

Employment for Aging Adults with a Disability

The fastest growing age group in the U.S. is over the age of 65, and the number of older adults staying in the workforce after retirement age is increasing. Disabilities and chronic health conditions are common in older adults.

Although adults with disabilities can and do have active work lives, they experience higher rates of unemployment than those who do not have a disability. Federal and state laws and vocational rehabilitation services can help people with disabilities overcome barriers to employment.

The law protects you

The Americans with Disabilities Act (ADA) prohibits employers from discriminating against qualified individuals with disabilities who are able to perform the essential functions of the job with or without accommodations.

- To be protected under this law, you must have a disability that ‘limits major life activities’, such as walking or performing some elements of your job.
- An employer must make “reasonable accommodations” to your disability if it does not impose an undue hardship on the business. Whether an accommodation is considered a

“hardship” depends on the business size, financial resources, nature of operation and other factors.

- When you apply for a job, an employer may not ask you about the existence, nature or severity of your disability, even if you show up for your interview in a wheelchair. An employer can only ask you about your ability to perform certain job functions.
- An employer can require you to pass a medical examination only if it is job-related and required of all employees in similar jobs.

In addition to the ADA, many states have powerful disability rights laws.

If you feel an employer has discriminated against you, contact the U.S. Equal Employment Opportunity Commission. Go to <http://www.eeoc.gov>, or call 1-800-669-4000 to find the office nearest you.

What is vocational rehabilitation?

Vocational rehabilitation (VR) programs can help individuals with disabilities keep their jobs or obtain new employment. VR programs help people identify their career interests and skills; acquire the relevant education or training; find and apply for jobs; and get work accommodations.

Who pays?

- Some private health insurance companies pay for rehabilitation counseling or VR. Check with your insurer to find out what is covered.
- State VR programs are funded (through federal mandate) to provide VR services for anyone with a significant disability that limits their ability to work. Basic services are free and there is no charge for additional services for most clients.
- The Veterans Administration (VA) provides VR services to eligible beneficiaries with service-related disabilities.

When can you use VR?

Vocational rehabilitation can take place at any time an individual with a disability needs help finding or keeping employment. You might try VR if you are not working and interested in finding employment, dissatisfied with your current job, or concerned about losing your current job.

How does VR work?

Getting started

A rehabilitation medicine physician can refer you to a VR program, or you can find a link to a list of the State Vocational Rehabilitation offices under Resources on the last page of this factsheet.

Assessment

Finding new work or maintaining your current job means matching your interests and needs with the job requirements.

Your rehabilitation counselor will help evaluate your interests, skills, limitations, health needs, work and education histories, and even personality style.

The counselor gets this information through interviews, questionnaires, medical information from your physician, and sometimes real-life tests.

Real-life “tests”

A real-life test is a temporary paid or unpaid “trial” work situation for you with a potential employer to see if you are able to do the job, if you like the job, and what accommodations you might need.

A trial work experience may provide some valuable insights into the type of work and environment that would be the best match for you.

Setting goals

Your rehabilitation counselor will help you decide on the job to pursue, or goals within your current position and the steps you need to take to reach those goals. For example, you may need to complete several steps before securing a new job such as finding accessible transportation or managing your medical needs.

Landing a job

You may secure a new job on your own through your personal networks or you may need a little extra help. A rehabilitation counselor can help you decide whether a potential job would be a good match for you by evaluating the job tasks, and the cognitive (thinking), social and physical demands of the job.

Discrimination in hiring is illegal even if it is not intentional. Employers with no experience interacting with people who

have disabilities may wrongly assume someone with a disability cannot do the work. In these cases, a rehabilitation counselor can work with the employer to overcome prejudices.

Getting support at work

You may need ongoing support at work. For example, someone with quadriplegia may need personal care assistance during the work day. These services are typically not paid for by the employer, so funding for this assistance must be identified in advance.

Types of accommodations

Job accommodations paid for by the employer can include modifying work schedules, tasks or the work environment. Examples:

- Removing a desk drawer or raising the height of a desk.
- Providing a resting area at the job site.
- Allowing employee to telecommute from home.
- Special software and hardware so a person with no hand function can work on a computer.
- Shifting work hours to a later start to the work day to accommodate a worker's lengthy morning care needs.
- If a person with some cognitive issues, such as impaired memory, he or she may need extra supervision or coaching from a co-worker.

A rehabilitation counselor can help determine what kinds of accommodations might be helpful and whether they constitute "undue hardship" for the employer.

If you would like to know more about "reasonable accommodations" and your rights under the ADA, contact your regional ADA Center by calling 1-800-949-4232 or online at www.adata.org/contact-us.

If employment is not possible

If you are not able to work because of your disability, you may be eligible to receive long-term disability benefits through your employer, or the Social Security Administration (SSA).

The SSA pays disability benefits under two programs:

- Social Security Disability Insurance (SSDI) is a long-term disability insurance program funded by payroll taxes. Eligibility is based on your past work history and income.
- Supplemental Security Income (SSI) is a federal welfare program for people with disabilities who are unable to work and are low income.

A person is eligible to receive disability payments from the SSA if he or she is unable to perform any kind of work at a level of "substantial and gainful" activity and the disability is expected to last at least a year. SSA evaluates each case to determine the eligibility of applicants.

If it seems likely that you will not return to work for at least a year due to your disability and you do not currently have SSA benefits or long-term disability benefits, apply immediately. Sometimes there is a waiting period before you will start to receive benefits. If you qualify for SSDI or SSI, you may also be eligible for Medicaid or Medicare.

Continuing to receive SSA benefits may require periodic reviews to ensure you are still eligible. To learn more about disability benefits consult your rehabilitation counselor or other health provider, and visit, <http://www.ssa.gov/disability/>.

Work versus benefits: finding a balance

Sometimes people are reluctant to use VR services or to start working because they don't want to lose their medical benefits under SSDI, SSI, or private or state long-term disability insurance. They may also be concerned about the extra costs of getting to or staying at work.

Federal work incentive programs under SSDI or SSI allow people with disabilities to receive benefits and federal health care (Medicare and/or Medicaid) while still keeping some of their earnings from employment. Some long-term disability policies include vocational rehabilitation benefits or incentives to return to work.

Work-incentive programs are complicated so you may want to consult your VR counselor, a resource specialist with an independent living center, or a social worker familiar with benefits systems. Working with a VR counselor will not put your benefits at risk.

The case for volunteering

If paid employment is not possible, consider getting involved in a volunteer activity. Volunteering can provide enjoyment and a sense of accomplishment, and it can give you the skills, confidence and professional contacts that might eventually lead to paid employment. Volunteering will

not put your SSA benefits at risk. The following websites, churches or local community organizations are good places to find volunteer opportunities.

- <http://www.allforgood.org/>
- <http://www.idealists.org/>

Resources

ADA National Network has a list of Frequently Asked Questions and links to your regional ADA Center. <http://adata.org> or call 1-800-949-4232.

The ADA National Network Disability Law Handbook. <http://adata.org/lawhandbook>

Benefits for People with Disabilities, Social Security Administration:
<http://www.ssa.gov/disability/>

Find your local Vocational Rehabilitation Agency, Job Accommodation Network, U.S. Department of Labor:

<http://askjan.org/cgi-win/TypeQuery.exe?902>

The Red Book: A Guide to Work Incentives, Social Security Administration:
<http://www.socialsecurity.gov/redbook/>

Social Security Area Work Incentive Coordinators (AWIC) provide information about work incentive programs. You can find the AWIC in your area at <http://www.ssa.gov/work//awiccontacts.html>.

Authorship

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Brown, PA. (2013). Employment for Older Adults with a Disability [Factsheet]. Aging and Physical Disability Rehabilitation Research and Training Center. NIDRR/U.S. D.O.E. grant #H133B080024. University of Washington. <http://agerrtc.washington.edu/>