

# RAP Sheet

## GETTING TO WORK



### A QUALITY LIFE

By Laurie A. McCray, RN, MS

*Welcome to the Fall 2016 RAP Sheet. For most people a job is about far more than a paycheck. Work gives structure to our lives, opens the doors to friendships, and helps us feel connected to our communities. It is a source of pride and an important part of our identity. For too long individuals with disabilities have been denied the opportunity to be fully included in America's workforce. In this issue we hear from people who are working to change that.*



Photographer - Laurie McCray

Michael (center) and fellow workers at Popovers on the Square.

**R**emember how we all knew once school ended we had to get a job and earn enough money to pay our expenses and, hopefully, have extra for fun? When it was time to write my son Michael's high school transition plan, he and I both knew it had to include real-world employment goals, including 20 hours a week paid employment. No more unpaid "volunteer" experiences that the school system was recommending.

Given the dismal employment statistics for people with disabilities, I knew I couldn't count on service agencies or vocational rehab to find Michael a paid job. I started asking people I knew - and even those I didn't - about their jobs,

always thinking was there something Michael might do there. A graduate of the Institute on Disability/UNH Leadership Series, I drew on the lessons I learned about community organizing and set up one-on-one meetings with potential employers using the principles of self-interest (theirs and ours) to explore employment opportunities for Michael.

Keeping an open mind, using personal and professional connections, being creative, thinking win-win, and tailoring job possibilities to my son's skills and interests, has resulted in Michael being successfully and continuously employed

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*(Cover story continued)*

since high school. He has been paid competitive wages in both job coached and naturally supported employment. He has worked in offices, small factories, and local restaurants. Now, twenty-seven, Michael no longer needs a support person on the job.

Beginning when he was sixteen, Michael has worked summers at the Old Ferry Landing in Portsmouth doing food prep. He got the job because I asked the owner, who is also our neighbor, about hiring Michael. With the exception of this summer work, Michael's other jobs are all year-round averaging 4 hours a day for 20 hours week. He worked at the local Common Man restaurant for five years. Doing a job that was specifically created with his abilities in mind, Michael was a successful and valued team member. When the Common Man unexpectedly closed, Michael walked into Popovers on the Square, where he was a regular customer, and asked if he could have a job. The manager introduced Michael and me to the chef and after discussing what Michael could do, he was hired on the spot. He has been working at Popovers two days a week ever since.

Through his father's connections, Michael has gotten jobs at two factories in Brentwood. He worked for two years at MTI/Inteplast assisting in the office. For seven years he was at Owens Corning where he was part of a close-knit team labeling and assembling boxes. On both jobs he received help from support staff who primarily provided his transportation to and from work. In September, Michael's long-term support person resigned. Given the challenges of finding and keeping reliable staff, Michael decided to look for work closer to home.

Replacing Michael's lost factory hours turned out to be surprisingly simple. Every year I co-chair a large banquet at Portsmouth Harbor Events and Conference Center. I talked with the events manager, who is also a friend, about employment opportunities for Michael with Colwen Management. The company manages the conference center, as well as several hotels in Ports-

mouth. Michael now is employed by Colwen 12 hours a week as a dishwasher and kitchen assistant. He is naturally supported on his job, working in team-based environments in the city where he lives.

Michael understands the professional, personal, and political value of employment. He has learned to be a contributing team member and has made new friends. He knows the value of his paycheck and saved money to proudly pay his own way to Japan. He has become a strong advocate in the political arena. His testimony was instrumental in the passage of New Hampshire's law to eliminate the payment of sub-minimum wages to workers with disabilities. U.S. Congressman and Democratic Whip, Steny Hoyer, recently recognized Michael for his personal and political achievements.

And *that* is our story of how to become a contributing, fully included and engaged member of your community, living a quality life filled with dignity, respect, and equal opportunity.

*I would offer one last piece of advice for families planning the transition from high school to work. As Michael was preparing to leave high school, I wanted him to work enough paid hours to qualify for Social Security Disability Insurance (SSDI). After you have received SSDI benefits for two years, you are automatically qualified for Medicare. And Medicare, in my opinion, is the best health care plan in the country. Being on Medicare means that Michael does not have to depend on Medicaid or on the program's managed care companies that would limit or deny the specialized care he needs from Boston-based medical providers.*

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# THE FOUNDATION OF EMPLOYMENT – CAREER AND TECHNICAL EDUCATION

By Julia Freeman-Woolpert, M.Ed., Disability Rights Center - NH

Career and Technical Education (CTE) according to the NH Department of Education’s website, “presents a complete range of related career options to students of all ages, helps them discover their interests and passions, and empowers them to choose the educational pathway that can lead to success in high school, college and their chosen career.”

That sounded perfect to Mikayla Fahey. In 2012, Mikayla was a student at White Mountain Regional High School and interested in health sciences. She thought she might want a career taking care of children, or people who had dementia like her uncle. She enrolled in a CTE Child Growth and Development class. When the semester started, Mikayla was told she had to drop the class and, because she required accommodations, she would not be allowed to take *any* CTE classes.

Mollie White, Mikayla’s mother, has always been her strongest advocate. She was concerned about the low expectations the school had for her daughter. The Life Skills class that Mikayla was offered focused on domestic chores like doing laundry. Mollie thought Mikayla could do better than that.

Mollie and Mikayla called the Disability Rights Center for help. In its investigation, DRC discovered that the high school had barred five other students from CTE classes; like Mikayla, these students also had disabilities and needed accommodations and modifications. In addition, the course prerequisites for CTE now included algebra. The school refused to waive this requirement, even though many students who wanted to take CTE classes were interested in careers, like child development, that would never require mastery of algebra.

White Mountain High School was not the only NH high school shutting special education students out of CTE classes. The schools were following a NH Department of Education’s CTE policy that had misinterpreted federal vocational education guidelines.

DRC worked with the NH Department of Education and the US Department of Education to clarify that the federal guidelines did allow for curriculum modification, as well as modification of program prerequisites to enable students with disabilities to participate in CTE programs. The NH Department changed its policies to comply with federal guidelines, and special education students were once again able to take vocational education classes.

Mikayla took the Child Growth and Development class, and did well. In addition to child development, she learned about first aid, including CPR – a “life skill” far more critical than sorting laundry. She went on to take more Health Sciences classes in the CTE program and was able to explore health careers. She joined the Family Community and Careers Leaders of America (FCCLA) club and competed with other FCCLA groups around the state. Her team went on to the national competition where Mikayla won a gold medal for her presentation on dementia.

*(Continued on page 11)*



*Mikayla Fahey 2013 National FCCLA Gold Medalist*



## TICKET TO WORK

Keri Harrington, Financial Planning and Employment Director, Granite State Independent Living

**M**any individuals with disabilities worry that if they accept a job or go from part to full time employment, they will lose the Social Security benefits they count on to make ends meet. This does not have to be the case. The Ticket to Work Program established by the Social Security Administration is a free and voluntary program that helps beneficiaries go to work, get a good job that may lead to a career and financial independence, all while they keep their Medicaid or Medicare benefits. Along with the Ticket to Work, Social Security also established the Work Incentives Planning and Assistance (WIPA) program to provide benefits counseling to Social Security beneficiaries. These two programs help people with disabilities manage their benefits as their earned income increases and provide a safety net as they work towards financial independence.

### **Ticket to Work**

Individuals who are between 18 and 64 years old and currently receiving a disability check from Social Security are eligible for the Ticket to Work program. Participants in the program must be willing to work toward an eventual goal of financial independence. This means being committed to earning enough money to transition off Social Security benefits. There is no penalty if the beneficiary tries, but is not able to achieve this goal.

The Ticket to Work program is only offered through service providers approved by Social Security. A list of approved providers can be found at - [www.chooseworkttw.net](http://www.chooseworkttw.net). Beneficiaries can contact as many approved agencies as needed until they find the best match. The enrollment process can begin once the approved agency and the beneficiary agree to work together. The process includes the development

of an individual plan that identifies the person's employment goal and outlines the services that will be provided by the agency.

Granite State Independent Living (GSIL) has been an approved Ticket to Work provider since 2008. At GSIL, our first step is to talk with the beneficiary and provide information about how the program works and go through the services we offer. The beneficiary can get questions answered and we can determine if GSIL is able to meet the individual's needs. Beneficiaries do not need to make an immediate decision about enrolling with GSIL, they can take time to think things over and contact us later if they want to sign up for the program. If GSIL cannot provide appropriate services, we will refer the beneficiary to another approved program.

For beneficiaries who enroll in GSIL's Ticket to Work program, we provide assistance in identifying job goals, writing effective resumes, interview training, job hunting, and completing job applications. GSIL's Certified Benefit Counselors can help individuals to manage their Social Security and other disability benefits along with their earned income as they work



*With the Ticket to Work Program you can keep your benefits while working towards a goal of financial independence.*

Photo courtesy of GSIL

towards financial independence. GSIL can assist the beneficiary for up to five years and, in some circumstances, even longer.

*If you are interested in learning more about GSIL's Ticket to Work program you can call 603-518-4600 or email [info@gsil.org](mailto:info@gsil.org)*

## **Work Incentives Planning and Assistance (WIPA)**

This program supports individuals who receive Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) and who are between the ages of 14-67 to make informed choices about work and to support working individuals to make a successful transition off of benefits. Working with a WIPA project is often a first step for beneficiaries who want to go to work.

Granite State Independent Living is New Hampshire's only WIPA program. Our program is staffed by Community Work Incentives Coordinators who are trained by Social Security to provide in-depth counseling about how work may effect benefits and help individuals understand work incentives and how to apply for them. Once you begin working, our WIPA program can provide information and support to help you make a successful transition to financial independence.

*If you are actively looking for work or working you can contact GSIL at 877-809-7028 or email [benefits@gsil.org](mailto:benefits@gsil.org).*

*If you have general questions about work incentives or the Ticket to Work program and are not working or actively looking for work, you can contact the Social Security Help Line at 866-968-7842 (V) or 866-833-2967 (TTY) M-F 8AM– 8PM Eastern Time.*

*Be sure to check out the Work Incentives Resource Center (WIRC), New Hampshire's online destination about benefits planning and work incentives for individuals with disabilities.*

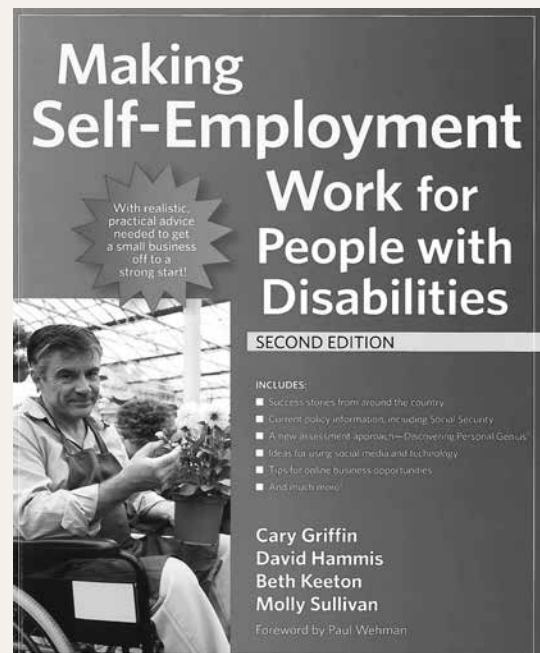
*The site offers information and resources about public benefit programs, such as Social Security and Medicaid, and how they interact with earned income and health insurance options. It is a great resource for fact sheets on income support, work incentives, tax credits, special savings programs, and includes success stories from New Hampshire workers with disabilities. [www.nhwirc.org](http://www.nhwirc.org)*

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# WHEN YOU HAVE A PROBLEM WITH YOUR VOCATIONAL REHABILITATION SERVICES

By Julia Freeman-Woolpert, M. Ed., Disability Rights Center - NH

The New Hampshire Division of Vocational Rehabilitation (VR) helps “eligible New Hampshire citizens with disabilities secure suitable employment and financial and personal independence by providing rehabilitation services.” If you are eligible, VR can help you to identify your job strengths, develop an employment plan, and provide a variety of services to help you meet your employment goals.

As with all government programs, there are laws and rules to ensure that you are treated fairly and receive quality services. There also are rules that give you the right to challenge **any** VR actions or decisions that you do not agree with. For example, you could challenge VR if:

- ◆ You were informed that you were not eligible for VR services.
- ◆ VR failed to provide the services agreed to in your individualized plan of employment.
- ◆ You would like to work with a different VR counselor.
- ◆ You are not satisfied with the quality of your VR services.
- ◆ Your VR services have been delayed, reduced, interrupted, or stopped.

The Client Assistance Program (CAP) at the Governor’s Commission on Disability is available to help people with disabilities applying for or receiving VR services. CAP can give you information about VR services, advise you of your rights, investigate your complaint, help resolve problems, and even represent you at a fair hearing. You can call CAP toll free at 1-800-852-3405 or email [Lorrie.Ripley@nh.gov](mailto:Lorrie.Ripley@nh.gov). For more information visit the CAP website: <https://www.nh.gov/disability/about/cap.htm>.

If you are having problems with VR, there are a number of things you can do. You can talk with your VR counselor to try to work things out. You can ask to meet with a VR supervisor to discuss your problem. You can request that VR conduct an informal review of your situation. You can ask for mediation. You can file a formal appeal with VR for an administrative review and fair hearing.

## Filing an Appeal

If you are unhappy with a VR decision, VR must tell you that you have the right to appeal that decision and they need to explain your rights in a way you can understand. You have the right to review your case record; you can also give your consent for someone else to review your records. You have the right to have a lawyer or other person represent you.

If you file an appeal, VR must continue to provide you with the same level of services until the appeal process is completed. There are certain circumstances where this does not apply, for example: if you or your representative asked that services be discontinued; if discontinuation of services is the result of a decision by a vendor over which VR has no control; or if your VR services were obtained through misrepresentation, fraud, or a criminal act.

## Mediation

You have the right to request mediation services to resolve your problem. You should do this in writing if possible. A mediator will be appointed to conduct the mediation process. The first meeting should take place within 30 days of your request, at a convenient time for you and the VR staff person.

If the mediation does not resolve your problem, you still have the right to a fair hearing

## Fair Hearing

A fair hearing is a formal process conducted by an impartial hearing officer. If you want a fair hearing, you must ask for one within 30 days of VR’s decision or when you have finished trying to resolve the problem informally. You must ask for a fair hearing in writing, unless that would be a burden to you. In that case, VR should accept your verbal request for a hearing, or let someone else make that request for you.

The fair hearing should be within 60 days of your request, unless you agree to extend the time line. After the hearing, the hearing officer has 30 days to issue a decision. If you are not satisfied with this decision, you have 20 days after receiving the decision to ask for a review. VR can also request a review.



## BEST BROTHERS' BAKERY

By Rowan and Forrest Beaudoin-Friede

**B**est Brothers' Bakery provides artisan, gluten-free breads and other baked goods to the Monadnock Region. The business, which is co-owned by Forrest (age 20) and Rowan (age 17) Beaudoin-Friede, got its start during Forrest's senior year in high school. Forrest was enrolled in an entrepreneurship class offered through the Business Management Program at ConVal High School's Applied Technology Center. The Center helps students acquire the technical skills and practical experience needed to enter the job market. For their final project, students in the class created a plan for a small business and presented their plans at an open house.

Rowan said, "When I saw Forrest's presentation for a gluten free bakery, I was struck by the practicality and simplicity of the idea." After doing some research, Rowan found that there were very few options in the Monadnock Region for people with gluten-intolerances who wanted fresh, artisan breads and pastries.

After some consideration, the brothers decided to go for it. The following March during school vacation Rowan and Forrest began test baking. When Rowan went back to school Forrest and his mother, Lisa Beaudoin, continued to test recipes. Forrest said, "We needed to become familiar with the tools, know how long it took to weigh different ingredients, and learn how long the bread needs to rise. It was challenging." Meanwhile, Rowan took on the responsibility of developing a social media and marketing plan for the business.

Best Brothers' Bakery started selling at two farmers markets in Peterborough and, after very positive responses from customers, have branched out to Merrimack and New Ipswich and now run a small delivery business. "Facebook and pre-orders have played a key role in the expansion of Best Brothers' Bakery," said Rowan. "People get to see our delicious products and read customer reviews. They also can place pre-orders and not worry about the items they want being sold out."

Forrest said, "I like the Facebook page because it gives people a chance to give us feedback. We love feedback

and are always trying to improve our products. I think it's important to keep our customers informed about which market we'll be at so that they don't miss out."

"Baking is a lot more time-consuming than I anticipated," Rowan said. "Between night dough preparation, which sometimes is past midnight and then baking in the morning, it can be exhausting. We do all of our baking 'day-of' so our products are fresh and just-out-of-the-oven. Markets are super fun. It's gratifying to see so many people who appreciate our bread. Overall, I've really enjoyed the experience and look forward to its continued growth and expansion."

Rowan said, "The best part of the experience for me is that the work supports my brother to maintain his independence which I know he loves. He lives in his own apartment in downtown Peterborough and has a great life. Most people who experience developmental differences don't have a quality of life comparable to Forrest's. We started this business to illustrate that people with developmental differences are competent and capable individuals."

"Best Brothers' Bakery is important to me," Forrest said, "because it keeps me busy with the markets and because it helps me with earning money."

If you're interested in seeing photos, placing an order, and learning more about us check out "Best Brothers Bakery" on Facebook or send us an email at [bestbrothersbakery@gmail.com](mailto:bestbrothersbakery@gmail.com).

*Go Best Brothers' Bakery!*



*Baking brothers, Forrest and Rowan Beaudoin-Friede*

Photographer — Lisa Beaudoin



# GETTING READY FOR LIFE AFTER HIGH SCHOOL

By Laura Davies

**M**y name is Laura Davies and I would like to tell you about new regulations that are going into effect to help transition age youth and other workers. I also want to share my own transition activities so you can see how the new regulations may apply to your life.

In 2014 President Obama signed into law the Workforce Innovations and Improvement Act (WIOA). This law will help workers, including youth and those who have significant barriers to employment, get the skills and education they need to have good jobs and to make sure businesses have enough skilled workers.

This summer the U.S. Departments of Labor and Education published rules to implement WIOA, states and the federal government will be developing resources and programs that will help workers and make our economy stronger. There are a lot of parts to the new law, but I want to talk about how WIOA can help young people, like me, be prepared for life after high school.

The new rules will help make improvements in a lot of areas that are important: 1) self-advocacy, 2) workplace readiness, 3) career exploration, 4) workplace learning and Extended Learning Opportunities, and 5) comprehensive transition and postsecondary planning.

I've been hard at work on all of these issues during my high school career.

*Self-advocacy-* As I've gotten older and more experienced I've become more aware of myself. I have dreams for my future and know what support I need to accomplish my goals. I've learned to advocate for myself at meetings, even if at times it's uncomfortable for me or other people.

*Workplace Readiness-* One summer I applied to 20 different jobs and was granted only one interview. I didn't get the job and I felt so defeated. But then I got involved in a lot of extra-curricular activities at school and in the community. I attended student conferences, presented in small groups. These led to more opportunities and



Laura Davies working at Fratello's



## THE WILD BEAN

Where herbs are always in season....

**M**y name is Jillian Libby. I am the proud owner of The Wild Bean and have been in business 5 years.

It all began when my neighbor had a flower garden and I loved helping her plant. I soon became interested in having my own garden.

When I was in high school, my team and I were involved in Person Centered Planning and the idea was born to have my own herb business. I made a connection with a local green house where I began volunteering and

performed a variety of tasks related to plants such as working with soil, planting and nurturing herbs and flowers, and weeding.

My first year in business was in 2012. I purchased my trade name The Wild Bean, chose the herbs I wanted to sell, and developed a business plan which included selling at farmers markets, advertising through email, offering an order and delivery service, and securing plots in a community garden.



added to my resume. My experiences strengthened my communication skills and gave me things to talk about with employers when I applied for a job.

*Career Exploration-* I've used career exploration tools at school, these are things like interest inventories and looking up the types of jobs that match my interests and skills. It's hard for me to imagine what a job is like unless I can see it with my own eyes. Getting hands on experience helps. You can do job shadows where you talk to employees and watch people do the work. This helps me get the information I need to assess what I like and don't like about different careers.

*Workplace Learning/Extended Learning Opportunities (ELO)-* I've had lots of internships. I've interned in the sports industry, recreation programs, culinary arts, beauty, and sales promotion. One of my internships led to a summer job at Fratello's, my favorite Italian restaurant. Now I'm working there after school. This year I'll be doing an ELO that will give me high school credit and hands on experience in another workplace setting. I'll also work with a peer mentor to learn how to use the transportation system in the city. I'm really excited about this!

*Comprehensive Transition and Postsecondary Planning-* I've gone on several college tours and stayed overnight on campuses with my high school friends. I've attended conferences about college options for students with intellectual and developmental disabilities. These experiences have given me a taste of what college life is like. I took this information and what I've learned in my internships back to my IEP team. I'm planning a program of study that will help me make my dreams come true. I really want to go to college and I'm doing everything in my power to make my dream my reality!

I hope you've found my transition experiences helpful. Much of what I've been doing these past few years are the types of things transition coordinators and VR counselors will be working on with high school youth under new WIOA regulations. I'm really excited about all these opportunities!



In addition to selling fresh herbs, I sell handmade products made from my garden and local farms. These include room sprays, wool wrapped soaps, creams, and candles.

If you would like to place an order or invite me to your place of business to sell my products, email [wildbean90@gmail.com](mailto:wildbean90@gmail.com) or call 603-724-7161.



*Jillian Libby, proud owner of The Wild Bean.*



# EMPLOYMENT RIGHTS: WHAT YOU SHOULD KNOW

By Adrienne Mallinson, Esq., (former attorney at Disability Rights Center-NH)

**P**rotections under New Hampshire state law RSA 354-A, and the federal Americans with Disabilities Act (ADA) make it illegal for employers to discriminate against you on the grounds that you or a family member has a mental or physical disability.<sup>1</sup>

RSA 354-A prohibits discrimination on the basis of disability by employers who have 6 or more employees (full- or part-time, temporary, or permanent). It includes private employers and state and local government agencies, but excludes social clubs, fraternal, and religious organizations. If you experience workplace discrimination, you can file a complaint with the New Hampshire Human Rights Commission.

Title I of the ADA prohibits workplace discrimination by employers with 15 or more employees, and covers all private businesses, staffing agencies, and state and local governments, as well as nonprofit and religious organizations.<sup>2</sup> The ADA also includes provisions requiring employers to provide reasonable accommodations to individuals with disabilities and banning discrimination if an employee's family member has a disability. The Equal Employment Opportunity Commission handles ADA complaints.

## APPLYING FOR A JOB

Employers may not ask you illegal questions. For example, an employer cannot ask you about your disability, your health or medications, or whether you have been hospitalized or injured on the job. If these questions are on a job application leave them blank. If they are asked in an interview, reply that you are happy to discuss your qualifications, but not questions about private matters. If you have taken time away from the workplace because of a disability, say, "I took time off from work to handle a private matter." Employers cannot require a medical examination (except for drug testing) before offering you a job.

Employers need to provide reasonable accommodations for the interview, as long as the accommodation does not cause the employer an undue hardship. For example, an employer must provide accessible locations for interviews and tests, accessible materials, and test modifications.

As long as you are qualified and can perform the essential functions of the job, with or without reasonable accommodations, employers cannot refuse to hire you just because of your disability. (However, employers do not have to hire you. The laws do not guarantee a job and employers are entitled to hire a more qualified person). Employers may not refuse to hire you because a family member or someone close to you has a disability. For example, you cannot be denied employment because the employer is concerned that caregiving responsibilities may cause you to miss work.

## GETTING A JOB OFFER

After you are offered a job, but before you begin work, an employer may ask for medical information and require a physical, but only if this is required for all new employees. If you can perform the essential job functions, either with or without reasonable accommodations, medical information cannot be used as a reason to deny employment.

It is illegal for your employer to offer you different pay or benefits from other employees just because of your disability.

## KEEPING YOUR JOB

Once you are hired, you do not have to tell your employer about your disability unless you need assistance or reasonable accommodations. Your request for assistance should be in writing. If your employer agrees

*(Continued on page 15)*

<sup>1</sup> Not all disabilities are covered under the ADA or RSA 354-A. An individual must have an impairment that substantially limits one or more major life activities, such as hearing, seeing, speaking, moving, breathing, self-care, reading, concentrating, thinking, communicating, learning, or working.

<sup>2</sup> ADA does not apply to the U.S. government: Federal employees are protected under the Rehabilitation Act and the Civil Service Reform Act. Protections are similar to the ADA, but different procedural rules apply – e.g. federal workers only have 45 days to file a complaint.



## 2016 NH EMPLOYMENT LEADERSHIP AWARDS

By Isadora Rodriguez-Legendre, Executive Director, NH Council on Developmental Disabilities

**E**mployment is such an important part of the human experience. Working contributes to increased self-esteem, teaches responsibility and teamwork, offers opportunities for friendship, and provides a sense of purpose and accomplishment. For individuals who experience disabilities, it can be difficult to find an employer who is willing to take a chance on them and to provide the accommodations they may need to thrive in a job.

We are fortunate to have outstanding employers in our state who are leading the way in hiring, promoting, and fully including people with disabilities in their workforce. The New Hampshire Division of Vocational Rehabilitation annually presents the New Hampshire Employment Leadership Awards to businesses and organizations that recognize the skills and contributions that people with disabilities bring to the workforce and that have adopted inclusive policies and hiring practices that ensure people with disabilities are able to fairly compete for employment.

Vocational service providers and businesses from across the state submit nominations for the award. Nominated companies are evaluated on: inclusive hiring practices; provision of opportunities and support for people with disabilities to develop the skills needed to succeed in a competitive work environment; and engagement with community partners to become a more diverse workplace.

### ***Winners of the 2016 New Hampshire Employment Leadership Awards are:***

- ◆ **HMSHost** - Manchester
- ◆ **Homewood Suites by Hilton Gateway Hills** - Nashua;
- ◆ **Long Term Care Partners** - Portsmouth
- ◆ **Saint Anselm College Dining Services** - Goffstown
- ◆ **Warwick Mills** - New Ipswich

*The 2016 Employment Leadership Award winners are featured in a special section of the September 2016 issue of Business NH Magazine and will be formally recognized at the Eighth Annual State-wide Employer Recognition Ceremony, October 13, 2016 at the Currier Museum of Art in Manchester.*

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In 2015, Mikayla walked with her class at graduation, but did not receive a diploma. Instead, she was given a certificate of achievement. Not satisfied, Mikayla spent the year after "graduation" completing an accredited online home school program. In 2016 she earned her high school diploma. Mikayla is now looking into community colleges and checking out options in the health sciences, including phlebotomy training.

Low expectations, in school and the work place, severely limit vocational options for people with disabilities. While many NH businesses struggle to fill job vacancies, there is an untapped workforce that could solve this problem. Access to Career and Technical

Education is an important step for both expanding career opportunities for students with disabilities and meeting our state's need for qualified workers.

*The NH Department of Education's FY 14 Memo #32, Enrolling students with Disabilities in a Career and Technical Education Center (CTE) makes it clear that students with disabilities "...must be afforded equal access to the full range of CTE Programs available to individuals without disabilities." The memo may be found on the NH Department of Education's website here:*

*[http://www.education.nh.gov/instruction/special\\_ed/memos/documents/fy14\\_memo\\_32\\_enrolling\\_student\\_cte.pdf](http://www.education.nh.gov/instruction/special_ed/memos/documents/fy14_memo_32_enrolling_student_cte.pdf)*



# THE ABLE ACT

By Déodonné Bhattarai, JD/MPH, Volunteer Lawyer, Disability Rights Center - NH

Until very recently, individuals with disabilities and their families risked having critical public benefits terminated if the individual's personal assets rose above \$2,000. On December 19, 2014, President Obama signed into law the Achieving a Better Life Experience (ABLE) act; the act amends the IRS Code to create tax-advantaged savings accounts. For the first time individuals with disabilities and their families will be able to establish ABLE savings accounts that will not affect their eligibility for SSI, Medicaid, and other benefits. ABLE accounts can be used to cover certain disability related expenses, such as housing, education, support services, and transportation. The ABLE act is a significant step towards ensuring that individuals with

disabilities are supported in their efforts to achieve greater independence and to take control over their own future.

The ABLE act authorizes states to develop ABLE programs and offer ABLE accounts to qualified beneficiaries. In March 2016, Governor Hassan signed into law SB 265 to establish New Hampshire's ABLE saving account program, however, there is still a work to be done before ABLE accounts are available in the Granite State. Qualifying New Hampshire residents who wish to open a tax-free ABLE savings account can do so through an out-of-state program. Once New Hampshire's program is operational, funds in an out-of-state ABLE account can be transferred to an in-state account.

## Top Five Things To Know About ABLE Accounts

### **1. What is an ABLE account?**

An ABLE account is a tax-advantaged savings account for individuals with disabilities. The beneficiary of the account is the account owner, and income earned by the accounts will not be taxed.

### **2. Who is eligible for an ABLE account?**

An individual must have become disabled before the age of 26. Individuals who meet the age criteria and receive SSI/SSDI are automatically eligible while others may need to take additional steps to prove eligibility.

### **3. Are there limits to how much money can be put in an ABLE account?**

Yes. States vary in how much money they allow in an ABLE account. A New Hampshire ABLE account will be authorized to accrue no more than \$375,000 total and will have a \$14,000 annual contribution cap. A qualified individual can only have one ABLE account. ABLE Accounts are subject to a Medicaid payback, meaning that the state may recoup funds remaining in an ABLE account following the beneficiary's death.

### **4. What can you use an ABLE Account for?**

Funds in an ABLE account can be used for qualified expenses related to having a disability. These may include education, housing, transportation, employment training and support, assistive technology, personal supports, health and wellness, financial management and administrative services, legal fees, oversight and monitoring, funeral and burial costs, and other approved expenses.

### **5. How do I set up an ABLE Account?**

As New Hampshire is still developing its ABLE program, accounts are not yet available. Currently, there are three states (Ohio, Nebraska, and Tennessee) with ABLE programs that allow out-of-state enrollees. Funds placed in an out-of-state ABLE account can be moved to an in-state account once New Hampshire's program is established. For more information on enrolling in an out-of-state plan, visit <https://www.nh.gov/disability/achievingabetterlifeexperience.htm>



# KEEPING UP WITH NATIONAL TRENDS IN DISABILITY EMPLOYMENT

By Debra Brucker, PhD, Research Assistant Professor, UNH-Institute on Disability

**A**re you interested in learning about successful innovations that are supporting the inclusion of persons with disabilities in the workforce? Have you ever wondered what progress is being made to increase employment for persons with disabilities in the United States? To learn about these and other employment related issues, you are invited to participate in the *nTIDE (National Trends in Disability Employment) Lunch and Learn Webinar Series* hosted by the University of New Hampshire's Institute on Disability, in conjunction with Kessler Foundation and the Association of University Centers on Disabilities. The webinars, which are held the first Friday of each month, are free and open to all interested parties.

Each webinar begins with an update on national employment statistics for persons with disabilities, comparing current levels of employment and labor force participation to past data. This update shares information about changes in the employment-to-population ratio, the percent of people who are working relative to the total working-age population, for both workers with disabilities and those without. The employment-to-population ratio for working-age people with disabilities increased from 26.9 percent in August 2015 to 27.2 percent in August 2016. This is the fifth month in a row where there has been improvement in the employment-to-population ratio for people with disabilities. For working-age people without disabilities, the employment-to-population ratio also increased from 72.4 percent in August 2015 to 73.0 percent in August 2016.

Labor force participation reflects the percent of the population that is working or actively looking for work. In August 2016, 31% of persons with disabilities were in the labor force, compared to 76.7% of persons without disabilities. "Similar to last month, these numbers show that not only are more people

with disabilities working, but more are actively looking for work," said Andrew Houtenville, Ph.D., associate professor of economics at UNH.<sup>1</sup>

The nTIDE webinars also provide notes from the field of disability employment policy. This news portion of the webinar recently has included updates on the implementation of federal legislation and initiatives designed to increase employment opportunities for persons with disabilities. The webinar concludes with a guest speaker who shares information about innovations in disability employment policy and practice. Recent speakers have presented on Employment First initiatives across the country, the implementation of the Workforce Innovation and Opportunity Act, and state-level efforts to increase the employment of persons with disabilities. Upcoming speakers will cover a range of topics including: 1) the relationship between health and employment, 2) local government initiatives to increase employment, and 3) employment for people with developmental disabilities.



You can register for upcoming webinars and access all of the information shared in past webinars at: <http://www.researchondisability.org/ntide>. We encourage audience interaction via live question and answers during the webinars. Please join us!

<sup>1</sup> Kessler Foundation and University of NH, nTIDE Jobs Report: Employment Continues to Climb for Americans with Disabilities, Sep 02, 2016

## nTIDE Lunch & Learn Webinar Series

The first Friday of every month, the National Trends in Disability Employment (nTIDE) hosts via Zoom a live webinar series. Each webinar reviews the latest Bureau of Labor Statistics on employment for persons with disabilities, provides updates on disability policy, and features guest speakers on current disability related findings and events. The webinars are free and open to all, to register or listen to past webinars click the website below.

**Dates:** October 7, November 4, and  
December 2, 2016  
**Time:** 12:00 p.m. EST  
**Location:** [www.researchondisability.org/ntide](http://www.researchondisability.org/ntide)

## PBIS Universal Team Fall Retreat: Getting Organized to Implement PBIS!

The fall retreat will include an overview of PBIS Universal level systems, data, and practices. Teams will 1) identify their PBIS implementation status, 2) analyze their school-wide data, and 3) develop new or revise their existing systems, including the school-wide behavior expectations matrix, the school's behavior definitions table, screening system, the office discipline referral form and flow chart, and teaching tools for specific school-wide roll out activities. It is expected that each school will be in a different stage of implementation, so presentations will be focused on individualized team self-assessment and team time.

**Date:** October 12, 2016  
**Time:** 8:00 a.m. - 3:00 p.m.  
**Presenters:** JoAnne Malloy, Ph.D.  
**Location:** Radisson Hotel Downtown Manchester,  
Manchester, NH  
**Cost:** \$139 per session; \$119 per person for groups  
of 3 or more

## PBIS Behavior Support Team Fall Retreat: Identification and Intervention for Tier 2: Universal Screening for Behavior

An increasing number of schools use brief universal screeners to identify students who need additional supports. This session will provide information regarding universal screening, including procedures and use of results to plan interventions, and examples of how school use screening to implement supports. Participants will have time to plan, interact with others, and ask questions.

**Date:** November 17, 2016  
**Time:** 8:00 a.m. - 3:00 p.m.  
**Presenters:** Kathy Francoeur, M.Ed.  
**Location:** Radisson Hotel Downtown Manchester,  
Manchester, NH  
**Cost:** \$139 per session; \$119 per person for groups  
of 3 or more

## NH's 10th Annual Transition Summit: Building on a Decade of Success

The New Hampshire Community of Practice on Transition invites you to join us in our 10th year of celebrating high-quality professional development focused on transition-related best practices for educators, community partners, families, youth, and related service agencies.

**Date:** November 16, 2016  
**Time:** 8:00 a.m. - 3:00 p.m.  
**Location:** Grappone Conference Center, Concord, NH  
**Cost:** \$95

## 2017 START National Training Institute

Save the Date for the 2017 START National Training Institute (SNTI), the premier annual training event offered by the Center for START Services. This year's SNTI will feature leading clinicians in the fields of IDD & Mental Health and content strands including: Cultural & Linguistic Competency, Psychopharmacology, child-Specific Supports, Positive Psychology, and Health & Wellness approaches.

**Date:** April 30 – May 2, 2017  
**Location:** Doral Arrowwood Conference Center,  
Rye Brook, Westchester County, NY  
**Website:** [www.centerforstartservices.org/2017-SNTI](http://www.centerforstartservices.org/2017-SNTI)

### 3 EASY WAYS TO REGISTER!

-  online  
[WWW.IOD.UNH.EDU](http://WWW.IOD.UNH.EDU)
-  call to register or to request a  
registration form  
**603.228.2084**
-  mail a completed registration form  
**INSTITUTE ON DISABILITY  
56 OLD SUNCOOK ROAD, SUITE 2  
CONCORD, NH 03301**



Nixon, Vogelman, Barry, Slawsky & Simoneau P.A. is proud to support the RAP Sheet, the DRC, IOD/UNH, and NHDDC, and the Disability Community.

Considered by many to be the state's preeminent personal injury and medical malpractice law firm, Nixon, Vogelman, Barry, Slawsky & Simoneau P.A. also has a diverse practice which includes employment discrimination, Social Security disability claims, and civil rights, particularly protecting the rights of persons who are deaf or have disabilities.

Offices are located at 77 Central Street,  
Manchester, NH 03101.

For more information, see <http://www.davenixonlaw.com>.



## YOUR VOTING RIGHTS



**O**n Election Day, DRC-NH will be standing by to help anyone with a disability who is having trouble accessing the right to vote. If you experience any problems at the polls - call us at 1-800-834-1721.

**If you are a US citizen and at least 18 years old, you have a right to:**

- ◆ Register on the same day you vote
- ◆ Park in an accessible space at voter registration and polling locations
- ◆ Have an accessible route from the parking space to an accessible entrance
- ◆ Use an accessible voting booth

- ◆ Vote privately and independently
- ◆ Choose to receive assistance from a friend, family member, trusted staff member, or poll worker. The person assisting you cannot try to influence your vote.
- ◆ Request another ballot if you make a mistake when casting your vote. (You can turn in the original ballot and ask a poll worker for a new one.)

If you live in an institution, you are still entitled to vote unless that right has specifically been suspended or terminated by law due to felony incarceration or guardianship. Most people with guardians still retain their right to vote.

*(Continued from page 10)*

to provide a job accommodation, that also should be in writing. You can establish your own record by sending your employer a written thank you for the accommodation and keeping a copy for your files. An employer can only refuse to provide an accommodation if it is unreasonably expensive or burdensome, or if, even with assistance, you are unable to perform essential aspects of the job.

Examples of common accommodations include: modified work schedules, job restructuring, accessible workspace, assistive technology, modified training materials, and reassignment to a vacant position.

You have a right to equal opportunity for job assignments, promotions, and training.

You have a right to equal benefits and health insurance if you or your family member has a disability. If your dependent has a disability, your employer may not refuse, reduce, or terminate coverage.

Employers may not retaliate against you for asserting your rights or harass you for having a disability. Retaliation and harassment are forms of discrimination and you have the right to take action.

### WHAT TO DO IF YOU HAVE EXPERIENCED DISCRIMINATION

Don't wait! You must file a complaint within 180 days of the date when you were discriminated against. You do not need a lawyer to make a complaint and you do not have to wait until you have quit or lost your job.

Contact either the Equal Employment Opportunity Commission (EEOC) or the NH Commission on Human Rights for instructions.

EEOC, John F. Kennedy Federal Building,  
475 Government Center, Boston, MA 02203;  
Phone 1-800-669-4000; <http://www.eeoc.gov>.

NH Commission for Human Rights,  
2 Chenell Drive, Concord, NH 03301;  
Phone 603-271-2767; <http://www.state.nh.us/hrc/>.

Additional information and resources available at  
<http://drcnh.org/IssueAreas/Empdiscrim.html>  
<https://www.eeoc.gov/laws/types/disability.cfm>

# RAP Sheet

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

2½ Beacon Street, Suite 10  
Concord, NH 03301-4447

**RETURN SERVICE REQUESTED**

## INSIDE THIS ISSUE

- ◆ *Ticket to Work and Work Incentives*
- ◆ *Employment Rights*
- ◆ *ABLE Accounts*
- ◆ *Personal Stories*

## DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, 3<sup>rd</sup> Floor, Concord, NH 03301-4913  
Voice and TDD: (603) 228-0432 ◆ 1-800-834-1721 ◆ FAX: (603) 225-2077  
TDD access also through NH Relay Service: 1-800-735-2964 (Voice and TDD)  
E-mail: [advocacy@drcnh.org](mailto:advocacy@drcnh.org) ◆ Website: [www.drcnh.org](http://www.drcnh.org)  
"Protection and Advocacy System for New Hampshire"

*The Disabilities Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.*

## INSTITUTE ON DISABILITY/UCED AT THE UNIVERSITY OF NEW HAMPSHIRE

[www.iod.unh.edu](http://www.iod.unh.edu) | [facebook.com/instituteondisability](https://facebook.com/instituteondisability) | [twitter.com/unhiod](https://twitter.com/unhiod) | [youtube.com/unhiod](https://youtube.com/unhiod)

Durham Office:

10 West Edge Drive, Suite 101 | Durham, NH 03824  
Phone: 603.862.1769 | Relay: 711 | Fax: 603.862.0555

Concord Office:

56 Old Suncook Road, Suite 2 | Concord, NH 03301  
Phone: 603.228.2084 | Relay: 711 | Fax: 603.228.3270

*The Institute on Disability advances policies and systems changes, promising practices, education and research that strengthen communities and ensure full access, equal opportunities, and participation for all persons.*

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

2½ Beacon Street, Suite 10  
Concord, NH 03301-4447

Phone: (603) 271-3236 ◆ TTY/TDD: 1-800-735-2964 ◆ Website: [www.nhddc.org](http://www.nhddc.org)

*Dignity, full rights of citizenship, equal opportunity, and full participation for all New Hampshire citizens with developmental disabilities.*

This publication was supported solely by federal funding from grants from the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration; Centers for Medicare and Medicaid-Real Choice System Change; U.S. Department of Health and Human Services, Administration on Developmental Disabilities and the Health Resources Services Administration; Maternal and Child Health Bureau; Office of Disability Employment Policy; U.S. Department of Education Department of Rehabilitation Services and National Institute on Disability Rehabilitation and Research (NIDRR); US Department of Labor; the Social Security Administration; and a grant from the New Hampshire Bar Foundation.

The contents are solely the responsibility of the grantees and do not necessarily represent the official views of the federal grantors.