

# Employment after Traumatic Brain Injury

Living with Brain Injury



Brain Injury   
Association  
of America

*This brochure was developed for friends, family members, and caregivers of persons with brain injury. It also may be used in discussions with health care professionals and others about the problems one may face when living with brain injury.*

**Employment after Brain Injury**

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# Contents:

- 1** Barriers to Employment  
after Brain Injury
- 2** Vocational Rehabilitation  
Services
- 9** Social Security  
Administration (SSA)
- 10** Ticket to Work
- 11** The Vocational Rehabilitation  
and Employment Program for  
Veterans
- 13** Resources
- 14** About the Author's

## ***Barriers to Employment after Brain Injury***

Brain injury (BI) can leave an individual with a number of persistent impairments that interfere with finding and keeping a job. These problems may be cognitive (for example, difficulties with attention, memory, communication, reasoning, and problem-solving), physical (such as weakness or lack of coordination in arms or legs, impaired vision, fatigue, sleep problems), emotional problems (for example, vulnerability to depression, difficulty controlling anger or anxiety), or behavioral (for instance, being impulsive, difficulty initiating or sustaining behavior).

There are other social barriers to getting a job after BI. Many people including employers and co-workers do not understand BI and may have fears or concerns about employing or working with a person with BI. If a person with BI cannot drive, alternative transportation to and from work may not be available. Although the Vocational Rehabilitation (VR) system in the U.S. can be an important resource, the VR system was designed to help people with primarily physical disabilities. Consequently people with less visible cognitive, emotional, or behavioral impairments may have difficulty convincing a VR counselor that they are sufficiently disabled to qualify for services. The traditional VR system depends on the person applying for services to be "motivated" to work. Most people with BI that apply for VR services are very motivated to work. However, their cognitive, emotional, and behavioral problems may make them appear unmotivated or even hostile at times, resulting in their case being dismissed by the VR counselor.

A number of special projects over the last 20 years have shown that supported employment services can make a dramatic difference for people with BI to get and keep jobs. However, funding for supported employment services is often not available, again because many people in the U. S. do not understand BI. Some people feel that those who want to work will "pull themselves up by their bootstraps" and get a job. Such people fail to appreciate that BI weakens people's "bootstraps" and that, for the price of relatively inexpensive supported employment services, people with BI can be given the boost they need to get work and contribute to society in ways that more than offset the cost of these services.

Because of these barriers, most people with BI are not able to find and maintain paid employment. Some people with BI have such severe disabilities that they will never be able to work. For others, volunteering, education, or other unpaid activities may be rewarding options. However, special projects and programs show that many people with BI who were previously thought to be unemployable can be employed-if the system works for them. A person with BI with the help of their significant others or other advocates may be able to make the system work for them and overcome barriers to employment. The rest of this booklet will briefly explain how that can be done.

### ***Vocational Rehabilitation Services***

Each State has an agency to help people with disabilities find work. These State Vocational Rehabilitation Services (VR) have different names in different States. All are funded in part by the Federal

government and in part by the State government. People who are disabled by BI are entitled to apply for VR.

The first obstacle that must be overcome in accessing State VR services is proving that one is sufficiently disabled to require these services. State VR agencies are required to serve people with the most severe disabilities first. VR agencies may have order of selection criteria to make sure that they are serving those who have the most need. The most severe impairments that people with BI have are often not physical and consequently invisible. If a question about severity of disability interferes with accessing VR services, evaluations by a rehabilitation physician and neuropsychologist are usually very helpful in proving that impairments resulting from BI are severe and extensive enough to meet criteria for admission to VR services.

Once they are qualified for services, people with BI are best served by VR counselors who have experience working with people with BI. Experienced counselors know and use a number of special procedures that are critical for success in VR with people with BI. In some areas of the country, BI is uncommon and a VR counselor with BI experience may not be available. The person with BI, their significant others, or other advocates will need to help the VR counselor understand the special needs of people with BI. Educational materials, such as *Understanding Brain Injury: A Guide for Employers* (see **Resources**), may help VR counselors who have limited experience with BI as well as prospective employers to understand what kinds of things are needed for people with BI to be successful and productive workers.

Briefly, the most important elements of successful VR with people with BI are:

**Early intervention.** The sooner a person with BI starts thinking about and planning to work, the better—even if there will be months of rehabilitation before they are realistically able to go to work.

**Employer Education.** Sometimes people with BI do not want employers or their co-workers to know that they have had a BI. However, if impairments due to BI are severe enough to qualify for VR services, the person with BI is better off informing the employer and immediate co-workers about the difficulties resulting from BI. Most employers will help people with disabilities once they understand that, with appropriate accommodations, the person with BI can be a very reliable and productive employee. A number of professionals, such as a case manager, vocational counselor, social worker, rehabilitation therapist, and neuropsychologist, can assist the person with BI in educating employers about the person's specific needs, strengths, as well as recommended accommodations and compensation techniques. If a person with BI was a good worker prior to injury, the former employer is often very supportive of the person with BI getting back to work to the old job or another job for the same employer that better accommodates special needs resulting from BI. In some cases, employers qualify for financial incentives to hire people with disabilities. The employee with identified disability may also qualify for work accommodations under American with Disabilities Act (ADA; see below).

**Work Trials.** Sometimes it is very difficult to know whether a person with BI can do a job because their cognitive, emotional, and behavioral difficulties are so

complex. Sometimes the person with BI thinks they can do the job and others don't, or vice-versa. The only reason the Wright Brothers got their airplane in the air was that, at some point, they decided to take it off the drawing board and see if they could launch it down on Kitty Hawk beach. The best way to know if a person with BI can do a job is to give it a try. If such a work trial is successful, it can lead to a more permanent job. If not, a great deal of valuable information will be gained about the kind of work that best suits the person with BI and about needed accommodations and supports.

#### **Supported Employment.**

Supported employment services can range from an occasional reminder from a co-worker to having a job coach present to help the person with BI learn job skills and routines. Such services are often critical for people with BI to find and maintain employment. Usually the more costly supported employment services, such as job coaching are required only until the person with BI learns the job routine. Then the job coach can gradually fade out of the picture in favor of natural supports, such as a written list of reminders or the occasional reminder from a co-worker.

**Place then Train.** Traditionally State VR help people go to work by involving them in training or school to learn job skills before they find a job. However, people with BI often have trouble generalizing new learning, that is, applying what they learned in training or school to the job. For this reason, it is much better to involve the person with BI in training on the job. That is, once they have found a job that seems to suit them through work trials, additional training for the job should occur on the actual job site. A job coach may



provide and involve co-workers to provide such training.

**Long term Follow-up.** The most common reason why people with BI lose their jobs is that a change in the job occurs that interferes with their performance and upsets them emotionally. Such changes can range from a new supervisor to a different schedule to relatively minor adjustments in job duties. In some cases, changes may not seem that large to employers or co-workers who consequently do not understand why the worker with BI is suddenly not performing well or is regularly upset at work. This type of situation can be quickly remediated by a knowledgeable VR counselor who identifies the change and helps the worker with BI accommodate to it. Although the traditional VR system does not support long-term follow-up (that is, follow-up over the course of years, not months), this type of long-term availability to workers with BI and their employers is critical to successful job maintenance for people with BI.

**Americans with Disabilities Act (ADA)**

The ADA of 1990 is civil rights legislation that makes it illegal to discriminate on the basis of disability in employment, public services, public accommodations, transportation, and telecommunications. Title I of the ADA addresses the area of employment and prohibits discrimination against a qualified individual with a disability in the job application process, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. For the purposes of the ADA, an individual with a disability is a person who:

- ♦ has a physical or mental impairment that substantially limits

- one or more major life activities
- ♦ or has a record of such an impairment
- ♦ or is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job.

Reasonable accommodations are changes or adjustments to a job or work environment that permit a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of the job, and to enjoy equal benefits and privileges of employment.

Examples of **reasonable accommodations** for people with BI include:

- ♦ modifying examinations, training materials, or policies (for example, an untimed test or providing a reader or scribe)
- ♦ modifying work schedules
- ♦ job restructuring
- ♦ reassignment to an open position that better meets the special needs of the worker with BI

Reasonable accommodations can also include **recommended compensation techniques**, such as:

- ♦ more frequent breaks
- ♦ reduced distraction
- ♦ written instructions and checklists
- ♦ dividing complex tasks into smaller steps
- ♦ a paper or electronic organizer

An employer must provide reasonable accommodation for qualified

applicants or employees with disabilities once the individual's needs are known unless the accommodations would cause the employer undue hardship. Employers may be obliged under ADA to support the use of compensation techniques recommended by medical rehabilitation providers. However, employers are usually not required to pay for items like an electronic organizer. Paying for more expensive items like these would usually be considered an "undue hardship."

An employer does not have to hire a person with a disability who is unable to perform all of the essential functions of the job with reasonable accommodation. On the other hand, an employer cannot reject a person with a disability only because the disability interferes with performing minor duties that are not essential to the job.

Determining the best moment to tell a prospective employer about the need for reasonable accommodation on the job is a personal decision. Sometimes, applicants are not aware they need a reasonable accommodation until they have more information about the job, its requirements, and the work environment. Some applicants choose to inform an employer during the application process after they better understand the job and its requirements. Others choose to wait until they have a job offer. It is best to let an employer know as soon as it is realized that reasonable accommodation will be needed for some aspect of the hiring or employment process. An employer needs advance notice to provide many accommodations, such as alternative formats for written documents or adjusting the time allowed for taking a written test that is part of applying for a job. For people seeking work after BI, disclosure of their

disability to the employer can be difficult. Individuals are encouraged to weigh the pros and cons of disclosure with someone familiar with employment issues, such as a vocational counselor. An employer is not required to provide reasonable accommodation until they are informed of the need for accommodation.

### ***Social Security Administration (SSA)***

The SSA makes disability payments under two programs. While these two programs are different in many ways, both are administered by the Social Security and only individuals who have a disability and meet medical criteria may qualify for benefits under either program. Social Security Disability Insurance (SSDI) pays benefits to people with disabilities and certain members of their families if they are insured. People are insured who have had Social Security taxes taken out of their paychecks for a specified period of time. Supplemental Security Income (SSI) pays benefits to people with disabilities based on financial need.

The definition of disability under SSA is different than for other programs. SSA pays only for total disability. No benefits are payable for partial disability or for short-term disability. Disability under SSA requires the inability to work. A person is disabled under SSA rules who cannot do the same work as before and who cannot adjust to other work because of a medical condition. The disability must also last or be expected to last for at least one year or to result in death. (See **Resources** about how to get an application for SSA benefits.) The law requires that SSA review each

case from time to time to verify that the person receiving SSA benefits is still disabled. People with disabilities who receive SSA benefits are responsible for letting SSA know if their health improves or they go back to work. Benefits usually continue until the person with a disability is able to work on a regular basis. There are also a number of special rules, called work incentives, that provide continued benefits and health care coverage to help people make the transition back to work.

### ***Ticket to Work***

The Ticket to Work and Self-Sufficiency Program is an employment program for people with disabilities who are interested in going to work. The Ticket Program is part of the Ticket to Work and Work Incentives Improvement Act of 1999 - legislation designed to remove many of the barriers that previously influenced people's decisions about going to work because of the concerns over losing health care coverage. The goal of the Ticket Program is to increase opportunities and choices for SSA disability beneficiaries to obtain employment, vocational rehabilitation (VR), and other support services for employment. Employment services may be obtained from public and private providers, employers, or other organizations.

Under the Ticket Program, the Social Security Administration (SSA) provides disability beneficiaries with a Ticket they may use to obtain employment services from organizations called Employment Networks (ENs). The Ticket represents the fees to an EN for services. The Ticket Program is flexible and voluntary. SSA beneficiaries are not

mandated to participate and in most cases, ENs can choose which services they want to provide, where, and to whom. Beneficiaries receiving Tickets can contact one or more ENs to discuss services. Once an agreement between the beneficiary and EN is reached, the two work together to develop a plan to assist the beneficiary in reaching his or her employment goal.

Each State has a Benefits Planning, Assistance, and Outreach (BPAO) Program that helps Social Security beneficiaries with disabilities make informed choices about work. The BPAO programs provide work incentives planning and assistance (see **Resources**). Another offshoot of the Ticket program is a new service, called **Ticket to Hire**, developed with the Department of Labor to help employers locate and recruit skilled employment candidates with disabilities. Ticket to Hire is a free national referral service for employers to recruit workers from the Ticket to Work program (see **Resources**).

### ***The Vocational Rehabilitation and Employment Program for Veterans***

The Department of Veterans Affairs offers a program to help those who have an injury or illness from military service. If a veteran with BI wants and needs help to overcome employment difficulties or achieve more independent living after an injury or illness from military service, then he or she should apply for Vocational Rehabilitation and Employment benefits.

This program offers services and assistance to help veterans with service-connected disabilities prepare for, find, and keep suitable jobs. Suitable employment means employment that is both within a

veteran's physical and emotional capability and that matches his or her pattern of skills and interests. Depending on their needs, veterans can receive counseling, employment, training, and other rehabilitation services.

In order to apply for this benefit, a veteran must have a VA established service-connected disability for which he or she is entitled to compensation. Generally, the disability compensation rating allows a counselor to evaluate whether or not the veteran qualifies for the program. Generally it must be at least 20%. After a veteran receives this rating, the vocational rehabilitation counselor will work closely with the veteran to gather information about his or her unique situation so that the veteran's eligibility can be determined. The counselor determines a veteran's eligibility for services based on the answer to two questions:

- ♦ Does the veteran need vocational rehabilitation to overcome his or her employment problems?
- ♦ Can he or she benefit from the program?

For veterans with service-connected disabilities so severe that they cannot currently work, services can be provided to improve their ability to live as independently as possible. This program works with veterans to set realistic daily living goals, and help them reach those goals. These services can lessen the need to rely on others by giving veterans the skills they need to live as independently as possible at home and in the community.

Independent Living services include:

- ♦ Determining the veteran's independent living needs
- ♦ Training in activities of daily living

- ♦ Guidance and support throughout a veteran's rehabilitation program
- ♦ Personal adjustment counseling
- ♦ Technology to help a veteran live more independently
- ♦ In some cases, services to improve a veteran's ability to reach a vocational goal

See **Resources** for sources of more information and an application.

### **Resources**

- ♦ *Understanding Brain Injury: A Guide for Employers* available at:  
<http://mayoresearch.mayo.edu/mayo/research/tbims/>
- ♦ Information on Accommodations and the Americans with Disabilities Act (ADA):  
<http://www.jan.wvu.edu> or call 1-800-526-7234 (for Accommodations) or 1-800-232-9675 (for ADA)
- ♦ Social Security benefits application: call 1-800-772-1213, visit a local SSA office, or visit [www.ssa.gov](http://www.ssa.gov)
- ♦ Information about each State's Benefits Planning, Assistance, and Outreach (BPAO) Program:  
<http://www.ssa.gov/work/ServiceProviders/BPAODirectory.html>
- ♦ Ticket to Work:  
<http://www.yourtickettowork.com> or call 1-866-968-7842
- ♦ Ticket to Hire: call 866-TTW-HIRE (1-866-889-4473)



♦ Information about Veterans Services and application (VA form 28-1900, Disabled Veterans Application for Vocational Rehabilitation): call 1-800-827-1000 and ask for the Vocational Rehabilitation and Employment program and VA form 28-1900, or visit <http://www.vba.va.gov/bln/vre/index.htm>

### ***About the Author's***

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Employment after Traumatic Brain Injury is one in a series of brochures on "Living with Brain Injury."



*Depression*



*Employment*



*Substance Abuse*

**Information:** 1.800.444.6443  
www.biausa.org

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