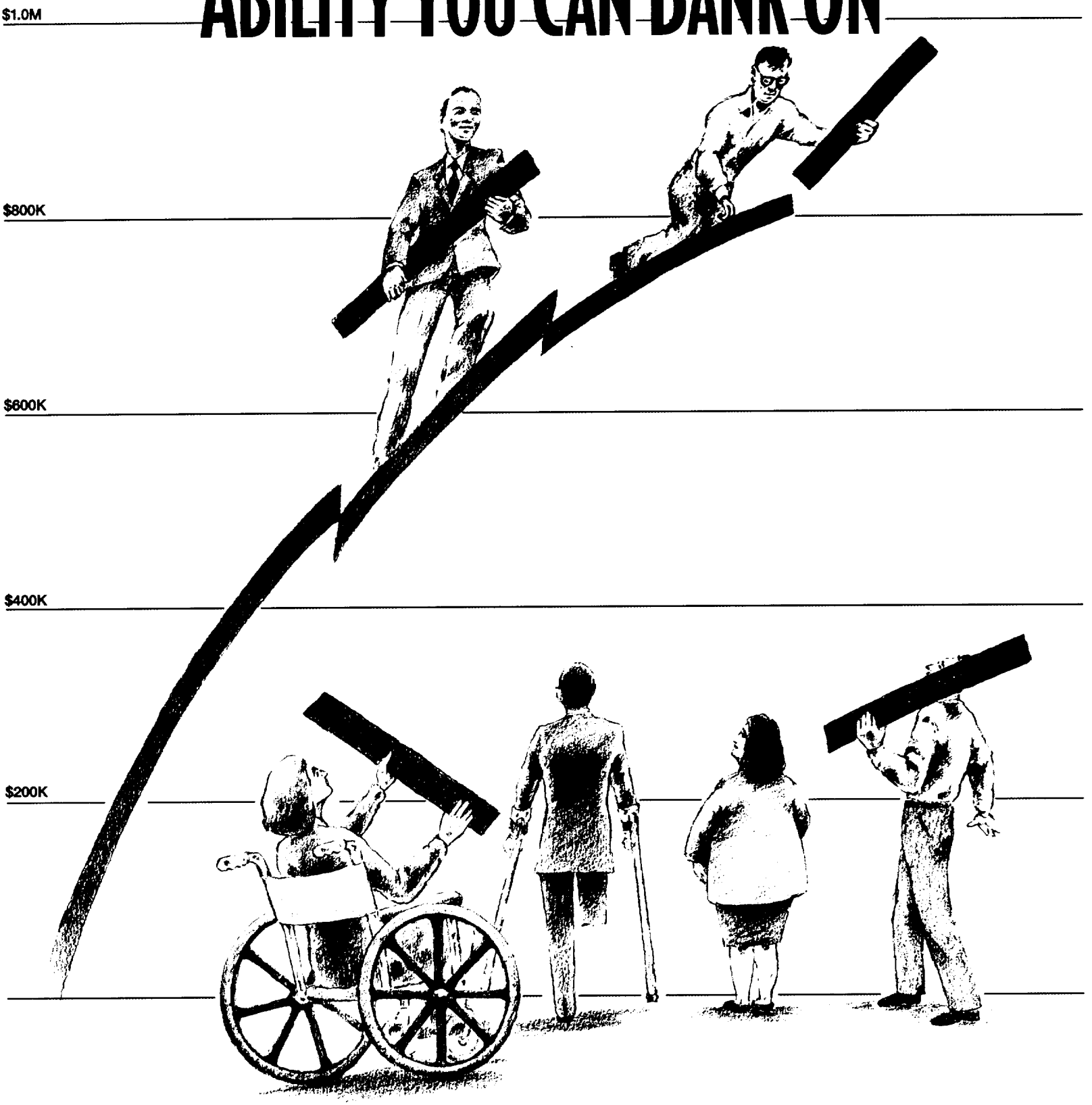
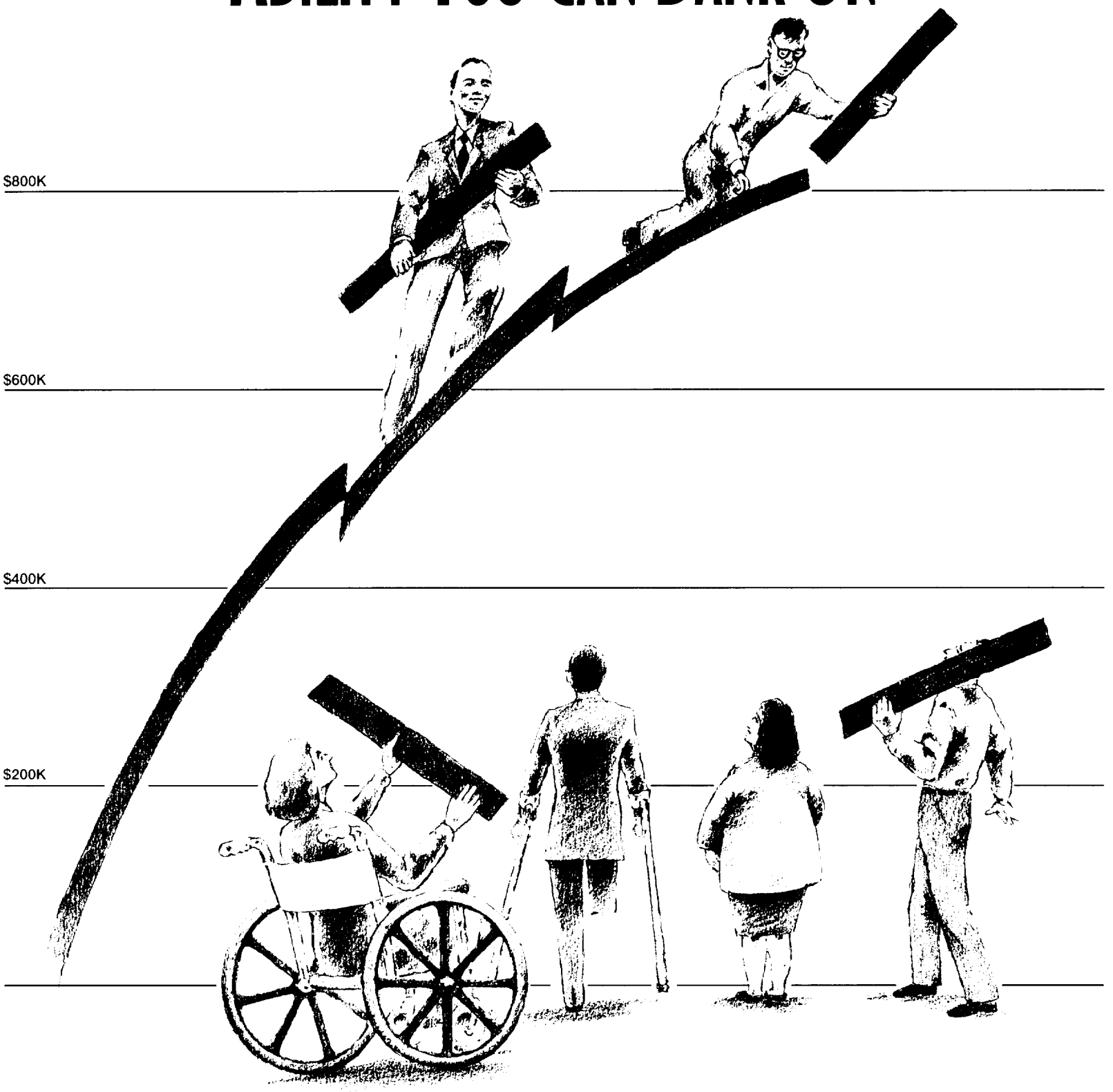
Ability You Can Bank On



President's Committee on Employment of People with Disabilities

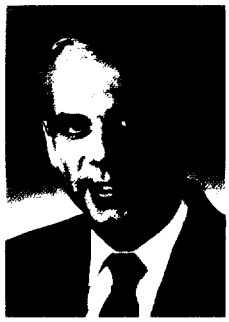
Educational Kit 2000

Ability You Can Bank On



President's Committee on Employment of People with Disabilities

A Message from Chairman Tony Coelho



"Ability You Can Bank On." The theme of the 2000 education program kit conveys a vital message: People with disabilities are ready, willing and able to be an essential part of our nation's human resource capital.

With the country's lowest unemployment rate in 30 years, employers must search for new labor pools to continue expanding their profits and our economy. Job candidates with disabilities offer a natural solution. As a group so often overlooked, those of us with disabilities—numbering 54 million strong—are among the most committed and motivated employees. And we want to earn a paycheck and pay taxes!

The passage of the Ticket to Work and Work Incentives Improvement Act late in 1999 heralds the new millennium for employment of persons with disabilities. This landmark legislation represents one of the most important legislative advances for people with disabilities since the 1990 enactment of the Americans with Disabilities Act. It can make the transition to the world of work easier for people with disabilities who are concerned about health care needs.

The staggering unemployment rate facing Americans with disabilities is a problem that impacts all of our citizens—not just people with disabilities. Keeping individuals with disabilities on welfare, social security and other benefit programs, rather than in jobs, is not cost effective nor does it help this nation's economy prosper. Businesses who actively recruit qualified applicants with disabilities have discovered a wealth of untapped skills, talents and abilities. Qualified persons with disabilities answer the need employers have for employees who can get the job done. Further, persons with disabilities are natural problem solvers who contribute valuable consumer perspectives regarding what the disability market needs and wants.

This is innovative thinking that translates into corporate profits that can be taken to the bank.

Those of us with disabilities must believe in ourselves. A positive mind set and self-advocacy in seeking employment opportunities can be our most "bankable" assets. Small accomplishments lead to huge successes. Little by little, we are demonstrating that employing people with disabilities provides employers with "ability they can bank on."

Tony Coelho

Tony Coelho

Introduction

The 2000 Educational Kit will help the reader with educational projects that promote the employment of people with disabilities. These materials can be used for programs and activities to celebrate the tenth anniversary of the Americans with Disabilities Act (ADA) in July and National Disability Employment Awareness Month (NDEAM) in October. In addition, conducting community and company events linked to Martin Luther King Jr. Day in January, African-Americans History Month and Groundhog Job Shadow Day in February, National Women's History Month in March, Secretary's Day in April, Labor Day in September and Veterans Day in November, offers additional opportunities to focus on the employment of people with disabilities. Newspaper articles tied to your events will provide broad educational impact.

Signed into law ten years ago, on July 26, 1990, the ADA, which prohibits discrimination in employment and other areas on the basis of disability, is opening a path of opportunity in the workplace for millions of Americans with disabilities.

Pre-dating the ADA by nearly a half century, Public Law 176 was enacted by the Congress in 1945. P.L. 176 designated the first week in October each year as "National Employ the Physically Handicapped Week," and the President's Committee on Employment of People with Disabilities was named by President Harry S. Truman to carry out the Act. In 1962 the word "physically" was removed from the week's name to acknowledge the employment needs of all Americans with disabilities. In 1988 the Congress expanded the week to a month and changed its name to "National Disability Employment Awareness Month." October has evolved as the kick-off month for year-round programs that highlight the abilities and skills of Americans with disabilities.

The theme for this year's educational program is "**Ability You Can Bank On.**" We have crossed the threshold into the 21st century. Both public and private employment sectors are finding it harder to locate, employ and retain employees with the skills and talents needed in today's global economy. Our nation is experiencing a large decrease in unemployment rates for the traditional American workforce and strong international competition. To stay competitive, the American business community must seek quality employees from non-traditional employee pools. Persons with disabilities are part of the non-traditional, skilled labor pool who can meet the needs of today's employers for a competent and creative workforce.

Employees with disabilities have demonstrated their abilities in executive, administrative and managerial fields. They have been successful in such diversified areas as marketing, sales, administrative support, service industries, construction trades, manufacturing, transportation and professional and technical fields.

The skills and talents of 7.8 million working-age workers with disabilities are ready to be tapped by today's employers. The bottom line: Persons with disabilities can get the jobs done in a cost-effective, high quality manner. They represent ability you can bank on.

Listed below are examples of activities promoting the employment of individuals with disabilities carried out in 1999. The President's Committee encourages readers to adopt or adapt similar activities for a stimulating and productive year-long education campaign.

- In cooperation with a variety of Federal and private sector organizations, the White House led the celebration of NDEAM by sponsoring a variety of activities that showcased the contributions people with disabilities make to society, including an art exhibit and an evening of performances featuring artists and entertainers with disabilities, a Roundtable Discussion on Disability Sports, and Student Mentoring Day, which "goes national" in 2000 to become an annual NDEAM event throughout the United States.

- The main post office in Bethesda, MD, offered a special NDEAM pictorial cancellation and envelope. A ceremony to unveil the cancellation included as speakers Maryland Congresswoman Connie Morella, President's Committee Vice Chair Ron Drach and Jacqueline Deane, a postal service employee with a disability.

- The Oklahoma Federal Executive Board Annual Inter-Agency Celebration was hosted by the Council on Disability Concerns at the Federal Aviation Administration in Oklahoma City in October. Using a quiz show format based on the 1999 theme, "Think Ability," four Federal agency teams (U.S. Department of Agriculture, U.S. Department of Veterans Affairs, Federal Bureau of Prisons and

Federal Aviation Administration) competed against each other on disability-related questions before a live audience. The program was videotaped and will be used for additional educational activities.

- An American Association of Retired Persons employee with a disability was featured on a WUSA (Washington, DC) CBS Television news segment during National Disability Employment Awareness Month. The employee was shown at work using adaptive technology. The news segment aired in conjunction with CBS's Sunday Night Movie "Anya's Bell," which featured a couple, one of whom is blind and the other of whom has dyslexia.

- Bender Consulting Services, Inc., a consulting firm that creates competitive employment opportunities for information technology professionals with disabilities in conjunction with Bayer Corporation, Highmark Blue Cross Blue Shield and Computer Sciences Corporation, sponsored "job shadowing" and other employment experience opportunities within the workplace for students with disabilities. "Shadowing" offered the students the opportunity to gain valuable experience and insight into interesting careers in the corporate world by partnering with corporate employees.

- Procter & Gamble and the Ohio Rehabilitation Services Commission held an all-day event for small and medium size companies on the best practices and considerations relative to hiring people with disabilities. Featured speakers were the North American President of Procter & Gamble and the Treasurer of the State of Ohio.

- The Loredo, Texas Mayor's Committee published a tabloid newspaper on disability issues which was distributed to more than 300 local businesses and approximately 20,000 individuals.

- The Georgia Department of Labor's (DOL) 53 field service offices held educational activities to promote meaningful employment for people with disabilities. Programs and activities included presentations to employers and DOL staff highlighting the benefits of tapping into the labor pool of persons with disabilities and making modifications and accommodations in the workplace, including assistive technology, to open doors to qualified applicants. Other activities included public service announcement broadcasts throughout the state promoting NDEAM and the theme "Think Ability," a job fair for people with disabilities (several were hired on the spot) and skits performed by DOL staff to illustrate good and bad service when working with a customer with disabilities.

- Western Washington University conducted a month-long NDEAM education program that included a legislative forum exploring issues before the state legislature about treatment options for persons with mental illness, a disability management and awareness training and an Access Job Fair.

Remember: These examples only provide a starting point. Let your imagination be your guide. Please send descriptions of your activities this year to the President's Committee to share with others.

Additional Materials: Below is a small sampling of materials that you may order from the President's Committee on Employment of People with Disabilities to assist with your education program. These materials and others can be accessed at the President's Committee's Web site, < www.pcepd.gov >.

- Attitudinal Barriers (1999)
- Making Management Decisions about Accommodations (1999)
- Preparing for and Conducting an Effective Job Interview (1999)
- Disability Data Resources (1999)
- JAN: Opening Doors to Job Accommodation (1998)
- Affirmative Action and People with Disabilities (1998)
- Recruitment Resources (1998)
- Hiring People with Disabilities (1997)
- Personal Assistance Services in the Workplace (1997)
- Dispelling Myths about the Americans with Disabilities Act (1996)
- What You Should Know about Workplace Laws (1996)
- Employment Checklist for Hiring Persons with Disabilities (1996)
- Communicating with and about People with Disabilities (1995)
- Job Analysis-An Important Employment Tool (1994)

This publication is available in alternate formats.

July 2000
President's Committee on Employment of People with Disabilities
1331 F Street, NW, Washington, D.C. 20004-1107
www.pcepd.gov

Disability Friendly Strategies for the Workplace

Employers who include disability issues in corporate diversity policies enrich and enhance workplace benefits in the new economy. Such benefits include diverse leadership, innovation, increase in overall morale and the ability to cast a wider recruiting net. Outlined below are strategies to successfully incorporate persons with disabilities into the workplace.

Make a corporate commitment to include persons with disabilities among your stakeholders
Is the CEO committed to a *disability friendly* workplace? Is there a written document to all staff that affirms this commitment? Do corporate policies, procedures and practices specifically mention disability? Do persons with disabilities serve on the board? Are employees and customers with disabilities seen in the annual report? Are workers with disabilities employed at all skill levels in the workforce, including senior management positions? Are your products or services marketed to customers with disabilities? ***CEO commitment means senior leadership will embrace disability policies and that the organization will "talk the talk and walk the walk."***

Educate all staff on disability
Does new staff orientation include disability awareness training? Are training materials available in alternate formats such as large print, Braille, and captioning? Do employees with disabilities serve as mentors for new hires who do not have disabilities? ***Providing disability education dispels myths and enables all staff to make sound disability employment decisions.***

Provide ongoing information on disability
Are staff familiar with legislation pertaining to disability? Does staff receive disability information that could be helpful at work, at home or at school? Is disability information provided routinely in the company newsletter or on an intranet site? Are disability resources in the community contacted to help injured workers return to the workplace as soon as possible? ***Continued education enables employees to utilize pertinent disability information to resolve everyday family and worklife situations.***

Form a disability support group
Do employees with disabilities meet to discuss disability employment issues? Does this group have authority to make recommendations to management? Is all staff aware of this group and the contributions it makes to corporate success? ***Disability perspectives enable all employees to contribute their full work potential to corporate success.***

Provide accessible facilities and services
Are buildings, parking areas, work spaces, and communication systems accessible to persons with disabilities? ***Accessible facilities and services are more useful for everybody.***

Accommodate applicants and workers with disabilities
Is there a central source and budget for accommodations? Are applicants and employees informed that accommodations are available if needed? With permission, are employee success stories that demonstrate improved productivity based on accommodation shared with other employees? Does staff routinely stay abreast of new developments in universal and assistive technology? ***An open policy on accommodations allows candidates and workers with disabilities to demonstrate what they can do.***

Project a disability friendly image to attract candidates and customers with disabilities
Do college recruiters target students with disabilities when making campus calls? Do recruiters search for resumes on disability-related Web sites? Are publications directed to persons with disabilities targeted for company advertising? Are recruiters and other personnel responsible for establishing working relationships with community agencies serving applicants with disabilities? ***Building relationships with community agencies increases referrals of candidates with disabilities.***

Hire applicants with disabilities
Do recruiters regularly attend employment fairs for candidates with disabilities or target students at colleges with known populations of students with disabilities such as Gallaudet University and the National Technical Institute for the Deaf? Are employees offered incentive bonuses for referring applicants with disabilities? ***A diverse workforce includes employees with disabilities.***

Train and advance workers with disabilities
Do employees with disabilities routinely participate in employer-sponsored training opportunities? If not, has this issue been brought before the Disability Support Group for recommendations? Are procedures in place to promote qualified employees with disabilities to management and supervisory positions? ***Employers who "talk the talk and walk the walk" of disability employment promote qualified workers to upper management positions.***

Encourage staff to volunteer in the community
Is staff encouraged to build relationships with disability community service organizations during work hours? Does staff make regular visits to high schools to inform administrators, teachers and students (including students with disabilities) about scheduled open houses and job trends in your industry? Are human resource staff instructing students with disabilities about how to set up a scannable resume or serving as mentors to graduating post-secondary students with disabilities to help them with their job search? ***Employers who want to make a difference in the disability employment arena are eager to influence tomorrow's disabled workers and help job candidates with disabilities with their search.***

This information was prepared in cooperation with the Business Leadership Network (BLN), an employer-led endeavor of the President's Committee on Employment of People with Disabilities supported by the U. S. Chamber of Commerce. This program promotes best disability employment practices to enhance employment opportunities for job candidates who happen to have disabilities. For more information about the BLN and other programs of the President's Committee check out our Web site < www.pcepd.gov > or call 202-376-6200.

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Accommodating Employees with Hidden Disabilities

The Americans with Disabilities Act (ADA) defines "disability" as an impairment that "substantially limits one or more of the major life activities." Although some disabilities, such as inability to walk, missing or impaired limbs or severely impaired vision, are easy to observe, many disabilities are not. Some examples of "hidden" disabilities are learning disabilities, mental illness, epilepsy, cancer, arthritis, mental retardation, traumatic brain injury, AIDS and asthma. Many people do not believe that hidden disabilities are bona fide disabilities needing accommodation. Hidden disabilities can result in functional limitations which substantially limit one or more of the major life activities, just like those which are visible. Accommodating hidden disabilities can keep valued employees on the job and open doors for new employees.

The ADA requires that reasonable accommodation be provided, if necessary, for all impairments that meet the definition of "disability," whether hidden or visible. Reasonable accommodations must be determined on a case-by-case basis to ensure effective accommodations which will meet the needs of the employee and the employer. Accommodations can range from making existing facilities accessible for wheelchair users to job restructuring, acquiring or modifying equipment, developing flexible work schedules or modifying task protocols.

Accommodating qualified employees with disabilities sets up a win-win situation: employers gain a qualified, stable, diverse workforce; people with disabilities get jobs; and society saves money that previously funded public benefits and services for people with disabilities.

Listed below are examples of accommodations worked out through discussions between employees with disabilities and employers, in consultation with the President's Committee's Job Accommodation Network (JAN). JAN is a toll-free service which provides advice to businesses and individuals on workplace accommodations and the employment provisions of the ADA. JAN can be reached by calling 800-526-7234 (V/TDD).

These are samples of accommodations that worked and do not represent the only possible solution to the accommodation situation. To receive guidance on specific accommodation questions, talk with the employee and give JAN a call.

Situation: *A bowling alley worker with mental retardation and bi-manual motor and finger dexterity problems was having difficulty properly wiping the bowling shoes that had been returned by customers.*

Solution: A local job coach service provider fabricated a device that allowed the individual to roll the shoes in front of a brush rather than run a brush over the shoes. Cost: no cost as scraps of wood that were left over from other projects were used to make the device.

Situation: *A high school guidance counselor with attention deficit disorder was having difficulty concentrating due to the school noise.*

Solution: The school replaced the bell on his phone with an electric light bulb device which lights up when the phone rings, sound-proofed his office and provided a floor fan for white noise. Cost: under $600.

Situation: *A machine operator with arthritis had difficulty turning the machinery control switches.*

Solution: The employer replaced the small machine tabs with larger cushioned knobs and provided the employee with non-slip dot gripping gloves which enabled him to grasp and turn the knobs more effectively and with less force. Cost: approximately $130.

Situation: *A warehouse worker whose job involved maintaining and delivering supplies was having difficulty with the physical demands of his job due to fatigue from cancer treatment.*

Solution: The employer provided the employee with a three-wheeled scooter to reduce walking. The employer also rearranged the layout of supplies in the warehouse to reduce climbing and reaching. Cost: $3,000.

Situation: Due to hot weather conditions, a worker with asthma was having difficulty working in an outside environment fueling airplanes and moving luggage.

Solution: The employer moved the individual to the midnight shift and to a position where the worker was both inside and outside the facility. Cost: $0.

Situation: A telephone consultant with traumatic brain injury was experiencing short-term memory loss and auditory discrimination problems which resulted in difficulties responding to telephone requests for information, entering information into her computer and following oral instructions.

Solution: The employer provided sound absorbing office partitions which reduced noise and distractions, and reprogrammed the telephone bell so that the employee could readily differentiate between her phone and others in the area. The employer added an anti-glare screen guard on the computer to reduce screen flicker and prevent dizziness and fatigue. Instructions, daily reminders of meetings and other scheduled activities were provided in writing. Cost: $345.

Situation: An office manager who had been treated for stress and depression was experiencing difficulty maintaining her concentration when trying to complete assignments and meet critical deadlines.

Solution: She discussed her performance problems with her supervisor. The employer implemented accommodations that allowed her to organize her time by scheduling "off" times during the week where she could work without interruptions. She was also placed on a flexible schedule that gave her more time for counseling and exercise. The supervisor trained the employee's co-workers on stress management and provided the office manager information about the company's employee assistance program. Cost: $0.

Situation: An insurance adjuster was allergic to rubber and the formaldehyde in the paper products used by his employer.

Solution: The employer provided the employee with cotton gloves for handling paper and switched to recycled, chlorine-free paper and soy-based ink products. Cost: paper and ink costs increased approximately $130 per year and the gloves cost $10.

Situation: A claims representative with lupus was sensitive to fluorescent light in his office and to the radiation emitted from his computer monitor.

Solution: The employer changed the overhead lights from fluorescent to broad-spectrum by using a special filter that fit onto the existing light fixture and provided the employee with a flicker-free monitor and a glare guard. Cost: approximately $1,065.

Situation: A part-time college instructor with Asperger's Syndrome was experiencing auditory discrimination difficulties which prevented her from being able to make immediate decisions. This was causing problems for her during meetings and annual evaluations, and had prevented her from meeting time lines for projects.

Solution: The employee was permitted to take notes during staff meetings and to provide written responses to all attendees on the questions raised during the meeting within a time frame agreed upon by the meeting participants. The employee also received a copy of meeting agendas, annual evaluations and project expectations in advance of the face-to-face meetings and was thereby able to ask questions or provide follow-up responses in writing. Cost: $0.

Situation: A machine operator with HIV was experiencing difficulties remembering the steps involved in changing a part on his machine.

Solution: The employer provided the employee with a step-by-step check list and written instructions on how to change the part. Cost: $0.

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Alternative Dispute Resolution

Introduction

The Americans with Disabilities Act (ADA) supports the use of alternative dispute resolution (ADR) as a quick and fair method for settling complaints without going to court. Section 513 of the ADA, 42 U.S.C. §12212, states: "Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement, negotiations, conciliation, facilitation, mediation, fact finding, mini-trials, and arbitration, is encouraged to resolve disputes arising under this Act." Regulatory language reinforces this message.

ADR is a non-judicial means of settling ADA disputes outside of the courtroom, avoiding costly and time-consuming litigation after a complaint or dispute arises. The use of ADR mechanisms is intended to supplement, not supplant, other enforcement mechanisms available under the ADA. Both employers and employees can look to ADR as a "good sense" way to find a common ground. ADR offers both parties the classic "win-win" scenario, often resulting in creative and collaborative solutions. Two of the ADA's provisions, "reasonable accommodation" and "readily achievable," have often been successfully resolved through mediation and other ADR conflict-resolution strategies.

In order to help implement the ADR provision, the U.S. Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) included dispute resolution as a major component of their original national ADA training for disability advocates. Since then, the DOJ has continued to fund ADA training projects for community and professional mediators, and both the DOJ and the EEOC refer cases for mediation.

Major Examples of ADR Techniques

The following are four commonly used ADR techniques:

- ***Mediation*** involves the use of a trained facilitator, known as a mediator, to assist the disputing parties resolve their differences informally by helping them to achieve a mutually acceptable agreement.
- ***Arbitration*** utilizes a neutral third party to resolve a dispute after hearing arguments and reviewing evidence from both parties.
- ***Conciliation*** uses a neutral third party to help resolve disputes by improving communications, lowering tensions and identifying issues and potential solutions by shuttling information between the disputing parties.
- An ***ombudsman strategy*** investigates and expedites complaints, helping either of the parties settle a dispute or proposing changes to make the system (or employer, government agency, business, etc.) more responsive to the needs of the complainant.

Detailed information on two ADR techniques commonly used in resolving ADA issues appears below.

Facts About Mediation

The EEOC defines mediation as a problem-solving process that allows the parties to develop their own solutions through dialogue. Mediation is an informal process whereby a neutral third party assists the opposing parties reach a voluntary resolution of an employment discrimination charge. The decision to use mediation is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into resolutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential.

Advantages of Using Mediation

- Mediation often saves time and money.
- Mediation is a confidential process.
- Settlement agreements secured during mediation do not constitute an admission by the employer of any violation of laws enforced by the EEOC.
- Mediation helps maintain relationships between the parties.

- Mediation strives to treat both parities in an equitable and fair manner.

How Do I Find An ADA Trained Mediator?

Mediation is offered by the EEOC, as well as other trained mediators and community dispute resolution organizations. In 1991, the EEOC contracted with the Center for Dispute Settlement to conduct pilot mediation programs in four field offices (Philadelphia, New Orleans, Houston and the Washington, DC field office). An evaluation of the pilot programs indicated that mediation was a viable alternative to the traditional investigatory methods employed by the Commission. Congress funded expansion of EEOC's mediation program in October of 1996. By the end of Fiscal Year 1997, each EEOC district office had a mediation program in place, supplementing its internal mediation staff with pro bono and contracted mediation services available within its jurisdiction.

Facts About Arbitration

Arbitration is a form of alternate dispute resolution commonly used in labor cases. In actuality, it is a private court in which the disputing parties agree to be bound by the decision of an arbitrator (neutral person) who is familiar with the issues being disputed. There can be no arbitration unless both sides agree to use this method. The agreement may be worked out in a labor contract or in a private contract long before a dispute starts. However, even if parties have never signed such an agreement, they may decide to arbitrate after a dispute arises. Once an arbitrator is selected by the parties, the case is scheduled and heard. There is no discovery in most cases. The arbitrator will usually dispense with evidentiary rules and will hear brief statements from each side at the beginning of the case. The parties then will present their cases. There is direct- and cross-examination as in court, but without formal rules of evidence and without many objections. The arbitrator usually will accept all evidence and will place whatever value on it he or she elects. After the hearing, the parties may agree to a "bench decision" where the arbitrator simply announces the result with or without reasons. If the parties do not ask for a bench decision, the arbitrator will write a decision with his or her reasoning.

Advantages of Using Arbitration

- Arbitration is private.
- Arbitration is nearly always faster than court cases.
- The parties participate in the selection of an arbitrator.

Additional Information

Contact the EEOC's Web site at: < www.eeoc.gov >, or the nearest EEOC field office, 800-669-4000 (voice) or 800-669-6820 (TDD).

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Career Development for Persons With Disabilities

People with disabilities are like other employees; they want to do a good job, appreciate constructive supervision, enjoy new challenges and want to get ahead. Businesses that successfully recruit and retain qualified employees maintain a competitive edge in the global marketplace. One way for employers to retain employees is to establish career development plans for all employees, including those with disabilities. Typical programs include goal setting, team building, networking, mentoring, performance evaluations, leadership opportunities, supervisory and management development, and professional skills training.

Career Planning

Employers must recognize that people with disabilities have aspirations and career goals. Supervisors should discuss career expectations with each employee, including an evaluation of the employee's interests, talents, and skills in relation to the requirements of available jobs. If an employee's career goals seem unachievable, the supervisor should provide constructive feedback and try to reach an agreement with the employee on appropriate goals and the path to achieving them. However, the supervisor should not assume an employee's disability will be a barrier.

Employers should encourage career lattice movement for employees with disabilities as part of a career development program. Career lattice opportunities include moving laterally within the company to gain new experiences and skills, and possibly finding a better fit of an employee's skills and interests with available jobs. Job rotations familiarize employees with disabilities with the entire operations of the business, helping an employee recognize the transferability of skills and abilities to other positions. Job enrichment (i.e., more responsibilities and new assignments) is another important career development tool for people with disabilities.

Team Building

Team building opportunities give employees chances to solve problems and develop solid working relationships with co-workers. Employers should ensure that employees with disabilities have leadership opportunities and are assigned to special projects, planning sessions, off-site projects, and assignments requiring travel. Do not make career development decisions for an employee with a disability based on limiting concepts or stereotypes about that employee's disability.

Networking

Employers should include employees with disabilities in both formal work groups and informal employee gatherings. People with disabilities enjoy the same types of social and recreational activities as employees without disabilities. Frequently, important business is discussed at these events and interpersonal relationships are developed. All employees should be given the opportunity to participate. Employers must arrange events in accessible facilities and arrange transportation to accommodate staff with disabilities.

Mentoring

All staff can benefit from the guidance of a more experienced employee. All employers should encourage employees with disabilities to find mentors, whether or not the mentor has a disability. When these younger employees become more experienced, they should be encouraged to mentor other new employees, who may or may not be disabled.

Mentors provide many benefits:

- **Broadened perspectives** about the transferability of skills and interests, as well as future career directions to consider
- **Motivation** to take calculated risks
- **Advice** on the "politics" of dealing with human relationships within the organization
- Honest and constructive **feedback** about problem areas
- **Coaching** on technical, interpersonal, and management skills
- **Encouragement**
- **Networking contacts, references, and introductions**

Performance Appraisals

Performance appraisal procedures vary widely among companies. Some companies use formal, written documents; others use less formal, often oral, procedures. Employers must treat employees with disabilities the same as all other employees. If a position has been restructured to accommodate a person's disability, evaluate the employee only on those tasks he or she is expected to perform, but apply the same performance standards to employees with disabilities that are applied to all employees. Supervisors should discuss the evaluation with the employee prior to the final writeup. After the discussion concerning the job performance in the current job is completed, it is important to have a career development discussion.

Training

Training opportunities should be available to employees with disabilities. Management and leadership training should be among the options available, in addition to specific skills training. Formal classes must be held in accessible facilities. Materials should be available in large print for persons who are visually impaired, interpreters should be provided for participants who are hearing-impaired, and other necessary accommodations made.

Self-Development

An employee with a disability also must take responsibility for his or her career development. Employees should continually seek out new education, training and information. They should keep up on the latest information in the field, network and volunteer for new assignments.

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Mentoring

Mentoring is an on-the-job educational process that provides opportunities for professional development, growth and support for both the mentor, or teacher, and the mentee, or student, involved. Individuals planning or advancing their careers receive information, encouragement, and advice from their mentors, who are experienced in the career field of the mentee. Mentors get a first-hand look at the mentee's abilities while serving as trusted counselors or teachers. Employees in the workplace benefit from the positive dynamic created by all individuals involved in the mentoring process.

Why is Mentoring People with Disabilities Important?

Individuals with disabilities continue to face attitudinal barriers in employment. The mentoring process can help break down employment barriers by encouraging individuals with disabilities to take a more active role in planning and pursuing their careers. Conducting mentoring programs provides employers with access to new talent and an often underutilized workforce. It also promotes greater awareness and understanding of disability in the workplace.

Rod Holter, Director of Manufacturing for Cessna Aircraft Company, describes mentoring people with disabilities as "giving someone a chance who may not have otherwise had the opportunity." Holter says, "It is the right thing to do."

What are the Benefits to your Business?

1. It is an investment in your future workforce.

Mentoring individuals with disabilities builds human capital. Mentoring experiences prepare individuals for advancement by strengthening their skills and providing them with confidence. Employers groom employees for current and future positions. In today's labor market, this is an advantageous strategy.

"Mentoring has to be one of the most important aspects of any business because it builds your next generation of employees," says Michael Dunbar, Vice President of Public Relations for the Greater Columbus, Georgia, Chamber of Commerce.

At Cessna, "We have had really good luck with the people we have mentored, and in today's tight labor market, they really fill a void," Holter says.

2. It sends employees a message that you care.

Mentoring represents a commitment of time and energy to staff. It demonstrates that a value is placed on professional development and growth. According to Holter, "Mentoring [people with disabilities] sends a message to our other employees that the company really does care about people."

3. It creates positive attitude changes in your corporate culture.

Numerous individuals who have participated in mentoring experiences can attest to its impact on organizational culture. "Mentoring is an eye-opening experience for employers. In some cases, employers are not sure how to deal with a person's disability. Once the employer starts working with a person with a disability, he or she begins to see the person's capabilities rather than the disability. The experience can also have an impact on everyone in the office," says Donna Mundy, who is the Florida High School/High Tech Program Project Director. Mundy adds, "It's a positive step for all concerned."

Promoting a greater appreciation of diversity in the workplace is another benefit of mentoring. Dunbar notices that "Mentoring individuals with disabilities has helped our organization broaden its understanding of disability. You learn that disabilities are not limiting."

Mentoring Tips

Anyone can be a mentor. It is important to have positive role models, whether the individual has a disability or not.

Here are some suggestions for starting a mentoring program in your organization.

- Make sure that you have senior management's support of your program.
- Work with staff to ensure that they understand the concept of mentoring and are committed to it.
- Hold training sessions for staff to make sure that they understand the commitment they are making.
- Provide disability awareness training for staff who are working with individuals with disabilities for the first time. Many people, although happy to mentor, have questions about disability.
- Appoint a mentoring coordinator who can serve as a resource for both the employee and the individual mentor within your organization (perhaps someone from Human Resources).
- Provide incentives for people to both mentor and receive mentoring. For example, hold special recognition events for individuals participating in mentoring.
- Have the mentor and the individual being mentored agree on expectations up front, including how long the mentoring will last and how frequently meetings will take place.
- Encourage participants to work together on an individualized development plan as a mentoring activity. Have the plan approved by all those involved, including senior management. Individualized development planning helps define expectations and the plan can be used to measure progress.

The President's Committee on Employment of People with Disabilities sponsors programs offering mentoring opportunities. If you are interested in mentoring youth with disabilities, please contact the President's Committee at 202-376-6200 to see if there is a program in your area. Also, the President's Committee's Business Leadership Network (BLN) represents companies throughout the United States who are committed to hiring qualified job candidates with disabilities. To learn more about the BLN Networks in your state visit the President's Committee Web site at < www.pcepd.gov > or call the President's Committee at 800-376-6200.

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Glossary of Commonly Used Terms

Listed below are commonly used terms relating to the employment of and public accommodations for persons with disabilities.

Accessible: Easy to approach, enter, operate, participate in, or use safely, independently and with dignity by a person with a disability (i.e., site, facility, work environment, service or program).

Affirmative Action: Proactive action to accomplish the purposes of a program which is designed to increase the employment opportunities of certain groups, which may involve goals, timetables, or specifically outlined steps to be undertaken to assure that objectives are reached. The Americans with Disabilities Act does not mandate affirmative action for persons with disabilities, but does require that covered entities ensure nondiscrimination. Title 5, Section 503 of the Rehabilitation Act does require that affirmative action be taken in employment of persons with disabilities by Federal contractors.

Alternate Dispute Resolution (ADR): A variety of procedures for the resolution of disputes. Each ADR procedure is a fair and efficient alternative to court adjudication that must be entered into voluntarily by all parties. Some of the more common ADR procedures include arbitration, mediation, and conciliation. ADR is encouraged under the Americans with Disabilities Act to resolve conflicts.

Americans with Disabilities Act (ADA): A comprehensive civil rights law which makes it unlawful to discriminate in private sector employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, employment, public accommodations, transportation, and telecommunication. The law was enacted in July 1990. The private sector employment provisions (Title I) became effective for employers with 25 or more employees on July 26, 1992, and on July 26, 1994, for employers of 15 or more employees. The public sector employment provisions (Title II) became effective on January 26, 1992.

Auxiliary Aids and Services: Devices or services that accommodate a functional limitation of a person with a communication-related disability. The term includes qualified interpreters and communication devices for persons who are deaf or persons who are hard of hearing; qualified readers, taped texts, braille or other devices for persons with visual impairments; adaptive equipment for persons with other communication disabilities; or similar services and actions.

Essential Job Functions: The fundamental job duties of the employment position that the individual with a disability holds or desires. The term essential functions does not include marginal functions of the position.

Equal Employment Opportunity: Nondiscrimination in hiring, firing, compensation, promotion, recruitment, training, and other terms and conditions of employment regardless of race, color, sex, age, religion, national origin or disability.

Individual with a Disability: A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of such impairment, or who is regarded as having such an impairment.

Job Coach: A person hired by the placement agency or provided through the employer to furnish specialized on-site training to assist an employee with a disability in learning and performing a job and adjusting to the work environment.

Major Life Activity: Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Mentoring: Mentoring is an educational process where the mentor serves as a role model, trusted counselor or teacher who provides opportunities for professional development, growth and support to less experienced individuals in career planning or employment settings. Individuals receive information, encouragement and advice as they plan their careers.

Natural Supports: Supports provided to an employee with a disability from supervisors and co-workers, such as mentoring, friendship, socializing at breaks or after work, providing feedback on job performance or learning a new skill together. These natural supports are particularly effective as they enhance the social integration of the employee with a disability with his or her co-workers and supervisor. In addition, natural supports are more permanent, part of the workplace and more readily available than paid job coaches, thereby facilitating long-term job retention.

Qualified Individual with a Disability: An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Readily Achievable: Easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include nature and cost of the action, overall financial resources and the effect on expenses and resources, legitimate safety requirements, impact on the operation of a site and, if applicable, overall financial resources, size and type of operation of any parent corporation or entity.

Reasonable Accommodation: (1) Modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; (2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables qualified individuals with disabilities to perform the essential functions of that position; or (3) 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.

Supported Employment: An employment option that facilitates competitive work in integrated work settings for individuals with the most severe disabilities (i.e., psychiatric, mental retardation, significant learning disabilities, traumatic brain injury) for whom competitive employment has not traditionally occurred, and who, because of the nature and severity of their disability, need ongoing support services in order to perform their job. Supported employment provides assistance such as job coaches, transportation, assistive technology, specialized job training and individually tailored supervision.

Title V of the Rehabilitation Act of 1973: Title of the law which prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally-conducted programs and activities.

Undue Hardship: With respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the employing facility to the larger organization.

Vocational Rehabilitation: Programs designed to assist individuals with disabilities enter or reenter gainful employment.

Sources for these definitions include the Americans with Disabilities Act, its implementing regulations and Title V of the Rehabilitation Act.

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Small Business and Self Employment for People with Disabilities

Small Business in America

With more than one million new businesses each year, America's economy depends on small businesses for its vitality and growth. According to the 1997 report of the U.S. Census Bureau, the nation's 17 million small, non-farm businesses constituted 99.7 per cent of all employers, employed 52 percent of private workforce and accounted for 51 percent of the nation's sales. Small business-dominated industries provided 11.1 million new jobs between 1994 and 1998, virtually all of the new jobs created during that time period. Small businesses are most likely to generate jobs for young workers, older workers and women, provide 67 percent of first jobs and produce 55 percent of innovations.

Thousands of people with disabilities have been successful as small business owners. The 1990 national census revealed that people with disabilities have a higher rate of self-employment and small business experience (12.2 percent) than people without disabilities (7.8 percent). The Disabled Businessman's Association estimates that 40 percent of home-based businesses are operated by people with disabilities.

The University of Montana Research and Training Center on Rural Issues for People with Disabilities has documented that entrepreneurs with disabilities have successfully operated a wide variety of businesses: Accounting Services, Air Conditioner Repair Service, Auction Service, Auto Body Repair Shop, Bakery, Bicycle Shop, Boat Making Shop, Child Care Service, Chiropractic Practice, Contract Services, Counseling Service, Farming, Janitorial/Maintenance Service, Piano Refinishing Service, Real Estate Office, Restaurant, Free-lance Writing, Used Clothing Store, Weed Abatement Service and Welding Shop. The type of business that a person with a disability can operate is limited only by imagination.

Small Business Characteristics

Although the U.S. Small Business Administration (SBA) establishes industry-specific definitions, it generally considers any business with fewer than 500 employees, including self-employed individuals, to be a small business. The Federal Reserve Board's report, "National Survey of Small Business Finances (1995)," found that small businesses were home-based 53 percent of the time. Twenty-four percent of all new businesses in 1993 began with no outside financing. The remaining 76 percent received funding from traditional sources, such as banks, credit unions, and finance companies, or from family members or credit card advances.

Although many people believe that 80 percent of all small businesses fail within five years, statistics from the U.S. Census Bureau reveal a different story. The Census Bureau reports that 76 percent of all small businesses operating in 1992 were still in business in 1996. In fact, only 17 percent of all small businesses that closed in 1997 were reported as bankruptcies or other failures. The other terminations occurred because the business was sold or incorporated or when the owner retired.

Important Considerations for All Potential Entrepreneurs

The SBA advises anyone thinking about starting a business to ask themselves several questions before going forward.

- Am I a self starter?
- How well do I get along with a variety of personalities?
- How good am I at making decisions?
- Do I have the physical and emotional stamina to run a business?
- How well do I plan and organize?
- Are my attitudes and drive strong enough to maintain motivation?
- How will the business affect my family?

Important Considerations for Potential Entrepreneurs with Disabilities

Self-employment offers many benefits for people with disabilities:

- The freedom, flexibility and independence that come from working for oneself

- The opportunity to work in a disability-friendly environment
- The ability to reduce the need for transportation
- The ability to accommodate changing functional levels
- The ability to create an accessible work environment
- Individuals with disabilities who receive income support, such as Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) disability payments, can increase their income while staying within the income and asset requirements of those programs.

But anyone considering entrepreneurship must also be aware of the challenges involved in starting a business. There remains an array of obstacles ranging from attitudinal barriers to lack of coordination among Federal programs:

- The possible loss of cash benefits from SSDI or SSI disability programs
- The possible loss of health care benefits such as Medicare or Medicaid
- The inability to get credit because of poor credit ratings
- The lack of assets to use as collateral
- The lack of access to programs promoting self-employment and small business development
- Government disability programs that overlook entrepreneurship as an avenue from the public rolls to self-sufficiency.

The 1999 passage of the Ticket to Work and Work Incentives Improvement Act addresses some, but not all, of these issues.

Resources for Entrepreneurs with Disabilities

- If you have a disability and are considering starting your own business, contact the President's Committee's new Small Business Self-Employment Service (SBSES) for information. The SBSES World Wide Web site, < janweb.icdi.wvu.edu/sbses >, includes links to other entrepreneurship sites, including the SBA and state vocational rehabilitation programs. It also provides information on a variety of other technical assistance resources for writing business plans, financing, and other issues specific to developing a small business.

  Individual assistance is available at 800-526-7234 or 800-232-9675 (V/TDD).

- Whether you are starting a new business or expanding an established business, the SBA has a variety of programs to assist you. Free one-on-one counseling is available locally to help entrepreneurs and potential entrepreneurs in the areas of planning, financing, management, technology, government procurement, and other business related areas.

  The SBA's Answer Desk is a national toll-free telephone service which provides information to the public on small business problems and concerns. This service provides general information about SBA programs and other programs available to assist the small business community.

  Business Information Assistants are available to speak directly with callers between the hours of 9:00 a.m. and 5:00 p.m. (East Coast Time) by calling the Answer Desk at 800-UASK-SBA (800-827-5722). Outside of these hours, callers may hear a recording of the information 24 hours a day, seven days a week. Write to this service at: 200 North College Street, Suite A-2015, Charlotte, North Carolina, 28202 or send your questions via e-mail at < answerdesk@sba.gov >.

- The President's Committee has initiated a range of activities with other Federal agencies to ensure that Federal employment programs for people with disabilities will promote small business ownership as a career option, and that potential entrepreneurs with disabilities know about the process and resources for starting a business. Information on these programs can be obtained from the President's Committee's web site at < www.pcepd.gov >.

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Ticket to Work and Work Incentive Improvement Act

In late 1999, the Congress enacted and the President signed the Ticket to Work and Work Incentive Improvement Act (TWWIIA). This legislation represents a significant opportunity for increasing the employment of people with disabilities. The Social Security Administration (SSA) has until December 2000 to complete the regulations necessary to implement the Ticket to Work sections of the TWWIIA. The health care component of the TWWIIA is administered by the Department of Health and Human Services (HHS).

The TWWIIA provides for two landmark measures that have the potential of enabling millions of Americans with disabilities to join the workforce. The first is the creation of the Ticket to Work Program administered by the SSA. This program modernizes employment-related services offered to Americans with disabilities. Through the Ticket Program, individuals with disabilities will be able to get job-related training and placement assistance from an approved provider of their choice. This provision enables individuals to go to providers whose resources best meet their needs, including going directly to employers. The second measure expands health care coverage so that individuals with disabilities will be able to become employed without fear of losing their health insurance.

The information provided below highlights how the TWWIIA can benefit both Americans with disabilities who want to work and employers in need of qualified workers.

The Ticket to Work Program

Q: When will the Ticket Program start?

A: The first Tickets will be distributed in early 2001.

Q: Will the Ticket Program start everywhere at the same time?

A: No. Initially the Ticket Program will only be available in certain states. Under the terms of the Act, the program will be available throughout the country by January 1, 2004.

Q: How will the Ticket Program advance the employment of individuals with disabilities?

A: Recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) will have greater choice in getting the services and technology they need to obtain employment. The law gives them the right to choose their job training, employment placement and other service providers from a list of providers approved by the SSA. Individuals with disabilities will receive a "Ticket" which they will be able to present to an Employment Network provider they feel best meets their needs. The objective of the Ticket Program is to work with businesses, state vocational rehabilitation agencies and other traditional and non-traditional service providers to prepare individuals with disabilities for work and link them with employers who want to hire qualified employees.

Q: How will the Ticket Program work?

A: Benefit recipients will receive a paper document representing the Ticket and a letter of explanation with instructions and information about the Ticket Program. If the recipient chooses, he or she can take the Ticket to an "Employment Network." The recipient will receive a list of approved Employment Networks from the SSA and can choose the one whose resources best fit her or his needs. Recipients can also choose not to use the Ticket. This will not affect their disability benefits. A benefit recipient electing not to use the Ticket may still use the services that are otherwise available through state vocational rehabilitation agencies.

Q: What is an Employment Network?

A: An Employment Network is a public or private entity approved by the SSA to provide job training, employment services and other support services needed to facilitate entry or reentry into employment for individuals with disabilities. The Employment Network acts as the "Ticket Taker"and may provide services directly or by entering into agreements with other providers. It may be a single provider of such services, an association of such providers or a one stop

delivery center established under the Workforce Investment Act of 1998. A state vocational rehabilitation agency (VR) may be an Employment Network with respect to each individual with a disability to whom it provides services. The state VR may also accept referrals from an Employment Network, provided the referral is made by prior written agreement.

Q: How will Employment Networks be paid?

A: The payment structure is incentive-based and intended to ensure that individuals receive the ongoing services needed to maintain employment and succeed at work. The TWWIIA authorizes Employment Networks to be paid a percentage of the national average SSI or SSDI benefits under either an outcome payment or outcome milestone payment system. Under the outcome system, the Employment Network will be paid for each month a beneficiary does not receive a benefit check because of work or income for a period not to exceed 60 months. The 60 months need not be consecutive. The milestone system is similar. However, it provides for payments when the beneficiary reaches specified milestones while preparing for, or seeking, permanent employment, at which point the outcome payments begin.

Q: How will Employment Networks be selected?

A: The Commissioner of the Social Security Administration will select several Program Managers who will recruit and recommend Employment Networks. Program Managers will be public or private organizations. The criteria for an Employment Network are established in the Act and will be more fully defined under the regulations which must be completed by December of 2000.

Expanded Health Care Coverage

Q: How does the TWWIIA enable a person with a disability to work without losing health insurance coverage?

A: The possible loss of health care coverage is one of the major barriers for individuals with disabilities who want to work but have no alternative health coverage. The TWWIIA removes the need for individuals with disabilities to choose between health insurance and work by allowing states to provide Medicaid coverage to more people and extending Medicare coverage for Social Security beneficiaries.

Q: What changes does TWWIIA make to Medicaid Health Coverage?

A: Effective October 1, 2000 states will have the option to provide Medicaid coverage to more people ages 16-64 with disabilities who work. States will be permitted to liberalize limits to income, previously 250% of poverty, and resources. States also will be allowed to provide employed individuals who have certain medically determined impairments, as determined by the Secretary of HHS, the opportunity to buy into Medicaid even though they are no longer eligible for SSDI or SSI disability benefits due to medical improvement. For the purpose of the Medicaid buy-in, the states are authorized to require individuals to pay premiums, or other cost-sharing charges, set on a sliding scale based on income.

Q: What impact does the TWWIIA have on Medicare health coverage?

A: Effective October 1, 2000, the law extends Medicare Part A (Hospital) premium-free coverage for a total of eight and a half years after the beneficiary returns to work.

Additional Information

Additional information about The Ticket to Work and Work Incentive Improvement Act can be obtained from the Social Security Administration's Web site at: < www.ssa.gov/work > or by calling 800-772-1213 (toll free).

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