

Identifying and Documenting Impairment Related Work Expenses (IRWEs) and Subsidies for People Who Get Title II



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Learning Objectives

1. Explain why Benefit to Work Coaches might help identify and document IRWEs and subsidies.
2. Identify Benefit to Work Coach role regarding IRWEs and subsidies.
3. List steps to identify and document IRWEs.
4. List steps to identify and document subsidies provided by supported employment providers (special conditions).
5. List steps to identify and document subsidies provided by employers.
6. Evaluate impact of IRWEs, subsidies and special conditions.

Should Benefit to Work Coaches Be Doing This?

- Your first question:
- “Hey – aren’t Benefit to Work Coaches supposed to refer stuff like this to Benefit Planners?”
- Yes – you are.
- But identifying and documenting IRWEs and subsidies (especially subsidies) usually requires cooperation between a Benefit Planner and a supported employment provider.

Should Benefit to Work Coaches Be Doing This?

- Benefit to Work Coaches who work with supported employment providers may be ideally positioned to forge this cooperation.
- (See Benefit to Work Coaching Guide, page 6, Specialized Work Incentives, which explains the Benefit to Work Coach should “Assist the person, under the direction of a benefit expert, in implementing specialized work incentives”)

Why Do We Need to Cooperate?

IRWEs

- Benefit Planners can help individuals document many IRWEs without other parties being involved.
- However, many people need a combination of subsidies AND IRWEs to keep their earnings below substantial gainful activity (SGA).
- It can help for the Benefit Planner and the supported employment provider to collaborate to estimate whether subsidies and IRWEs, combined, will most likely keep a person's wages below SGA.

Why Do We Need to Cooperate?

Subsidies

- Subsidies generally take two forms:
 1. Those provided by employers (extra help/supervision provided by supervisors or coworkers, paying full wage though the person's productivity is lower), and
 2. Those provided by supported employment providers (extra help/supervision provided by a job coach – this is technically called a “special condition”)
- We need to minimize the administrative tasks we ask of employers, including things having to do with benefits. However, employer-provided subsidies **MUST** be documented by the employer.

Why Do We Need to Cooperate?

Subsidies

- It's generally best for a member of the supported employment team, who already has a relationship with the employer, to explain subsidies to the employer and help identify and document them.
- A Benefit to Work Coach can either speak with the employer, or explain to another supported employment team member how to present subsidies to the employer (what to say and not say, keep it simple).
- Subsidies provided by a supported employment provider (special conditions) **MUST** be documented by the provider.
- Therefore, the supported employment provider has a key role in identifying and documenting subsidies provided by employers **AND** by supported employment providers.

Your Role Regarding IRWEs and Subsidies

- Benefit to Work Coaches should always:
 1. Provide basic explanations of IRWEs and subsidies to individuals, and
 2. Refer people who might benefit from using IRWEs and subsidies (or who are already using them) to Benefit Planners

Your Role Regarding IRWEs and Subsidies

Example - Gladys:

- Gladys receives SSDI and starts a job working 32 hours/week @ \$11.25/hour = \$1,559/month gross wages (32 hours/week x \$11.25/hour x 4.33 weeks/month).
- She used up her TWP last year, and this is her first paid work since her 9th TWP month. She is not blind.
- Gladys pays for copays for medications and therapy.
- A job coach works with her. She has a history of working more slowly than coworkers and needing extra help from coworkers and supervisors to complete job tasks.
- The employer values Gladys's work and the subtle extras she brings to the job, and chooses to pay her the going pay rate for her job.

Your Role Regarding IRWEs and Subsidies

Example - Gladys:

- Gladys's Benefit to Work Coach works for Gladys's supported employment provider.
- The Coach gives Gladys a basic explanation of how IRWEs and subsidies can help keep countable wages below SGA.
- The Coach refers Gladys to a Benefit Planner.

Your Role Regarding IRWEs and Subsidies

Example - Gladys:

- Gladys, the Planner and the Coach discuss potential IRWEs and subsidies.
- The Planner advises Gladys to gather recent receipts for medication and therapy copays, and helps her document these possible IRWEs.
- The Planner provides the Coach with a letter template to document the subsidy for job coaching (special condition).

Your Role Regarding IRWEs and Subsidies

Example - Gladys:

- The Planner asks the Coach to speak with the employer about possible subsidies the employer provides (full pay but slower work pace, extra help from supervisors or coworkers).
- The Coach helps the employer document subsidies on the appropriate form.
- The Planner, Coach and Gladys discuss whether the total IRWEs and subsidies appear sufficient to reduce Gladys's countable wages below SGA.

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

Step 1: Collaborate with Benefit Planner to determine whether IRWEs may be needed to keep wages below SGA.

- Are gross wages above SGA level (\$1,220/month non-blind, \$2,040/month blind in 2019)?
- If “yes”, then consider IRWEs.

Step 2: Work with individual and Benefit Planner to identify potential IRWEs the person currently pays for, or will need to pay for when s/he works.

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

- IRWE's must usually meet 5 conditions:
 1. Needed for work (although not necessarily ONLY for work)
 2. Needed due to disability or another condition being treated by a licensed health care provider
 3. Paid for by the individual and not reimbursed
 4. Usually paid for during a month the person is/was working, with exceptions
 5. Of "reasonable" cost
- Social Security does NOT maintain a list of all possible IRWEs.
- POMS DI 10520.010 (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0410520030>) provides some helpful guidance about a number of possible IRWEs.

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

Some IRWE examples:

- Fees (including copays) for medical, psychiatric, psychological or therapeutic services
- Fees (including copays) for prescription medications
- Service animal costs
- A portion of residential costs of care. If the person receives residential supports and pays a portion of the cost of care (costs related to staffing), then the percentage of the costs that can be attributed to helping the person prepare for work can usually be allowed as an IRWE.

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

Some IRWE examples:

- Transportation costs, other than standard public transportation, if the person is unable to use public transportation due to a disability (e.g., anxiety or paranoia). If public transportation is available BUT the person is unable to use it for disability-related reasons, and the person drives to/from work, then work-related mileage can be allowed as an IRWE at the IRS mileage rate (\$0.58 per mile in 2019).
- If a family member (related by blood, marriage or adoption) provides attendant care or drives the person to and from work, this may be allowed as an IRWE, BUT ONLY IF the family member was employed and had to reduce work hours or stop work to provide the service.

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

Step 3: If necessary, assist the individual and/or Benefit Planner to document IRWEs with receipts or other proof of payment, letters and/or Work Activity Report – Employee form (SSA 821).

Identifying and Documenting Impairment Related Work Expenses (IRWEs)

Gladys – Part 2:

- The Planner and Coach have determined that Gladys's gross monthly wages are \$1,559/month – clearly above the \$1,220/month SGA level.
- Gladys, the Planner and the Coach have identified two possible IRWEs: copays for medications and copays for therapy. Total IRWEs are \$80/month.
- Gladys gathers recent receipts and the Planner documents the IRWEs on the SSA 821 (Work Activity Report – Employee) form.
- NOTE: SSA must approve the IRWEs during a work review.

Identifying and Documenting Subsidy Provided by Supported Employment Provider (Special Condition)

Step 1: Collaborate with Benefit Planner to determine whether special condition may be needed to keep wages below SGA.

- Are gross wages above SGA level (\$1,220/month non-blind, \$2,040/month blind in 2019) after subtracting IRWEs?
- If “yes”, then consider subsidy provided by supported employment provider (special condition).

Step 2: Does the person receive job coaching?

- If yes, then s/he receives a special condition, if SSA approves. If no, then s/he does not.

Identifying and Documenting Subsidy Provided by Supported Employment Provider (Special Condition)

Gladys – Part 3:

- After subtracting IRWE's from Gladys's gross monthly wages, her countable wages are \$1,559 - \$80 IRWEs = \$1,479/month – still above SGA (\$1,220/month).
- The Planner provides a letter template to the Coach to document the subsidy for job coaching (special condition).
- The Benefit to Work Coach determines that Gladys receives an average of 4 hours/week of job coaching.

Identifying and Documenting Subsidy Provided by Supported Employment Provider (Special Condition)

Gladys – Part 3:

- She completes a letter explaining that:
 - Gladys receives 17 hours/month (4 hours/week x 4.33 weeks/month) of job coaching
 - She understands that the value of the special condition is \$191/month (17 hours/month x \$11.25/hour (Gladys's hourly wage)).
 - The job coaching is needed because Gladys's disability requires more intensive instruction to learn job duties, frequent repetition of instructions and assistance to interact appropriately with supervisors/coworkers.
- The Coach provides the letter to the Planner (see attached).

Identifying and Documenting Employer-Provided Subsidies

Step 1: Collaborate with Benefit Planner to determine whether employer-provided subsidies may be needed to keep wages below SGA

- Are gross wages above SGA level (\$1,220/month non-blind, \$2,040/month blind in 2019) after subtracting IRWEs and special conditions?
- If “yes”, then consider employer-provided subsidies.

Identifying and Documenting Employer-Provided Subsidies

Step 2: Ask employer if s/he provides subsidies, using Work Activity Questionnaire

- Benefit Planner provides Work Activity Questionnaire form (SSA-3033 - <https://www.ssa.gov/forms/ssa-3033.pdf>) to Benefit to Work Coach.
- Coach briefly explains to employer that subsidies could possibly help the worker keep Social Security Disability benefits.
- Coach asks employer:
 - Does the person get extra help/supervision on the job, provided by supervisors and/or coworkers, compared with nondisabled coworkers?
 - Is the person paid the customary wage for the job, but works more slowly than nondisabled coworkers or doesn't fully perform all duties because of disability?
 - If the employer answers "yes" to either question, proceed to step 3.

Identifying and Documenting Employer-Provided Subsidies

Step 3: Ask employer the questions in Section 1 of the Work Activity Questionnaire (SSA 3033 form - <https://www.ssa.gov/forms/ssa-3033.pdf>) and complete the form

- IMPORTANT NOTE: Do not “coach” the employer about how to answer the questions (e.g., “If you said she works at 80% productivity, she could keep her benefits.”) Just ask the questions and record the employer’s answers.

Step 4: Ask the employer to sign, date and enter phone number in Section 3 of the form.

Identifying and Documenting Employer-Provided Subsidies

Gladys – Part 4:

- After subtracting IRWEs and special condition from Gladys's gross monthly wages, her countable wages are \$1,559 - \$80 IRWEs - \$191 special condition = \$1,288/month – still above SGA (\$1,220/month).
- The Planner provides a Work Activity Questionnaire form (SSA-3033) to the Coach.
- The Coach discusses possible employer subsidies with the employer and helps the employer complete Section 1 of the form.

Identifying and Documenting Employer-Provided Subsidies

Gladys – Part 4:

- The employer verifies that Gladys receives extra help from a supervisor and works more slowly than coworkers. Overall, Gladys's productivity is 80% of the customary rate, though she is paid the full wage for her job.
- The employer signs, dates and enters her phone number in Section 3 of the form.
- The Coach provides the completed form to the Planner (see attached).
- The Planner seeks approval from SSA during a work review, then advises the individual and Coach.

Evaluating Impact of IRWEs, Subsidies and Special Conditions

- Benefit to Work Coaches may assist Benefit Planners to evaluate the likely impact of IRWEs, subsidies and special conditions on a person's Title II benefit status.
- If IRWEs and subsidies, combined, don't appear sufficient to keep wages below SGA, then the individual, Benefit Planner and Benefit to Work Coach might discuss whether additional IRWEs could help.

Evaluating Impact of IRWEs, Subsidies and Special Conditions

- If the person's wages are currently below SGA after subtracting IRWEs, subsidies and special conditions, but the wages are expected to increase in the future, consider whether IRWEs, subsidies and special conditions might still keep earnings below SGA after the increase.
- The Benefit to Work Coach should check with the person at least quarterly to ensure s/he is keeping receipts for all IRWEs, and to identify whether the types or amounts of IRWEs and subsidies may have changed.
- If any changes have happened, the Coach should remind the person to contact the Benefit Planner to re-evaluate the impact on countable wages and determine whether changes should be reported to SSA.

Evaluating Impact of IRWEs, Subsidies and Special Conditions

Gladys – Part 5:

- After subtracting IRWEs, special condition and employer subsidies from Gladys's gross monthly wages, her countable wages are \$1,559 - \$80 IRWEs - \$191 special condition - \$312 employer subsidies (20% of \$1,559/month gross wages) = \$976/month = below SGA (\$1,220/month).
- Gladys, the Planner and the Coach discuss that IRWEs and subsidies appear to keep Gladys's wages below SGA, but that SSA must make a determination.
- The Planner and Coach remind Gladys to report any changes in her IRWEs, the amount of job coaching or other extra help she gets on the job, and her work pace to the Planner.
- The Coach plans to check with Gladys quarterly to ensure she is keeping receipts for her IRWEs, and to determine whether any changes have occurred.

Conclusion

- Identifying and documenting IRWEs, subsidies and special conditions is primarily a Benefit Planner's responsibility.
- Benefit to Work Coaches who work for (or closely with) supported employment providers can help a lot by collaborating with Benefit Planners.
- Speak with your supervisor about whether and how you should work with Benefit Planners to help identify and document IRWEs, subsidies and special conditions.