

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Personal Assistance Services (WPAS) in the Workplace



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A service of the U.S. Department of Labor's Office of Disability Employment Policy

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Preface

The Job Accommodation Network (JAN) is a service of the Office of Disability Employment Policy of the U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

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WORKPLACE PERSONAL ASSISTANCE SERVICES (WPAS)

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA).

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case-by-case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail. JAN can be reached at (800)526-7234 (V/TTY).

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://www.jan.wvu.edu/soar>.

This publication discusses personal assistance services (WPAS) in the workplace. It provides frequently asked questions regarding WPAS including its use as an accommodation under the Americans with Disabilities Act (ADA); examples of WPAS to accommodate job applicants and current employees with limitations due to sensory, cognitive, physical or mental health impairments; a list of WPAS resources; and a glossary of WPAS-related terminology.

Information about WPAS

What is workplace WPAS?

Workplace Personal Assistance Services (WPAS) include work task-related assistance, such as the use of a reader for business documents not otherwise available electronically, a sign language interpreter for company meetings or trainings, and help lifting or reaching work work-related items. WPAS may include personal care-related assistance such as helping an employee to access the restroom, eat or drink at work, or travel for business purposes.

Who uses WPAS?

Job applicants, employees with disabilities and employees returning to work after an injury or illness may experience a variety of limitations that interfere with their ability to perform work-related tasks or meet their personal care needs in the workplace. In some cases, these limitations can only be overcome with WPAS. WPAS can be used to insure the employability of a person with a disability. While there is an extensive history of the provision of Personal Assistance Services (PAS) for people with disabilities in the home setting, the use of WPAS in the workplace is a relatively new innovation.

Why is there a distinction made between work task-related WPAS and personal care-related WPAS?

Assigning responsibility for the provision and funding of WPAS primarily drives this distinction. Task-related WPAS is most often covered by the employer. Most employers leave personal care-related WPAS to the employee. One exception to this distinction often highlighted is business travel. If an employee requiring WPAS needs to travel for business purposes, the employer may need to consider providing assistance both for personal care-related tasks and work task-related WPAS for the employee during travel.

What does “formal” and “informal” WPAS mean?

Simply put, formal WPAS means that someone is paid to provide the WPAS. On the other hand, informal WPAS is voluntarily provided by a co-worker, family member, or friend.

Is the use of assistive technologies in the workplace considered WPAS?

Assistive technologies such as closed caption television, text messaging, screen magnification, and reaching devices complement WPAS. Assistive technologies are not WPAS.

What kind of WPAS is most often requested by employees?

JAN surveyed employers about which type of WPAS was most often requested by their employees. Employers responded that sign language interpreters were most frequently requested.

Where do employers find interpreters to provide WPAS in the workplace?

Employers can find sign language interpreters in the “Registry of Interpreters for the Deaf” database available at: www.rid.org. For a more comprehensive discussion of deafness in the work place go to JAN’s publication *WORK-SITE ACCOMMODATION IDEAS FOR INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING* available at: www.jan.wvu.edu/media/Hearing.html

What other impairments result in requests for WPAS?

Employers report that most often, WPAS is requested by employees with physical impairments to meet their personal care-related needs in the workplace. Examples of personal care-related WPAS are: accessing the restroom, eating lunch, or traveling for business purposes. In addition, employees with physical disabilities request WPAS for work task-related assistance such lifting, filing, or moving work-related items.

Must an employer hire another person to provide task-related WPAS?

Employer should take into account the employee’s need for WPAS, the organizational capacity to meet this need including the willingness of co-workers to assist on a continual basis before deciding how to provide task-related WPAS. For a better understanding of the employer’s obligation under the ADA, see page 6.

I have been volunteering to help a co-worker with physical impairments to access the restroom. However, this has recently become more challenging as his impairment worsens. How can I help this situation?

At this point, if the employer is not involved, they need to be. We suggest that your co-worker with impairments request an accommodation. An accommodation may include widening the restroom doorway or making other modifications to the workplace. Removing workplace barriers can help the employee with an impairment to become more independent at work.

I have a valued employee with multiple sclerosis (MS) who needs help with using the restroom. We have widened the restroom doorway and installed grab bars but this is not enough. Where can I find help in retaining this employee?

Talk to the employee to clearly understand their needs and in order to collaborate with them on a solution. See page 8 for list of questions to consider. Possibly they will only need assistance occasionally, e.g. for a half of an hour twice a day. By contacting a local nursing program or emergency medical technician program, you may find that they have students that could assist the employee on a voluntary basis (informal WPAS). Possibly, the employee has a family member who is more comfortable in providing assistance. Let the employee know if this arrangement is agreeable to you.

Where can I find funding to pay for my personal care-related PAS?

If informal WPAS is not possible, then you may want to explore a number of other options. WPAS might be paid for by the employer as an accommodation under the Americans with Disabilities Act (ADA) e.g. paying for a personal attendant while traveling for business. Or, the personal care-related WPAS may be funded through various Federal and State sources. These funding sources may include Medicaid Title XIX PCS optional state benefit or the Medicaid 1915(c) HCBS waiver program. Often WPAS arrangements are “patched” together using unpaid assistance as well as paid assistance funded by various sources. It is important to note that level of service available and service provision requirements for WPAS varies from state to state.

We would suggest that you begin the exploration of WPAS Federal and State funding options by contacting two organizations. These include the Center for Independent Living nearest you found at: <http://www.ilru.org/html/publications/directory/index.html> and your state vocational rehabilitation agency found at: <http://www.jan.wvu.edu/cgi-win/TypeQuery.exe?902>.

While the primary funding source for formal WPAS is Medicaid through the aforementioned 1.) optional state benefit or the 2.) 1915 (c) HCBS Waiver, there are a number of other government programs that support personal care services in the United States including Title XX Social Security block grants, Title III Older Americans Act funds, State general funds, Department of Veterans Affairs Aid and Attendance Program and Title II, Section 203 of the Ticket to Work and Work Incentives Improvement Act of 1999.

For more information about agencies and resources available, by state, that may assist with funding or arranging WPAS please go to: http://www.pascenter.org/workplace_pas/index.php. Once you reach this link, scroll down the page until you see a map of the U.S. and a heading called “State Resources for Employment of Persons with Disabilities”. Click on the hyperlink and then click on your particular state to find available programs and resources.

Where can I find more information about PAS?

The University of California at San Francisco through the support of the National Institute on Disability Rehabilitation Research (NIDRR) has developed a national PAS research and resource center, the Center for Personal Assistance Services. Their mission is to provide research, training, dissemination, and technical assistance on issues of PAS in the United States. The Center fulfills its mission by exploring:

- The relationship between formal and informal PAS and care giving support;
- The role of assistive technology (AT) in complementing PAS;
- Policies and programs, barriers and new models for PAS in the home and community;
- WPAS workforce development, recruitment, retention, and benefits; and
- Workplace models of formal and informal WPAS and AT at work.

Access the Center for PAS at: <http://www.pascenter.org/>.

WPAS and the Americans with Disabilities Act

Does the ADA require employers to provide WPAS?

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. A reasonable accommodation is a modification or adjustment to a job that enables a qualified individual with a disability to enjoy equal employment benefits and privileges as an employee without a disability. Reasonable accommodation can include WPAS in the form of work-related assistance, but generally does not include WPAS in the form of personal care-related assistance in the workplace.

To read more about the reasonable accommodation responsibility under the ADA go to: <http://www.jan.wvu.edu/links/ADAtam1.html#III>.

What does the Equal Employment Opportunity Commission (EEOC) say about work-related personal assistance services as a reasonable accommodation in the workplace?

According to the EEOC, reasonable accommodation under the ADA can include providing work-related personal assistance to help an employee with a disability perform marginal job functions. The EEOC includes the following example in its Title I Technical Assistance Manual:

“Some other accommodations that may be appropriate include . . . providing a personal assistant for certain job-related functions, such as a page turner for a person who has no hands, or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trip.” (See Item 10 in Section 3.10 at <http://www.jan.wvu.edu/links/ADAtam1.html#III>).

In addition, the EEOC states that employers may choose to go beyond the requirements of the ADA when providing job assistants. For example, “supported employment” programs may provide free job coaches and other assistance to enable certain individuals with severe disabilities to learn and/or to progress in jobs. These programs typically require a range of modifications and adjustments to customary employment practices. Some of these modifications may also be required by the ADA as reasonable accommodations. However, supported employment programs may require modifications beyond those required under the ADA, such as restructuring of essential job functions.

Many employers have found that supported employment programs are an excellent source of reliable productive new employees. Participation in these programs advances the underlying goal of the ADA - to increase employment opportunities for people with disabilities. Making modifications for supported employment beyond those required by the ADA in no way violates the ADA.”

What does the EEOC say about personal care-related assistance in the workplace?

According to the EEOC, employers are not required to pay for nor arrange personal care-related assistance in the workplace because employers are not required to provide accommodations primarily related to personal needs. However, employers are required to consider allowing employees with disabilities to bring their personal assistants into the workplace. Thus while the employer is not obligated to pay for nor arrange personal care-related assistance for their employees, they are obligated to consider providing space so that the employee's personal needs (i.e. eating, drinking, toileting, etc.) are met.

This guidance is based on section 1630.9 of the EEOC's regulations for Title I:

The obligation to make reasonable accommodation is a form of non-discrimination. It applies to all employment decisions and to the job application process. This obligation does not extend to the provision of adjustments or modifications that are primarily for the personal benefit of the individual with a disability. Thus, if an adjustment or modification is job-related, e.g., specifically assists the individual in performing the duties of a particular job, it will be considered a type of reasonable accommodation. On the other hand, if an adjustment or modification assists the individual throughout his or her daily activities, on and off the job, it will be considered a personal item that the employer is not required to provide. Accordingly, an employer would generally not be required to provide an employee with a disability with a prosthetic limb, wheelchair, or eyeglasses. Nor would an employer have to provide as an accommodation any amenity or convenience that is not job-related, such as a private hot plate, hot pot, or refrigerator that is not provided to employees without disabilities. (<http://www.jan.wvu.edu/media/adahandbook/FREG1.txt>.)

What does the EEOC say about personal care-related assistance for travel away from the worksite?

According to the EEOC, employers may have to pay for personal care-related assistance for employees who travel away from the work site for business even though employers are not required to pay for personal care-related assistance in the office. This is because employees often incur additional costs for personal care for travel and it is this extra cost that employers must consider paying.

For additional information on reasonable accommodation under the ADA, visit Reasonable Accommodation and Undue Hardship (EEOC Guidance) at <http://www.eeoc.gov/policy/docs/accommodation.html>.

Accommodating Employees Using WPAS

How can employers determine when WPAS might be an effective accommodation?

The following questions can help employers determine effective accommodations options, including WPAS:

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding Personal Assistance Services (WPAS), other disability areas, or the Americans with Disabilities Act?

What types of WPAS might useful for people with 1) Sensory, 2) Cognitive, 3) Mental Health and 4) Motor Impairments?

1) Sensory Impairments

Sensory impairments include blindness, low vision, deafness, and difficulty hearing. The following discusses WPAS that may be useful for individuals who are blind or visually impaired:

➤ Qualified Readers

A qualified reader recites written information that is not otherwise accessible with technology. A reader does not interpret information or perform essential job functions. There is not currently a requirement for certification of readers. A reader may be someone on staff, a volunteer, or someone hired specifically to work as a reader. The term "qualified reader" simply means that the person is capable of clearly reading the information and is familiar with the terminology of the subject matter.

Situation: A contract attorney who is blind had no difficulty accessing text material using screen reading technology, but could not read handwritten correspondence.

Solution: An existing legal secretary at the law firm was trained to read the handwritten correspondence to the lawyer. A schedule was arranged for reading so to meet the productivity needs of the department, the lawyer, and the legal secretary.

➤ **Scribes**

A scribe writes or types information that is communicated to him by another person. A scribe does not interpret information or perform essential job functions. There is not currently a requirement for certification of scribes. A scribe may be someone on staff, a volunteer, or someone hired specifically to work as a scribe. The term “qualified scribe” means that the person is capable of clearly writing the information and is familiar with the terminology of the subject matter. Providing a scribe during the pre-employment phase may assist an individual complete a job application or answer questions on a pre-employment exam. A scribe may assist an employee perform tasks such as completing a report or preparing for a presentation.

Situation: An individual who is blind applied for an entry-level position in an insurance company. He was required to complete a pre-employment test (on paper), but could not read or fill in the answers to the test.

Solution: The employer provided a qualified reader who also acted as a scribe to write the applicant’s responses on the pre-employment test..

➤ **Job Assistants**

A job assistant performs various tasks, including, but not limited to, serving as a sighted guide to assist an employee who is blind in work-related travel; gathering material, accessing resources, and assisting with completing handwritten paperwork; and describing what is occurring in a classroom environment for an educator.

Situation: An account executive in New York City, who is legally blind, is required to attend work-related training in a strange city and feels he will have difficulty navigating the area.

Solution: The employer provided a travel assistant to be his sighted guide on the trip.

The following discusses WPAS that may be useful for individuals who are deaf or hard of hearing:

➤ **Communication Access Real-time Translation (CART) Services**

CART is verbatim translation of verbal communication into text by using a stenotype machine, notebook computer, and real-time software. The text is displayed on a computer monitor or other display for immediate translation so that the individual who is deaf or hard of hearing is able to follow the communication (e.g., in a meeting, training, classroom). A professional trained to use the equipment can provide the service on site or in some cases, remotely.

Situation: An employee who is deaf does not know sign language fluently, but must communicate with staff during monthly meetings.

Solution: The employer hired a stenocaptioner to perform CART during the meeting.

For more information on CART services and resources, go to:

<http://www.jan.wvu.edu/cgi-win/OrgQuery.exe?Sol491>.

➤ **Qualified Interpreters**

An interpreter translates spoken language into sign language and sign language into spoken language. A “qualified” interpreter is someone who can effectively and accurately translate the sign language system of the individual who is deaf into English and then translate the verbal communication back into sign language. Experienced interpreters are usually specially trained and may be certified by a professional interpreting organization or state or local commission serving people who are deaf.

Situation: An employer has an applicant for a proofreader position. The applicant is deaf and uses American Sign Language (ASL) to communicate. The applicant contacted the employer using voice-carry-over relay service to set up the interview and also to request an accommodation.

Solution: The employer hired a qualified interpreter for the job interview.

2) Cognitive Impairments

Cognitive impairments include mental retardation, learning disabilities, brain injuries, and epilepsy. The following discusses WPAS that may be useful for individuals with cognitive impairments:

➤ **Qualified Readers**

A qualified reader communicates written or typed information that is not otherwise accessible with technology. A reader does not interpret information or perform essential job functions. There is not currently a requirement for certification of readers. A reader may be someone on staff, a volunteer, or someone hired specifically to work as a reader. The term “qualified reader” simply means that the person is capable of clearly reading the information and is familiar with the terminology of the subject matter.

Situation: A retail employee with dyslexia had difficulty reading print material.

Solution: The employee's supervisor, who was familiar with the industry's terminology, served as a qualified reader. The reader met with the individual regularly to read the company's monthly staff meeting minutes and quarterly newsletter.

➤ **Scribes**

A scribe writes or types information that is communicated to him by another person. A scribe does not interpret information or perform essential job functions.

There is not currently a requirement for certification of scribes. A scribe may be someone on staff, a volunteer, or someone hired specifically to work as a scribe. The term “qualified scribe” means that the person is capable of clearly writing the information and is familiar with the terminology of the subject matter. Providing a scribe during the pre-employment phase may assist an individual complete a job application or answer questions on a pre-employment exam. A scribe may assist an employee perform tasks such as completing a report or preparing for a presentation.

Situation: An applicant with mental retardation was having difficulty completing a job application for a bagger/cart return position at his local grocery store.

Solution: To accommodate the applicant’s limitations in writing, the store trained a current employee to be a qualified scribe. This scribe wrote the applicant’s responses on the job application.

➤ **Job Coaches**

A job coach performs various tasks, including providing guidance on appropriate interpersonal skills and work behaviors, assisting with one-on-one job training at the work-site, problem-solving as needed, and helping acclimate an employee with a disability to the work environment. As the employee with a disability develops job skills, the interaction with the job coach decreases or “fades.” The fading process can foster autonomy by gradually transitioning the employee as he or she learns how to perform the job independently.

Situation: A factory worker with a head injury was reassigned to a new position when the employer restructured its production department. The employee became easily frustrated by the numerous, complicated tasks in her new job.

Solution: The employer accommodated her by allowing the State Vocational Rehabilitation Office to provide a job coach for the first six months of the new position. During the first two months, the job coach worked daily with the employee. For the next two months, the job coach assisted on Mondays and Fridays. During the final two months of assisting the individual, the job coach gradually faded his services until the factory worker contacted him only occasionally on an as-needed basis.

➤ **Drivers**

A driver operates a motor vehicle for individuals who cannot drive because of a disability. If an employee with a disability travels to various locations to perform job tasks and activities during the work day, the employer may need to consider providing a driver or an alternative accommodation (e.g., teleconferencing) unless it causes an undue hardship. An employer generally is not required to provide a driver to transport an employee with a disability to and from work unless the employer provides transportation to and from work for employees who do not have disabilities. However, the employer may need to consider providing an accommodation (e.g., a modified schedule or modified policy) to eliminate a barrier that interferes with the employee’s ability to commute to work.

Situation: A customer service representative with epilepsy and a driving restriction used public transportation to get to and from work. However, he did not have transportation to attend a required training seminar 15 miles from the facility.

Solution: The employer allowed a co-worker to serve as a driver so the employee could attend the training session.

3) Mental Health Impairments

Mental health impairments include bipolar disorder, depression, attention deficit hyperactive disorder, agoraphobia, and other psychiatric impairments. The following discusses WPAS that may be useful for individuals with mental health impairments:

➤ Natural Supports in the Workplace

Natural support means support from supervisors and co-workers occurring naturally in the workplace. It is called natural because it includes supports already provided by employers for all employees, including mentoring, supervision (ongoing feedback on job performance), training (learning a new job skill with a co-worker), and co-workers socializing with employees with disabilities at breaks or after work.

A natural support person can offer guidance on appropriate interpersonal skills and work behaviors, assist with one-on-one job training at the work-site, problem-solve as needed, and help acclimate the individual to the environment. As the employee with a disability develops job skills, the interaction with the natural support person decreases or “fades.” The fading process can foster autonomy by gradually transitioning the employee as he or she learns to perform the job independently. A natural support person is similar to a job coach. However, a job coach typically is provided by an outside agency to assist the employee.

Situation A newly hired Geography teacher with bipolar disorder had difficulty developing her work routine and at times would become very disorganized in the classroom environment.

Solution A co-worker teaching in the same department agreed to serve as a natural support person. The co-worker included the new employee by encouraging conversation while taking breaks in the employee lounge and participation in school activities of interest. The natural support person served in a mentoring capacity by meeting with the new teacher at the beginning of the year and periodically throughout the semester. The meetings were used to establish a routine and organize weekly lesson plans. Together the teacher and her natural support person reviewed time and stress management techniques, discussed various organizing techniques and tools, and developed strategies for adjusting to change. As the teacher increased her confidence and skills in the classroom, her use of the natural support person decreased to an occasional as-needed basis.

➤ **Qualified Readers**

A qualified reader communicates written or typed information that is not otherwise accessible with technology. A reader does not interpret information or perform essential job functions. There is not currently a requirement for certification of readers. A reader may be someone on staff, a volunteer, or someone hired specifically to work as a reader. The term “qualified reader” simply means that the person is capable of clearly reading the information and is familiar with the terminology of the subject matter.

Situation: A newspaper columnist with attention deficit hyperactive disorder (ADHD) used assistive technology to access text documents. However, he had difficulty concentrating when reading handwritten documents.

Solution: The newspaper regularly provided internships for journalism students attending a nearby university. One responsibility of the student interns became reading any handwritten correspondence to the columnist.

➤ **Drivers**

A driver operates a motor vehicle for individuals who cannot drive because of a disability. If an employee with a disability travels to various locations to perform job tasks and activities during the work day, the employer may need to consider providing a driver or an alternative accommodation (e.g., teleconferencing) unless it causes an undue hardship. An employer generally is not required to provide a driver to transport an employee with a disability to and from work unless the employer provides transportation to and from work for employees who do not have disabilities. However, the employer may need to consider providing an accommodation (e.g., a modified schedule or modified policy) to eliminate a barrier that interferes with the employee’s ability to commute to work.

Situation: A public administration worker with agoraphobia had limitations in driving long distances and driving on high traffic routes. The employee had a modified work schedule that allowed her to drive to work using a quieter scenic route while avoiding rush hour traffic. Twice a year, the employee was required to attend a meeting in the state capital, which was a three hour drive from her home.

Solution: The employee’s family member served as a driver for the bi-annual event. The employer, who had a policy of paying travel mileage for extended trips, reimbursed the driver for this expense.

4) Motor Impairments

Motor impairments include medical conditions that effect physical movement. Examples include quadriplegia, paraplegia, multiple sclerosis, cerebral palsy, amyotrophic lateral sclerosis, and muscular dystrophy. The following discusses WPAS that may be useful for individuals with motor impairments:

➤ **Personal Care Attendant**

A personal care attendant provides assistance with personal needs such as toileting, grooming, and eating. There are no current certification requirements to

be a personal care attendant. A personal care attendant maybe a family member, a friend, or a person hired to perform personal attendant care.

Situation: An employee with quadriplegia could not independently go to the toilet during working hours.

Solution: The employer allowed the employee to bring his personal attendant into the workplace to perform this function at scheduled break times.

➤ **Travel Attendant**

A travel attendant performs various tasks during job-related travel, including carrying luggage and work materials, helping navigate in unfamiliar cities, and sometimes providing personal attendant care. There are no current certification requirements to be a personal care attendant. A travel attendant can be a co-worker or a person hired solely to serve as a travel attendant.

Situation: A sales representative with muscular dystrophy who used a wheelchair had to travel by air to annual meetings in various cities. She had difficulty carrying her product samples.

Solution: The employer hired a travel attendant to accompany the sales representative on work-related trips to help her carry product samples.

➤ **Job Assistant**

A job assistant performs various tasks, including, but not limited to, clerical assistance, page turning, and retrieving work supplies and materials.

Situation: An attorney with multiple sclerosis had difficulty manipulating files due to numbness in her fingers.

Solution: Her employer provided a clerical assistant to file and retrieve the files for her.

➤ **Personal Care Assistant/Attendant**

A personal care attendant provides assistance with personal needs such as toileting, grooming, and eating. There are no current certification requirements to be a personal care attendant. A personal care attendant maybe a family member, a friend, or a person hired to perform personal attendant care.

Situation: A certified public accountant with Parkinson's Disease is unable to eat and drink without assistance during breaks and lunch.

Solution: The accountant's co-workers rotate assistance to the employee during breaks and at lunch.

For more information on accommodation ideas for individuals with disabilities, go to *JAN by Disability A to Z* at <http://www.jan.wvu.edu/media/atoz.htm>.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Voice Toll Free: (800)526-7234
TTY Toll Free: (877)781-9403
FAX: (304)293-5407
E-mail: jan@askjan.org
Web: <http://askjan.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Center for Personal Assistance Services

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School of Nursing, University of California
3333 California Street, Suite 455
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E-mail: WPAS@itsa.ucsf.edu
Web: <http://www.pascenter.org/home/index.php>

The mission of the Center for Personal Assistance Services is to provide research, training, dissemination and technical assistance on issues of personal assistance services (WPAS) in the United States. The Center's extensive website lists and describes programs available in each state including WPAS state plans and waiver programs as well as the Department of Aging programs.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
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Voice Toll Free: (866)633-7365
TTY Toll Free: (877)889-5627
FAX: (202)693-7888
E-mail: infoODEP@dol.gov
Web: <http://www.dol.gov/odep/>
For WPAS information, see: <http://www.dol.gov/odep/pubs/ek97/personal.htm>

The Office of Disability Employment Policy (ODEP) is an agency within the U. S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

State Vocational Rehabilitation Agencies

Every state has VR services available to people with disabilities. The mission of these services is to ensure gainful employment for people with disabilities. In addition to job placement, services may include but are not limited to counseling, vocational evaluation, assessment, and on-the-job training. VR can be a resource for trying to locate WPAS services such as interpreters and readers. Contact information can be found in local telephone directories under state government, or go to:
<http://www.jan.wvu.edu/cgi-win/TypeQuery.exe?902>

Other Resources:

American Public Human Services Association (APHSA) Center for Workers with Disabilities

810 First Street, NE
Suite 500
Washington, DC 20002
Voice: (202)682-0100
FAX: (202)289-6555
E-mail: mnewsom@aphsa.org
Web: <http://www.nasmd.org/disabilities/>

American Public Human Services Association (APHSA) Center for Workers with Disabilities is a technical assistance center for states enhancing or developing employment supports programs for working persons with disabilities; most of the thirty plus states support by the Center are supporting employment supports development with Medicaid Infrastructure Grant (MIG) funds established under the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106-170).

Association for Persons in Supported Employment

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Richmond, VA 23220
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APSE was created to improve and expand integrated employment opportunities and services for persons with severe disabilities, including mental disabilities.

Centers for Medicare & Medicaid Services (CMS) is a Federal agency within the U.S. Department of Health and Human Services.

7500 Security Boulevard
Baltimore MD 21244-1850
Voice Toll Free: (877)267-2323
TTY Toll-Free: (866)226-1819
Web: <http://www.cms.hhs.gov/>

On July 1, 2001, the Health Care Financing Administration (HCFA) became the Centers for Medicare & Medicaid Services (CMS). Medicare and Medicaid, enacted in 1965, originally provided health care coverage to Americans over the age of 65. In 1972, Medicare was expanded to Americans living with disabilities. The joint federal-state Medicaid program provides health care coverage to low-income families with children under 21. These programs were created in the Social Security Act and were administered by the Social Security Administration until 1977. That year, Medicare and Medicaid were transferred to the Department of Health and Human Services and to the Health Care Financing Administration. In 1997, the State Children's Health Insurance Program (SCHIP) was included in the Balanced Budget Act.

Independent Living Research Utilization Program

2323 S Shepherd, Suite 1000
Houston, TX 77019
Voice: (713)520-0232
TTY: (713)520-5136
FAX: (713)520-5785
Web: <http://www.bcm.tmc.edu/ilru>

ILRU program is a national center for information, training, research, and technical assistance in independent living. They operate the IL NETWORK with the National Council on Independent Living (NCIL) and organizations and individuals involved in independent living nationwide. A list of CILs can be found at ILRU's website: <http://www.ilru.org/html/publications/directory/index.html>.

Kelly Services Corporate Headquarters

999 West Big Beaver Road
Troy, Michigan (USA) 48084-4782
Voice: (248)362-4444
Web: <http://www.kellyservices.com/>

Kelly Services, Inc. is a Fortune 500 company headquartered in Troy, Mich., offering staffing solutions that include temporary staffing services, staff leasing, outsourcing, vendor on-site and full-time placement.

Manpower Headquarters

5301 N. Ironwood Rd.
Milwaukee, WI 53217 USA
Voice: (414)961.1000
FAX: (414)961.7985
Web: <http://www.manpower.com/mpcom/index.jsp>

Manpower Inc. (NYSE: MAN) is a world leader in the employment services industry, offering customers a continuum of services to meet their needs throughout the employment and business cycle. The company specializes in permanent, temporary and contract recruitment; employee assessment; training; career transition and organizational consulting services.

The Nationwide Sign Language Interpreter Referrals

Web: <http://www.rid.org> or go to: <http://www.jan.wvu.edu/cgi-win/TypeQuery.exe?480>

U.S. Department of Transportation's Disability Resource Center (DRC)

Disability Resource Center

U.S. Department of Transportation

400 7th Street, SW

M-13, Room 2110

Washington, DC 20590

Voice: (202) 493-0625

TTY: (202) 366-5273

FAX: (202) 366-3571

Headquarters Interpreting Service Voice: (202) 366-9433, TTY: (202) 366-6242

Email: drc@ost.dot.gov Web: www.drc.dot.gov

Web: <http://www.drc.dot.gov>

The Department of Transportation's Disability Resource Center (DRC) is a comprehensive Department-wide program for DOT employees, supervisors, and job applicants. The Center opened in 1999 to ensure that employees with disabilities can participate fully in all aspects of the Department's work, programs, and services.

For a copy of the DOT's *Personal Assistive Services as an Accommodation for Government Travel* document, please go to:

<http://www.drc.dot.gov/personalassistance.doc>

U.S. Equal Employment Opportunity Commission

1801 L Street, N.W.

Washington, D.C. 20507

Voice: (202) 663-4900

TTY: (202) 663-4494

Web: <http://www.eeoc.gov/>

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments; and Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government. The EEOC also enforces a number of other non-disability related laws as well as providing oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Selected WPAS Publications:

1) Report of the National Blue Ribbon Panel on Personal Assistance Services.

This publication can be found at:

http://www.pascenter.org/publications/publication_home.php?id=120.

2) Personal Assistance in the Workplace: A Customer-Directed Guide

Edited by: Ed Turner, Grant Revell and Valerie Brooke, the guide provides practical information on using personal assistance in the workplace, finding and training a personal assistant, and finding funding to support a personal assistant in the workplace amongst other information. The publication can be found at

<http://www.worksupport.com/Main/pass.asp>.

4) Disability Benefits 101: Working with a Disability In California

Disability Benefits 101 (DB101) is a website designed to help workers, job seekers, and service providers understand the connections between work and benefits. DB101 brings together rules for health coverage, benefit, and employment programs that people with disabilities use. These programs may be administered by the state, the federal government, or private organizations; here, we discuss them under one roof, in plain language. The site can be found at: <http://www.disabilitybenefits101.org/>.

5) U.S. Department of Health and Human Services Case Studies of Six State Personal Assistance Service Programs

Funded by the Medicaid Personal Care Option by Jae Kennedy and Simi Litvak, World Institute on Disability, December 1991

The report can be found at: <http://aspe.hhs.gov/daltcp/reports/casestud.htm>.

6) WPAS InfoBrief from the National Collaborative on Workforce and Disability Youth

This can be found at: http://www.ncwd-youth.info/assets/info_briefs/infobrief_issue6.pdf.

7) Personal Assistance Services: A Vital Workplace Support

Written by Ed Turner, J. Michael Barcus, Michael West, and Grant Revell.

This can be found at: <http://www.worksupport.com/Main/downloads/article11.pdf>.

Glossary of PAS Related Terminology:

Activities of Daily Living (ADL) - Physical functions that an independent person performs each day, including bathing, dressing, eating, toileting, walking or wheeling, and transferring into and out of bed.

Americans with Disabilities Act (ADA) - Federal law that provides comprehensive civil rights protections for persons with disabilities. The Act defines disability as a physical or mental impairment that substantially limits one or more major life activities. Title I of the ADA requires employers with 15 or more employees to consider providing reasonable accommodation for employees who meet the Act's definition of disability.

Assessment - Activities performed by at least one professional to determine a person's current functional abilities and resources in six areas: physical health, mental health, social support, activities of daily living, environmental conditions, and financial situation. Once the assessment is completed, activities related to developing and implementing a client service plan become part of case management.

Assistive Technology – Device enabling an individual to be more independent and to accomplish a task. Examples of assistive technology include motorized wheelchairs, TTY communicators, print readers, computers, voice-activated devices, etc.

Case Management - A system in which one individual helps the insured person and his or her family determine and coordinate necessary health care services and the best setting for those services.

Center for Medicare and Medicaid (CMS) - Formerly the U.S. Health Care Financing Administration, CMS is an element of the Department of Health and Human Services, which finances and administers the Medicare and Medicaid programs. Among other responsibilities, CMS establishes standards for the operation of nursing facilities that receive funds under the Medicare or Medicaid programs.

Certificate of Medical Necessity - A document completed and signed by a physician to certify a patient's need for certain types of durable medical equipment (i.e. wheelchairs, walkers, etc.).

Cognitive Impairment - A diminished mental capacity, such as difficulty with short-term memory.

Community Alternative Program (CAP) - A Medicaid waiver program that provides community-based services to adults and children with disabilities and persons living with AIDS who meet the medical requirements for nursing home level care. CAP services may include traditional Medicaid home health services (nursing, physical therapy, home health aide, etc.), as well as services not generally available under Medicaid (home delivered meals, respite care, in-home aide services, etc.).

Companion - A person who visits and may provide escorting, assistance with shopping and running errands.

Consumer-Directed Personal Assistant Program - A client-driven personal assistance service available through the Medicaid program where the consumer recruits, hires, supervises, trains, and dismisses aides they have chosen.

Cost Sharing - The concept of soliciting a portion of the cost of a service provided from the service recipient.

Customized Employment – Customized employment is a process for individualizing the employment relationship between a job seeker or an employee and an employer in ways that meet the needs of both. It is based on a match between the unique strengths, needs, and interests of the job candidate with a disability, and the identified business needs of the employer or the self-employment business chosen by the candidate.

Developmental Disability (DD) - Refers to a serious and chronic disability, which is attributable to a mental or physical impairment or combination of mental and physical impairments. Those affected have limitations in three or more of the following areas: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency.

Disclosing a Disabling Condition – The disclosure of a disabling condition at the workplace will be necessary when requesting a reasonable accommodation. Disclosure may also be necessary if an employer asks disability related questions post job offer. Disclosure in the workplace is a personal choice. Making this choice particularly during the interview phase is challenging for many people. Yet, it is a choice that most people with a disability will face during their career.

Exclusion - Any condition or expense for which a policy will not pay.

Formal PAS - WPAS paid by both private sources (i.e. out of pocket or through insurance) and through governmental programs including Medicaid, Medicare, Title XX Social Security, and Title III Older American Act.

Health and Human Services, Department of - An executive department of the federal government that is responsible for the oversight of the Medicare and Medicaid programs.

Home and Community PAS (Personal Care-Related PAS) - Services that include such assistance as helping someone bathing, dressing, getting around, accessing a restroom, eating, shopping, remembering things, and other activities.

Independent Living - Living on one's own in the community outside of an institution.

Independent Living Centers - Independent Living Centers are typically non-residential, private, non-profit, consumer-controlled, community-based organizations providing services and advocacy by and for persons with all types of disabilities. Independent Living Centers also work to assure physical and programmatic access to housing, employment, transportation, communities, recreational facilities, and health and social services. Their goal is to assist individuals with disabilities to achieve their maximum potential within their families and communities.

Informal PAS - Personal Assistance Services provided by a family member, co-worker, or community volunteer.

Instrumental Activities of Daily Living (IADL) - An index that measures a client's ability and degree of independence in cognitive and social functioning, such as shopping, cooking, doing housework, managing money, and using the telephone.

Long-term Care (LTC) - Services that assist individuals with medical and personal needs. Long-term care may include medical services, physical therapy, custodial care and assistance with activities of daily living (dressing, eating, bathing, etc.). Long-term care may be provided at home, in the community, or in facilities, including nursing homes and assisted living facilities.

Medically Necessary - Medical necessity must be established (via diagnostic and/or other information presented on the claim under consideration) before the carrier or insurer will make payment.

Medicare - A Federal health insurance program for almost everyone age 65 or older and certain people with disabilities under 65. It is run by the Health Care Financing Administration of the U.S. Department of Health and Human Services. The Social Security Administration offices across the country take applications for Medicare. There are two parts to the Medicare program:

(Part A) Hospital Insurance - helps pay for in-patient hospital care, in-patient in a skilled nursing facility, home care and hospice care. If you are not eligible for premium-free Medicare Part A, you can buy Part A by paying a monthly premium.

(Part B) Medical Insurance - helps pay for the doctor's services, outpatient hospital services, and durable medical equipment, etc. Most people do have to pay a monthly premium.

Medicaid - A medical assistance program for low-income people of all ages who are unable to pay for care and who meet eligibility guidelines. Federal, state, and local funds finance it. Federal and state law sets the services that Medicaid covers. Older adults are expected to use their Medicare and private insurance first and to use Medicaid only for expenses not covered, such as prolonged nursing home, home health

care and other exceptionally high medical costs not met by Medicare. Medicaid programs vary from state to state.

Medicaid Buy In Program - The Medicaid Buy-In program offers Medicaid coverage to people with disabilities who are working, and earning more than the allowable limits for regular Medicaid, the opportunity to retain their health care coverage through Medicaid. This program allows working people with disabilities to earn more income without the risk of losing vital health care coverage.

Medicaid HCBS Waiver Program - A program established with the passage of Section 2176 of the Omnibus Budget Reconciliation Act (OBRA) of 1981. This legislation created Section 1915(c) of the Social Security Act, which authorized States to exercise the option of providing home and community-based alternatives to institutional care. Because the 1915(c) HCBS waiver program was created to offer alternatives to institutionalization, program regulations require the HCBS waivers to be limited to those who are eligible for institutional placement. Moreover, the States are allowed to target HCBS waivers to particular populations. Consequently, they are not required to offer HCBS waiver services to all categorically or medically needy groups. States have the option of limiting HCBS waiver services to targeted geographic region. Finally, the States also must specify a limit on the number of individuals who may receive benefits for each HCBS waiver (42 U.S.C. 1396n, Section 1915(c) (4) (A)).

Medicaid Title XIX PCS optional state plan benefit - Since 1975, states have had the option of offering personal care, often referred to as personal assistance, as part of their Medicaid benefit package (i.e., as an optional state plan benefit). As the name indicates, the Title XIX PCS optional state plan benefit offers only personal care, which has various definitions but typically includes assistance with activities of daily living (e.g., bathing, dressing, and eating) and with instrumental activities of daily living (e.g., shopping and cooking). Services falling under the headings of personal care or personal assistance are critical components of HCBS from any viewpoint; however, these services are especially significant to those living with chronic illness and disability because they help facilitate, on a long term basis, independent living and greater social participation. In essence, they enable many to avoid unwanted and unnecessary institutionalization. Under the state plan benefit, such services must be made available statewide and to all individuals meeting financial and need-based eligibility criteria. These criteria are less stringent than those used for waiver services. Unlike the 1915(c) waiver program, the PCS optional state plan benefit does not require that participants have care needs severe enough to mandate institutional placement.

Medigap - Medigap policies cover costs not covered in the Medicare program. Medigap policies are supplemental to Medicare policies. This is private insurance (often called Medigap) that pays Medicare's deductibles and co-insurances, and may cover services not covered by Medicare. Most Medigap plans will help pay for skilled nursing care, but only when that care is covered by Medicare.

Personal Assistance Services (PAS) - Personal Assistance Services (PAS) refer to help provided to people with disabilities to assist them with tasks essential for daily living. These tasks include bathing, dressing, getting around, toileting, eating, shopping, remembering things, and other activities. WPAS, along with assistive technology such as wheelchairs, text readers, and hearing aids, help people with disabilities to participate in activities at home and in the community.

Personal Assistant - A person who provides personal care related tasks such as bathing, grooming, and meal preparation; employment related tasks such as assistance interpreting, turning pages, driving a person with a disability in performance of job duties, and/or filing; and community related tasks such as driving to appointments, personal care while at recreational or social events, and/or shopping.

Provider - Someone who provides services or supplies, such as an agency providing personal assistants, a company providing assistive technology, a physician, a hospital, a home health agency, or a pharmacy.

Reasonable Accommodation Request - An accommodation request does not have to be in writing. The ADA does not include specific guidelines or forms for requesting reasonable accommodation nor does it require specific language or format. Some employers have developed in-house forms. If so, employees should use the employer's forms for requesting accommodation. Otherwise, individuals with disabilities can use any method that is effective. The request can come from the employee, and from the employee's medical provider. Applying reasonable accommodation rules is done on a case by case situation. Each employer and each employee who needs a reasonable accommodation can negotiate the terms under the law.

Reasonable Accommodation - An adjustment or modification to a job or workplace that enables an employee with a disability to perform the essential duties of the job successfully. The reasonable accommodation does not change the essential job functions but is related to them. The employee must be capable of performing the essential duties of the job with or without the reasonable accommodation. Reasonable accommodation can include Personal Assistance Services (WPAS) in the form of work-related assistance, but generally does not include WPAS in the form of personal attendant care at the work-site. However, in some situations, employers must consider providing personal attendant care for employees who travel away from the office.

State Health Insurance Assistance Program (SHIP) - A state program funded by the Federal government to give free health insurance counseling and assistance to people with Medicare.

Supported Employment - Supported employment (SE) enables people with disabilities who have not been successfully employed to work and contribute to society. SE focuses on a person's abilities and provides the supports the individual needs to be successful on a long-term basis.

Ticket to Work and Work Incentives Improvement Act - A Federal law that was enacted in 1999 to encourage states to adopt the option of allowing individuals with disabilities to purchase Medicaid coverage that is necessary to enable such individuals to maintain employment. The Act also establishes the Ticket to Work and Self-Sufficiency Program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs. The result of the latter has been the Ticket-to-Work Program.

Vocational Rehabilitation - Vocational Rehabilitation (VR), a state-supported division of services, assists individuals with disabilities who are pursuing meaningful careers. VR assists those individuals to secure gainful employment commensurate with their abilities and capabilities through local job searches and awareness of self-employment and telecommuting opportunities. VR often can be a resource for short and long term workplace personal assistance services.

Work - Physical or mental activity that results in earned income.

Workforce Investment Act - A Federal law that was enacted in 1998 to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes. The result of the Act had been the development of One-Stop Career Centers throughout the U.S.

Workplace Personal Assistance Services (WPAS) - Workplace Personal Assistance Services (WPAS) include work task-related assistance, such as the use of a reader for business documents not otherwise available electronically, a sign language interpreter for company meetings or trainings, and help lifting or reaching work-related items. WPAS may include personal care-related assistance such as helping an employee to access the restroom, eat or drink at work, or travel for business purposes.

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