The Social Security Administration (SSA) is a federal agency that administers two benefit programs for people with disabilities known as Supplemental Security Income (SSI) and Title II (SSDI; CDB; DWB).

Social Security benefits are paid to individuals, and their dependents, who have been employed and have paid Social Security taxes. When individuals work, the employees and their employers contribute Social Security taxes that are reflected on the paychecks as Federal Insurance Contributions Act (FICA). Social Security tax contributions for 2004 are 7.65 percent of an individual’s wages, which is then matched by employers and submitted to the Internal Revenue Service (IRS). For individuals who own their own business, the contribution is not shared and they are solely responsible for submitting both shares to the IRS (15.3 percent of their earned wages). The 7.65 percent tax rate is the combined rate for Social Security and Medicare (6.20% for OASDI and 1.45% for the Medicare portion).

As contributors, individuals and their dependents/family members may receive benefits when they retire, become disabled, or die. Social Security provides benefits as follows:

- **Retirement benefits** to those 62 or older;
- **Disability benefits** to those who cannot perform substantial work and meet SSA disability criteria; and/or
- **Dependent benefits** to spouses and children of deceased, disabled, or retired workers.
The Supplemental Security Income program, or SSI, was established in 1974 to provide benefit assistance to individuals who demonstrate economic need and who are 65 or older or have a disability. The primary goals of Congress in establishing the SSI program include the following:

1. To provide a uniform, minimum income level that is at or above the poverty line;
2. To establish uniform, national eligibility criteria and rules;
3. To provide fiscal relief to the states; and
4. To provide efficient and effective administration (U.S. Congress 1971; U.S. Congress, 1972).

Prior to 1974, states provided public assistance to individuals with disabilities to varying degrees depending on the state.

Unlike the Title II program, SSI is funded through the general revenues of the Federal Treasury. As a result, to be eligible for an SSI cash benefit it is not necessary for a person to have a past history of employment and payroll tax contributions. Instead, eligibility for SSI is based solely on meeting specific income, resource and disability eligibility criteria. Eligible individuals can receive both Title II and SSI.

The legislative history pertaining to both the SSI and Title II programs shows that Congress expresses a "...desire to provide every opportunity and encouragement to the blind and individuals with disabilities to return to gainful employment." While SSA has frequently promoted SSI and Title II as "stepping stones or springboards to employment and greater economic self-sufficiency," reports on employment outcomes for beneficiaries and/or recipients indicate that limited numbers of individuals have actually opted to return to work once disability benefits are awarded. In an effort to encourage employment for beneficiaries, the federal government and the SSA have responded during the past 20 years with legislative and regulatory changes in the SSI and Title II disability programs. These changes, or work incentives, are aimed at reducing the risks and costs associated with the loss of benefit support and medical services as a result of returning to work.

The headquarters of the Social Security Administration is located in Baltimore, Maryland and provides management and computer support to an organization of over 60,000 employees. In addition to the headquarters site, there are:

- 10 regional offices,
- 6 processing centers,
- 3 data operations centers, and
- about 1300 local Social Security offices located throughout the country.
- 130+ hearing offices nationwide.
- Office of Hearing Appeals in Falls Church, VA.
The Office of Employment Support Programs (OESP) was established in 1999. OESP contains the immediate office of the Associate Commissioner and two divisions. The mission of OESP is:

1. To plan, implement, and evaluate Social Security Administration (SSA) programs and policies related to the employment of the Social Security Disability programs (Title II) and Supplemental Security Income (SSI) beneficiaries with disabilities.

2. To promote innovation in the design of programs and policies that increase employment opportunities for Social Security beneficiaries.

3. To educate the public about the SSA and other public programs that support employment and about organizations that provide employment-related services.

4. To join with other public and private entities to remove employment barriers for people with disabilities.

The Division of Employment Policy is comprised of three teams:

1. Employment Policy Team: Leads operational policy development and implementation for all work-related provisions under the Title II and SSI programs.

2. Employment Support Service Delivery Team: Manages pilot, evaluation and implementation of a new field position. It leads testing of new service delivery software, procedures, materials and related outreach materials and leads crafting of communications plans, forums and materials in coordination with SSA’s Office of Communications.

3. Program Innovations Team: Manages research and demonstration projects under section 234 and 1110 of the Social Security Act, grants and cooperative agreement programs. It evaluates and makes recommendations about requests for SSA to waive Title II and title XVI requirements; evaluates unsolicited grant and cooperative agreement proposals; SSI youth with disabilities.
The Division of Employment Support and Programs Acquisitions is comprised of four teams. They are:

1. **Communications and Training Team:** This team works with the Office of Communication to produce written products and other material related to internal and external communications efforts for the Ticket to Work Program, concentrating on the 120-day period leading up to and following the release of the first tickets. It is responsible for assessing training needs related to the Ticket program and crafting appropriate training material.

2. **Legislative Implementation Team:** This team is responsible for coordinating the implementation of the Ticket to Work program, including developing policy, negotiating systems support, preparation of regulations, development of notices, and training on the program.

3. **Program Acquisitions Team:** This team provides technical support and oversight in the development, solicitation, award, administration, and evaluation of program contracts and interagency agreements entered in to promote and/or support SSA’s employment support/return-to-work initiatives.

4. **Provider Operations Team:** This team is responsible for administering the Vocational Rehabilitation (VR) Reimbursement Program affecting both State VR agencies and alternate participants. This includes writing policy and procedures and reviewing and paying reimbursement claims. This team is also responsible for developing regulations and policies and procedures for some aspects of the Ticket to Work Program including activities relating to Employment Networks and State VR agencies. The claims unit will also be involved in the Employment Network payment process.

Communicating with the SSA regarding individual benefits, work incentives and employment efforts largely involves interactions with SSA personnel at the local field office or through the SSA 1-800 telephone service. Claims Representatives, are located in the local field offices and provide an array of services related to establishing entitlement to benefits under Social Security programs and dealing with issues related to benefit payment amounts. In most cases, the local Social Security Offices have access to designated, specially trained work incentive liaisons. This is not an actual job title, but it does imply that these individuals have additional training and duties related to work incentive information and development. To identify the work incentive liaisons in a geographic area, contact the local Social Security Office or regional office. The SSA Web Site (www.socialsecurity.gov) contains information on location of the offices. In addition, beneficiaries and/or recipients also have access to a cadre of PASS specialists who can support use of the Plan for Achieving Self Support (PASS) work incentive.
**Work Incentives**

Work incentive provisions can help people with disabilities in two significant ways. First, they can help individuals pay for services or items that they need in order to work and to maintain, or even increase, their cash benefits until they are stable in employment. Second, in addition to the 1619(b) work incentives, the PASS, Impairment Related Work Expense (IRWE), and Blind Work Expense (BWE) are incentives that enable people with disabilities to recover expenses they incur while working towards greater economic self-sufficiency. The goals of the work incentive programs are to assist individuals to achieve gainful employment, increase independence, facilitate empowerment, and acquire self-support.

A decision by a beneficiary or recipient to work and use the work incentives available to them should involve thorough up-front evaluation and planning to ensure an overall positive impact. First, projections should be made on the immediate effect of the earnings and the work incentives plan on cash benefits and the overall financial situation. Second, the long-term impact of changes in both earnings and work incentive utilization must be investigated. Some very basic questions to be addressed should include the following: What happens if earnings increase or decrease? If the vocational goal is reached, will benefits cease altogether? What will be the impact on medical coverage? Successful utilization of the work incentives and smooth benefit transitions ultimately depend on a cooperative effort between beneficiaries and recipients, families, advocates and the SSA. Proactive communication with the SSA will help to ensure that decisions made regarding employment and work incentive use are based on sound, accurate information and projections. A listing of work incentive resources and publications is provided in Appendix B.

**Adult Definition of Disability**

The criteria and process used to establish an individual’s disability status for initial eligibility is the same for the SSI and Title II. It is critical to keep in mind, however, that for the SSI program, the disability eligibility requirements and process for determining eligibility based on those requirements differ slightly for individuals who are under the age of 18 versus those who are 18 years of age and older. The following information outlines the criteria and process for adults who are 18 years of age and older. The childhood requirements that apply to individuals under the age of 18 are described later in this section.

The key to understanding the adult criteria lies in understanding how disability is defined for the adult program. Section 223(d) of the Social Security Act defines the disability requirements for this program in the following manner:

“The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.”
An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.”

The basic conditions for the disability requirement include the following:

- Individuals must have a disability that can be documented by a qualified medical examiner. Individuals must also meet or equal a certain level of disability;
- The disability must be expected to last 12 or more months or be expected to result in death;
- Individuals cannot be working at the time of application or, if working, cannot be earning more than the SGA level of $830 for individuals with a disability other than blindness or $1,380 if they are blind; and
- Per separate statutory definition, individuals who are blind and applying for SSI do not need to meet an SGA test but rather a test to ascertain level of blindness.

Based on this definition of disability, a sequential evaluation process involving five distinct steps is applied by the Disability Determination Service in making the disability decision. The Social Security regulations pertaining to the sequential evaluation process require that the steps of the process be followed in specific order and allow for the process to terminate if at any step a determination of “disabled” or “not disabled” can be made.

1. **Is the person working at a substantial level?**

Step one of the sequential evaluation process addresses whether the person is engaging in substantial gainful work activity, or SGA. SGA is defined as the performance of significant physical or mental duties for pay or profit and in 2005 is generally determined to be gross earnings in excess of $830 a month for individual with a disability other than blindness and $1,380 for a person who is blind. Individuals engaging in work at or above the SGA level are considered to be demonstrating the ability to do substantial work in spite of their disabling condition and are consequently determined to be not disabled under Social Security law.

Prior to January 2001, earnings between $300 and $700 per month may have been considered a gray area and deemed to be SGA — known as the secondary SGA level. This was based on comparison of the earnings of