



## Disability Rights Center of Kansas

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### COMMON QUESTIONS AND ANSWERS ABOUT EMPLOYMENT AND YOUR SOCIAL SECURITY BENEFITS.

*As part of the enactment of the Ticket to Work Incentives Improvement Act of 1999 (“TWWIIA”), PL 106-170, Congress identified the need for a legally-based advocacy resource to address the many obstacles persons with disabilities may encounter in their desire to re-enter the community workforce. As a result of this concern and the issues presented by many consumer advocacy groups, Congress authorized the Commissioner of Social Security to “make payments in each State to the protection and advocacy system....for the purpose of providing services to disabled beneficiaries (sic). 42 U.S.C § 1320b-21(a)(emphasis added). In Kansas that agency is the Disability Rights Center (DRC) of Kansas and the program is the grant identified as Protection and Advocacy for Beneficiaries of Social Security (PABSS). DRC would like to offer the following fact sheet as a preliminary resource as individuals with disabilities who receive Social Security benefits consider entering or returning to the community workforce.*

**Question #1 – “I am worried that I will not be able to work because I have been told that I will lose my check if I make over \$85/month.”**

**The truth is** that in Kansas in 2008, if you are an **SSI recipient only**, you can usually earn over \$1300/month before you will get no SSI check at all. Although your check may be **gradually reduced**, you will still have more income than you had before you started working.

If you are on **SSDI** you can usually earn \$940/month before it affects your SSDI check at all. If you are receiving your **SSDI** check due to blindness, the earning limit will be even higher.

**Question #2 – “I would like to go to work but I can’t afford to lose my Medicaid or Medicare benefit.”**

**The truth is** that even if you earn too much in wages to continue to receive an SSI check, in most situations you will be eligible to keep your full Medicaid coverage under section

**1619(b)** of the Social Security Act. You also may be eligible for the **Working Healthy program** if 1619(b) is not available to you.

If you are on **SSDI**, you will be eligible for **Extended Medicare** coverage if you lost your SSDI check due to the amount of wages you are earning. This extended coverage will usually last for as much as five years if you continue to be determined to have a disability under Social Security rules.

**Question #3** – “I have concerns that with my disability, I will go to work and lose my benefits and then get sick again and have a hard time getting back on benefits for the assistance I will need.”

**The truth is** that if you lose your benefits because of employment and then are unable to work because of your disability, the legislation provides for very fast processing of your request to start benefits again and most likely will be able to offer support while you are waiting for the re-determination of your disability status. This quick processing is known as Expedited Reinstatement and Provisional Payments while you are waiting for Social Security to make that determination.

**Question #4** – “How would I get help or advice if I don’t want to go back on benefits but feel my employer has violated the Americans with Disabilities Act? I won’t be able to afford legal advice or help.”

**The truth is** that the legislation created funding, (the PABSS Grant referred to above) that will allow you to contact the Disability Rights Center of Kansas (DRC) for advice at no charge and possible additional legal support in situations like this.

**If you are considering work or experiencing difficulty in the workplace related to your disability, please consider contacting DRC for Information/Referral, Technical Assistance in Self-Advocacy, Advocacy Representation or possible Legal Representation.**

**The contact information is:**

**Disability Rights Center of Kansas  
635 SW Harrison St, Ste 100  
(785) 273-9661 (voice)  
1-877-776-1541 (voice, toll free)  
1-877-3353725 (TDD)  
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