

Social Security Work Incentives for People Receiving Social Security Disability (SSDI)

The information in this piece is specifically for people getting SSDI on their own earnings record, and not people who get SSI disability benefits. If you are receiving SSI payments, you have different work rules.

What are work incentives?

Work incentives are special rules/programs with Social Security that allow you to work but still get your monthly SSDI benefit. Some work incentives mean that none of your earnings in a month will be considered by Social Security. Other incentives reduce how much of your earnings Social Security considers.

These work incentives are important because they can lower your earnings below the Substantial Gainful Activity (SGA) level. To be eligible for disability benefits, a person must be unable to engage in substantial gainful activity. If you are working, you are doing gainful activity. Employment is only considered substantial when your earnings get to a certain level. This is called the SGA level. It is an amount set by Social Security each year.

The rules around work incentives can be very complicated, and if applied incorrectly, can lead to overpayments and/or termination. It is important that you work with your Benefits Counselor to help you implement any work incentive.

Below are a few different work incentives. It is not an exhaustive list.

Trial Work Period (TWP)

The Trial Work Period (TWP) is a period of 9 months when you can work and test your ability to maintain employment without losing your benefits. You can earn as much as you want during the TWP and Social Security will not consider your disability to have ended. The amount that you can work during each month of your TWP is set by Social Security and changes every January.

Impairment Related Work Expense (IRWE)

As a person with a disability, you may have certain items or services that are necessary for you to be able to work. For instance, you may need adaptive devices, special transportation, work-related equipment or attendant care services. You must need the item or service because of your mental and/or physical impairment(s) and are not reimbursed for the item/service by another program like Medicare or Medicaid. The cost of the IRWE can be deducted from your wages, so you can earn more and still stay below the Substantial Gainful Activity (SGA) level.

Subsidies and Special Conditions

These are supports you receive from your employer like special supervision, a slower production schedule, or fewer tasks to complete than other employees in a similar position. It might also be a job coach that helps you perform some of your work. These subsidies could result in you receiving more pay than the actual value of your work. Social Security deducts the value of the subsidies and special conditions from your earnings when they determine if you are performing at the SGA level.

Unsuccessful Work Attempt (UWA)

You may try to work but are unable to maintain your employment due to your disability. Social Security looks at three questions to decide whether your work counts as a UWA: (1) did your earnings reach SGA level, (2) how long did your work last, and (3) did you stop or cut back your hours due to your impairment or because subsidies or supports were taken away?

If your earnings never reached SGA levels, the UWA rules do not apply because the months would not count against you anyway. If you work at SGA levels for more than six months, it can never be considered a UWA, even if your work ended due to your disability.

Who can help me understand my rights?

You may be able to get help from your local Legal Aid office. You can find the Legal Aid that serves your county at <https://www.ohiolegalhelp.org>. Call the office in your area and they can tell you if they can help you. You can also get the names of lawyers in your area by calling your county Bar Association.



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