

Issue Brief: Americans with Disabilities and Welfare Services

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Key Words

Disabilities, low-income, welfare, employment, sheltered workshops, ADA, social security, budget cuts.

Description

This issue brief describes the current policies concerning individuals with disabilities who qualify for services and the budget changes that are jeopardizing those services at the risk of violating legal protections.

Key Points

- According to the 2010 census, individuals with disabilities represent 11.9% of the United States population, numbering about 36 million. Of them 14 million live with a cognitive disability and about 13 million have difficulty living independently.
- Those with disabilities are eligible for Social Security benefits. Depending on which state they live in and the severity of their disability, individuals may receive waivers for assisted living, group-home residency, occupational therapy and health care as well as state-specific programs outside the bounds of Medicaid eligibility such as stipends and employment education.
- The recession and subsequent budget cuts at all levels have resulted in a crisis in care provision and increased reliance on “sheltered workshops” that pay sub-minimum wages for unskilled labor.
- The Americans with Disabilities Act and the Rehabilitation Act protect the right to services that ensure equal opportunity.

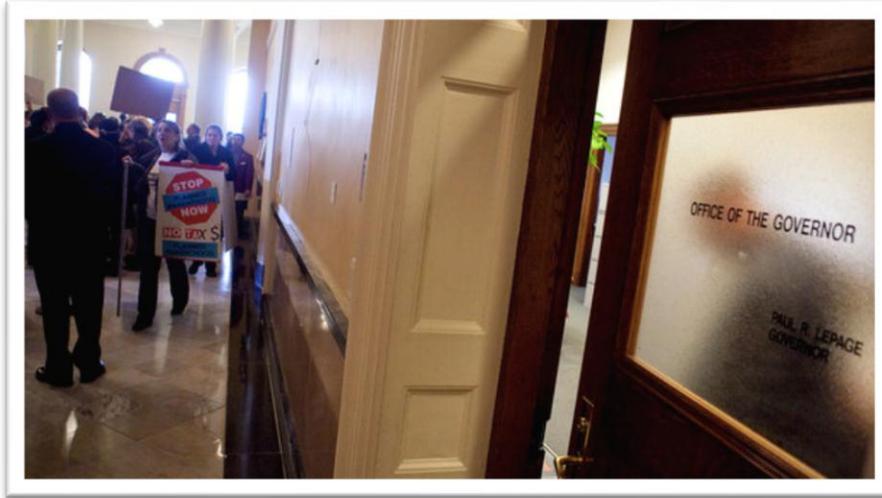
Issue Brief

Policies pertaining to the aid of individuals with disabilities, particularly those who require long-term assistance such as the intellectually or developmentally disabled and the elderly are generally formed at the state level in accordance with national standards and guidelines. The definition of disability has been a point of contention and has come to include, for the purposes of the Americans with Disabilities Act, any impairment that restricts “a major life activity” including but not limited to: “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking,

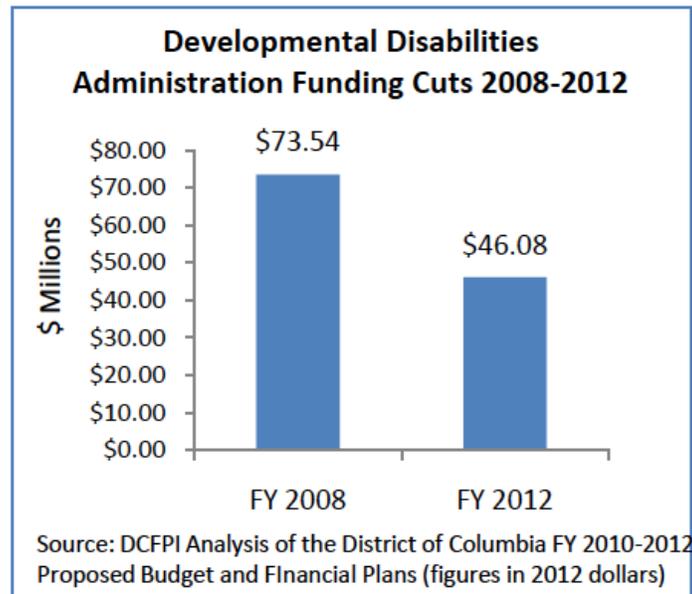
communicating, and working” as well as the operation of “major bodily functions.”

According to the 2010 US census, 36 million Americans are disabled, or 11.9% of the total population. Of them 14 million live with a cognitive disability and about 13 million have difficulty living independently. With recent budget cuts, they are finding it increasingly difficult to receive the aid they need to live normal lives.

Disabled persons are eligible for a range of welfare services as set out in the Social Security Act of 1965. Those above the age of 65 and some disabled people under 65 are eligible for Medicare coverage. Social security checks are awarded to individuals who, due to permanent or temporary disability can no longer work, given that they have worked for at least a year prior to receiving benefits. In cases that involve the absence of household caretakers and providers, waivers are often given to low-income individuals with developmental disabilities for assisted living in a group-home or for at-home services with the aid of a personal Direct Support Professional (DSP). Not everyone who is eligible for a waiver receives one due to the fact that need greatly outweighs available resources, a fact that results in long, stagnant waitlists. Services for the disabled rely directly on state and federal Medicaid funding as well as funding allocated by states to services that support people who do not qualify for Medicaid assistance. Such programs include cash handouts, employment education programs and mental health treatment.



Budget Cuts Stir Unrest



Each state has its own policies and programs and must conform to the right to equal opportunity outlined by the Americans with Disabilities Act (ADA), the Social Security Act and the Rehabilitation Act. Some states are explicit about the necessity for disabilities services. In California, the Lanterman Developmental Disabilities Act mandates the provision of services to those whose “substantial disability” interferes with

“three or more . . . areas of major life activity,” such that “persons with developmental disabilities” might “approximate the pattern of everyday living available to people without disabilities of the same age.” California’s disabilities services have suffered severe budget cuts totaling \$8 billion over the last three years, in a trend that can be seen across all of the states, forcing programs that provide services to make changes that may violate legal protections. Direct cuts have led to many changes including Arizona’s elimination of case management, therapy, and transportation services for 14,500 individuals participating in a non-Medicaid program for the seriously mentally ill. In 2011, Washington State reduced assistance for thousands of people who are physically or mentally incapacitated and unable to work. The District of Columbia cut funding to its Developmental Disabilities Administration by \$25 million since 2008, forcing them to start a waitlist for people with disabilities who qualify for Medicaid and lowering the number of in-home care hours for individuals who do receive help to 10 hours weekly.



Sheltered Workshop, Portland, OR

Budget cuts have notably led to the failure of individualized employment

education across the country and increased reliance on sweatshop style sheltered workshops, sometimes called work-activity programs, which are agencies funded by the state and non-profit organizations that provide disabled people with basic jobs such as packaging or simple assembly tasks. These workers are paid for the amount they produce and make far less than minimum wage; one two-week paycheck in Pennsylvania was \$128 before taxes. Although sheltered workshops purport to help the disabled transition to regular work, laborers typically stay in these perfectly legal workshops for years, never making the switch to regular work. In January, 2012, a lawsuit was filed with Oregon's federal court claiming that Oregon's "over-reliance on sheltered workshops and its failure to timely develop and adequately fund integrated employment services" violates protections against discrimination under the ADA and Rehabilitation Act. The payment of sub-minimum wages for the disabled are authorized by the Fair Labor Standards Act of 1938, which was passed to guarantee manufacturing jobs for disabled veterans. In a post-manufacturing economy, the National Disabilities Rights Network sees this exemption from minimum wage as outdated and unconstitutional.

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