

Personal Assistance Services (PAS) in the Workplace



Making PAS Work for Your Clients

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Objectives

- Know about the Center for PAS and its mission
- Understand what personal assistance services (PAS) in the workplace are
- Know the distinction between PAS for job tasks and PAS needed for personal care in the workplace

Objectives

- Know the historic and current funding mechanisms for PAS
- Know the current state of PAS in the workplace
- Know what resources exist for using or learning more about PAS

Center for PAS, University of California, San Francisco

- Established at the University of CA, San Francisco in 2003
- Funded by a 5 year grant from NIDDR.

Center for Personal Assistance Services (PAS)

Mission:

to provide research, training, dissemination and technical assistance on issues of PAS in the US.

Workplace PAS & the Center for PAS

Workplace PAS Outcomes:

- Establish a baseline of PAS in the workplace
- Identify and disseminate best practices for PAS in the workplace to facilitate employment of people with disabilities.

What are Personal Assistance Services?

“Personal Assistance Services (PAS) refer to help provided to people with disabilities to assist them with tasks essential for daily living.”

From the Center for PAS at University of California, San Francisco.

What are Personal Assistance Services?

PAS is defined as “a range of services provided by 1 or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.”

Ticket-to-Work and Work Incentives Improvement Act of 1999

What are workplace PAS?

Workplace PSA's include:

1. Work task related assistance
ex. Readers, interpreters, help with lifting or reaching, re-assignment of non-essential duties to co-workers, etc.
2. Workplace personal care related
ex. Helping someone to access the restroom, eating, or drinking while at work, etc.

More of the language of PAS: Formal and Informal PAS

- Formal PAS is provided by a person who is paid.
- Informal PAS is provided by a family member, friend, volunteer, etc. The person assisting is not paid.

Which one of these is NOT an example of PAS?

- Weekly manager mentoring of an employee about workplace behavioral expectations
- A personal assistant assisting an employee to dress for work

Which one of these is NOT an example of PAS?

- A family member coming into the workplace to assist an employee with lunch
- A co worker filing forms for the employee

Which of these are work task-related PAS?

- A coworker reading daily memos to the employee
- A family member paid by the employer to travel with the employee on a business trip

Which of these are work task-related PAS?

- Communication Access Real-time Translation (CART) during employee training
- A coworker providing transportation to and from work

Which of these are workplace personal care-related assistance services?

- A coworker helping an employee into the restroom
- A personal assistant traveling with an employee to a training

Which of these are workplace personal care-related assistance services?

- A family member setting up the employee lunch area
- A personal assistant providing transportation to and from work

How many employees use PAS in the workplace?

“...about 1 out of 7 workers with disabilities describe need for accommodation, only about 1 in 100 have reported PAS need at work.”

Dixon, K. A., Kruse, D., & Van Horn, C. E. (2003). *Work Trends. Restricted Access: A Survey of Employers About People with Disabilities and Lowering Barriers to Work*. John J. Heldrich Center for Workforce Development, Rutgers University, NJ.

Who uses PAS?

“Some people with disabilities have functional limitations that may create barriers to employment.

E.g. a quadriplegic may have the requisite education, experience, and expertise to perform the essential functions of a job, but may be unable to perform nonessential job functions (e.g. turning pages) without assistance.”

Silverstein, R. (2003). *Policy Brief: The Applicability of the ADA to Personal Assistance in the Workplace*. Boston, MA: The Institute for Community Inclusion.

Who uses PAS?

“...PAS is part of the accommodation spectrum, and there is currently a growing awareness of the needs for PAS at work.”

Center on an Aging Society, Issue Brief: Workers Affected by Chronic Conditions: How can workplace policies and programs help?
Georgetown University www.aging-society.org

PAS as a workplace accommodation

“...workplace PAS is not as well established as the concept of assistive technology, within the range of possible workplace accommodations.”

Quick History of PAS

1981 – Home and Community Based Services Waiver authorized by Congress

1990 – Passage of the ADA

1992 – ADA for private & public employees

1993 – Omnibus Budget Reconciliation Act

Quick History of PAS

1999 – Ticket to Work Act

1999 – Olmstead Case

2001 – Health Care Financing Administration (HCFA) becomes the Centers for Medicare & Medicaid Services

2005 – MICASSA & Money Follows the Person Acts

Funding mechanisms for securing PAS in the workplace

1. An Accommodation Under the ADA
2. State Medicaid Infrastructure Grant (MIG)
3. State Medicaid Waiver Funding
4. State VR Agency Direct Funding
5. The Individual with a Disability

Americans with Disability Act (ADA)

- Covers employers with 15 or more employees
- Covers applicants and employees if the applicant or employee meets the definition of disability under the ADA and the person is a qualified person

Work task-related and personal-related PAS and ADA

There is recognition that while the ADA specifically addresses task related assistance on the job some people need both task and personal assistance to succeed in the workplace.

What does the EEOC say about PAS in the workplace?

“Providing personal assistants, such as a page turner for an employee with no hands or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trips, may also be a reasonable accommodation.”

What does the EEOC say about PAS in the workplace?

“It may also be a reasonable accommodation to permit an individual with a disability the opportunity to provide and utilize equipment, aids or services that an employer is not required to provide as a reasonable accommodation.”

Excerpted from EEOC interpretive guidance on title I at U.S. Government Printing Office via GPO Access

Examples of PAS as a Workplace Accommodation

Medicaid Infrastructure Grants (MIG): Ticket to Work and Work Incentives Improvement Act of 1999

Encourages states to adopt the option of allowing individuals with disabilities to purchase Medicaid coverage that is necessary to enable such individuals to maintain employment.

Medicaid Infrastructure Grantees (MIG)



State Plan or State Waiver Program

States continue to analyze whether and the extent to which PAS should be provided to individuals with disabilities in the workplace under Medicaid either as a benefit under the State plan or as a service provided under a waiver.

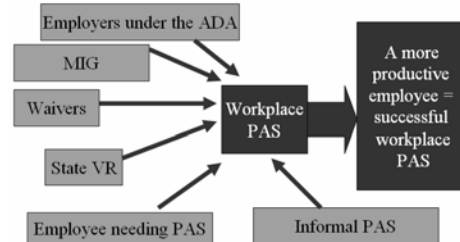
State Waiver Programs & Demonstration Projects



State VR Program

Individuals during our interviews have reported that some state VR programs have been providing PAS in the workplace by building these services into the agencies' annual budget.

Patching Together Workplace PAS



Pressure from the Supreme Court

1999 Supreme Court Olmstead Decision
Implementation and compliance with Olmstead means promoting community integration over institutionalism and rebalancing long-term services and supports.

States Whose VR Agencies Reported Highest PAS Usage in 2004

- Utah
- Texas
- Colorado
- Minnesota
- Michigan
- Oregon
- North Carolina
- Alabama
- Nebraska
- Kentucky
- California
- Illinois
- South Carolina
- Wisconsin
- Ohio
- West Virginia
- Pennsylvania
- Maryland

PAS Legislation Pending in 2005

- MICASSA- Medicaid Community- based Attendant Services and Supports Act of 2005
- Money Follows the Person Act of 2005

What You Need to Know

- Know the language of PAS
- Know where to seek technical assistance concerning the ADA/PAS intersection
- Know where to get technical assistance about what may work

What You Need to Know

- Know who to contact regarding your state's programs
- Watch for legislative action

PAS Resources

- Job Accommodation Network for practical PAS suggestions and ADA information
- Use the Center for PAS web site to locate your state's PAS program contacts

PAS Resources

- Use the VCU produced Consumer Directed Guide
- Subscribe to Steve Gold's ListServ to keep abreast of changes on the national front

Job Accommodation Network



Center for Personal Assistance Services



PAS in the Workplace: A Customer-Directed Guide



Advocacy ListServ You May Want to Subscribe to:

Information Bulletins are available online:

<http://www.stevegoldada.com>

with a searchable archive at this site divided into different subjects

Local Resource

- Your Local Center for Independent Living

ILRU – TIRR:

<http://www.ilru.org/html/publications/directory/SI LC.html>