

Personal Assistance Services on the Job

By Diana M. Hinton

Personal assistance services (PAS) help people with disabilities do tasks that someone could perform if he or she did not have a disability. Under the Americans with Disabilities Act (ADA), some of these services allow employers to provide “reasonable accommodations” to help disabled employees achieve employment goals. Similar accommodations would include job-related services, such as reading, business-related travel, communication and similar tasks. Services for the personal benefit of the individual with a disability, such as help with eating, using the restroom, taking medicine or similar activities of daily living, generally are not considered reasonable accommodations. But not having extra help with these basic daily tasks at the workplace can create a significant barrier to employment for some people with disabilities.

Personal Assistance Services

States and employers are working hard to find ways to use public and private resources to provide a broader range of personal assistance services in the workplace. In addition to meeting their reasonable accommodation requirements, employers may provide services if they choose, through their health insurance plans or as part of medical spending accounts.

Several states are seeking to expand public coverage of personal assistance under Medicaid. Medicaid personal assistance services have typically been limited to the home setting. Many states have broadened traditional PAS programs with a range of home and

This information brief is for anyone who interacts with youth with disabilities and would like to know about the programs under the Workforce Investment Act of 1998. The brief provides background on those parts of the Workforce Investment Act that cover service to youth so that youth, families, and service providers can better connect to the workforce development system.

community-based waiver services — meal preparation, grocery shopping and the like — to support the community residence of the elderly or youth with disabilities. Waiver services are distinguished from state plan services by being available for a specific group of people rather than for all Medicaid beneficiaries. But while waiver services are designed to support independence and community integration, they typically have not been designed for service to people in the workplace. Since jobs have become a larger part of the lives of people with disabilities, several states are adapting their existing Medicaid personal assistance programs (and often their waiver programs as well) to workers with disabilities. This often involves amending medical eligibility requirements, outlining new types of services or assistance and identifying appropriate providers for the workplace. At the same time that they are extending

Medicaid PAS service, 26 states have crafted more generous financial eligibility rules for working persons with disabilities through the Medicaid Buy-In Program. Among the states where Medicaid PAS is receiving attention are Iowa, Utah, and West Virginia.

Iowa

Iowa is using federal grant money for a work group that is crafting a PAS Medicaid state plan benefit. As the group considers how to make the service available in the workplace and at home, it is examining a number of policy issues. Should access to workplace personal assistance services be limited to people who are able to commit a certain number of hours per month to work or should it also be available to those with minimal work effort? Should weekly service hours be limited to allow more people to be served? Should services be directed toward people who can hire and supervise their own aide or should agency staff be authorized for the workplace? Iowa hopes to expand the supply of providers by encouraging employers to add a personal assistant to their payroll or train current employees to provide assistance when needed. Another option is to give employees the choice to contribute pre-tax dollars to a medical flexible spending account as part of a benefit package for workplace PAS.





Utah

Since July 2001, Utah has extended Medicaid PAS to persons with disabilities who are working. In order to receive Utah's employment-related personal assistance services (E-PAS), an individual must:

- Be eligible for Medicaid.
- Have a disability as defined by Social Security guidelines.
- Be unable to perform activities of daily living, such as dressing or bathing or instrumental activities, such as medication management, meal preparation, or shopping.
- Have a job.

People using E-PAS may use an agency provider or hire their own (spouses and parents cannot be hired). Those using E-PAS must work at least 40 hours per month in a workplace where persons with disabilities interact with people without disabilities who are not caretakers. The amount and duration of services is specified in an employment support plan developed for each person using the services.

West Virginia

West Virginia received approval, in April 2002, to amend its Medicaid state plan to provide PAS to individuals with disabilities who were employed. Building on an existing PAS program for people living at home, support is now available to eligible disabled individuals who require assistance to obtain and retain employment of at least 40 hours a month. In addition to support at home and work, West Virginia assists with transportation. Nurses prepare care plans for PAS services every six months, and physicians must sign off on services provided on an ongoing basis. Services are limited to 60 hours a month unless a physician authorizes additional hours after a special request.

Moving Ahead

As states tackle short-term budget shortfalls, some PAS initiatives may be affected. States may want to conduct an analysis of their environment and consider options available. Recent changes in federal rules allow federal dollars to support a broader range of consumer-directed options in their Medicaid programs.

Another aspect of personal assistance on the radar screen for states involve youth with disabilities that are entering the workforce. Often times, youth receive personal assistance from family members, and that assistance is mainly provided at home. However, as more youth with disabilities engage in jobs, their access to assistance is limited. States may want to engage in more community involvement, through independent living centers and community rehabilitation programs, in assisting youth with disabilities as they transition into the workplace.

While personal assistance services in the workplace are still in their formative stages, they are essential in assisting people with disabilities to become integrated into the workforce and the community. Through expanded efforts to strengthen PAS, people with disabilities will continue their progress in removing barriers to working. ♦

Selected References

- "Business Solutions for the 21st Century: Using Workplace Personal Assistance to Improve Recruiting and Retention." Pamphlet (The Employment Policy Group, Center for Disabilities and Development, University of Iowa), 2003.
- Silverstein, Robert. "The Applicability of the ADA to Personal Assistance Services in the Workplace." *Policy Brief* (Institute for Community Inclusion, Boston, MA), February 2003, 10.

"Utah Work Incentive Initiative: Employment-Related Personal Assistance (E-PAS)."

"WV Wins PAS State Plan Approval." *Project Directors' Alert Bulletin*, NASMD Center for Workers with Disabilities

The National Collaborative on Workforce and Disability for Youth is working to ensure that youth with disabilities are provided full access to high quality services in integrated settings to gain employment and independent living. NCWD/Youth is:

- Supporting state and local policies that promote full access to high quality services for youth with disabilities;
- Strengthening the services provided by organizations responsible for delivery of workforce development services; and,
- Improving the awareness, knowledge, and skills of individuals responsible for providing direct services to youth.

PARTNERS

- Institute for Educational Leadership
- Academy for Educational Development
- InfoUse
- National Association of Workforce Boards
- National Center on Secondary Education and Transition, University of Minnesota
- National Conference of State Legislatures
- National Youth Employment Coalition
- TransCen, Inc.

This Information Brief is the part of a series of publications and newsletters to be prepared by the NCWD/Youth. All publications will be posted on the Web site listed below. Please visit our Web site to sign up to be notified of future publications. This document was developed by the National Collaborative on Workforce and Disability for Youth, funded by a grant from the U.S. Department of Labor, Office of Disability Employment Policy (Grant Number E-9-4-1-0070). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of tradenames, commercial products, or organizations imply the endorsement by the U.S. Department of Labor. Individuals may produce any part of this document. Please credit the source and support of federal funds.

