

Vocational issues with MS

76. What is the ADA and how does it affect patients with MS?

The American Disability Act (ADA) was enacted in 1990. Under this act, employers with 15 or more employees are required to provide reasonable accommodations for the qualified person with disability. These reasonable accommodations are determined on a case-by-case basis and according to the physical limitations of the employee. To be eligible for these accommodations, the employee should disclose that he/she has a disability but not necessarily his/her diagnosis.

77. What is considered to be reasonable job accommodations?

Job accommodations are related to restructuring the physical environment (for example: enough space for a scooter, ramps) and scheduling (for example extended lunch break for somebody who has fatigue).

78. What if the employer decides to terminate the employment of the person diagnosed with MS?

Under Title I of the ADA, hiring, promoting, layoff and termination must be made independently of the disability status.

79. Is it possible to fire an employee because of frequent time off related to MS relapses?

Yes, it is possible. However, the Family and Medical leave Act (FMLA, 1993) allows an employee with a serious medical condition to have unpaid medical leaves (up to 12 weeks per year) and to return to the same position, if he/she is not holding a key job (an example of a key job is being the director of a company). Unpaid medical leaves allow an employee to retain the health insurance benefits paid by for his/her employer.

80. Since MS is a chronic disease with potential physical limitations, is there any benefit from not working?

As long as the employee is able to fulfill the tasks required of him/her, there is no reason to stop working; in fact because of the ADA and FMLA acts, many patients are able to maintain a job for a longer time. Working may be needed for financial reasons, to maintain health insurance, and for one's own satisfaction. The ultimate decision to continue working should be made by the patient and if needed in consultation with the neurologist and employer, as deemed appropriate.

81. When an employee applies for a new job can he/she be denied coverage from the employer's health insurance because of MS?

Yes, he/she can be denied if the employer has already predetermined health exclusions criteria for his employees. However this should be applied equally to all employees.

An employer cannot refuse to hire somebody because it may result in higher insurance premiums. Also, the Health Insurance Portability and Accountability Act (HIPAA, 1996) enables a person with a disability to be exempt from preexisting condition exclusions under the new employer. The employee, however, must continue with their previous health insurance benefits as long as possible before being allowed to transfer coverage to the new employer's plan.

82. What are the qualifications for social security disability insurance (SSDI) and Supplemental Security Income (SSI)?

Both SSDI and SSI are run by the Social Security Administration and both have the same **medical requirements** for an employee to be eligible. You can learn more on the World Wide Web at: <http://www.ssa.gov/dibplan/index.htm>, or by calling 1-800-772-1213.

A comparison of SSDI and SSI is shown in the following table.

SSDI	SSI
Worked and paid FICA	Financial need independently from previous work history or FICA
Paid taxes in recent years	Same as above
Too disabled to work	Too disabled to work
Unemployed or earning less than SGA*	Unemployed or earning less than SGA*
Affected by other worker's compensation payment	Affected by other worker's compensation payment
Not affected by non-work income or resources	Not affected by non-work income or resources
Waiting period of 5 months from disability determination to the start of benefits	No similar waiting period as in SSDI
Waiting period of 24 months for Medicare benefit	Immediate benefit from Medicaid
Work activity does not terminate benefits for at least 4 years	Work activity does not terminate benefits indefinitely
Part time work is possible without losing the money**	Part time work is possible without losing the money**

* SGA : Substantial gainful Activity , 500\$ and 810 \$ for beneficiaries who are blind.

** As long as the amount of money paid is less than the SGA.