

Personal Assistance Services in the Workplace

What personal assistance services can a person with a physical disability ask the employer to provide? Does the person need help with personal care needs while at work, but it is not an accommodation that is provided by the employer? Are there agencies that can assist or resources that can be used to offset the cost of personal assistance in the workplace? These are just a few of the questions that people with physical disabilities may have when thinking about going to work or returning to work after an injury.

Individuals with physical disabilities may have a variety of support needs related to performing tasks both at home and in the workplace in order to be employed. This could include personal assistance with preparing for work, grooming and other personal care needs, transportation to and from the job, as well as assistance with portions of the individual's job duties. Personal assistance services may make the difference between whether a person is employed or unemployed. This Q and A is designed to answer frequently asked questions about personal assistance services, and how these services can assist individuals with physical disabilities in achieving their employment goals.

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QUESTION: Please describe the types of personal assistance services that a person with a physical disability may need in the workplace?

ANSWER: Personal assistance services can be a variety of supports provided by another person to enable the employee with a physical disability to be successfully employed. Even with the increasing availability and advances in assistive technology (AT), individuals with physical disabilities may need support from another person to perform personal care needs as well as portions of their job duties. Some personal assistance services may be an accommodation that is provided by the employer, while others are not the responsibility of the business.

Personal assistance that occurs on the job has also been referred to as Workplace Personal Assistance Services (WPAS). WPAS include task-related assistance such as arranging an individual's work-space, physically manipulating work materials, taking notes during meetings, or voice interpretation, as a few examples. Essentially, a personal assistant completes those portions of a job duty that may be physically difficult or very time-consuming for the employee with a disability to do without assistance. WPAS in the workplace can be a reasonable accommodation in order for a qualified employee with a disability to do his or her job.

Personal assistance services also can include personal care-related assistance such as helping an employee remove or put on clothing such as a coat, assisting in the restroom, providing support to eat or drink while at work. Personal assistance related to personal care, such as in these examples, is not usually support that an employer provides. An exception may be if the individual with a physical disability is traveling at the request of the employer for work. In this instance, personal care may be an accommodation that is paid for by the employer during the business trip. Of course, an employer may choose to provide personal care assistance to the employee, or anyone may voluntarily assist a coworker with a physical disability in performing personal care related needs.



QUESTION: How does a person with a physical disability request Workplace Personal Assistance Services?

ANSWER: The job applicant or employee with a physical disability must inform the employer that personal assistance services are needed as an accommodation. The request may be made verbally or in writing at any time during the interview process or after employment. As previously mentioned, personal assistance services must be work-related if the individual is asking for these supports as a reasonable accommodation.

When a request is made, the employee and the employer identify the job functions that require WPAS. One way to begin the process is for the individual to complete a self-assessment to identify his/her needs for personal assistance. When completing the self-assessment, the individual with a physical disability should consider the following:

- What are the essential functions of the job, and what are the most efficient ways to accomplish these functions?
- Which functions may be accomplished by using assistive technology?
- Which functions can be best completed with the physical assistance of another individual?

A variety of options can be identified that would reduce or remove the barrier and increase the person's productivity. A checklist can serve as an effective self-assessment tool that includes such factors as: essential functions of the job, AT devices that could be useful, human assistance that would be needed, and estimated times that the assistance is needed. Using a checklist gives the individual a picture of personal support needs and the accommodations that will best meet those needs. The checklist is also an effective tool to show employers how the use of assistive technology and WPAS can help improve the person's efficiency. The employee and employer then can work together to identify and implement the most effective accommodation.

QUESTION: Who can assist a person with a physical disability if he or she needs help completing a self-assessment or asking for personal assistance services?

ANSWER: State Vocational Rehabilitation (VR) agencies provide or arrange for an array of services and supports focusing specifically on achievement of a competitive employment outcome. A person who is a VR client can receive support from a Vocational Rehabilitation counselor in asking an employer for accommodations including identifying what services and supports will be most effective. Personal assistance services, including training in the use of these services, is something that VR can fund if the services are included in the person's Individualized Plan for Employment (IPE).

For example, a VR counselor may purchase services such as a workplace evaluation by an occupational therapist to make suggestions regarding the accommodations and personal assistance services needed by the individual with a physical disability. Supported employment services can also be funded by vocational rehabilitation if the individual with physical disabilities has more significant support needs. An employment specialist may assist the individual by supporting him or her in identifying personal assistance service needs and asking for them as an accommodation.

Although VR may fund personal assistance services, the employer may still be responsible for the WPAS if these services are identified as a reasonable accommodation. VR may fund the services initially to expedite the hiring process, but the employer assumes the responsibility at a later date. VR may also pay for personal assistance services needed by the individual to "get ready" for work such as getting dressed in the morning, providing a driver to and from work. VR may also fund personal care needs not paid for by the employer while the person is at work such as using the restroom, eating, drinking, etc. However, these services are time-limited in that they can only be funded as long as the individual's case is open with vocational rehabilitation. Other sources of funding will need to be identified once the individual is no longer receiving VR services. The reader is referred to the Q and A fact sheet on vocational rehabilitation referenced at the end of this fact sheet for additional information on the services and supports that may be available through State Vocational Rehabilitation Agencies.

QUESTION: Can an employer refuse to provide Workplace Personal Assistance Services?

ANSWER: Title I of the Americans with Disabilities Act (ADA) requires employers with 15 or more employees to consider providing reasonable accommodation for employees who meet the Act's definition of disability. Reasonable accommodation can include WPAS in the form of work-related assistance. However, addressing whether an employer must provide

personal assistance services as a workplace accommodation is beyond the scope of this Q&A. The Job Accommodations Network (JAN) provides several resources on the ADA and accommodations. The links to these references are provided at the end of this Q&A for the reader's use. In addition, individuals with physical disabilities, employers, and other interested stakeholders can submit a question to JAN on workplace accommodations at: [<http://askjan.org/JANonDemand.htm>] or call (800)526-7234 (Voice) (877)781-9403 (TTY).

QUESTION: Are there other resources that can offset the costs of personal assistance services?

ANSWER: Individuals who are Social Security recipients or beneficiaries who are employed may use work incentives to support the cost of personal assistance services. Although personal assistance services are not paid for directly by The Social Security Administration (SSA), the costs of these services can assist a person in maintaining benefits. The two specific work incentives that can help a person pay for personal assistance services are Impairment Related Work Expense (IRWE) and Plans for Achieving Self Support (PASS).

For example, if an individual receives Supplemental Security Income (SSI) benefits, SSA will exclude impairment related work expenses (e.g. personal assistance services) from the individual's earned income when calculating the person's monthly payment amount. The expense must be paid for in a month that the person received earned income or performed work while using the IRWE. This can include the following:

- Services performed in the work setting.
- Services performed to help a person prepare for work, the trip to and from work, and after work; for example, bathing, dressing, cooking, and eating.
- Services performed by a family member for a cash fee where he/she suffers an economic loss by reducing or ending his/her work to help you, for example, if your spouse must reduce his or her work hours to help you get ready for work¹.

Understanding how to use a work incentive may seem complicated to someone who has not used them to support work activity. SSA funds Work Incentives Planning and Assistance (WIPA) projects that are community-based organizations. WIPA projects receive grants from SSA to provide all Social Security and Supplemental Security Income (SSI) disability beneficiaries (including transition-to-work aged youth) with free access to work incentives planning and assistance. Each WIPA project has counselors called Community Work Incentives Coordinators (CWIC) that:

- Provide work incentives planning and assistance to our beneficiaries with disabilities;
- Conduct--often in partnership with other community organizations--outreach efforts to those beneficiaries (and their families) who are potentially eligible to participate in Federal or state employment support programs; and
- Work in cooperation with Federal, state, private agencies and nonprofit organizations that serve beneficiaries with disabilities.

A WIPA project can help people with physical disabilities to understand the employment supports that are available and enable them to make informed choices about work. Individuals who are interested in learning how to use an IRWE or PAS to support personal assistance in the workplace should contact a WIPA project to receive support from a Community Work Incentives Coordinator.

¹2014 The Red Book - A Summary Guide to Employment Supports for Persons with Disabilities under the Social Security Disability Insurance and Supplemental Security Income Programs <https://www.socialsecurity.gov/redbook/>

QUESTION: What are some examples of Workplace Personal Assistance Services?

ANSWER: The following examples are taken from Personal Assistance in the Workplace: A Customer-Directed Guide. A link to this resource is provided at the end of this Q and A. The reader can download a free copy at the URL provided.

- A database technician with cerebral palsy uses a head pointer to access her computer at work. A part-time support assistant provided help each day by assisting her with her head pointer before she begins work and before and after breaks.

- An employee who uses a wheelchair is not able to transport materials from an inaccessible location in the workplace to her workstation. The employer provided a low file cabinet and drawer unit to help her access the necessary materials placed within her reach. This area is periodically stocked for her by co-workers.
- A college professor with physical disabilities has difficulty carrying materials. A student worker assists with transporting materials to and from class.
- An elementary school employs a counselor who has multiple sclerosis. She experiences numbness and weakness in her extremities and becomes fatigued easily. A personal assistant provides basic office/clerical support including keyboarding services to allow the employee to respond to email and other correspondence in a timely manner.

SUMMARY

Personal assistance services may make the difference between whether a person with physical disabilities is employed or unemployed. This Q and A has provided some general information that is intended as a guide to stimulate conversation on how to use personal assistance services to support work. Individuals are directed to the resources that follow for additional information.

RESOURCES

- **Employers' Practical Guide to Reasonable Accommodation under the Americans with Disabilities Act (ADA)** -- Job Accommodation Network (JAN): <https://askjan.org/ErGuide/index.htm>
- **Q & A on Employment: Vocational Rehabilitation Services for Individuals with Physical Disabilities**
RRTC on Employment of People with Physical Disabilities: <http://vcurrtc.org/resources/content.cfm/1114>
- **Personal Assistance in the Workplace** -- Job Accommodation Network (JAN): <http://askjan.org/media/downloads/PASDocument.doc>
- **Personal Assistance in the Workplace: A Customer-Directed Guide** -- <http://vcurrtc.org/resources/content.cfm/1112>
- **Social Security Project Contact Information Search by State** (Includes WIPA Projects)
<http://choosework.net/resource/jsp/searchByState.jsp>
- **2014 The Red Book - A Summary Guide to Employment Supports for Persons with Disabilities under the Social Security Disability Insurance and Supplemental Security Income Programs**
<https://www.socialsecurity.gov/redbook/>

Information for this A&Q fact sheet was developed for the VCU-RRTC on Employment of People with Physical Disabilities.

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**For more information on the VCU-RRTC, please visit:
<http://www.vcurrtc.org>**



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