Department of Justice Unveils New On-line Americans with Disabilities Act Complaint Form

The Department of Justice is pleased to announce that, as of today, individuals wishing to file ADA complaints with the Department will be able to fill out the form and submit it completely electronically. Filers will also immediately receive a "reference number" that can be used whenever contacting the Department about that complaint. Please visit www.ada.gov to view the new electronic form. Effective March 15, 2015, e-mail complaints will no longer be accepted by the Department. However, complaints will still be accepted by U. S. mail. Contact the Department's ADA Information Line at 1-800-514-0301 (v); 1-800-514-0383 (tty) to receive a paper complaint form by mail.

New “My Social Security” Service

We are excited to announce that we have a new service available. Beginning immediately, Social Security beneficiaries can view and print their SSA-1099 and SSA-1042S online via their personal “my Social Security accounts”.

Many beneficiaries need a SSA-1099 or a SSA-1042S to complete their tax returns. If your clients receive Social Security benefits and did not receive or misplaced their SSA-1099 or SSA-1042S, encourage them to save time and create a “my Social Security” account to get instant replacements.

Setting up an account is easy, secure, and convenient. Your clients just need to go to www.socialsecurity.gov/myaccount/. With a “my Social Security” account, they can:

- Get a benefit verification letter;
- Check their benefit and payment information and their earnings record;
- Change their address and phone number;
- Start or change direct deposit of their benefit payment; and now
- Get a replacement SSA-1099 or SSA-1042S.
Introducing the Redesigned Ticket to Work Website

Guest Blog by the Ticket to Work Team

The Ticket to Work program recently launched a redesigned beneficiary website at www.choosework.net. The website is part of Social Security’s efforts to help people with disabilities who want to work find and keep a job to reduce or eliminate their need for cash benefits.

Choosework.net is the place to start to learn about the Ticket to Work program, which provides free employment support services to Social Security disability beneficiaries who want to work. The site has an improved layout and is easier to use. It also offers more information to support you or someone you know on the journey to financial independence. Visit the site to take advantage of these new features.

Home and Community-Based Services: Creating Systems for Success at Home, at Work and in the Community

Keenan W. Co-Leader & Director of Communications, LiveWorkPlay.ca

http://www.ncd.gov/publications/2015/02242015

In this report, NCD reviews the research on outcomes since Olmstead, and finds that strong trends indicate that smaller, more dispersed and individualized community settings further integration and positive outcomes for individuals with disabilities. Specifically, greater individual choice, satisfaction, housing stability, and higher levels of adaptive behavior and community participation are associated with living in residential settings of smaller size. This research tends to support the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (HHS/CMS) decision to promulgate final regulations impacting all Medicaid Home and Community Based Services (HCBS) authorities which establish that only settings of limited size and with certain characteristics will be entitled to receive Federal Financial Participation under the various Medicaid HCBS authorities. However, this national policy shift in favor of integrated supports and services presents a number of challenges to the state agencies and providers that have been furnishing supports prior to the implementation of these regulations. The research compiled in this report can help guide state policy makers, service providers, people with disabilities and their advocates in a collaborative effort to align support systems with the Olmstead decision and the requirements of the HCBS regulations.

Excerpted from NYS DOH

Money Follows the Person—Providing Outreach and Information to Nursing Home Residents….

Despite existing efforts to provide information about home and community-based options, there may be nursing home residents who are unaware of home and community based long term care options. The goals of the Money Follows the Person (MFP) Project are to identify those individuals who are interested in moving from institutional to community based settings and to educate those who choose to leave nursing home facilities on the community-based, integrated, and accessible options that are available to them in the community.

Westchester Independent Living Center (WILC) has been contracted by the NYS DOH to administer the program in the Lower Hudson Valley Region and RCAL’s Carol Galione, Healthcare Services Coordinator, will function as a Transition Specialist, informing both Nursing Home staff and residents on the available community based services should they want to transition out of the nursing home.

The New York State MFP Project will also help individuals with physical and developmental disabilities as well as Traumatic Brain Injury.
**RCAL Welcomes New Employees**

Carol Galione has worked in the field of human services for 30 years in the Hudson Valley. Originally from Nyack NY, she moved to Ulster County for the beauty and peace in 1997. Carol has a BS in Sociology and Legal Studies from Excelsior College in Albany, NY. Employed previously by RUPCO as a Program Manager, Carol has served for the last 4 years on the Ulster Office for Aging Advisory Committee and the Emergency Food and Shelter Board at Ulster County United Way. Locally, Carol has also served on the board of Ulster Court Appointed Special Advocates (CASA) and has volunteered in programs such as Big Sister literacy programs. She will graduate in June 2015 from the Ulster County Chamber of Commerce Leadership Institute.

A self-described “nature girl” Carol is mother to two daughters and resides in Kerhonkson with her fiancé, Jim and lab Charlie. Welcome Carol!

Margaret Curschmann joined RCAL as a new part-time Medicaid Service Coordinator for the Columbia-Green Counties. With a BS in Human Services, she brings past knowledge of working in domestic violence, residential management for UGARC and intensive case management and co-facilitator of the GCMH Social Club. In her spare time, Margaret enjoys her grandchildren and her animals, as well as kayaking, cross country skiing, cooking and reading. Welcome Margaret!

Kim Parrett was hired as a part-time job coach and receptionist. A disabled army veteran, she has dedicated her life to helping those with disabilities. Prior to joining RCAL, she worked with TBI individuals and for Family Advocates, where the focus was education law for disabled students. Water sports, warm weather and spending time with her “beautiful” granddaughter are some of her favorite activities.

Past employee, Carol Ray, has returned to RCAL as the Office Administrator. She actually held this position a few years ago and is happy to return after spending some time teaching. Carol resides in New Paltz, but fondly thinks of the Pacific Northwest as home, having lived in Oregon, Washington, and Idaho.

Carol’s educational background is in teaching, specifically special education, and she most recently completed a Master’s Degree at SUNY New Paltz. In her spare time Carol enjoys spending time with her two sons, her boyfriend, baking, playing golf, and walking her 4 pound Yorkie, Brutus. A warm “return welcome” to both Carol and Brutus!

RCAL’s new Benefits Advisor, Debbie Denise, has been an Ulster County resident for over 30 years. With a B.A. in Sociology and in Human Services, Debbie has worked in the field of Social Security benefits for 3 years. Prior to that she worked in fields of domestic violence, DSS, homelessness and addiction both in Ulster and Dutchess counties. “I am very involved with my church and I like to relax by reading, making jewelry, cooking and crocheting.” Welcome to RCAL Debbie!

Richard Roman is new to RCAL as a peer mentor to assist individuals who are living with some type of disability. A spinal cord survivor, Richard feels his job at RCAL “is to inspire those who are having trouble adjusting to their disability by sharing some of my personal experience and how I overcame some of my struggles dealing with my disability.”

Michelle de Beaumont joined recently joined RCAL as Fiscal Assistant. She comes to us from United Healthcare where she worked in insurance for 7 1/2 years as a claim processor and adjustment specialist. With a BS in Biochemistry she has previously worked in laboratory research as well. This mother of two children says “driving them (children) here and there is my current hobby.” Michelle will also help to launch the Representative Payee Program coming to RCAL soon.

Anyone interested in signing up for the Mid-Hudson Special Education Task Force, please click on the following link: [http://www.nyspecialedtaskforce.org/mid-hudson-task-force.html](http://www.nyspecialedtaskforce.org/mid-hudson-task-force.html), or contact Dorothy Richards 331-0541 x18.
RCAL NEWS

RCAL is excited to announce the expansion of our Home and Community based services for people with Developmental Disabilities. Beginning in the late spring/early summer RCAL will begin to offer Community Habilitation and Wavier Respite services. These services are in addition to the many other services that we offer in that department including:

- Medicaid Service Coordination
- Family education and training
- Pathways to employment
- Plan of care Support and Services
- Supportive Employment

In addition, we partner with SUNY New Paltz to offer a Family Support Services Autism Spectrum Disorder Respite Internship. Hopefully the addition of Community Habilitation and Wavier Respite services will enable us to round out our services and assist you in new ways. If you have any interest in any of our programs, please call Chris Lewoc at 845-331-0541 ext. 33

Activities Abound Around Us

By Lesley Kelder

After an exceptionally long and harsh winter, local residents are looking forward to going outdoors and appreciating nature. In our area, there is much natural beauty for families and adults to enjoy, often free or for a minimal fee.

The Walkway Over the Hudson opened in 2009. It is a former railroad bridge converted to a state park. The walkway is wheelchair accessible and it can be accessed from both Highland and Poughkeepsie. The Walkway is free, and guests can enjoy picnics, walks and bike riding the 17 mile paved trail in the picturesque backdrop of the Hudson River.

For folks who are feeling slightly more adventurous, Scenic Hudson offers nearly forty local walking and hiking trails along the Hudson River. Local Scenic Hudson attractions include Poet’s Walk in Red Hook, Black Creek Reserve and Lighthouse Park in Esopus and Falling Waters Preserve in Saugerties. In addition to breathtaking views of the Hudson, Scenic Hudson parks offer benches and a pavilion along with views of waterfalls and lighthouses. Admission to Scenic Hudson parks is free.

The Forsythe Nature Center is a small wildlife refuge in Kingston where families can enjoy looking at 24 animal exhibits, including peafowl, tortoises and fish. Guests can feed the animals and admission to the park is free. The grounds also maintain a beautiful garden. The Forsythe Nature Center runs an affordable Junior Naturalist camp during the summer through the Kingston Parks and Recreation department. Attached to the Forsythe Nature Center is a large wooden playground, which is slated for renovation this summer.

For families with children, the Saugerties Lions Club Playground has a playground and a free seasonal wading pool for young children (weekdays only). Bowdoin Park in Poughkeepsie has an accessible playground, nature trails and a free seasonal water splash park.

If you’re a beach lover, Ulster Landing Park in Saugerties offers free seasonal swimming and beach access. Belleayre Beach at Pine Hill Lake in Pine Hill also has a beach with restrooms, a playground and concession stand, for a fee of $10 per vehicle. Lake Taghkanic in Ancram has a large beach, playground and concessions for a fee of $8 per vehicle. Camp sites and cabin rentals are also available here.

These are just a few of many beautiful local resources. The warmer season offers many opportunities to take advantage of local attractions without breaking the bank.
**RCAL** Systems Advocate, Keith Gurgui, recently joined SUNY New Paltz's Young Americans for Liberty club's meeting with Congressman Chris Gibson of New York's 19th Congressional District. The topic of discussion was centered around foreign policy/surveillance, and Gurgui spoke briefly about sub minimum-wage and the recently sponsored legislation called the TIME Act (HR 188) [https://www.govtrack.us/congress/bills/114/hr188/text](https://www.govtrack.us/congress/bills/114/hr188/text), which would prohibit the Department of Labor from dispersing the special certificates they currently give to certain employers that exempts them from paying minimum wage to their employees. It's often used in sheltered workshops systems, etc.

**RCAL** has joined with several other agencies in the Taconic DDRO region to insure that individuals who need an advocate on their behalf will be able to have one. This came about due to Russell Gerry’s retirement from the Taconic DDRO Independent Advocacy Panel. **RCAL** has formed a New Independent Advocacy Panel to advocate for the individuals Russell used to serve. If you or someone you know is need of an advocate, please contact Chris Lewoc, Director of OPWDD services at 845-331-0541 ext 33.

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**Autism Family Camp Opens at Camp Whirligig in Ashokan**

The Ashokan Center is pleased to announce Camp Whirligig, its inaugural music and dance camp for families living with autism. Located only 28 miles north of Kingston, Camp Whirligig is designed specifically for families and their children ages 4 to 14. Bring your favorite instrument and explore music with the staff, make musical instruments or your own whirligig from recyclables, meet the farm animals, enjoy nature walks, and learn about aquatic and forest ecology. After dinner, enjoy an evening sing along and family dance led by a traditional dance caller, or simply hang out and relax!

An integral component of Camp Whirligig will be the Family Guide, a graduate level speech-pathology student, assigned to each family to facilitate a positive experience at camp for all family members and to work on any specific goals identified for their assigned child with ASD. Guides will be provided with clinical supervision and will receive clinical hours for their volunteer work at camp. For more details on camp activities and accommodations, as well as registration fees and scholarships, please visit [http://ashokancenter.org/campwhirligig](http://ashokancenter.org/campwhirligig).

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**RCAL** is happy to announce that the **RCAL** Representative Payee Program will be starting up this spring. **RCAL** will be able to provide financial services to anyone who has been designated as needing a representative payee by SSA. As Representative Payee, **RCAL** will be able to offer financial oversight, guidance and education to any individual who is having difficulty of managing or maintaining their own finances and do not have friends or family who are able to provide assistance using your social security funds.

**RCAL** will pay bills like rent and utilities plus use any additional funding to provide for the beneficiaries personal needs.

If there is money left in the account, **RCAL** will ensure that it is properly distributed to best meet the individual’s needs. If you are seeking a Representative Payee or would like to change your current Representative Payee to **RCAL**, please contact Sherry Crescini or Michelle de Beaumont for more information. (845) 331-0541 x22
The Changing Environment of Labor Standards for Home-Care Workers

By Keith Gurgui

Congress passed the Fair Labor Standards Act (FLSA) in 1938 to establish minimum standards of living for the American working class, including the 40 hour work-week, overtime regulations, and youth employment restrictions. In 1974, Congress amended the law, providing a limited exemption from certain requirements "for workers performing casual babysitting, and companions for the aged or infirmed." This exemption, referred to as the companionship exemption, excludes domestic care workers from overtime pay requirements. This class of work has grown and evolved immensely over the decades becoming ever more relevant in the care of the nation’s most vulnerable citizens.

With the 1974 amendment, the Secretary of Labor was left to define what functions an exempt companion could perform, creating regulations which were published in 1975. Today, this exemption is used for nearly all workers performing personal care for individuals living at home. Tasks can range from minor housekeeping such as laundry and sweeping, to direct personal care such as bathing, feeding, dressing, and many hands-on activities requested by the consumer to fulfill his or her desired instrumental activities of daily living (IADLs). This is much different from the initial intent when the amendment was first passed by Congress.

Homecare is one of the largest growing fields of employment in America today, often paying between $8 and $10 an hour, with patient caseloads managed by a Licensed or Certified Home Health Care Agency, referred to as a third-party employer. Most commonly utilized are Personal Care Attendants (referred to as PCAs), approved by Medicaid to be provided to individuals who require as much as 24 hour around-the-clock care. An individual requiring home care is first assessed and approved for services by their Local Department of Social Services (LDSS) which then contracts with one or more available Home Health Care Agencies within their jurisdiction to cover the necessary shifts the individual is approved for.

In New York State, a PCA certification can be acquired without a high school diploma or GED and appeals to many low income individuals who have limited access to employment opportunities. As such, many individuals who gain successful employment as PCAs may work well over 40 hours in any given week. Often times, employees are asked to cover shifts when another caregiver at a different location (working for another consumer but employed by the same agency) calls out. Nor is it uncommon for workers to be required to stay if the next scheduled caregiver does not arrive. For the consumers dependent on these workers for independence and safety, the risks of abandonment and neglect are ever present due to an overworked and under-compensated workforce.

Currently within the United States, there are several societal trends straining the nationwide healthcare system including a generation of Baby Boomer retirees becoming eligible for Medicare combined with an ever increasing aging population already enrolled in Medicare and receiving long-term care. In addition, there is an increasing emphasis on providing less restrictive healthcare settings to accomplish both cost savings and to divert or prevent unnecessary and costly institutionalizations. All of these factors have begun increasing the demand for Home and Community-Based Services such as home healthcare.

The growing dissatisfaction of caregivers and the clients they serve in regards to their inadequate compensation led activists to petition the federal government. Labor and disability rights advocates stressed the need for a review of existing Department of Labor regulations in order to prevent such widespread use of the companionship exemption and the subsequent deprivation of overtime pay to nearly 2 million direct care workers across the country.
The solution came in the form of newly revised regulations developed by the Department of Labor’s Wage and Hour Division in conjunction with the Department of Health and Human Services. After the release of an initial proposal and stakeholder comment period, the new rules were published in October of 2013. The revised regulations clarified the definitions of “companionship services” as well as valid employee reimbursement and the distinction between third-party versus joint employers. The newly published regulations were given an extended effective date of January 1, 2015 to give governments and agencies time to comply.

Unfortunately, the Department of Labor’s clarification and limitation on what qualified as companionship care was not linked to any alteration in the Medicaid reimbursement rate that would be necessary for the influx of non-exempt workers now eligible for proper overtime. This meant that hundreds of thousands, if not millions of healthcare workers would soon become eligible for greater pay for hours worked over 40, but the primary insurance responsible for their employer’s reimbursement (Medicaid & Medicare) were not changing their formulas to align themselves with the Labor Department’s new definition and its applicability.

In response, Home Health Care Agencies across the United States began instituting policies in anticipation. Many began limiting their employees to working no more than 40 hours, while offering those that still would “full-time employment packages” that included a cut in their hourly pay in exchange for promises of vacation days or discounts on health insurance.

For the consumers and individuals with disabilities relying on homecare to remain independent and safe in their homes, many were forced to accept additional aides in situations where an employee working over 40 hours was reduced, requiring an additional person to be trained to cover the hours that one caregiver once worked. Such a situation can be difficult for some. For example, a consumer with a Traumatic Brain Injury receiving split-shift 24-hour care and help from family to train new caregivers is forced to introduce a greater number of workers into the mix which is not only difficult and burdensome but creates uncertainty and increases the likelihood of caregiver turnover, threats to one’s security, and chances for infections that come with increased traffic of individuals going in and out of one’s living space.

Advocates were floored. A policy that so many had been pushing for decades was so poorly considered by government officials that advocates now found themselves having to backpedal, now pushing for the withdrawal or postponement of the Department of Labor’s regulation. Supporters of proper compensation and the initial changes to policy were now realizing that the proposed solution was putting employees at greater risk of losing hours and receiving pay cuts.

It did not take long for opposition to the new rule to form. On June 6, 2014, the Homecare Association of America, along with several other national organizations, filed a lawsuit with the Department of Labor over its changes to the Fair Labor Standards Acts companionship exemption rule, asserting: “The new rule will have a deeply destabilizing impact on the entire home care industry, which the Department has grossly understated in its regulatory analysis, and will adversely affect access to home care services for millions of the elderly and infirm. The new Rule will lead to increased institutionalization of those needing home care as many will no longer be able to obtain the currently available levels of access to affordable, quality care in their homes. Others will be forced to accept care from multiple caregivers instead of one trusted individual, as employers will be forced to reduce work hours to avoid overtime costs. For similar reasons, the new Rule will also adversely impact many home care workers and will increase staff turnover to the detriment of consumers.”
On December 22, 2014 the District of Columbia federal district court granted the plaintiff’s motion and vacated (suspended) the Department of Labor’s regulation barring third-party employers (homecare agencies) from claiming exemptions for overtime and minimum wage requirements for employees providing “companionship” services. With respect to the Department of Labor’s singling out of all third-party employers, Judge Richard J. Leon stated in his opinion for the court, “Here, Congress has directed the Department of Labor to define statutory terms, and then include "any employee" who provides services according to those definitions within the scope of the exemptions. The focus is on the type of services provided, not who pays the check. As such, Congress has clearly spoken on this issue, and the department's new, conflicting rule therefore cannot survive.”

Currently, the district court’s decision has been appealed by the Department of Labor and is currently undergoing review in the Court of Appeals for the DC circuit. Analysts following the suit (Homecare Association of America v. Weil) have stated that the court is likely to decide the case in June of this year. Meanwhile, for guidance to consumers and agencies, author and attorney Brian Steinbeck, one of many following the regulatory landscape had this to say;

“Notwithstanding these proceedings, home care agencies must continue to comply with state labor laws in effect. In New York, for example, notwithstanding the temporary stay of the “companionship services” definition, the home care industry must continue to pay minimum wage (now $8.75 per hour) and overtime (at a rate of one and a half times the minimum wage). Should the DOL prevail, the home care industry will be required to increase overtime pay from one and a half times the minimum wage to one and a half times the employee’s regular rate of pay.”(wagehourblog.com January 6 2015)

As literally millions of Americans wait to see what happens one thing is for certain, regardless of what the courts decide, it is up to Congress and the American people to actively push for equal pay for direct care workers. It is starkly evident to those individuals who receive it, that the homecare system in its current form is not only unsustainable but tragically unsafe and uncertain. If we are to expect the best possible system for the care of individuals with disabilities and those that require personal attendants, nurses, or other supports, those in the community responsible for providing that care must be equally considered.
Governor Cuomo’s Budget Proposal and Special Education Waivers
by Dorothy M. Richards

A proposal in Governor Cuomo’s 2015-2016 budget would permit school districts, private schools and BOCES to seek a waiver of certain State imposed special education requirements that are above and beyond the Federal IDEA law. Any district seeking a waiver would be required to notify parents and include any parent comments in an application to the New York State Commissioner of Education. The Commissioner alone would be authorized to grant one-year waivers. These waivers potentially could have a significant impact on State requirements related to evaluation of students, delivery of special education, behavior assessment and interventions and transition to adulthood.

Some examples of where waivers possibly could be sought are: consultant teacher services, group size for related service, Resource Room, co-teaching, special class size and composition, Functional Behavioral Assessments (FBA), Behavior Intervention Plans, time out rooms, and emergency interventions or restraint.

The State’s 170 requirements over and above IDEA are seen as unfunded mandates and most will agree that the need for mandate relief is important. When the Federal IDEA was passed, we were promised 40% Federal funding. This has never exceeded more than 18%. It would appear that the Governor is attempting to offer mandate relief through this proposal. Some question whether or not this is the way to accomplish this.

The New York Association on Independent Living (NYAIL) agrees with the Autism Action Network’s stance that the waiver proposal will allow lower standards for special education and are against its inclusion in the final budget. Advocates for Children (AFC) of New York also oppose the waiver proposal.

At the time of this writing, the Assembly budget bill rejects the special education waiver, and the Senate budget bill includes it. The New York Special Education Task Force held a discussion forum on this proposal. To view the video go to: http://www.nyspecialedtaskforce.org/discussion-forums

Do you have an opinion on special education waivers? If so, please contact Governor Cuomo at 518-474-8390, your State Senator and your State Assembly Member. The Assembly Education Committee Chair is Catherine Nolan 518-455-4851 and the Senate Education Committee Chair is John Flanagan 518-455-2071.
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NASI REPORT ON TRUST FUND SOLVENCY

Disability Insurance: Clarifying the Choices

William J. Arnone, Board Chair, National Academy of Social Insurance

G. Lawrence Atkins, President, National Academy of Social Insurance

Social Security Disability Insurance (DI) is much in the news these days. It can be hard to separate fact from fiction. Here are some key points to keep in mind.

**DI Basics** - DI provides essential wage-replacement income to workers who have lost their capacity to earn a living due to the onset of a severe, long-term disability. The DI definition of disability is very strict: a medical condition that prevents an individual from performing basic work activities for at least 12 months or that ends in death.

Although benefits are modest ($1,145 a month on average), more than half of disabled worker beneficiaries rely on these benefits for 75% or more of their total income.

The risk of needing DI rises sharply with age. Seven in 10 disabled worker beneficiaries are over age 50, including 3 in 10 who are over 60; at 66, they shift to retirement benefits. Many who receive DI have life-threatening conditions. About 1 in 5 men and 1 in 6 women die within 5 years of starting to receive benefits.

Workers earn DI protection by paying into Social Security. For Social Security as a whole, they pay 6.2% of their earnings and their employers pay a matching amount on earnings up to $118,500 a year. Of the 6.2%, 5.3% is for old-age and survivors insurance (OASI) and 0.9% is for DI. The combined OASDI system is adequately financed until 2033. By law, however, there are two separate trust funds. The OASI trust fund is adequately financed until 2034, but the DI trust fund faces a shortfall beginning in 2016 and will require legislation in order to continue paying full benefits. Without legislation, disability benefits would have to be reduced by nearly 20%.

**DI Funding** - The DI shortfall is not a surprise. Experts have long known that the costs of Social Security retirement benefits would rise as members of the Boomer Generation (born in 1946-1965) reach their full retirement age; boomers began reaching that age in 2012. Before reaching retirement age, boomers entered their high-risk disability years (ages 50-66), starting in 1996. The recent rise in DI costs has long been anticipated by Social Security actuaries. In 1995, the actuaries projected that the DI trust fund would run short of funds in 2016. Moreover, increasing the full retirement age from 65 to 66 means that disabled workers receive DI a year longer and start retirement benefits a year later – a change that shifts costs from the OASI to the DI fund.

**Options for Lawmakers** - Lawmakers have a range of options, including: rebalance the OASI and DI funds; strengthen DI; and strengthen Social Security as a whole.

- **Rebalance OASI and DI funds.** Lawmakers have shifted contribution rates between the OASI and DI funds many times in the past. As the National Academy of Social Insurance’s [brief](#) and a recent [Center on Budget and Policy Priorities blog](#) point out, Congress has shifted contribution rates 11 times, sometimes shifting to the OASI fund, other times to the DI fund. Rebalancing has not been controversial. A shift from OASI to DI would enable both funds to pay full benefits until 2033.

A recent change to House rules — adopted on the first day of the 114th Congress — prohibits the House from considering proposals to reallocate the tax rate between the two funds, unless the legislation also improves the solvency of the combined Social Security funds. Limiting Social Security policy choices by changing House rules is without precedent.

A variation of this option is to combine the OASI and the DI trust funds into a single, unified OASDI trust fund. The combined fund would cover full benefits until 2033.
Disability Insurance: Clarifying the Choices (continued)

1) **Strengthen DI finances.** Another option would modestly increase the DI contribution rate. The DI rate was once scheduled in law to reach 1.1% for workers and employers each starting in 1990. Before that took effect, part of the DI rate was shifted to the OASI fund, leaving the current DI rate at 0.9%. Restoring the DI rate to 1.1% for workers and employers each would keep DI solvent for 75 years, according to Social Security’s actuaries. That would increase the combined OASDI rate from 6.2% to 6.4% for workers and employers each. For a worker earning $50,000 a year, the increase would be $100 a year, or $1.92 a week, matched by the employer.

2) **Another way to strengthen DI finances** would follow a precedent used to finance Medicare’s hospital insurance (HI) fund. Like Social Security, HI is financed by workers’ contributions from earnings, matched by employers. Also like Social Security, the contribution rate was historically applied to earned income only up to a taxable earnings cap. In 1993, lawmakers eliminated the cap on earnings subject to HI taxes starting in 1994. That meant that the top 5% of workers in 1994 started paying the 1.45% HI tax throughout the year (as other workers were already doing) and their employers did so too. Applying this concept to the current 0.9% DI contribution rate starting in 2016 could provide a margin of safety for the financing of the DI program.

3) **Strengthen Social Security as a whole:** Congress could consider a range of policy options that would strengthen Social Security as a whole. The Academy’s recent survey (Americans Make Hard Choices on Social Security: A Survey With Trade-Off Analysis) found that after considering a balanced array of 12 policy changes for Social Security, 7 in 10 respondents chose a package of changes that increases revenues in two ways and increases benefits in two targeted ways for vulnerable groups. This package would balance Social Security’s finances for 75 years and beyond without reducing benefits.

More broadly, the study found that most respondents don’t mind paying for Social Security and are willing to pay somewhat more if needed. Eight in 10 respondents (including 69% of Republicans and 84% of Democrats) agree that “it is critical to preserve Social Security benefits for future generations, even if it means increasing Social Security taxes paid by working Americans.” On DI in particular, 55% of respondents are concerned that average benefits are too low.

**Points to Remember**

DI is critical protection that workers earn by paying into Social Security. The program is not broken; the fact that its outgo grew after 1996 is neither a surprise nor a sign of misuse of the program. Rather, it shows that DI is doing what it is supposed to do: maintaining essential economic security for individuals as they pass through their high-risk years for career-ending disabilities.

Lawmakers need to act to secure DI finances in 2016 and beyond. The Academy’s research finds that Americans value Social Security, are willing to pay more to secure it for the future, and do not want to see benefits cut. Lawmakers have options to remedy the DI shortfall in ways that reflect Americans’ widespread agreement on how to strengthen Social Security.

**William J. Arnone** is chair of the Board of Directors of the National Academy of Social Insurance and a former Partner with Ernst & Young LLP. **G. Lawrence Atkins** is President of the Academy and Executive Director of the Long-Term Quality Alliance.

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**Pathway to Employment**

*RCal* is excited to announce the introduction of a new OPWDD Medicaid waiver service, *Pathway to Employment*. *Pathway* is an individualized service aimed at individuals who are interested in competitive employment. Though *Pathway* they will be given the opportunity to build skills with volunteer or internship positions, job shadowing and variety of career exploration activities. Individuals must be OPWDD waiver eligible. If interested please contact Hillary Nichols (845)331-0541x35 (hnichols@rcal.org) to set up an appointment or to learn more about this new and exciting opportunity.
Resource Center for Accessible Living, Inc.
727 Ulster Avenue
Kingston, NY 12401

Phone: 845-331-0541
Fax: 845-331-2076
TTY: 845-331-4527
E-mail: office@rcal.org
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RCAL’S MISSION: THROUGH ADVOCACY AND EDUCATION, WE CREATE ACCESSIBILITY AND PROMOTE INDEPENDENT LIVING FOR INDIVIDUALS WITH DISABILITIES AND THE COMMUNITY AS A WHOLE.

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Keith Gurgui, Systems Advocate
Toni Hedges, NHTD Program Director
Paula Howells, NHTD Service Coordinator
Diann Keyser, Medicaid Service Coordinator
Marge Knox, Support Staff Administrator
Chris Lewoc, OPWDD Program Director
Gilles Malkine, Architectural Barrier Consultant
Valerie Mathis, NHTD Service Coordinator
Hillary Niccol, Professional Services Coordinator
Kathy O’Connor, Support Staff Coordinator
Patricia Older, NHTD Program Director
Ted Uslander, NHTD Service Coordinator
Jean Vroman, Support Staff Coordinator
Kim Parrett, Job Coach, Receptionist
Melanie Pedersen, Medicaid Service Coordinator
Carol Ray, Office Administrator
Janis Perri, Medicaid Service Coordinator
Melissa Rappleyea, MSC, Supervisor
Dorothy Richards, Special Education Advocate
Richard Roman, NHTD Peer Mentor
Danny Terkelson, Support Staff
Gloria Toporowski, Special Education Advocate (Bilingual)

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