



November 13, 2020

U.S. Department of Labor
Office of Disability Employment Policy
200 Constitution Ave NW
Washington, DC 20210

Re: Request for Information on Proposed Transfer of Ticket to Work Program From the Social Security Administration to the U.S. Department of Labor; DOL–2020–0006, RIN 1230–ZA00

The undersigned co-chairs of the Consortium for Citizens with Disabilities (CCD) Employment and Training and Social Security Task Forces write in response to the Department of Labor (DOL) Request for Information (RFI) referenced above. The CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

CCD has long supported efforts to broaden work incentives for Title II and Title XVI Social Security beneficiaries and was integrally involved in the development and passage of the Ticket to Work and Work Incentives Improvement Act. Because of this experience, we are responding to Question 19 of the RFI, “Are there additional considerations in transferring the Ticket program from SSA to DOL?”

As the RFI states, “[a]s designed, the Ticket program is largely separate from the broader workforce system.” That design was intentional and we believe that the Ticket program should remain at the Social Security Administration. We support efforts to make Ticket “a more integrated, effective, and efficient system for supporting disability beneficiaries”, but there are elements of an effective system that are not available at DOL and will be detrimental to beneficiaries while the transition of a program between completely different agencies will result in a much less efficient system for years. We note that Ticket has been underfunded and this lack of resources has negatively impacted services and it is unclear that transferring the Ticket program to a new agency will improve anything.¹

And transitioning the entire Ticket program to DOL will not address the systemic barriers to work would remain for many beneficiaries. The SSDI cash cliff would still exist which prompts

¹ We do not understand why DOL believes in Question 1 that there will be additional Ticket funding.

fears of losing access to extended Medicare or Medicaid LTSS. Even the protections in TTW like Expedited Reentry are confusing and difficult to understand. It takes so long for a beneficiary to get benefits that people do not want to risk losing what they have and the health care that goes along with it. Employment Networks must contend with the complexities of SSDI/SSI work incentives and benefits intricacies. American Job Centers would have to be capable of managing trial work periods, extended periods of eligibility, Ticket timely progress, income reporting and other Social Security rules. Many of these issues, if handled incorrectly, can result in significant overpayment issues for beneficiaries.

We are also concerned that the data systems that Ticket beneficiaries rely on to do basic things such as report wages will remain at SSA. These SSA data systems have had challenges as we have identified before and moving Ticket to DOL will make these challenges even more intense. SSA's data systems are archaic, making data sharing complex and basic functions of the Ticket program, such as benefit payment, wage reporting, appeals, overpayment/underpayment resolutions, and expedited reinstatement will remain SSA's responsibility. Delays in wage reporting already create overpayment issues and other burdens on Employment Networks (ENs) that we have raised before and these problems will not be resolved or made any easier to resolve if SSA is no longer responsible for Ticket.² In fact, since DOL is not responsible for these data systems, we would expect beneficiaries to encounter even more difficulty since the agency processing the data would not be responsible for the program itself and so have no accountability.

Next, the complexity of the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits system means that shifting to an agency, such as DOL, with little to no experience with these systems will create additional complications as well. Congress has recognized the complications of these systems by funding both Work Incentives Planning and Assistance (WIPA) programs and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. We strongly support these programs and believe that SSA is the correct location for WIPA given that it is the only agency with the substantive knowledge to manage such programs. While DOL has extensive experience with the issues facing workers with disabilities, DOL does not have the necessary expertise in how SSDI, SSI, Medicaid, and other public benefit programs work together.

Currently there are 88 WIPA programs nationwide. Staff of these programs are highly trained and proficient and have ongoing requirements for continued training and education in order to remain credentialed. Most have years of experience working with individuals with disabilities. One would like to think that moving the WIPA programs to state workforce agencies would expand the availability of benefits counselling. But we doubt that. The function of the workforce agencies is to match local talent with the employment needs of local businesses. If they absorbed the WIPA programs, they most likely would water down their responsibilities to the bare minimum and eliminate the high touch interaction so critical to the return to work effort.

² CCD, Comments on the Advance Notice of Proposed Rulemaking Concerning the Ticket to Work, Program, Docket Number: SSA-2015-0025 (Apr. 11, 2016), <http://c-c-d.org/fichiers/CCDTicketANPRM-Comments-FINAL.pdf>.

In addition, WIPA staff would lose the critical connection to SSA training, claims representative knowledge and assistance, as well as access to SSA records. All of these are essential to properly advising individuals of their work status.

Finally, we are extremely concerned that DOL is proposing this transition in the middle of a world-wide pandemic and economic crisis. Some workers with disabilities are frontline workers and some have lost their jobs and others face additional risks that prevent them from finding work at this time.³ Even without the pandemic, the transition of Ticket from SSA to DOL will require years of work to establish new systems and new data sharing agreements during which beneficiaries who are eligible for Ticket may not receive the most comprehensive services. The structure of DOL's programs, a scattered network of 2,400 workforce agencies, will not easily absorb Ticket responsibilities or quickly develop the expertise required to work with this complex population. We are also extremely concerned that during this transition, ENs will not be able to spend their time assisting workers with disabilities, but on the administrative burdens of the transition. There will be disruptions. Given that DOL has not presented any evidence that Ticket will be more effective at DOL than at SSA, this is an unacceptable tradeoff, especially right now. We do not believe that DOL or Congress should spend time on this proposal at this time.

We would instead urge a reexamination of the reforms we recommend in our prior communications with SSA that would improve the program.⁴

Sincerely,

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³ The Council of State Governments, Rachel Wright, COVID-19 and the Workforce: Impacts on Workers with Disabilities (Jul. 2020), <https://web.csg.org/covid19/2020/07/14/covid-19-and-the-workforce-impacts-on-workers-with-disabilities/>.

⁴ CCD, Comments on the Advance Notice of Proposed Rulemaking Concerning the Ticket to Work, Program, Docket Number: SSA-2015-0025 (Apr. 11, 2016), <http://c-c-d.org/fichiers/CCDTicketANPRM-Comments-FINAL.pdf>.

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