



EXECUTIVE SUMMARY

Disability Employment Policies and Practices in Private and Federal Sector Organizations

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Survey Purpose and Sponsorship

Approximately one in six people has a disability, yet people with disabilities are often greatly under or unemployed compared to their non-disabled peers. This represents a significant loss of willing and able talent to both private and public sector organizations, as well as loss of income and social and economic participation for people with disabilities. This disparity is a function of inequity that has permeated social policy, access to education, training, and employment, as well as society's attitudes. To address this disparity, both the US Department of Education National Institute on Disability and Rehabilitation Research (NIDRR) (grant #H133A70005) and the Presidential Task Force on Employment of Adults with Disabilities have separately funded initiatives to examine employer practices in response to the ADA.

The Survey Methodology

Two ten-page parallel surveys covering issues dealing with the employment provisions of the Americans with Disabilities Act of 1990 (ADA), and for federal sector organizations the Rehabilitation Act of 1973 as amended, were used to survey a random sample of the membership of the Society for Human Resource Management (SHRM), the entire membership of the Washington Business Group on Health (WBGH), and the human resource (HR) and equal employment opportunity (EEO) personnel in all US federal agencies.

A stratified sample by employer size was drawn from the total membership population for the Society for Human Resource Management sample. A sample of 1,402 names, telephone numbers, and addresses of the Society for Human Resource Management (SHRM) members was obtained from SHRM. These members were randomly selected based on the size of the organization they worked for. The goal was to have a random sample of individuals from small, medium, and large organizations in the U.S. Of the original

sample, 1116 were eligible respondents and 813 responses (a 73 percent response rate) were received. The response rates were similar for each size group. The Washington Business Group on Health (WBGH) study was conducted on the 164 WBGH member companies. A 32 percent (n = 52) response rate was obtained. While the term "private sector" is used throughout, about four percent of the respondents listed "public administration" as their industry type. These public administration respondents had little impact on the results and have been included in our "private sector" category. For the federal sector agency representatives, a list was obtained of all human resource and equal Employment Opportunity personnel across all 96 US federal agencies. A total of 403 surveys were completed, out of 415 agency representatives who were contacted (a 97 percent response rate).

Survey Results

Respondent Characteristics

There are significantly more respondents from small employers (under 250 employees) in the private sector sample (40 percent, compared to 21 percent in the federal. There are also significantly more large employers in the federal sample, both in the 1,500-4,999 employees category (13 percent of private employers, 27 percent of federal), and in the 5,000 and above category (14 percent for private, 23 percent for federal). There was also a statistically significant difference between groups where the respondents' number of years with the organization is concerned. Approximately seven of ten employer representatives responding to these surveys from private organizations were with their respective organizations ten or fewer years. Federal agency representatives, in contrast, were predominantly with their agencies for more than ten years (30 percent had been employed with their agencies for 11-20 years; 29 percent more than 20 years).

Organizations are Making ADA-Related Accommodations

Private organizations and federal agencies are responding to disability nondiscrimination legislation by making accommodations for applicants and employees with disabilities. Across 11 possible areas where accommodation could be made, survey respondents most commonly reported making changes by making existing facilities accessible, being flexible in the application of HR policies, and restructuring jobs and work hours. Other often-made changes by both groups were modifying the work environment and making transportation accommodations. Least often made accommodations were in the areas of modifying training materials and making changes in supervisory methods. There was a statistically significant difference in the groups' responses to making these changes in all of the 11 categories, with federal agencies more likely to have made each change. These significant differences were driven by the fact that the private sector organizations were much more likely to indicate that they had "never needed" to make the change. Private sector organizations were as likely to make the accommodation (96% or more said yes) when there "was a need."

Employers Find Making Pre-employment Accommodations Easy

Those surveyed were asked about their response to making changes in the recruitment, pre-employment screening, testing and orientation processes to comply with civil rights legislation for people with disabilities, and the degree of difficulty they experienced in making these changes. Across the ten possible areas where changes might have been made, 10-60% of all organizations reported not having needed to make these changes. Of those who did need to make changes in response to the ADA in these processes, most respondents indicated that they were relatively easy to make.

Areas that respondents indicated were more difficult to change in both sectors were making information accessible for people with visual or learning impairments and making information accessible for people

with hearing impairments. There was a statistically significant difference between sectors in their response in three of the ten categories for accommodation. For example, private sector respondents reported more difficulty with making information accessible for persons with visual impairments (36 percent compared to 15 percent for federal respondents), and private employers reported more difficulty with providing information in an accessible way for people with hearing impairments (25 percent and 8 percent, for private and federal respondents respectively). Federal agency representatives expressed less difficulty in every listed change except for one: providing medical tests post offer, which four percent of private respondents found difficult, compared to six percent of federal respondents (not statistically significant).

Respondents Less Familiar with Accommodations for People with Visual or Auditory Impairments

Respondents were presented with a number of employment disability nondiscrimination compliance considerations in the applicant interview process and asked how familiar their organizations' interview staff is with each of these elements. In general, respondents reported the highest levels of familiarity with framing questions about job tasks, restrictions on eliciting medical information, when to ask about how the applicant would perform job tasks, and restrictions on obtaining medical information. Across groups, respondents were much less familiar with accommodations for people with visual or hearing impairments: adapting print materials for people with visual impairments, use of a reader for a person with a visual impairment, and the use of TTY/text telephones to set up interviews. Federal sector respondents indicated a much greater familiarity with accessing sign language interpreters, with 76 percent of federal respondents reporting their staff was "familiar" or "very familiar" with this issue compared to 33 percent of private sector respondents. Federal respondents, while least familiar with accommodations for visual or hearing impairments, were far more familiar with them than their private sector counterparts. The private and federal

respondents showed statistically significant differences in their responses in five of the eight areas presented.

Respondents Identify Barriers to Employment and Advancement for People with Disabilities

Respondents were presented with seven possible barriers to the employment and advancement of people with disabilities. Interestingly, in both the federal and private sectors, cost of training, supervision, and of accommodations for applicants or employees with disabilities were least likely to be rated as significant continuing barriers, compared to other areas. The largest continuing barriers to employment and advancement for persons with disabilities reported by both federal and private sector employers were lack of related experience (49 percent reported by private and 53 percent by federal), and lack of requisite skills and training in the applicant or employee with a disability (39 percent for private respondents and 45 percent for federal). The next most often cited was supervisor knowledge of how to make accommodations (31 percent in the private sector and 34 percent in the federal). Attitudes or stereotypes among co-workers and supervisors towards persons with disabilities was seen as the third most significant barrier among federal respondents (43 percent), and fifth among private sector respondents (22 percent).

Not only were respondents asked to identify possible employment and advancement barriers, but they were also asked to rate the effectiveness of six listed means of reducing such barriers. There was no difference in the top means identified by both sectors, that being visible top management commitment (81 percent for the private respondents, 90 percent for federal). The next three most popular means to reduce barriers were ranked very closely within both respondent groups, though there was a statistically significant difference between groups. These means were: staff training, with 62 percent of private and 71 percent of federal reporting this as an effective or very effective way of reducing barriers; mentoring (59 and 71 percent for

private and federal, respectively); and on-site consultation or technical assistance (58 percent and 71 percent, respectively). Tax incentives were seen as the least effective means to reduce such barriers by private sector employers; indeed only 26 percent reported these as effective or very effective in reducing barriers. A parallel item on special budget allocations as a way to reduce accommodation costs to employers was asked on the federal survey. Sixty-nine percent of those interviewed saw this as effective or very effective in reducing barriers.

In both sample groups, those surveyed were asked about whether they had made certain changes in the workplace in order to meet the needs of employees with disabilities, and asked to rate the degree in difficulty in making those changes. In both groups, the change most often made but also seen as the most difficult to make was changing co-worker or supervisor attitudes toward the employee with a disability (32 percent of private and 33 percent of federal representatives indicated this change was “difficult” or “very difficult”).

Interactions Between ADA and Other Employment Legislation

Interviewees were asked about their degree of uncertainty in the interaction between disability discrimination legislation and other employment and health and safety legislation. In the private sector survey, organization representatives were asked about their perceptions of degree of uncertainty between the ADA and the Family and Medical Leave Act (FMLA), Workers’ Compensation (injured workers), the Occupational Safety and Health Act (OSHA), and the Drug-Free Workplace or Omnibus Transportation Employee Testing Acts. In the federal survey, the same questions were asked, and additional information was elicited about the degree of uncertainty respondents experienced in the Rehabilitation Act’s requirements on implementing affirmative action and purchasing accessible technology and equipment.

There was a statistically significant difference in the groups' responses for five of the nine categories. Private sector respondents reported significantly more uncertainty about the interaction of the ADA and other employment and health and safety legislation than their federal counterparts. The areas where there was the greatest uncertainty for private sector respondents were in coordination of the ADA and the Family and Medical Leave Act, and the interplay between the ADA and work-related injury. Results were similar among respondents from the federal sector.

HR Professionals/Employer Representatives Receive Training on ADA Related Topics

The private sector survey asked respondents if their organizations' employees have been trained in twelve ADA related areas, and the federal survey added two additional Rehabilitation-Act related questions. The training profiles for both groups were, on the whole, very similar. The areas in which training was most often conducted were the accommodation process (71 percent and 87 percent, respectively for the private and federal) and non-discriminatory recruiting and hiring (85 percent and 91 percent, respectively). Areas where the least training was conducted were allowable limitations on health plans, interaction with other legislation, written resources on accommodations, and accommodations for people with mental health disabilities. In both respondent groups, the area with the most interest in further information was accommodations for persons with mental health disabilities (65 percent of private sector respondents and 69 percent of federal respondents expressed a desire for more information).

Legal Counsel Widely Used to Resolve ADA Issues

The survey asked respondents to rate twelve often-used resources to handle accommodations and disability nondiscrimination issues. Across both groups, legal counsel (internal or external) ranked highly as a resource often used to resolve ADA disputes (82 and 85 percent for the private and federal respectively).

This was the most-often used resource for the private sector, and a close second in the federal group, topped only by the agency EEO office (90 percent for federal respondents). The next most often used in the private sector were professional societies such as the Society for Human Resource Management (SHRM), safety and disability staff within the organization. For the federal group, after EEO and legal advisors the next most often used resources to resolve ADA disputes were safety staff and state rehabilitation agencies (72 and 70 percent).

Disability Management/Return-to-Work Programs Contribute to ADA Compliance

Organizational representatives were asked if they had a disability management or return to work program, and the degree to which that program contributes to compliance with the respective disability nondiscrimination legislation in their organization. The majority of respondents in both groups reported having formal or informal programs, though the private sector had a significantly higher number.

Of those who have disability management or return to work programs, they report that these programs contributed to implementation of the ADA in a number of ways, including (in order of priority): importance of confidentiality (85 and 89 percent for the private and federal respectively); raising acceptance for persons with disabilities in the workplace (73 and 88 percent respectively); increasing supervisor awareness of the accommodation process (75 and 87 percent respectively); and creating an organizational structure for accommodations (71 and 79 percent respectively).

Summary and Implications

This report identifies how private and federal employers are responding to the employment disability nondiscrimination requirements of the Americans with Disabilities Act and the Rehabilitation Act. The results indicate that while much progress has been made, barriers remain to the recruitment, hiring, retention, and career advancement of adults with disabilities in the workforce that warrant consideration.

The majority of organizations from both sectors report having made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with disability nondiscrimination and civil rights laws. However, making information accessible for a person with a visual or learning disability, or a person who is deaf or hard of hearing, were areas reported more difficult than others. Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual or auditory impairments, such as using a text telephone or relay service to set up interviews with deaf or hard of hearing applicants, using a reader to assist a person with a visual impairment or learning disability, or with adapting print materials used in interviews to large print, diskette, or Braille. With an aging workforce, knowledge of accommodations for persons with visual and hearing impairments will increasingly become important for employers. It is estimated that the US workforce in the 55-64 year old range will increase 40 percent in the next ten years.

Another area for further exploration is the workplace supports needed for persons with psychiatric disabilities. Respondents in both the private and federal sectors indicated a need for further information on accommodations for persons with psychiatric disabilities. This, again, may be a place where federal and private sector employers can join to find effective solutions to enhance the hiring and retention of this group.

Some remaining barriers to employment for persons with disabilities identified by both sectors were in the workplace itself. Attitudes toward people with disabilities continues as a workplace integration issue, even though this was an area where most organizations in both sectors reported having made changes. Perhaps in both sectors this is an area that can be merged with diversity programming or addressed independently with continued training across all personnel.

Supervisors' lack of knowledge about accommodations was also reported as an ongoing barrier in the work environment for persons with disabilities. Since the majority of training in both employment sectors has been focused on human resource personnel in the past, this is not surprising, and a place where training and technical assistance should be focused in the future. Supervisors are an integral part of the accommodation process in most workplaces. And, since supervisors reportedly make the final decision on accommodations in most federal workplaces, it is imperative that they have the training needed to be able to make appropriate decisions and access needed resources for particular accommodation requests.

Both sectors reported that having a formal or informal disability management program contributes to implementation of civil rights laws for people with disabilities. This is an area that should be further explored as a programmatic structure for support for workplace disability nondiscrimination policies and practices.

In workplaces that had unions, whether private or federal sector, when unions were involved, they were reportedly beneficial in the accommodation process. Focus groups with unions might be a good place to continue information gathering in this process to learn more about barriers to employment for people with disabilities, and how unions can be engaged to help to address continuing attitudinal issues toward persons with disabilities.

One of the areas across both private and federal organizations seen as a remaining barrier to the employment of people with disabilities is the lack of requisite training, skills, and related work experience in persons with disabilities. These identified barriers have implications for employment and disability social policy changes that advance the interests of people with disabilities in the employment and training arena. National employment and training policies that provide persons with disabilities with training and experience resulting in skills that are marketable in a labor market that needs skilled workers are imperative.

Full Survey Reports Available

A copy of the full survey report is available from the Cornell University Program on Employment and disability at 607-255-7727 (Voice); 607-255-2891 (TTY); 607-255-2763 (Fax); or e-mail Susanne M. Bruyère at smb23@cornell.edu.

A copy of the full survey report is available online at: http://www.ilr.cornell.edu/ped/projects/ADA_Projects/PPFSO/. Copies of individual survey reports for each of the collaborating organizations are available either from Cornell University or the organizations at the contact information below:

▲ **Presidential Task Force on Employment of Adults with Disabilities (PTFEAD):** Call 202-693-4939 (Voice), 202-693-4929 (Fax), 202-693-4920 (TTY), or available to download from http://www.ilr.cornell.edu/ped/projects/ADA_Projects/PTF/ptf_final_report.pdf

▲ **Society Human Resource Management (SHRM):** To order a copy of the full survey report, call the SHRMStore at 1-800-444-5006. The cost is \$39.95 for SHRM members and \$49.95 for nonmembers (item code 62.17023)

▲ **Washington Business Group Health (WBGH):** Call 202-408-9320 (Voice), or 202-408-9332 (Fax), or available to download from http://www.ilr.cornell.edu/ped/projects/ADA_Projects/IEP/SURVEYS/WBGH_survey.html

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