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Time Limits, Exemption and Disclosure: TANF Caseworkers and Clients with Disabilities

by *Jaimie Ciulla Timmons and Danielle Dreilinger*

Introduction

On August 22, 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). One of the many stated goals under PRWORA was to encourage recipients of welfare to improve their economic status by returning to or entering employment. The emphasis on employment presents challenges for welfare caseworkers who must assist individuals in acquiring the necessary skills and training to enter employment. People with disabilities offer an additional challenge to caseworkers who in the past were not required to be familiar with disability-specific public supports, disability rights protections, and employment supports.

This study examined how welfare reform affected Department of Transitional Assistance (DTA) caseworkers in Massachusetts who may work with individuals with disabilities and investigated how their roles as caseworkers have changed since the reform. This brief will describe the findings of this research and share recommendations and resources with welfare caseworkers as they serve individuals with disabilities in their caseloads. Although the findings are specifically related to DTA caseworkers in Massachusetts, it is our hope that the strategies provided are relevant to caseworkers in other states as well.

Methodology and Participants

This report summarizes the experiences of six DTA caseworkers throughout Massachusetts. Please refer to Table 1 for caseworker demographics. Two caseworkers were from rural area offices, two were from suburban area offices and two were from urban area offices. Caseworkers participated in a focus group in March, 1998. A protocol was developed to guide the conversation about their perceptions of the new welfare regulations, the impact of welfare reform

on their roles as caseworkers, and the impact of the reforms on the lives of people with disabilities receiving welfare benefits.

Table 1

Variable	N
Gender	
Male	4
Female	2
Age Range	30-56
Ethnicity/Race	
Caucasian	4
African-American	1
Latino	1
Highest Level of Ed	
High school degree	1
Some college	2
College degree	3

Background Information

DTA caseworkers from the focus group explained that people receiving welfare benefits in Massachusetts can be divided into two main categories: **exempt** and **non-exempt**. Caseworkers spoke about these classifications as a way of defining a recipient's status with regards to employment and benefits. Within the non-exempt population, caseworkers further identified some individuals as **easy to serve** and others as **harder to serve**. **Easy to serve** clients find work quickly and leave welfare. **Harder to serve** clients may have difficulty finding employment, yet are mandated to work within 60 days of receiving welfare benefits. In addition, non-exempt clients have a 24-month time limit at which point their benefits are terminated. **Exempt** clients may also have difficulty finding employment, but are not subject to either work requirements or the 24-month termination of benefits.

Where do people with disabilities fit in?

In order to answer this question, one must consider the **definition of disability that is used**. There is no one standard definition of disability. For example, the definition used by Vocational Rehabilitation systems differs from the one used by the Social Security Administration. Furthermore, these definitions differ from the one used in the Americans with Disabilities Act of 1990.

DTA's definition of disability is based on a standardized **disability determination process** that takes place after a recipient has identified him/herself as having a disability. After an independent evaluation has been performed, disability status is temporarily granted. Therefore, disability is a status determined by the department based on individual disclosure. Having a disability in DTA requires not only an individual to be **aware** of his/her own disability but also to be **willing to disclose it**. Once identified as having disability status, an individual with a disability is exempt from work requirements or the 24-month limit on benefits. Individuals may not always be aware of the existence of a disability or may be unwilling or uncomfortable disclosing, suggesting that a significant number of individuals with disabilities are served in the non-exempt category. These individuals may be either easy to serve, or be individuals with substantial barriers to employment (see Figure 1). DTA caseworkers participating in this study acknowledged the presence

of these individuals, along with those determined exempt, and indicated concern about the best way to meet their needs. These concerns are reflected in the next section of this report.

Findings

Easy to serve recipients with adequate education and employment histories have found jobs fairly quickly. As the easy to serve clients moved off the rolls, a larger percentage of individuals receiving benefits at the time of the study were identified as **harder to serve**. Caseworkers described struggles with the growing number of harder to serve clients, expressed concern about barriers to employment, and grappled with the conflicts associated with **exempt** status.

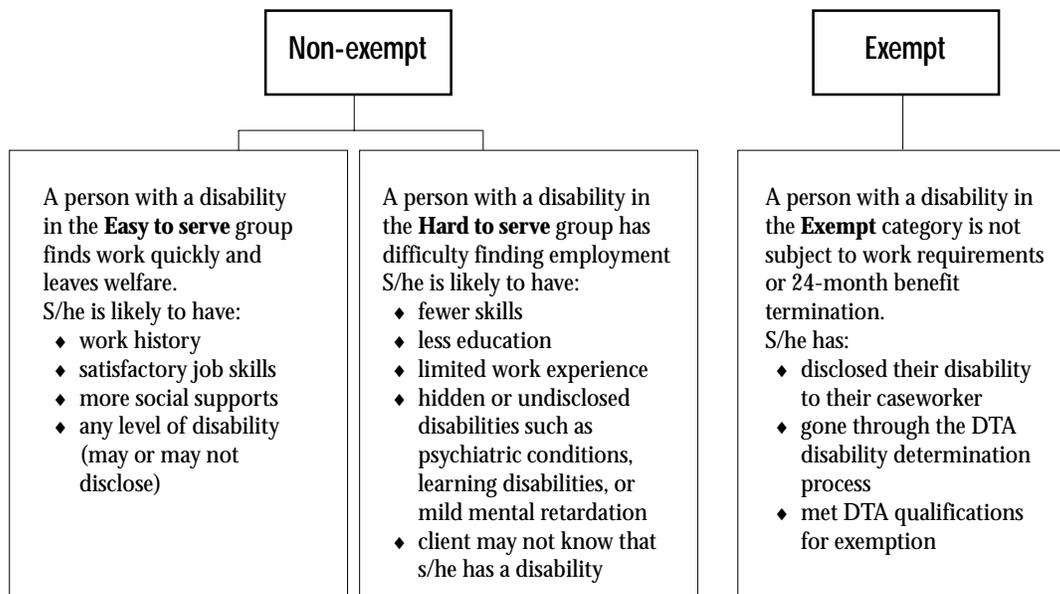
It is challenging for the harder to serve population to secure employment within the 24-month time limit. They often need extra time to gain skills and overcome the obstacles they face in finding employment.

Caseworkers expressed concern that members of this group will face benefit termination before they find jobs. The following quote from one caseworker illustrated the group's sentiment:

"When you've got a family who has all the components of poor education and just general poor life skills, pulling it together in 24 months is real hard."

Figure 1

People with disabilities may appear in any segment of the Massachusetts TANF caseload



Caseworkers used several strategies as they assisted clients facing time limits. First, they advocated for the use of temporary work options, noting that they can build resumes with new skills. Second, they found themselves encouraging individuals with disabilities to apply for **exempt** status.

Caseworkers were conflicted over whether or not to encourage people with disabilities to apply for exempt status.

On the one hand, exempt status stops the 24-month clock for people who are harder to serve, so they are no longer at risk of losing their benefits. If caseworkers encourage people with disabilities to apply for exempt status, they can focus on other harder to serve individuals facing benefit termination. On the other hand, caseworkers were concerned that individuals will see exempt status as a way to remain dependent on the system.

Caseworkers acknowledged the work-related skills and capacities of individuals with disabilities who were exempt but were disheartened by the time needed to assist them in becoming independent of the system.

One caseworker expressed this common theme in the following way:

“I would love to have that time to go back to my people with disabilities and say OK, here you are, and this is what you have, you know. What would you like to do with the skills you have? And we don’t have the time.”

Amidst these challenges, caseworkers explained how their job functions have radically changed from determining eligibility to delivering employment support.

Caseworkers are now responsible for determining an individual’s job skills, work experience, education level, social situation, return to work status, and screening for the possible existence of a disability. Although DTA in Massachusetts has a formal disability determination process conducted through a vendor, caseworkers acknowledged feeling inadequately prepared to even gather preliminary information about disability. For example, although at times suspecting a hidden disability, caseworkers felt reluctant to probe for fear that their questions might be perceived as an invasion of privacy.

Caseworkers recognized the need to design services to assist harder to serve and exempt clients who may have disabilities to move from welfare to work.

However, the resources, experience, and technology available for this purpose are woefully insufficient. The gap between what they need and what they have resulted in stress and conflict for the caseworkers, impeding their ability to help all clients, regardless of disability.

Implications and Recommendations

The findings of this study highlight the challenges that this group of caseworkers faced in their new roles and with new regulations as they tried to move harder to serve and exempt individuals with disabilities who receive welfare towards employment. It should be noted, however, that these findings were based on caseworker experiences in March 1998, prior to any benefit terminations. Although some caseworker experiences may have changed since then, the same challenges in helping people with disabilities likely still exist.

Many caseworkers may feel overworked, and that they have no time to deal with the challenges posed by clients with disabilities. However, caseworkers don’t need to reinvent the wheel. Professionals in the disability field have already developed techniques to help people with disabilities find employment in the community. The recommendations in the insert are provided to help caseworkers in all states as they continue to work with people who have disabilities. Many of these resources may also have value for other individuals who are harder to serve.

Reference

Timmons, J.C., Foley, S., Whitney-Thomas, J., Green, J., & Casey, J. (1999). *Negotiating the Landscape: The Path to Employment for Individuals with Disabilities in the TANF System*. Boston: Institute for Community Inclusion/UAP, Children’s Hospital.

Other ICI publications on this topic:

Negotiating the Landscape: The Path to Employment for Individuals with Disabilities in the TANF System (1999) [monograph #MON24]

ADA General Overview (updated 1998)
[Tools for Inclusion #TO2]

ADA Overview: Title I Employment (updated 1998)
[Tools for Inclusion #TO5]

Job Accommodation (1993) [Institute Brief #IB5]

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This publication will be made available in alternate formats upon request.

Caseworker Resources

Given the complex nature of supporting people with disabilities, DTA caseworkers may feel overtaxed and frustrated about their ability to help this group. However, caseworkers can help their clients with disabilities by building connections with other employment supports and accessing resources on civil rights and the ADA. These contacts will support both caseworkers and clients, increase awareness about unique barriers to employment for individuals with disabilities, and increase the likelihood of securing employment for people with disabilities on welfare caseloads in the future.

Disclosure and accommodation: The Americans with Disabilities Act (ADA)

It may not be visible when a client has a disability. Harder to serve clients are often perceived as being purposely non-compliant, difficult, or unwilling to work. It helps to keep in mind that clients may have disabilities that make it difficult to work without additional supports. How can caseworkers handle a situation where they think that a client may have a disability? Rules surrounding disability disclosure and inquiry into an individual's potential disability are complicated. Disclosure is the choice of the individual. Everyone has the right to choose not to disclose a disability. Consideration of the following suggestions with all clients will make it easier for clients with disabilities to get the support they need:

- Ensure that the space in which you speak with people is private. A safe environment is crucial for a person to disclose a disability.
- Address the need for possible accommodations, whether or not a client asks for them. For example, inquire about the best format to give and receive information, the potential of involving family or friends to assist the client, or individualized supports for training.
- Personalize/Individualize programs and procedures to each client. If you are responsive to each client's needs, strengths, and barriers, clients will be able to get the support they need even if they do not disclose their disability.

Table 2 contains resources that can help with questions about disclosure and accommodations, and can provide access to general guidelines about the Americans with Disabilities Act.

Table 2

Organization	Sample Services	Contact Information
State Protection & Advocacy and Client Assistance Programs	Provides protection of the rights of persons with disabilities through legally-based advocacy	www.protectionandadvocacy.com (202) 408-9514 (voice) (202) 408-9521 (TTY)
ADA Technical Assistance Centers / Disability & Business Technical Assistance Centers (DBTACs)	Advises individuals (especially employers) on the civil rights legislation concerning employees with disabilities, and on how to make accommodations to support their needs	www.adata.org Locate your region's DBTAC at www.adata.org/index-dbtac.html (800) 949-4232 (voice/TTY)

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State and community-based employment support resources

Many state agencies, local service providers, and advocacy organizations can help caseworkers learn more about disability issues, obtain additional job training and job experience for clients, and provide skill-building resources for clients who are exempt from time limits and/or work requirements. Someone who does not qualify for exemption under welfare's requirements may qualify for disability-related services from other agencies.

Table 3 contains a list of agencies, sample services, and contact information. Most government agencies (marked by an asterisk) have local offices and caseworkers should try to develop working relationships with staff that serve their geographic area. These offices can also be located by using the "Government" section of the phone book, or via state web sites at www.state.____.us (replacing the underline with the state's postal abbreviation).

Table 3

Organization	Sample Services	Contact Information
State Vocational Rehabilitation Agency *	Individualized employment counseling and job development for individuals with disabilities	http://trfn.clpgh.org/srac/state-vr.html
One-Stop Centers *	Provide employment resources such as job listings, job finding workshops, and access to computers, copiers, and faxes that can aid in the job search for all job seekers.	U.S. Dept. of Labor Employment & Training Administration 200 Constitution Ave NW, Rm. S5513 Washington D.C. 20210 (202) 219-0316 (voice) www.doleta.gov
State Mental Retardation/ Developmental Disabilities Agency *	Services may include help with job placement, transportation, personal and living supports for people with mental retardation or other developmental disabilities.	National Association of State Directors of Developmental Disabilities Services (NASDDDS) at (703) 683-4202 (v)
State Mental Health Agency*	Services may include help with job placement, transportation, personal and living supports for people with mental illness and addictions	National Association of State Mental Health Project Directors at www.nasmhpd.org , (703) 739-9333 (v)
Social Security Administration *	Provides health insurance and cash benefits to qualified people with disabilities. Current policy allows recipients to maintain some benefits while working.	Office of Employment Support Programs www.ssa.gov/work (410) 965-5381 (voice), 325-0778 (TTY) Office of Disability, www.ssa.gov/odhome/ -download free publications (800) 772-1213 (v); same TTY
Independent Living Centers	Run for and by people with disabilities. Provide independent living supports and assistance with accessibility in the community.	www.ilru.org/jump1.htm or fax a request to (713) 520-5785
The Family Village	An online source for general disability information (including information on specific diagnoses) and links to resources and disability advocacy organizations.	The Family Village/Waisman Ctr. University of Wisconsin-Madison 1500 Highland Ave Madison, WI 53705-2280 www.familyvillage.wisc.edu
West Virginia Research and Training Center – Untangling the Web	This program of the International Center for Disability Information offers many links and general disability information.	www.icdi.wvu.edu/others.htm whipp@rtc.icdi.wvu.edu (304) 766-2680 (v) (304) 766-2697 (TTY)
ABLEDATA	A central source of information and links for assistive technology	www.abledata.com/links.htm