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The Proposed Ticket to Work Regulations

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Introduction

The Social Security Administration (SSA) has recently issued proposed regulations detailing how the new Ticket to Work Program will operate. In order to ensure that the ticket program is set up in a way that best meets the needs of the disability community, it is vital that comments and feedback be provided to SSA concerning these proposed regulations. Comments on these regulations must be received by SSA by February 26, 2001. The regulations are fairly lengthy, and the purpose of this publication is not to provide a comprehensive overview of all the regulations. Instead the idea is to provide a summary of specific key portions which may be of particular importance to people with disabilities in providing feedback to Social Security. We highlight several issues including the payment system for the employment network (EN), the impact of these regulations on individuals with significant disabilities, consumer choice and control, impact on continuing disability reviews, the standard SSA proposes to use for timely progress, and quality control issues. The goal of this publication is to raise issues to consider. You should then review the actual regulations, decide how you feel about them and what you want to tell Social Security.

For a more extensive overview of the regulations, see the ICI/RRTC Policy Brief, *Proposed Regulations Implementing the Ticket to Work and Self-Sufficiency Program (The Ticket to Work Program)* available at www.childrenshospital.org/ici/publications/policy.html

Please note: This information is based on our interpretation of the regulations, and knowledge of the social security disability programs. We have done everything possible to ensure its accuracy. However, we recommend consulting the actual regulations to verify our interpretations.

The TWWIA Legislation

[SECTION 1]

In December 1999, President Clinton signed into law, the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA), to enhance the ability of people with disabilities to go to work. This new law does a number of things, including requiring SSA to establish a "Ticket to Work and Self-Sufficiency Program", where individuals receiving Social Security disability benefits (SSI or SSDI) can choose services, to assist them in finding and maintaining employment, and reduce their dependence on cash benefit programs.

Note: This publication focuses only on the recently issued proposed regulations for setting up this Ticket to Work program. See the resource section for publications on other aspects of TWWIA.

The Ticket Program

[SECTION 2]

The Ticket to Work Program - What Is It?

The basic idea of the ticket program is to maximize choice by allowing you to select your own employment or rehabilitation provider, and for Social Security to pay that provider based only on a successful outcome. This outcome is defined in the law as successfully getting a person in a job which provides sufficient income that you no longer get a monthly SSI or SSDI check.

The ticket program is being phased in nationally over a three-year period beginning in 2001. The first tickets will be issued in 2001 in the following states: Arizona, New York, Colorado, Oklahoma, Delaware, Oregon, Florida, South Carolina, Illinois, Vermont, Iowa, Wisconsin, Massachusetts. By January 1, 2004, the ticket program will be nationwide.

When the ticket program begins in a state, individuals receiving Social Security disability benefits (SSI - Supplementary Security Income;

SSDI - Social Security Disability Insurance) will receive a “ticket” (a paper document). The person with a disability can then use this “ticket” to obtain services to help them find and keep a job. The organizations providing services under the ticket program are called Employment Networks (EN).

What types of organizations can be Employment Networks?

A wide range of organizations can be Employment Networks. These include both public and private organizations. State Public Vocational Rehabilitation agencies must be an Employment Network, if they wish to receive any funding from SSA for providing services. Other Employment Networks can include: other state, county and local public agencies (including Mental Health, Developmental Disability/Mental Retardation agencies), community rehabilitation providers, supported employment agencies, schools, One-Stop Centers, and similar organizations which have traditionally been in the business of helping people find employment. (SSA also expects that some non-traditional entities may wish to become Employment Networks.) A single Employment Network can be made up of a number of organizations (for example, a One-Stop Center and a community rehabilitation provider). The services that Employment Networks provide will vary with individual service providers, but the goal of those services must be to help you find and keep a job, which provides you with sufficient income so that you no longer receive a check from Social Security.

If I'm making enough money so that I no longer get a check from Social Security, what will happen to my health benefits?

Just because you stop receiving cash benefits from Social Security, does not necessarily mean that you are no longer eligible for Medicaid or Medicare. Social Security already has a number of mechanisms in place to help individuals with disabilities keep their health benefits when they go back to work. And, as part of the TWWIIA Legislation, the SSA is taking a number of steps to make it even easier for people with disabilities to maintain their health care coverage (check the resource section at the end of this publication for places to find additional information on these other aspects of TWWIIA).

Responding to the Ticket to Work Regulations

[SECTION 3]

What is the purpose of these regulations?

While the TWWIIA legislation passed by Congress outlined basic requirements for the ticket program, it left it up to the Social Security Administration (SSA) to develop regulations which provide specific details on how the program will operate. Proposed regulations which outline the details or “nuts and bolts” of the ticket program, were issued on December 28, 2000.

Now that the proposed regulations have been issued, what happens next?

SSA will accept comments on the proposed regulations until February 26, 2001. SSA will review the comments received, and consider making changes in the regulations, based on the comments. The final regulations, with changes, are expected to be issued in April, 2001.

Why is it important for people with disabilities to comment on the proposed regulations?

These regulations detail how Social Security has proposed to operate the ticket program. Anything in these regulations can still be changed. Providing comments on the proposed regulations provides a major opportunity to influence the design and structure of the ticket program. The Ticket to Work Program has the potential to expand the options for people with disabilities to obtain services which will enable them to find and keep a job. To do so, the program must be designed in a way so that:

- Agencies and organizations which provide employment services and supports, are willing to participate in the ticket program
- People with disabilities are willing to use the ticket program

If you have concerns that the regulations as written won't meet these objectives, or could be improved, it's important that you let Social Security know now, while changes still can be made. Once the regulations are final, it will be much more difficult to make changes in how the ticket program operates.

What are the general considerations for people with disabilities in reviewing the regulations?

In looking at the regulations, it is important to continuously consider whether the particular regulation will positively or negatively impact the ticket's program's overall goal of expanding the universe of service providers for people with disabilities. Specifically, the following questions should be considered in examining each regulation:

- Will this requirement encourage or discourage agencies and organizations to provide services under the ticket program?
- Will this requirement encourage or discourage people with disabilities from using the ticket program?

How do I provide comments on the regulations?

Comments can be sent to the Social Security Administration by a number of methods.

♦ *By mail:*

Commissioner of Social Security
P.O. Box 17703
Baltimore, MD 21235-7703

♦ *By e-mail: regulations@ssa.gov*

♦ *By fax: (410) 966-2830*

Remember,
comments must
be received by
February 26, 2001

Key Issues In the Regulations

[SECTION 3]

We have highlighted some of the key content areas of the proposed regulations. Under each section, there is a brief summary, and some potential questions or concerns you may want to think about. You should consider if you feel the regulations as proposed are fine the way they are or need to be changed.

Suspension of Continuing Disabilities Reviews while Using the Ticket

SSA conducts continuing disability reviews (CDRs) to determine whether or not you continue to be considered disabled according to SSA's definition and criteria. Social Security benefits end if medical or other evidence shows that you are no longer disabled. SSA must conduct CDRs at least once every 3 years for most recipients. Persons deemed permanently disabled are reviewed less frequently, usually every 5 to 7 years. While participation in the ticket program

is voluntary, a major incentive for people with disabilities to use the ticket, is that you cannot have a CDR while your ticket is assigned to an Employment Network, (Subpart C).

Issues to consider:

- Is the suspension of CDRs sufficient incentive for people with disabilities to participate in the ticket program?
- Are there additional incentives that may help people with disabilities feel comfortable with the concept of forgoing their monthly checks from social security, which would be required for a successful outcome in the ticket program?

Payment to Employment Networks

As the regulations are currently written, Employment Networks will receive no payments, at least until an individual begins working. Subpart H of the regulations describes the payment systems for the employment networks (sections 411.505, 411.525, 411.530, 411.535, 411.540, 411.545 and 411.550). The new program authorizes payments to employment networks through one of two payment systems:

- **Outcome payment system:** The Employment Network receives a flat monthly fee for each month (up to 60 months) that the individual does not receive a check from Social Security.
- **Milestone payment system:** The Employment Network receives two "milestone" payments along with a reduced monthly outcome payment for up to 60 months. Both milestones occur after work begins and are based upon an earnings level and duration of work. The total payments to the EN will be lower than under the outcome payment system (section 411.535).

Milestone 1:

Individual has worked for 3 calendar months within a 12 month period and has gross earnings at the amount defined as Substantial Gainful Activity (SGA - currently \$740 per month for non-blind individuals) or above for each of those three months. Based on current figures, the payment for this first milestone would be \$470 for individuals on SSDI, and \$300 for individuals on SSI.

Milestone 2:

Individual has worked for 7 calendar months at SGA or above within a 12 month period. The 3 months from the first milestone can be included in these 7 months. Based on current figures, the payment for this milestone would be \$940 for individuals on SSDI, and \$600 for individuals on SSI.

What is my ticket worth?

The amount paid to an Employment Network is based on the prior calendar year's national average disability benefits payable under Title II (SSDI) or Title XVI (SSI), and not on the individual's benefit amount. The amounts provided here are for illustrative purposes, based on estimates of current averages, but should only be considered approximations. These amounts will also be adjusted on an annual basis for cost of living. The charts at the bottom of this page outline the two payment systems.

Notes:

- Employment Networks receive monthly payments, only for those months when the beneficiary does not receive a check from SSA. Therefore, while an EN can receive up to 60 monthly payments, these months may not be consecutive.
- Individuals receiving both SSI and SSDI, fall under the payment systems for SSDI

How much do I have to earn to eliminate my monthly social security check?

SSDI

Currently, SSDI checks for individuals stop when you earn more than \$740 per month (\$1170 per month for individuals who are blind), and you have used up all your trial work months (trial work months are months when an SSDI recipient earns over \$530 per month; SSDI recipients can work for 9 trial work months over a rolling five year period without impacting their benefits, and receive checks for 3 more months when the trial work months have been used up).

SSI

Unlike SSDI, there is no standard income level where your SSI check is reduced to zero. Instead, the amount varies, depending on the amount of your monthly SSI check from the federal government. The formula to calculate this is: $[(\text{Monthly SSI Payment} - \text{State Supplement}) \times 2] + \85 . (Many states add an additional amount to SSI checks, which is called the "state supplement"; under the ticket regulations, only your federal SSI payment has to be reduced to zero for the EN to be paid.) The current average monthly federal SSI cash benefit is \$440, so for evaluating the regulations, it is reasonable to use a figure of \$965 as an approximate average amount of monthly income where an SSI check would be reduced to zero. However, the required income could be higher, since the maximum SSI benefit for an individual is \$530, requiring an income of \$1150.

EMPLOYMENT NETWORK PAYMENTS UNDER OUTCOME SYSTEM

	Months 1-60	Total Payments
SSI	\$176/month	\$10,560
SSDI	\$277/month	\$16,620

EMPLOYMENT NETWORK PAYMENTS UNDER MILESTONE SYSTEM

	Milestone 1	Milestone 2	Months 1 - 12	Months 13 - 24	Months 25 - 36	Months 37 - 48	Months 49 - 60	Total Payments
SSI	\$300	\$600	\$57/mo.	\$141/mo.	\$150/mo.	\$158/mo.	\$167/mo.	\$8976
SSDI	\$470	\$940	\$90/mo.	\$222/mo.	\$235/mo.	\$249/mo.	\$263/mo.	\$14,127

What is the maximum amount of time that an Employment Network may have to wait, to receive all 60 monthly payments?

Based on the proposed regulation's minimum requirements for an individual to be making "timely progress" in using his/her ticket (section 411.191, explained below) it could take as long as 14 years from the time you first assign your ticket to an Employment Network, for the EN to receive all 60 payments. However, if an Employment Network is able to quickly assist you in finding employment, and you work steadily at a job with sufficient income so that you don't receive a social security check, the Employment Network could receive all 60 payments in about 5 years.

What requirements do the regulations contain for people with disabilities?

Under the ticket program, you need to be able to demonstrate to SSA that you are making "timely progress" towards your employment goals. If SSA feels that you are not making timely progress, then CDRs will no longer be suspended. The guidelines for timely progress are illustrated in a table in section 411.191 of the proposed regulations.

- During the *initial 2-year period* of ticket use, you do not have to be working, but must be doing the things specified in your work plan within the approximate schedule outlined in the plan.
- During the *3rd year*, you must work for at least 3 of 12 months (and earn SGA or higher).
- During the *4th year*, you must work at least 6 of 12 months (and earn SGA or higher)
- During the *5th year*, and succeeding years, you must work at least 6 months, and earn enough, so that you do not receive a check from Social Security.

What's the earliest the Employment Network can start getting paid, after I start working?

For people on SSI, the Employment Network will start getting paid immediately, if you are placed in a job which reduces your monthly SSI check to zero. For people on SSDI, under the outcome system, once you are placed in a job which pays more than SGA, the Employment Network will have to wait until you use up your trial work months (which could take up to a year). Under the milestone system, for individuals on SSDI, the EN will receive its first payment after you have worked at the SGA level or above for three months.

Issues to consider:

- For there to be a real choice for people with disabilities, a variety of entities need to be interested in becoming Employment Networks. Is the proposed payment system set up in such a way that will interest lots of different organizations to become Employment Networks?
- Are the monthly and total reimbursement amounts sufficient to serve individuals with more significant disabilities, which may include a significant amount of ongoing job support services?
- The requirements for work under the ticket program appear to recognize that it may take time for some individuals to work towards self-sufficiency, possibly with cycles of relapse and remission. While this may sound reasonable from the ticket users perspective, if an individual is able to comply with only the minimum requirements:
 - ♦ under the outcome system, the Employment Network will receive no payment until year five (unless an individual on SSDI has previously used up his/her trial work months)
 - ♦ under the milestone system, the Employment Network would receive only two payments prior to year five
 - ♦ The Employment Network could potentially have the 60 months of payments spread out over fourteen years from the time the EN first starts working with an individual.Hopefully, most individuals will be able to work beyond the minimum requirements, which would in turn speed up the payment process system. However, given the extensive time that Employment Networks may have to potentially wait for payment, and the possibly sporadic nature of those payments, could this discourage organizations from participating in the ticket program?
- Should the regulations be changed so that the EN gets paid when an individual on SSDI starts earning SGA, even if they have not used up their trial work months?

- One of the real plusses of the ticket program from the perspective of people with disabilities, is that Employment Networks have a major incentive to assist you to get a relatively well paying job; otherwise the EN won't get paid. However, some individuals with more significant disabilities and support needs, can require an extensive amount of pre-employment activity. Also, it can be difficult for a service provider to project whether an individual with a more significant disability will succeed in community employment. Under the ticket program, an EN may run the risk of not getting paid after dedicating significant time and resources to pre-employment activities (planning, job search, etc.) for a person with more significant disabilities, because, despite their efforts, they are unable to place the individual, or are unable to place the individual in a job with sufficient income to reduce the individual's Social Security payment to zero. As a result, will ENs view people with more significant disabilities as too risky to serve?
- Since Employment Networks won't receive any payment at least until you begin working, do you believe this will put pressure on the EN to help you more quickly in a way which identifies and responds to your individual needs, or will this lead to the EN putting pressure on you to simply take any job with sufficient income? Is the right to switch ENs sufficient to guard against this "any job will do" approach?

Concerns Over Disincentives for SSI

Lower Payment and Higher Income Requirements for Serving Individuals on SSI

Lower Payments:

Look at the charts for payments to Employment Networks. Notice that total payments to Employment Networks for working with individuals on SSI are approximately 35% less than for working with individuals on SSDI.

Higher Income Requirements:

For an Employment Network to be paid:

- on average individuals on SSI will have to earn an income of \$965 per month (based on a national average of \$440 SSI payment); for individuals receiving the maximum SSI

payment, income would need to be as high as \$1150/mo.

- individuals on SSDI will need to only earn \$740/mo. (except for individuals who are blind, who will have to earn \$1170/mo.)

Issues to consider:

- Is this higher income requirement and reduced payment going to create a disincentive for Employment Networks to serve individuals on SSI?
- What are the implications of this discrepancy, given the fact that people on SSI tend to have more limited work histories, and more significant support needs?
- Should Employment Networks be reimbursed a similar amount for people on SSI and SSDI?
- The major benefit for Employment Networks to serve individuals on SSI, is that the EN can start receiving payments up to 12 months quicker under the outcome system than they would for serving an individual on SSDI (if the individual is earning sufficient income to reduce his/her SSI check to zero). Is this a sufficient incentive to serve people on SSI vs. SSDI?

Payment for Reducing SSI Benefit

Income from a job impacts SSI and SSDI checks differently. SSI checks are gradually reduced in relation to income; SSDI is an "all or nothing" system, where the entire SSDI payment stops when a person reaches a certain earnings level. As a result, it is possible for an Employment Network to place you in a job which lowers, but does not eliminate your monthly SSI check. However, under the outcome system (section 411.525), Employment Networks do not receive any payment for placement in a job which reduces (but doesn't completely eliminate) an individual's SSI payment. Even under the milestone system (section 411.535), the EN at best could earn a total of only \$900 if they are unable to place you in a position which eventually reduces your SSI check to zero.

Issues to consider:

- Is the requirement that an Employment Network receive most or all of its potential payments, only when an individual on SSI is receiving no cash benefit, going to discourage ENs from serving individuals on SSI with

more significant disabilities, who may not be able to earn sufficient income to reduce their cash benefits to zero?

- Would it be helpful to change the regulations so that Employment Networks receive some payment for assisting individuals to obtain employment which reduces but does not totally eliminate their SSI payments, which is still in line with the goal of the ticket program of reducing dependence on cash benefits, as noted on page 82844?

Consumer Choice and Control

The regulations contain a number of elements so that people with disabilities have choice and control. These include:

- Participation in the ticket program is voluntary (section 411.135)
- You may assign your ticket to any Employment Network or State Vocational Rehabilitation (VR) agency that is willing to provide services (section 411.140)
- You may discuss your rehabilitation and employment plans with as many entities as you wish and can obtain a list of the approved ENs in the area. (section 411.140)
- ENs do not get paid, unless they find you a job which pays you a sufficient income so that you no longer receive a social security check (subpart H).
- If you are not happy with the services you are receiving from an Employment Network, you may reassign your ticket (section 411.150) (ENs have a similar right to decide to no longer provide you services, and no longer accept your ticket - section 411.145).
- An individual work plan (IWP) (or, in the case of a State VR agency, an individualized plan for employment [IPE]) which is agreeable to you, must be developed before you assign your ticket to an Employment Network (section 411.140)
- You and your Employment Network should develop the IWP in partnership with one another. The planning process that occurs in the development of the IWP must give you the opportunity to exercise informed choice

in selecting an employment goal. Specific services needed to achieve the employment must be discussed and agreed to by you and the EN (section 411.455).

- You and the EN share the responsibility for determining the content of the IWP (section 411.460)

Issues to consider:

- Are there ways SSA can make sure these requirements really help you control your rehabilitation process, and that these requirements are enforced?
- Are there are other ways that can put you in charge?
- Is there additional information that should be included in the IWP?
- While the ability of ticket users to switch Employment Networks, is a positive from the consumer point of view, is this going to discourage providers from participating in the ticket program (e.g., a provider could invest significant resources in finding an individual a job, with the expectation that they will be paid by SSA once the individual begins working, only to have the individual reassign their ticket to another Employment Network)? Should there be some checks and balances in the system for switching Employment Networks to provide some protection to service providers, or does this reduce consumer control too much?
- Will these stipulations make it easier or harder for you to make sure you control your own employment goals and the strategies that will be used to achieve them?

Placing Ticket in Inactive Status

If during the initial 24-month period of using a ticket, you are temporarily unable to participate in the ticket program, you may place your ticket in “inactive status”. Months in “inactive status” do not count toward the time limitations for making timely progress. However, while your ticket is in inactive status, you are subject to CDRs (section 411.220).

Issues to consider:

- Is it a concern that some people will be unable to make a request for putting their

ticket into inactive status prior to an unanticipated hospitalization, crisis, etc.? Should the regulations include exceptions that allow for retroactive requests for placing tickets into inactive status?

- Given that hospitalizations or other setbacks may be encountered in any year during which someone is attempting to perform work, should the placement of a ticket into inactive status be only restricted to the initial 24 months of ticket use?

Progress and Work Reviews

The Program Manager (PM) is the organization which will oversee the administration of the ticket program for Social Security. Under the regulations, the Program Manager will conduct two types of reviews (section 411.200):

Progress Review

This review will occur after your first 24 months of using the ticket, and the PM will determine if you are progressing properly in your employment plan, and your potential for meeting the requirement of 3 months of work over the next 12 months.

Annual Work Review

These reviews will occur starting at the end of the 36 months of ticket use, and will occur on an annual basis. In these reviews, the PM will determine if you are meeting the timely progress requirements earnings and number of months worked, under sections 411.180 and 411.185, as summarized earlier.

Issues to consider

- Some people, despite efforts to become self-supporting, experience frequent hospitalizations, which disrupts their earnings level. Should the regulations specify other criteria/considerations for demonstration of timely progress, that can be taken into account during the annual work review, other than earnings and number of months worked?
- It may be difficult for the Program Manager to assess whether you likely to be able to work 3 months out of the next 12 in the initial Progress Review, when no work has necessarily been performed to date. Do the regulations need to more clearly specify the standard used for active participation in the work plan, before employment actually begins?
- Section 411.210 explains that if it is

determined that you are not making timely progress, you will no longer be considered to be using a ticket. However, you may continue participating in the ticket program, and the Employment Network may still receive payments. This implies but does not state that the difference is that “using a ticket” means that you will not be subject to CDRs. Is there a need to better clarify the difference between “using a ticket” and “participating in the ticket program”?

Dispute Resolution

SSA understands that sometimes disputes arise and part of choice and control is getting some help when you are dealing with large, complex systems (subpart I). The law requires SSA to provide for a mechanism for resolving disputes between beneficiaries and Employment Networks. The dispute resolution process includes:

- requiring each EN to have a grievance procedure
- informing you of your rights
- availability of assistance from the State Protection and Advocacy Organization to assist with disputes and grievances.

The proposed dispute resolution process is as follows:

- a) The EN’s internal grievance procedure will initially be used to seek a solution.
- b) If this is not successful, the Program Manager will attempt to resolve the situation - the PM has 10 days to gather information and 20 days to recommend a solution.
- c) If either you or the EN are not satisfied with the recommendation of the PM, the PM must be notified within 15 days requesting that the decision be appealed directly to SSA; the PM then has 10 days to refer the request for a review to SSA which will issue a final decision in the matter.
- d) As always, you or the EN have the right to terminate your relationship, and you can then take your ticket to another EN.

If the ticket is being used with state VR, the dispute resolution procedures of the Rehabilitation Act of 1973 apply, including the availability of the Client Assistance Program, right to mediation, hearings, etc.

Issues to consider:

- Do these rules help you understand and take advantage of your rights under this whole process? Could they be improved in any way?
- PM's must issue decisions regarding disputes within a specific timeline. However, if the PM's decision is appealed directly to SSA, SSA has no such deadline requirement for issuing a decision. Should the regulations be changed, requiring SSA to issue a final decision within a specific amount of time?

Ensuring Quality Services**Information about Employment Networks**

When you go and talk to an Employment Network about possibly using their services, the EN must provide you with a copy of its most recent annual report, which lists specific information on the results achieved with individuals in the ticket program, to help you decide if the EN is the right one for you (section 411.325). The regulations do not specify what information should be included in this report. However, under "Additional Matters for Comment", on page 82855, SSA does ask for input on what this report should include.

Issues to consider:

- Tell SSA what information would you like to know about an Employment Network, before making a decision about using their services. Some possible ideas include: number of people served, types of jobs found, job retention rate, average wages, support services available, assessment and planning services available, etc.
- Should the regulations more clearly indicate through what mechanisms and formats this information should be available, so as to be easily accessible for people with disabilities?

Criteria for Evaluation of Employment Networks

Employment Networks will be periodically reviewed to make sure they are providing quality services. As part of the feedback on the regulations, SSA would like to know what type of performance standards and measurements should be used to evaluate EN's ("Additional Matters for Comment", page 82855).

Issues to consider:

- In your comments to SSA, you should consider providing ideas on what criteria EN's should be evaluated.
- Should there be other stipulations, besides employment income, concerning where ticket users can and cannot be employed? For example, should there be a requirement that the only acceptable work setting, is an integrated, community-based setting?

Direct Employment by Rehabilitation Providers - Is It a Concern?

Many traditional rehabilitation agencies operate businesses or have subcontracts where they directly employ people with disabilities in non-human service positions. These include: sheltered workshops, affirmative businesses, NISH contracts, enclaves, etc. Under the ticket program, a rehabilitation provider could potentially accept a ticket, and then employ an individual in such a business operated by the provider.

- Is the option of a rehabilitation provider directly employing a ticket user a concern? Could such arrangements lead to increased segregation of people with disabilities?
- The positive of using the ticket in such an arrangement, is that the rehabilitation provider would have to pay the individual a sufficient wage to reduce their cash benefits to zero. However, does the concept of Employment Networks directly employing ticket users still have the potential for undue coercion or manipulation of people with disabilities?
- Should the regulations be changed to either prohibit or place clear restrictions on traditional rehabilitation providers accepting a ticket and directly employing the ticket user?

Work Incentives and the Ticket

People with disabilities use work incentives such as Plans for Achieving Self-Support (PASS) or Impairment Related Work Expenses (IRWE) which help people with disabilities pay for items and services related to employment. As a result of these work incentives, part of an individual's income will not impact their social security check. The regulations do not appear to adequately address the impact of work incentives on payments to the Employment Network.

Issues to consider:

- Does the possible inter-play between the work incentives and the ticket program need to be better addressed within the regulations?
- Will the Employment Network have to place an individual using a work incentive in a position with sufficient income to make up for the loss of the work incentive?
- Do the goals of work incentives, which allow people to maintain their social security disability benefits, conflict with the goals of the ticket program, which is designed to assist people to get off cash benefits? Will this be a disincentive to Employment Networks to assist people with work incentives (i.e. will ENs be hesitant to serve individuals with PASS Plans still in affect)?

Guidelines for Providing Comments to the Social Security Regulations

[SECTION 4]

Choice means the ability to select what you want from a variety or range of options or resources. Control means the ability to make decisions regarding what resources get created as well as how supports and resources are used. In some ways, a key action you can take to exercise choice and control in regard to these regulations is to take the opportunity to comment on them. Also, remember that federal agencies are required to write all rules in plain language so they invite your comments on how to make proposed rules easier to understand. For example:

- Have they organized the material to suit your needs?

- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could they improve clarity by adding tables, lists, or diagrams?
- What else could they do to make the rules easier to understand?

If you have never provided comments on proposed government regulations before, here are a couple of suggested guidelines:

- Try to keep your comments short and to the point.
- When commenting on specific sections of the regulations, make reference to that section number of the regulation. The section numbers are the beginning of each section, and are also referenced throughout this publication.
- Suggest changes. If you don't agree with something that is in the regulations, suggest how the regulation could be changed in order to address your concern and improve it.
- Don't just provide negative criticism. Tell Social Security about what you like about their proposal for the Ticket to Work Program.
- Restrict your comments to your thoughts on these regulations. You may have lots of things you want to tell Social Security, but it's important that your comments be focused specifically on the ticket program. This is not the place to write a lengthy complaint letter to Social Security about the problems you are having with your benefits.
- To add to the credibility of your comments, you may want to make reference to your experience as a person with a disability, the issues you have encountered, and whether these regulations address them.

Resource List

For further information on the Ticket to Work and Self-Sufficiency Program and regulations, contact:

Geoffrey Funk, Team Leader
Legislative Implementation Team
Office of Employment Support Programs
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235-6401
Voice: (410) 965-9010; TTY: (800) 988-5906
Web site: www.ssa.gov/work

Text of the regulations:

The Ticket to Work and Self-Sufficiency Program: Proposed Rule; Part 411 of Title 20 of the Code of Federal Regulations [20 CFR Part 411]; Federal Register, December 29, 2000

Available on-line at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=fr28de00-45

Additional ICI - RRTC Publications on TWWIIA:

Policy Brief Series

Proposed Regulations Implementing the Ticket to Work and Self-Sufficiency Program (Vol. 3, No. 1, February 2001, 12pp.)

The Ticket to Work and Self-Sufficiency Program and Established Under the Ticket to Work and Work Incentives Improvement Act of 1999. (Vol. 2, No. 2, February 2000, 4pp.)

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