

Disability Employment Policies and Practices in Private and Federal Sector Organizations

Susanne M. Bruyère

Cornell University

Program on Employment and Disability

School of Industrial and Labor Relations

Extension Division

Ithaca, NY

March, 2000



Citations of this publication should be made as follows:

S. Bruyère (2000). *Disability Employment Policies and Practices in Private and Federal Sector Organizations*. Ithaca, NY: Cornell University, School of Industrial and Labor Relations Extension Division, Program on Employment and Disability.

© 2000 Cornell University, Program on Employment and Disability.

Disability Employment Policies and Practices in Private and Federal Sector Organizations

Susanne M. Bruyère

Funds for the preparation of this report have been provided by the Program on Employment and Disability in the School of Industrial and Labor Relations Extension Division at Cornell University.

The research discussed in this publication has been funded by the:

- ▲ US Department of Education, National Institute on Disability and Rehabilitation Research, Research and Demonstration Grant to Cornell University (#H133A70005)
- ▲ Presidential Task Force on Employment of Adults with Disabilities

Acknowledgements

The author would like to acknowledge the significant contribution of a number of individuals in the design and implementation of the research and the preparation of this report. My sincere thanks must go to Sara VanLooy, Research and Administrative Assistant in the Program on Employment and Disability, who has contributed many hours of assistance in the writing of prior reports, design of tables, and proofing of drafts of this report. Julie Manners has provided the design expertise needed for the preparation of our final reports. David Esquith and Joseph DePhillips, project officers from the National Institute on Disability and Rehabilitation Research, have provided oversight and guidance to the research and demonstration project funding the private sector research. Yasamin DicCiccio, Lisa Horn, and the telephone team from the Cornell University Computer Assisted Survey Team (CAST), are responsible for the excellent response rates which we are able to report from our surveys. Sue Meisinger and Allison Branick from the Society of Human Resource Management, Bruce Flynn and Ann Makowski from the Washington Business Group on Health, and David Stapleton and Gina Livermore from the Lewin Group have been our collaborators for the private sector survey, and have contributed to survey design, piloting, as well as analysis of data and writing of the final report. Richard Horne, Senior Policy Analyst with the Presidential Task Force on Employment of Adults with Disabilities has been our collaborator and the co-author of the federal sector survey and resulting report. My thanks must also go to Dr. Katherine Seelman from the National Institute on Disability and Rehabilitation Research of the US Department of Education and Becky Ogle from the Presidential Task Force on Adults with Disabilities, within the Department of Labor, for the support they have provided for these efforts by making funding available from their respective organizations. Without the assistance, support, and conceptual and research contribution of these many contributors, this effort would not have been possible.

Contents

- About This Report** 6
- Survey Purpose 6
- The Survey Sponsors 6
- The Survey Methodology 7

- Executive Summary** 8

- Survey Results** 11
- Respondent Characteristics 11
- Organizations are Making Workplace Disability Accommodations 12
- Making Pre-employment Accommodations 13
- Respondents Less Familiar with Accommodations for People
with Visual or Auditory Impairments 14
- Respondents Identify Barriers to Employment and
Advancement for People with Disabilities 15
- Majority Have Not Experienced Disability Claims Under the ADA 19
- Labor Unions Often Involved in the Accommodation Process 19
- Interactions Between Disability Nondiscrimination and
Other Employment Legislation 20
- HR Professionals/Employer Representatives Receive Training
on Accommodation Related Topics 23
- Resources Used to Resolve Disability Nondiscrimination Issues 23
- Media Most Used to Address ADA Issues 24
- Disability Management/Return-to-Work Programs
Contribute to Disability Civil Rights Compliance 26

- Summary and Implications** 27

- Appendices** 30
- Appendix A: Survey for Private Sector Organizations 30
- Appendix B: Survey for Federal Government Agencies 43
- Appendix C: Demographic Information 55
- Appendix D: Organizational Resources on the ADA
and Accommodation 57
- Appendix E: Related Print and Web-based Resources 58

About This Report

Survey Purpose

The research described in this report is the result of two separate research initiatives funded to Cornell University to examine employer practices in response to the employment provisions (Title I) of the Americans with Disabilities Act of 1990 (ADA) and related civil rights legislation. 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 and the Department of Labor's Presidential Task Force on Employment of Adults with Disabilities have separately funded initiatives to examine employer practices in response to the ADA.

The research described in this report is based on the premise that the implementation of the employment provisions of this disability nondiscrimination legislation falls largely in the realm of the functioning of human resource (HR) professionals. HR professionals are responsible for the recruitment, pre-employment screening and other workplace practices that affect the hiring and retention of workers with and without disabilities. The purpose of NIDRR-funded research on private sector businesses has been to identify how HR professionals have responded to this legislation to date, and thereby learn what further can be done to support their very critical role in minimizing workplace nondiscrimination for people with disabilities. The research initiative sponsored by the Presidential Task Force on Employment of Adults with Disabilities has as its focus to examine the response of federal agencies to the employment provisions of the ADA, as well as the Rehabilitation Act of 1973, as amended.

This report combines the research efforts and resulting analyses from two separate surveys of private and federal sector employers, on their policies and practices in implementing disability nondiscrimination legislation. Private sector employers have been covered by disability nondiscrimination legislation in the employment setting since the passage of the Americans with Disabilities Act of 1990. Federal sector employers have been covered by comparable legislation since the Rehabilitation Act of 1973. The comparison today of their policies and practices enable us to not only compare between sectors, but to also analyze whether the extent of impact of such legislation on employer actions may change and be enhanced with the passage of time. In addition, we can also look across sectors to identify the policies and practices that best minimize or eliminate discrimination and maximize employment opportunities for people with disabilities.

The Survey Sponsors

This research has been made possible by funding to Cornell University from two sponsors. The US Department of Education *National Institute on Disability and Rehabilitation Research* (NIDRR) funded a separate Research and Demonstration grant to Cornell University for the research which involved private sector employers (grant No. H133A70005). The survey, a collaborative effort of the Society for Human Resource Management (SHRM), Cornell University, the Washington Business Group on Health (WBGH), and the Lewin Group, focuses on the many issues employers face when implementing the requirements of the Americans with Disabilities Act of 1990.

The Presidential Task Force on Employment of Adults with Disabilities was created by Executive Order 13078 on March 13, 1998 to create a coordinated and aggressive national policy to increase the employment rate of persons with disabilities. One part of the effort is a survey of federal agency practices in the employment of people with disabilities, and it is this research, conducted by Cornell University, which is described here.

The Survey Collaborators

Cornell University, founded in 1868, is one of the Ivy League institutions in the Northeastern United States, and is based upon a unique integration of publicly and privately funded colleges. Cornell University has seventeen thousand students and fifteen hundred faculty, engaged in eighty-five graduate level and hundreds of undergraduate level fields of study. *The Program on Employment and Disability* in the Extension Division of the School of Industrial and Labor Relations at Cornell University has provided continuing education and technical assistance, nationally and regionally, on issues surrounding the workplace and disability since 1968. The Program contributes to development of inclusive workplace systems and communities for people with disabilities through research, the development of training materials, dissemination of this information in training efforts regionally, nationally, and internationally, provision of technical assistance on related topics, and production of scholarly materials.

The Society of Human Resource Management (SHRM) provides education and information services, conferences and seminars, government and media representation, online services and publications to more than 125,000 professional and student members throughout the world. The Society is a founding member of the North American Human Resource Management Association (NAHRMA) and the World Federation of Personnel Management Associations (WFPMA). On behalf of NAHRMA, SHRM also serves as President of WFPMA.

For 25 years, *The Washington Business Group on Health* (WBGH) has been the only national nonprofit organization devoted exclusively to the analysis of health policy and workplace disability issues from the perspective of large employers. WBGH has long been in the vanguard of integrated health and disability management program development, convening the first National Disability Management Conference in 1986, developing an integrated vision of organized systems of care in 1994, and pioneering the link between health, disability, and organizational performance through its productivity initiative in 1998.

WBGH has maintained the Resources Network on Accommodations for Employees with Psychiatric Disabilities since 1993.

The Lewin Group is an internationally recognized research and consulting firm with a 25-year history of providing research and consulting services in healthcare, disability policy, and other human resource areas to the federal government, state and local governments, and the private sector. Lewin staff working on this project are from the Applied Economics Group, which is well known for its work on disability and employment issues. The Lewin Group is a subsidiary of Quintiles Transnational Corporation, the world's leading provider of clinical research services.

The Presidential Task Force on Employment of Adults with Disabilities was created by Executive Order to create a coordinated and aggressive national policy to increase the employment rate of persons with disabilities. This initiative involves improving the coordination of existing federal programs, as well as identifying and recommending actions to remove employment barriers for persons with disabilities that either exist in current programs, or are not being adequately addressed by these programs.

The Survey Methodology

The Survey Instruments

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 US federal agencies. The surveys included items covering: the reasonable accommodation process; recruitment, pre-employment screening, testing, and new employee orientation; health and other benefits of employment; opportunities for promotion/training; disciplinary process/grievance, dismissal or termination;

interaction with labor/industrial/collective bargaining issues and other employment legislation; personnel training on the ADA and the Rehabilitation Act; resources used and found most helpful in handling disability nondiscrimination and accommodation disputes; and the role of disability management programs in contributing to the accommodation process and workplace acceptance of employees with disabilities. Copies of the survey instruments are included in Appendices A and B of this report.

Sampling Methodology

A stratified sample by employer size was drawn from the total membership of the Society for Human Resource Management. The Washington Business Group on Health total membership group was surveyed.

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 US. Based on the distribution of members by organization size, a random sample was drawn proportional to the population within size strata. Interviews were conducted over the telephone from July 9, 1998 through November 10, 1998 by the Computer-Assisted Survey Team at Cornell University, using a computer-assisted telephone interviewing (CATI) system. A letter explaining the project was sent one week prior to the initial telephone call. 813 responses from the 1116 eligible respondents (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. Surveys were mailed to members in late July, 1998. In early September, 1998, telephone calls were made to 127 non-respondents. Respondents were offered the options of returning a mail questionnaire, a fax questionnaire, or completing the survey by telephone. Calls were ended after two weeks. A 32 percent (n = 52) response rate was obtained.

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 preliminary letter was sent out prior to the survey initiation from the Chair of the Presidential Task Force, Rebecca Ogle, to all agency heads, alerting them about the survey and clarifying its purpose. A letter was sent to each potential interviewee approximately two weeks prior to the initiation of the survey. The survey was conducted during July and August 1999, by telephone from Cornell University by the Computer Assisted Survey Team (CAST), using a Computer Assisted Telephone Interview (CATI) system. A total of 403 surveys were completed, out of 415 agency representatives who were contacted (a 97 percent response rate).

Executive Summary

■ Cornell University has conducted a survey of private sector and federal human resource representatives about their response in policy and practice to disability nondiscrimination legislation.

■ Results are based on feedback from approximately 800+ private sector and 400+ federal sector employer representatives, mostly HR representatives, since an HR membership organization (SHRM) was surveyed and HR practice and employment disability nondiscrimination was a significant focus of interest.

■ Results suggest that both private and federal sector employers are responding to their respective disability nondiscrimination legislation by making accommodations needed by applicants and employees with disabilities.

■ In terms of who makes the final decision about accommodation, among private sector employers, the HR staff either alone or in combination with others makes the final decision on accommodations. In federal sector organizations, the supervisor of the employee making the request most often makes this decision.

■ Only thirteen percent of private sector respondents and 14 percent of federal respondents do not keep any data on accommodations. The federal agency respondents most frequently reported keeping data to fulfill reporting requirements. For private sector organizations, the most frequently reported reason was to make future accommodations.

■ Both private sector and federal organizations report difficulty responding to requests to make information accessible for people with visual or learning impairments and making information accessible for hearing impaired people. Private sector respondents reported more difficulty with making information accessible for persons with visual impairments (36 percent compared to 14 percent for federal sector respondents).

■ Federal employers reported more difficulty with making adjustments to medical tests to minimize discrimination against applicants with disabilities in the pre-employment process (six percent of federal respondents compared to four percent of the private sector).

■ Private sector employers reported a greater degree of familiarity than their federal counterparts with: framing questions to applicants about the ability to perform specific job tasks rather than about the disability; restrictions on obtaining medical examinations and medical history; restrictions on eliciting information on medical issues affecting applicants' health and safety on the job; and knowing when to ask an applicant about how s/he would perform certain job tasks.

■ More federal HR representative respondents reported familiarity with accessing sign language interpreters, using a text telephone to set up interviews, using a reader to assist a person with a visual or learning disability, and adapting print material to accessible formats for people with visual disabilities.

■ In both respondent groups, cost of training, supervision, and of accommodations for applicants or employees with disabilities are not seen as the most significant barriers to the employment or advancement for persons with disabilities.

■ In both employer 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.

■ Wheelchair accessibility was the type of access most often provided across both respondent groups to ensure that people with disabilities have equitable access to meetings, promotional or social opportunities, and/or training.

■ Federal respondents report significantly more disability claims across all areas than private sector respondents. The most common complaint filed against the private sector group was alleged wrongful dismissal followed by failure to accommodate. The most commonly experienced complaints by the federal group was failure to provide accommodation, followed by failure to promote.

■ Private sector respondents reported significantly less certainty about the interaction of the ADA and other employment and health and safety legislation than their federal counterparts.

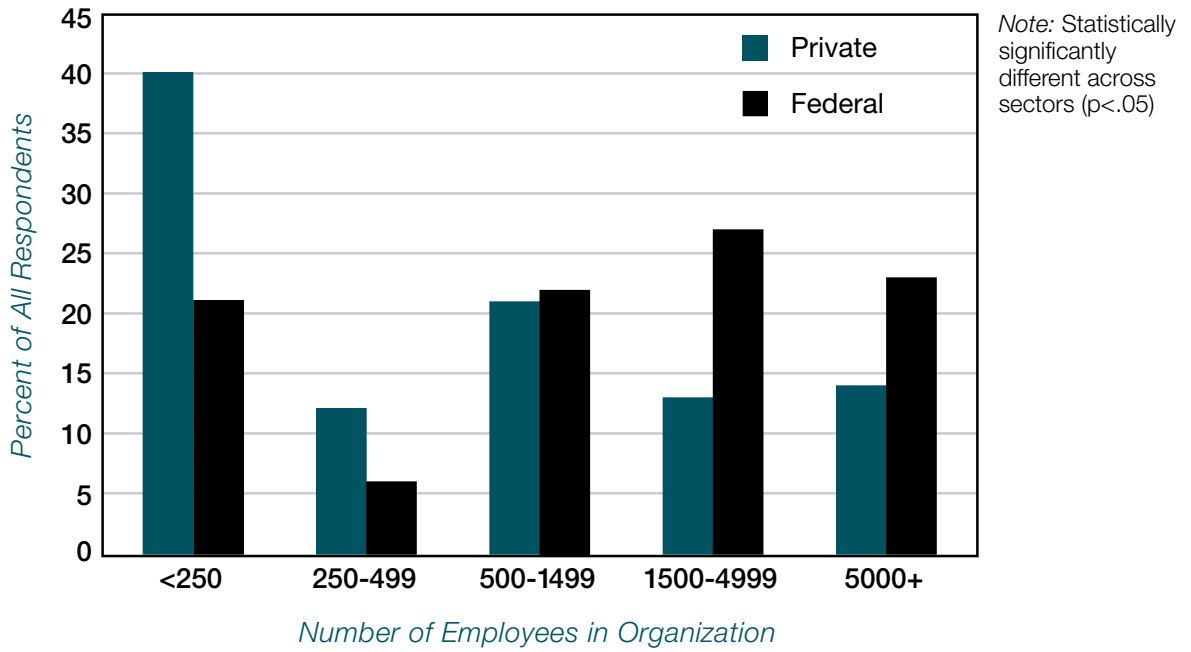
■ An area in which respondents from both groups expressed an interest in gaining further information or training was accommodations for persons with mental health disabilities.

■ Across both groups, legal counsel was very often used to resolve disability nondiscrimination and accommodation disputes, and alternative dispute resolution was a least used resource.

■ Respondents from both groups identify print/video resources as the top preferred medium to address disability nondiscrimination issues.

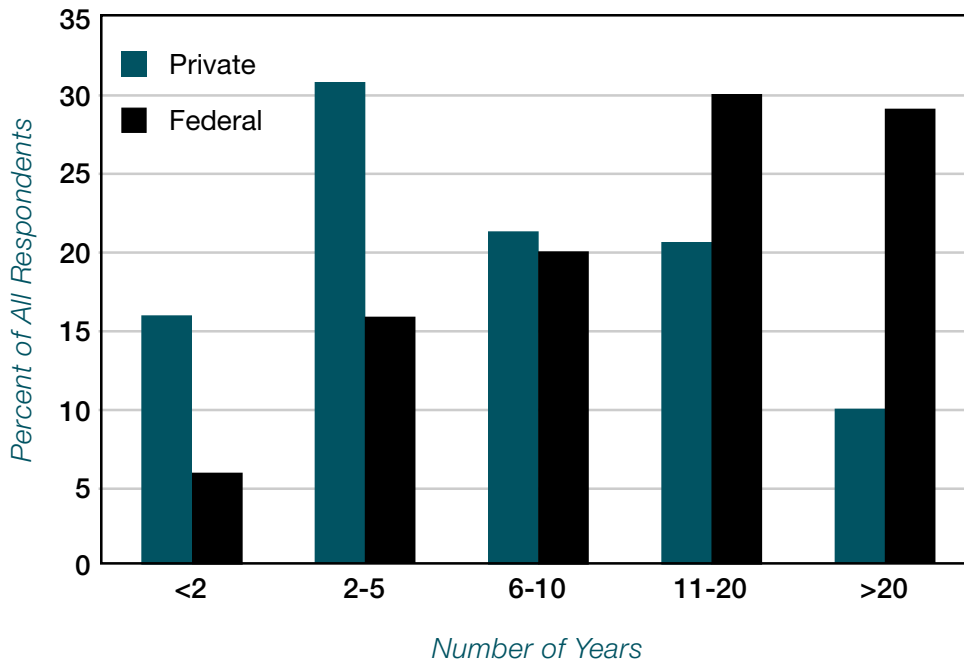
■ The majority of respondents in each of the sampled groups reported having formal or informal disability management or return to work programs, and that such programs contribute positively to disability employment civil rights legislation compliance.

FIGURE 1. Distribution of Organization Size at Location by Private and Federal Sectors (see survey S1Q1)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 2. Distribution of Number of Years with Organization by Private and Federal Sectors (see survey S1Q5)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

Survey Results

Respondent Characteristics

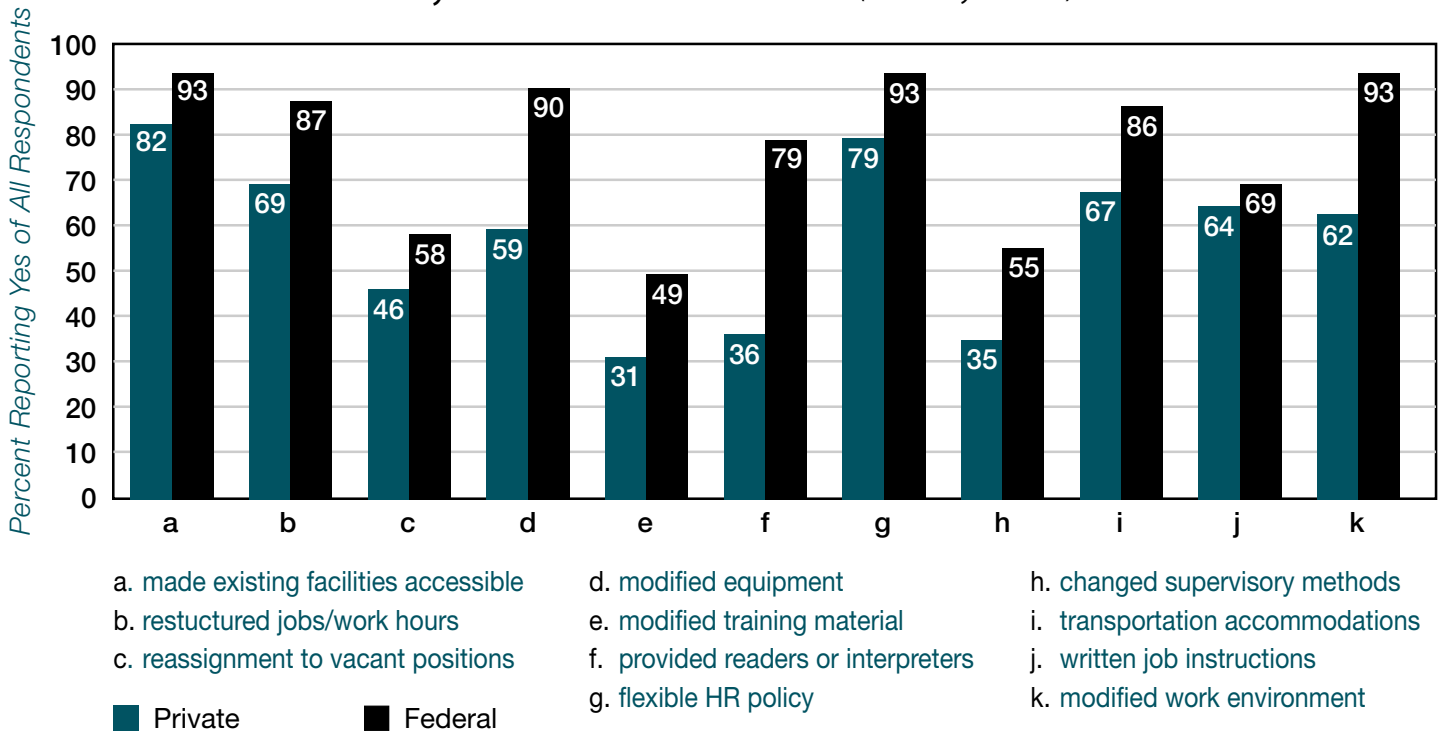
Specific demographics for each of the groups sampled are provided in Appendix C. Individual reports for each of these membership groups are available from the membership organizations and Cornell University.¹ In the comparative sample for this report, there is representation of employers throughout the size spectrum, as evidenced in Figure 1. It is important to note that there is a significant difference in the size of employers represented in the samples for the two groups. There are significantly more respondents

¹ Executive summaries of the SHRM and WBGH reports are available on-line from Cornell University at http://www.ilr.cornell.edu/ped/projects/ADA_Projects/IEP/surveys.html. Copies of the Washington Business Group on Health full report are on-line at http://www.ilr.cornell.edu/ped/projects/IDI/IDI_Projects/CS.html. Copies of the full SHRM report are available from the SHRMStore at 1-800-444-5006.

from small employers (under 250 employees) in the private sector sample (40 percent, compared to 21 percent in the federal, as shown in Figure 1). There are also significantly more large employers in the federal samples, both in the 1,500-4,999 employees category (13 percent of private sector employers, 27 percent of federal), and in the 5,000 and above category (14 percent for private sector, 23 percent for federal). While the term “private sector” is used throughout, about four percent of those respondents listed “public administration” as their industry type.

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 sector organizations were with their respective organizations ten or fewer years (*See Figure 2*).

FIGURE 3. Percent Reporting What Their Organization Does to Meet the Needs of Employees with Disabilities by Private and Federal Sectors (*see survey S2A1a-k*)



Note: All statistically significantly different across sectors ($p < .05$)
 Private sector organizations were more likely than the federal sector to say they never needed to make the change.

Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

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 Workplace Disability Accommodations

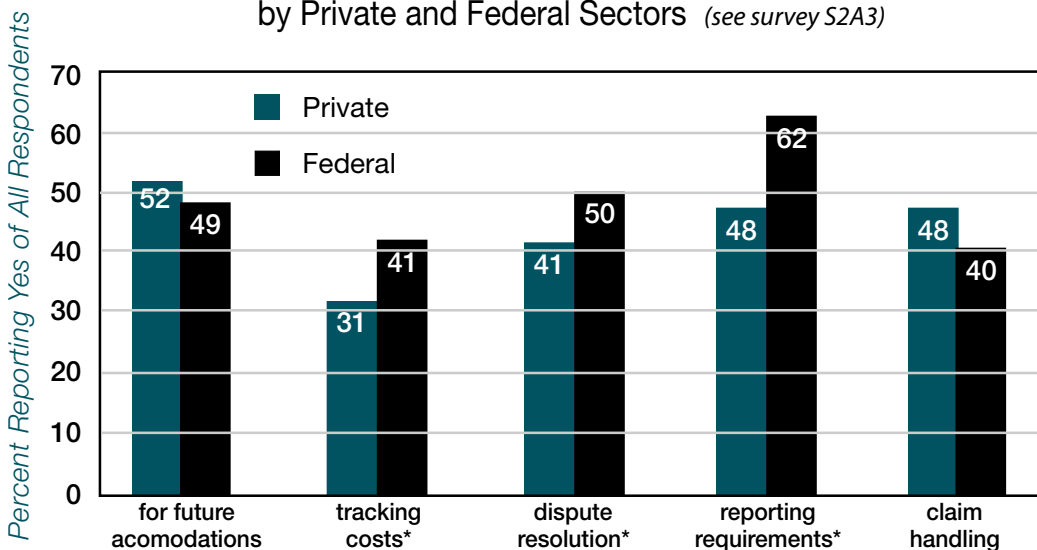
As evidenced in Figure 3, private sector organizations and federal agencies are responding to disability nondiscrimination legislation by making accommodations for applicants and employees with disabilities. Across eleven possible areas where accommodation could be made, survey respondents most commonly 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

eleven categories, with federal agencies more likely to have made each change. Private sector organizations were also more likely to indicate that they had never been asked to make the changes.

When asked whether data was kept on accommodations, there again was a statistically significant difference between sample groups for 3 of the 5 reasons. Thirteen percent of all private sector respondents and 14 percent of federal respondents do not keep data on accommodations. Of those who do keep data, the most often cited reasons are for reporting requirements and future accommodations (*see Figure 4*). More federal respondents reported keeping data to fulfill reporting requirements (48 percent for private sector, 62 percent for federal), but the numbers in each group keeping data for future accommodations was quite similar (52 percent and 49 percent respectively).

When asked "who holds the responsibility for making the final decision regarding the provision of an accommodation," the responses varied between groups. The most common response among private sector respondents was that HR staff alone (27 percent) or together with another person (10 percent) made

FIGURE 4. Distribution of Reasons Accommodation Data is Kept by Private and Federal Sectors (*see survey S2A3*)



*Note: Statistically significantly different across sectors (p<.05)

13% of all private sector respondents and 14% of all federal respondents do not keep data on accommodations.

Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

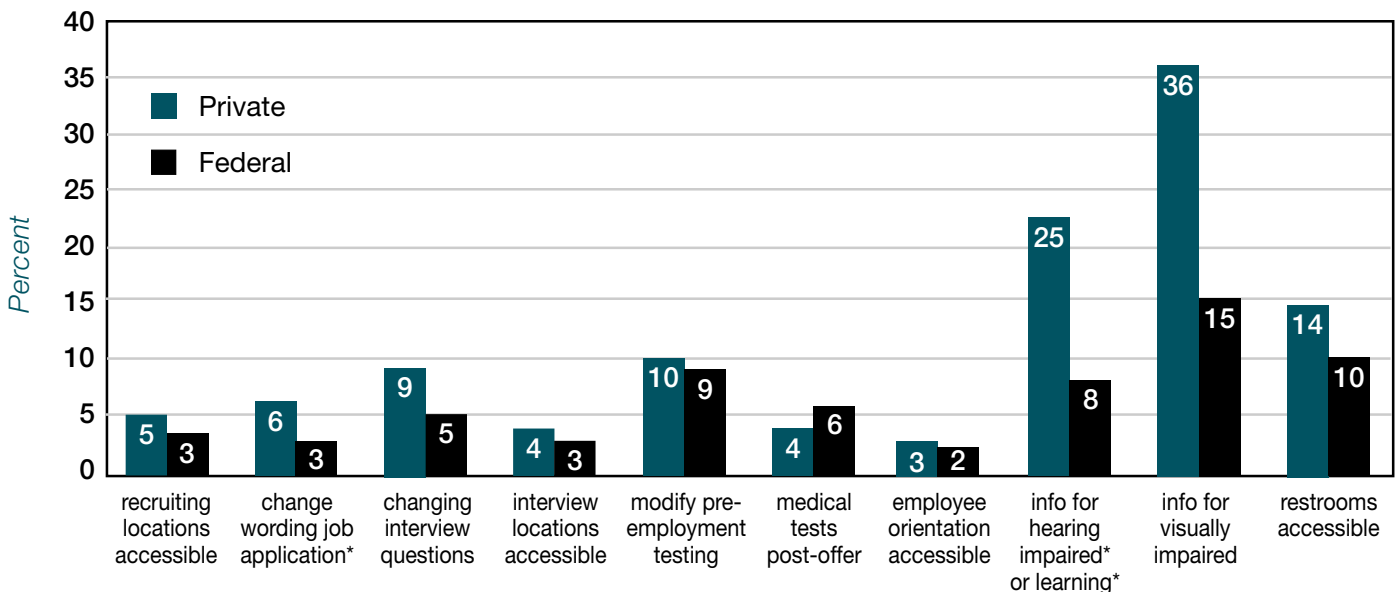
the decision. A similar percentage of federal employees indicated that the decision was made by the immediate supervisor of the employee requesting the accommodation (27 percent), while in only a small percentage of federal respondents' agencies was that decision made by HR (six percent). Among both groups, approximately one of six respondents said that there is no single party responsible for the final decision (18 percent for private sector, 16 percent for federal).

Making Pre-employment Accommodations

Those surveyed were asked about their response to making changes in the recruitment, pre-employment screening, testing and orientation processes to comply with the ADA, and the degree of difficulty they experienced in making these changes. Across the ten possible areas where changes might have been made, 10-60 percent of all organizations reported not having

needed to make these changes. Of those who did need to make changes in these processes in response to the ADA, most respondents indicated that they were relatively easy to make. Areas that respondents in both sectors indicated were more difficult to change 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 sector employers reported more difficulty with providing information in an accessible way for people with hearing impairments (25 percent and 8 percent, for private sector and federal respondents

FIGURE 5. Percent Reporting Difficult or Very Difficult to Make Changes by Private and Federal Sectors (of Those Who Made Changes) (see survey S2B1)



*Note: Statistically significantly different across sectors ($p < .05$).

Between 10-60% of all organizations did not need to make these changes. Percentages also do not include those who were not able to make the change.

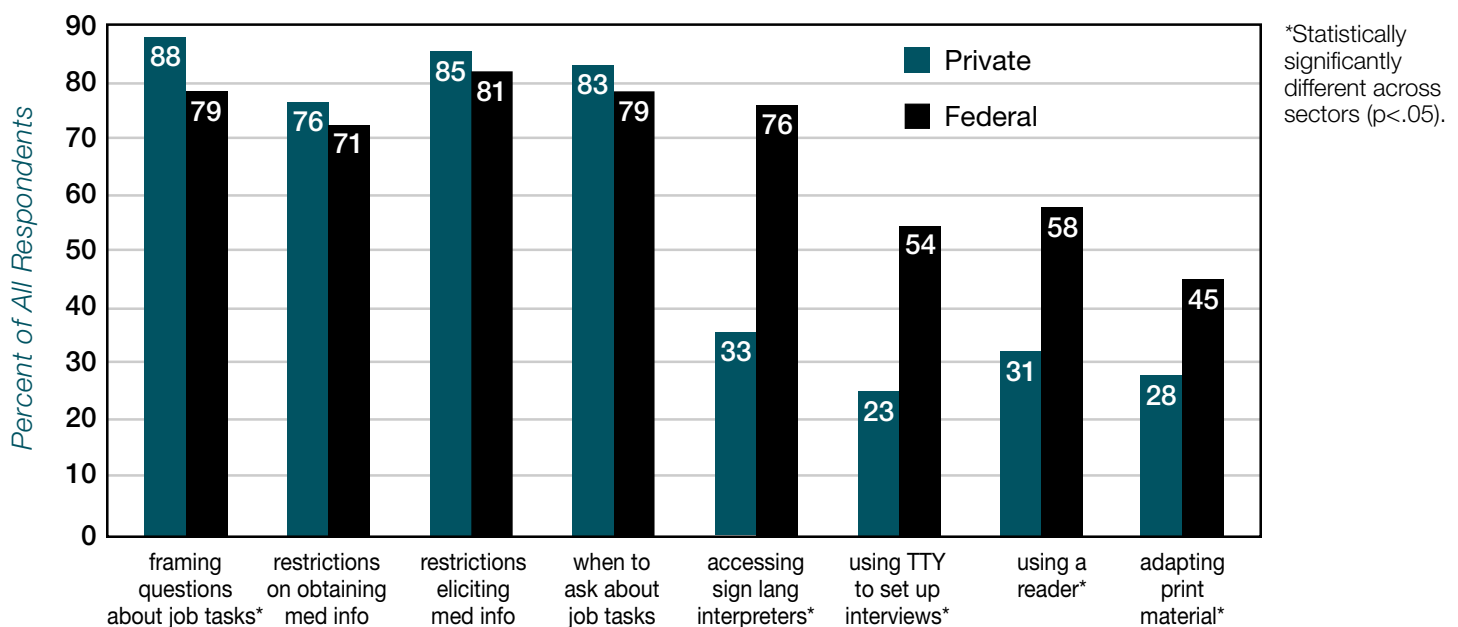
respectively). Federal agency representatives expressed less difficulty in every listed change except for one: providing medical tests post offer, which four percent of private sector respondents found difficult, compared to six percent of federal respondents (not statistically significant) (see Figure 5). It might be interesting to further explore whether the perception of these accommodations being less difficult by federal organizations is a function of having had more time under these requirements, as a function of the Rehabilitation Act of 1973.

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 are with each of these elements (see Figure 6). In general, respondents reported the highest levels of

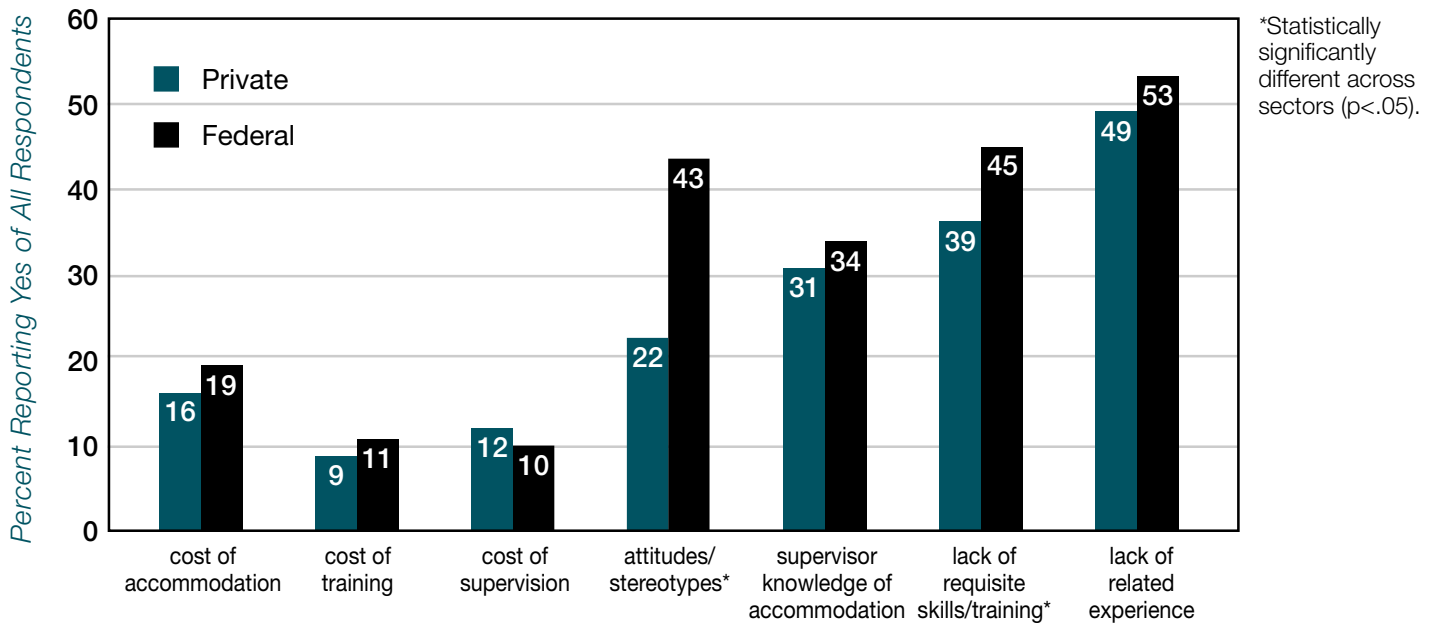
familiarity with framing questions about job tasks, restrictions on eliciting medical information, when to ask about how the applicant would perform job tasks, and restrictions on obtaining medical information. Across groups, respondents were much less familiar with accommodations for people with visual or hearing impairments such as 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, however (33 percent of private sector compared to 76 percent of federal respondents reported their staff was "familiar" or "very familiar" with this issue). 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 sector and federal respondents showed statistically significant differences in their responses in 50 of the 8 areas presented.

FIGURE 6. Percent Reporting Familiar or Very Familiar with Applicant Interviewing Issues by Private and Federal Sectors (see survey S2B3a-i)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 7. Percent Reporting Barriers to Employment or Advancement for Persons with Disabilities by Private and Federal Sectors (see survey S2D1)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

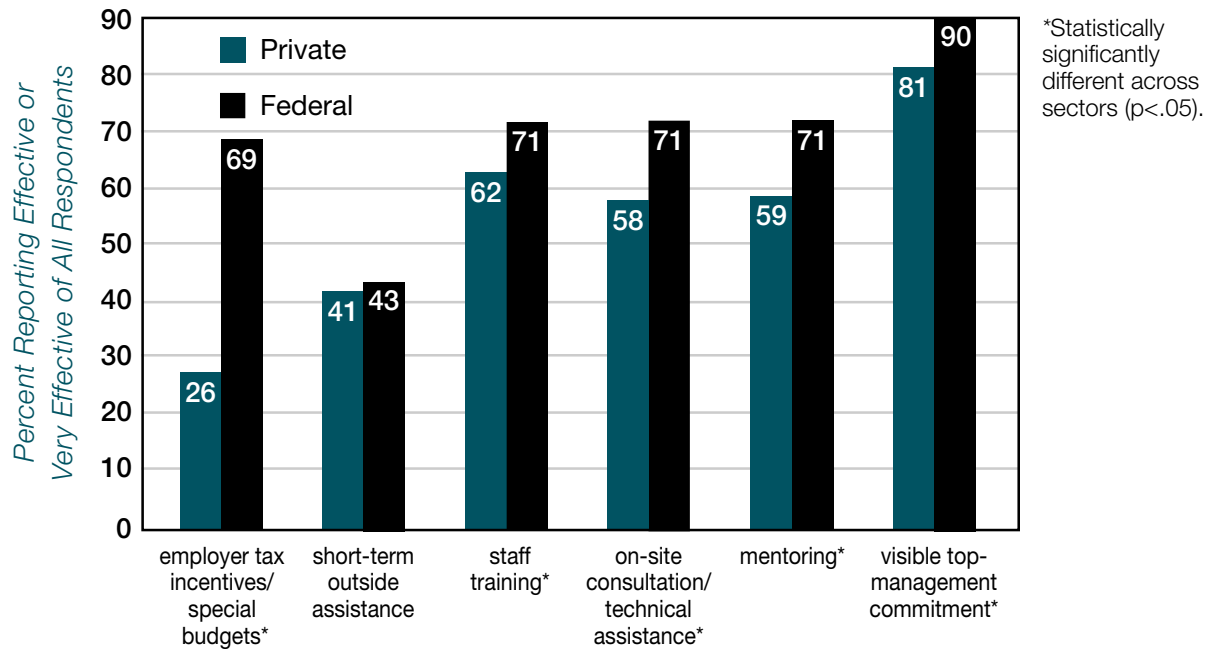
Respondents Identify Barriers to Employment and Advancement for People with Disabilities

Respondents were presented with seven possible barriers to the employment and advancement of people with disabilities. There was a statistically significant difference between private and federal sector respondents in two of the areas, although in general the profile of perceived barriers, in terms of overall percentage of response, was similar (see Figure 7). 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 sector and 53 percent by federal), and lack of requisite skills and training in the applicant or employee with a disability (39 percent for private sector 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 group 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).

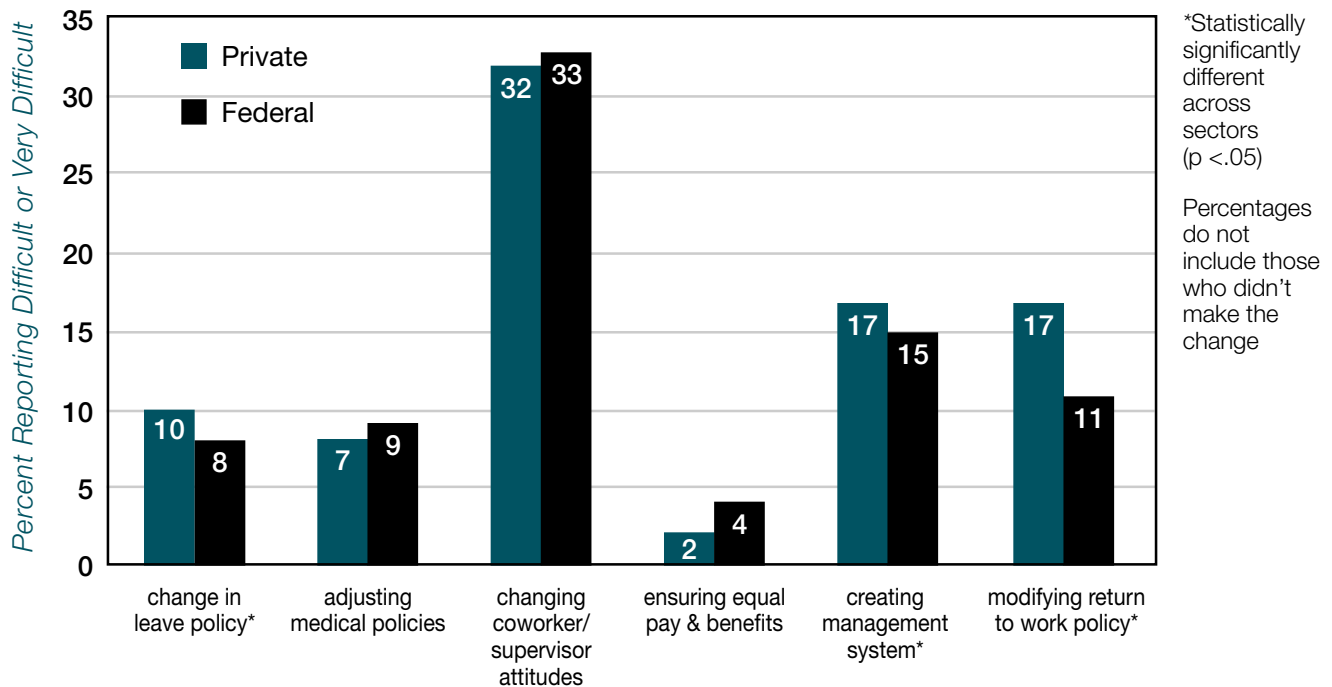
Not only were respondents asked to identify possible employment and advancement barriers, but they were also asked to rate the effectiveness of six listed means of reducing such barriers (see Figure 8). The top means identified by both sectors was the same, that being visible top management commitment (81 percent for the private sector 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 sector and 71 percent of federal reporting this as an effective or very effective way of reducing barriers; mentoring

FIGURE 8. Percent Reporting Effective or Very Effective Means of Reducing Barriers to Employment for Persons with Disabilities by Private and Federal Sectors (see survey S2D2)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 9. Percent Reporting Difficult or Very Difficult to Make Changes to Meet Needs of Employees with Disabilities by Private and Federal Sectors (of Those Who Have Made the Change) (see survey S2D3)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

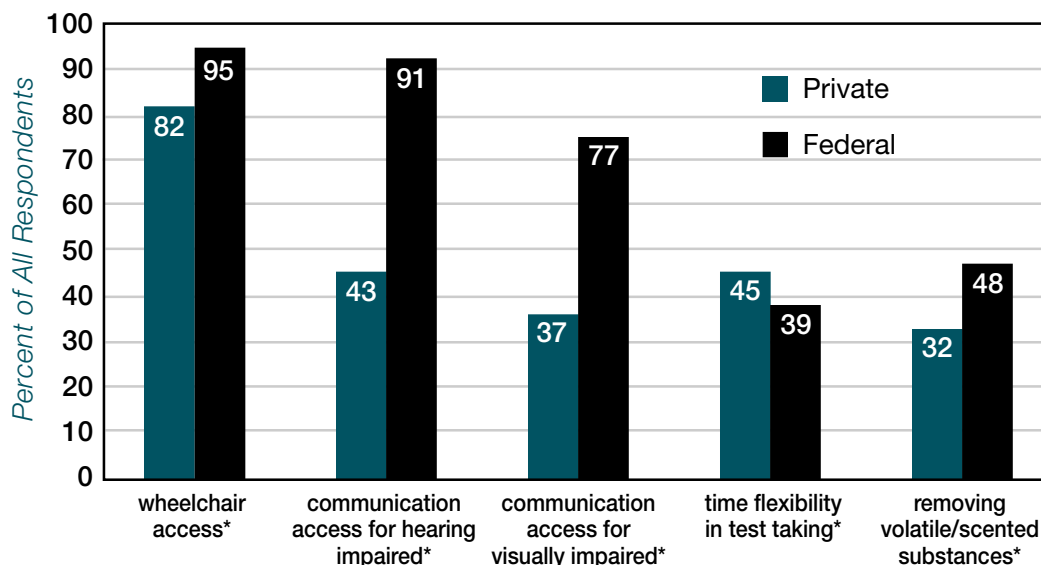
(59 and 71 percent for private sector and federal, respectively); and on-site consultation or technical assistance (58 percent and 71 percent, respectively). Tax incentives were seen as the least effective means to reduce such barriers by private sector employers; indeed only 26 percent reported these 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 of difficulty in making those changes (see Figure 9). 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 sector and 33 percent of federal representatives indicated this change

was “difficult” or “very difficult”). The majority of respondents in both groups have made all of the listed modifications to organizational policies and practices to help overcome the barriers to employment and advancement faced by people with disabilities. Changes made by more than three quarters of respondents’ organizations include: ensuring equal pay and benefits, creating flexibility in the performance management system, modifying the return to work policy, and adjusting leave policies.

Wheelchair accessibility was reported as the type of access most often provided across both groups (82 percent for private sector, 95 percent for federal) to ensure that people with disabilities have equitable access to meetings, promotional or social opportunities, and/or training (see Figure 10). The second most commonly provided type of access for federal respondents was communication access for the hearing impaired (91 percent of federal respondents), while for private sector respondents it was time flexibility in test taking (45 percent of private sector respondents).

FIGURE 10. Distribution of Types of Access Provided to People with Disabilities by Private and Federal Sectors (see survey S2D4)



*Statistically significantly different across sectors ($p < .05$)

The majority who didn't provide, never needed to as opposed to not able to.

Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 11. Distribution of a Grievance/Dispute Resolution Process
(see survey S2E1)

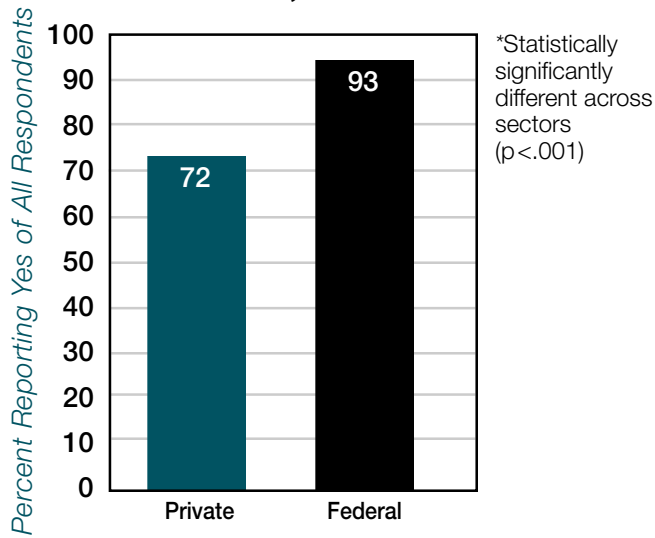
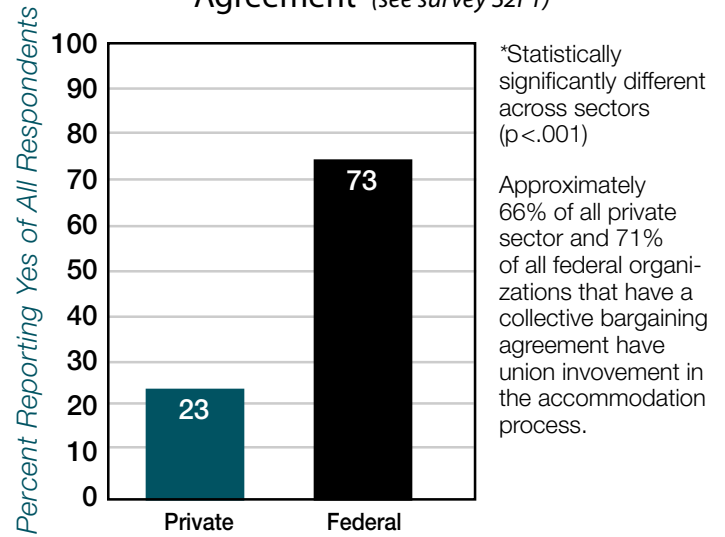
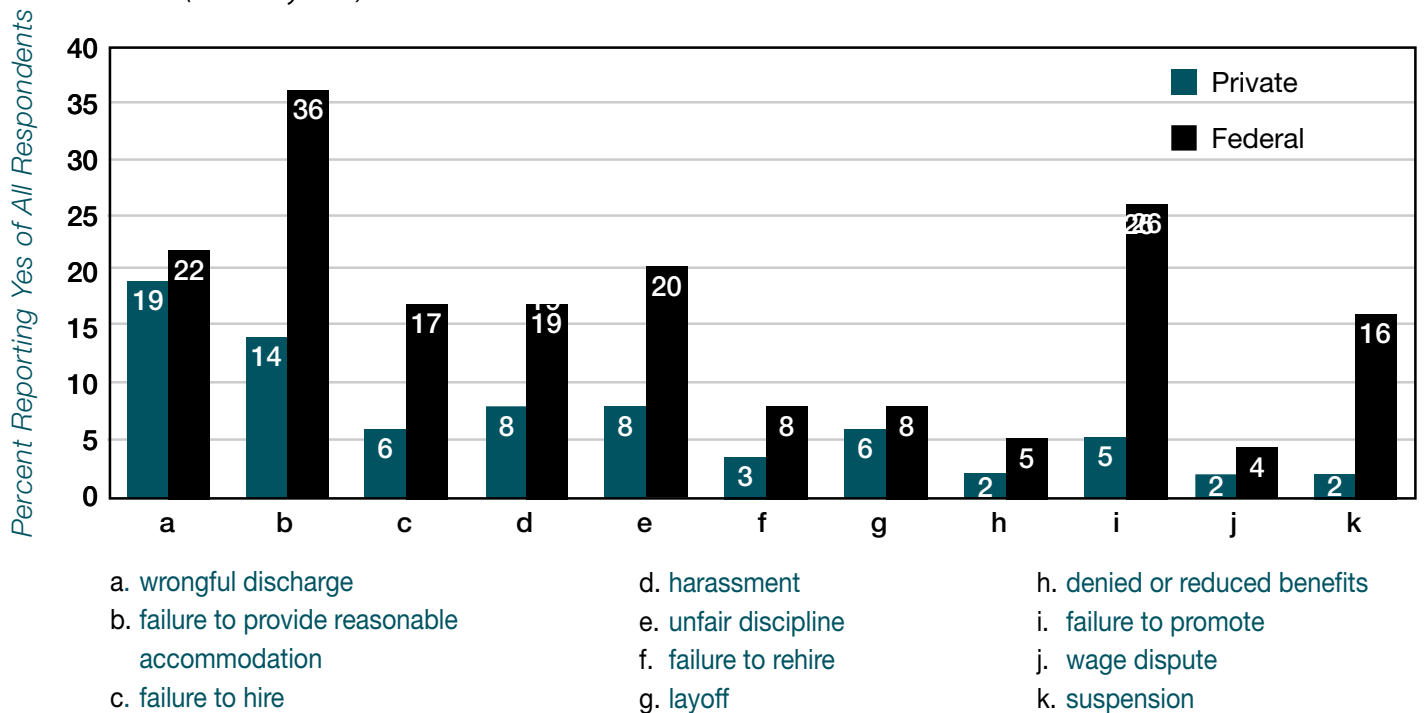


FIGURE 13. Distribution of Organizations where Employees are Covered by a Collective Bargaining Agreement (see survey S2F1)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 12. Percent Experiencing Disability Claims Under the ADA by Private and Federal Sectors
(see survey S2E2)



*All statistically significantly different across sectors (p<.055)

Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

Majority Have Not Experienced Disability Claims Under the ADA

In general, many respondents reported never having experienced most listed claims under the ADA. This may be because many respondents reported having a dispute or grievance resolution process for accommodations. Almost three-quarters of private sector respondents (72 percent) reported such a process, while 93 percent of federal respondents did (*see Figure 11*).

Private sector respondents reported significantly fewer claims filed against them under the ADA than did federal respondents. Failure to provide reasonable accommodation was reported by federal respondents as the most often experienced claim by agencies, at 36 percent (*see Figure 12*). Second most often experienced by federal respondents was failure to promote, at 26 percent. The most commonly filed claim for private sector respondents was wrongful discharge (19 percent). Next most often experienced was the claim of failure to provide reasonable accommodation, experienced by 14 percent of private sector respondents. The claim least often experienced by both groups was that of wage disputes (2 percent for private sector, 4 percent for federal), followed by the

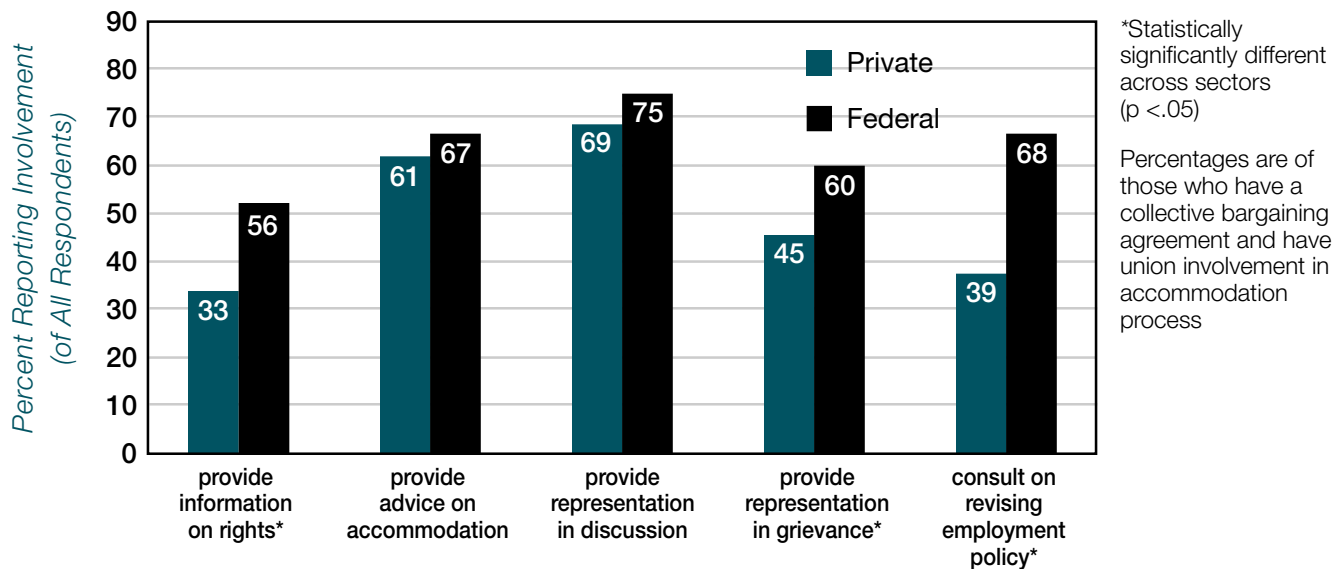
claim of denied or reduced benefits (2 percent of private sector and 5 percent of federal respondents experienced this).

Labor Unions Often Involved in the Accommodation Process

In general, federal agency workplaces were more significantly unionized (73 percent) than the private sector (23 percent) (*see Figure 13*). If unionized, respondents were asked to report the ways in which unions were involved in the accommodation process.

Figure 14 provides information on this comparison. In both groups, among respondents who have collective bargaining agreements and have union involvement in the accommodation process, unions were most often used to provide representation in discussions about the accommodation process (69 percent for private sector, 75 percent for federal). For private sector respondents, the next most common union involvements were providing advice/information on ways to accommodate employees with disabilities (61 percent) and providing representation in grievance proceedings (45 percent).

FIGURE 14. Percent Reporting Ways of Union Involvement in the Accommodation Process by Private and Federal Sectors (*see survey S2F31-5*)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

Federal agency respondents reported that the second and third most common union involvements were consulting on revising employment policy (68 percent) and providing advice/information on ways to accommodate (67 percent). Unions were less often used by both groups to provide information on employee rights (33 percent for private sector, 56 percent for federal).

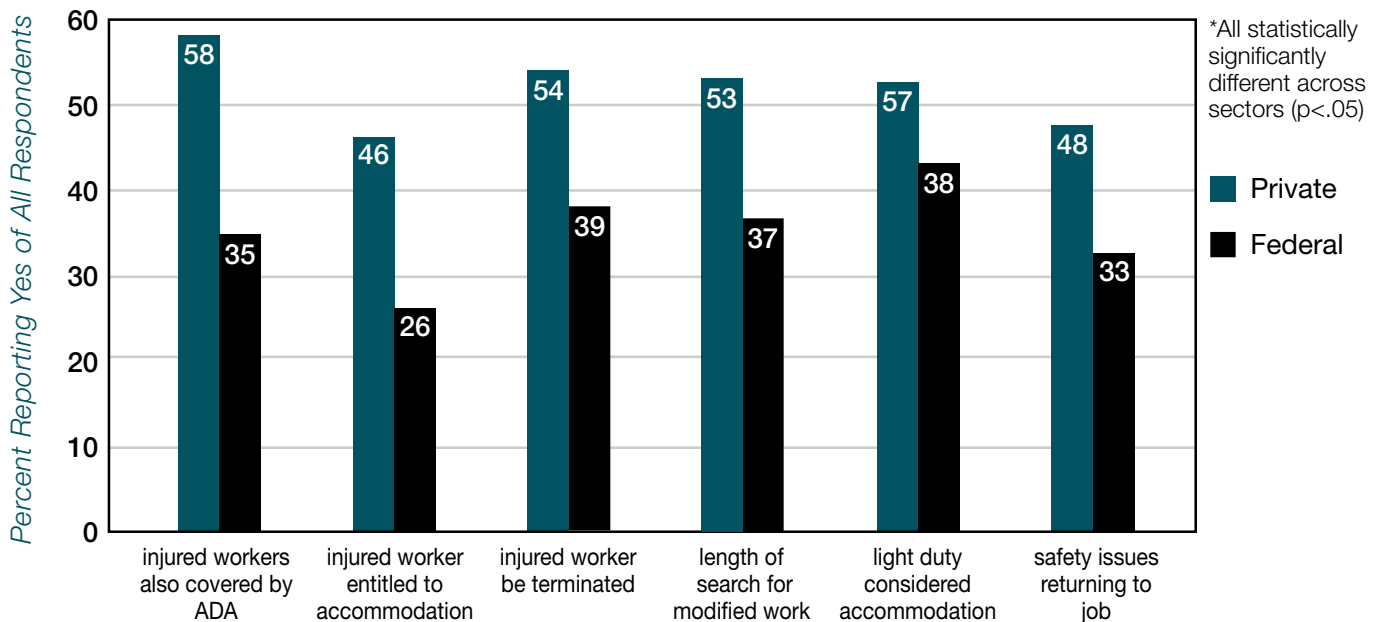
Interactions Between Disability Nondiscrimination and Other Employment Legislation

Interviewees were asked about their degree of uncertainty about the interaction between disability nondiscrimination 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), State Workers' Compensation law requirements, the Occupational Safety and Health Act (OSHA), and the Drug-Free Workplace or

Omnibus Transportation Employee Testing Acts. In the federal surveys, the same questions were asked, and additional information was elicited about the degree of uncertainty respondents experienced in implementing the Rehabilitation Act's requirements on affirmative action and purchasing accessible technology and equipment.

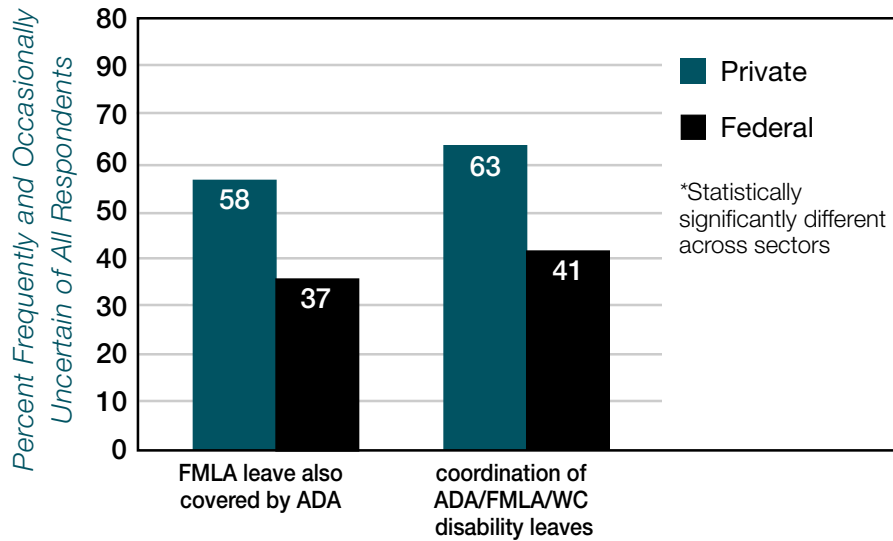
Across all of these categories, there was a statistically significant difference in the groups' responses. Private sector respondents reported significantly more uncertainty about the interaction of the ADA and other employment and health and safety legislation than their federal counterparts. The areas of 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. Private sector respondents were much less uncertain about the interaction between the ADA and Occupational Safety and Health issues and the Drug-Free Workplace Act, while federal respondents showed similar levels of uncertainty to the other areas (*see Figures 15-18*).

FIGURE 15. Percent Reporting Frequently or Occasionally Uncertain about ADA & Work-Related Injury by Private and Federal Sectors (*see survey S2G1a-f*)



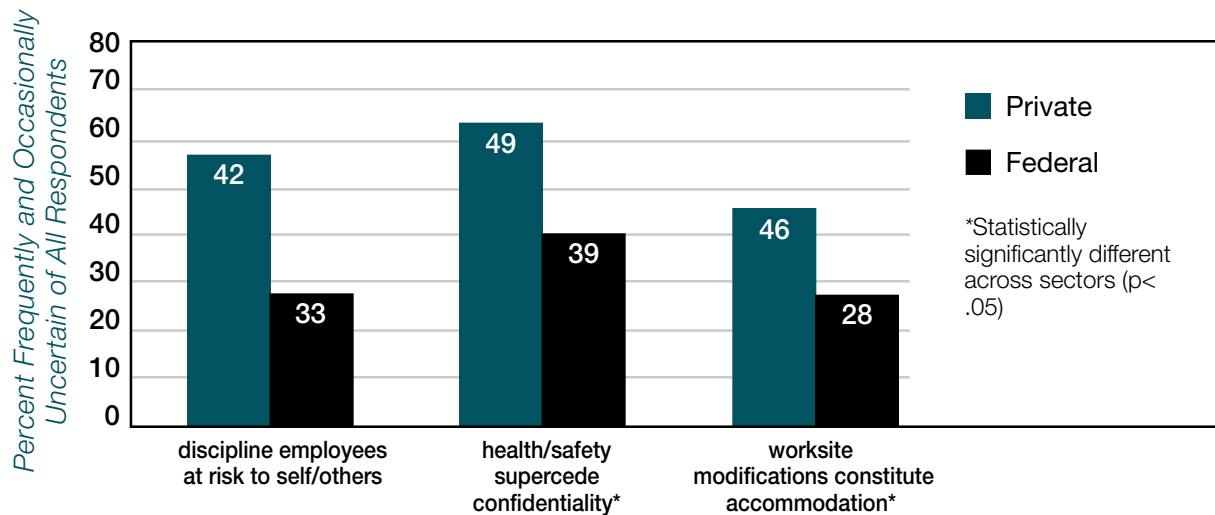
Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 16. Percent Reporting Frequently or Occasionally Uncertain about the ADA and the FMLA (see survey S2G2 a-b)



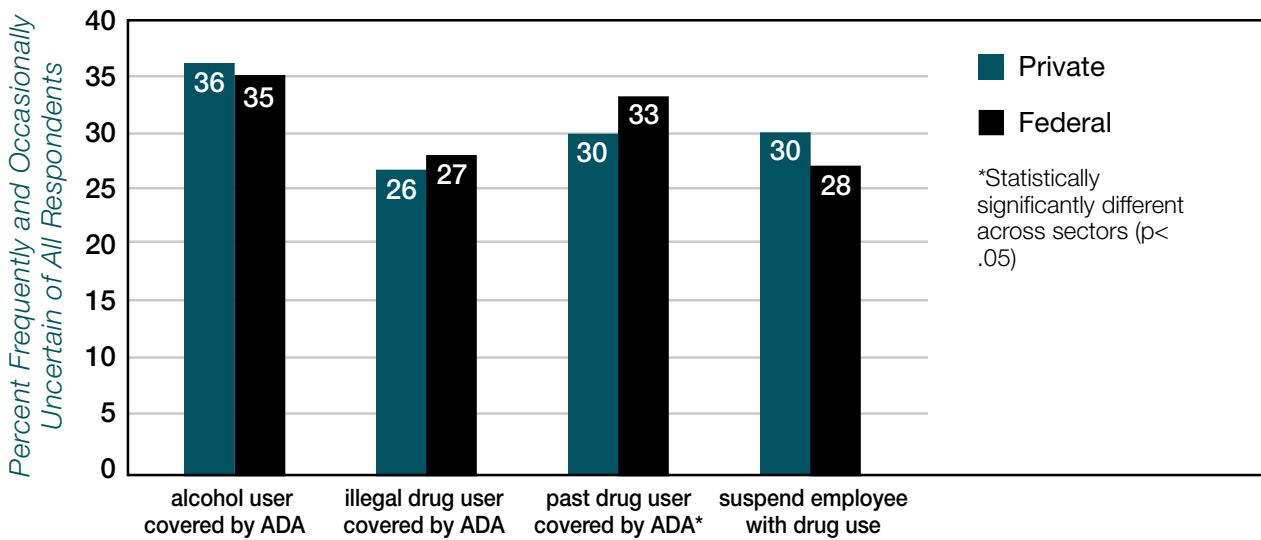
Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 17. Percent Reporting Frequently or Occasionally Uncertain about the ADA & the Occupational Safety & Health Act Issues by Private and Federal Sectors (see survey S2G3 a-c)



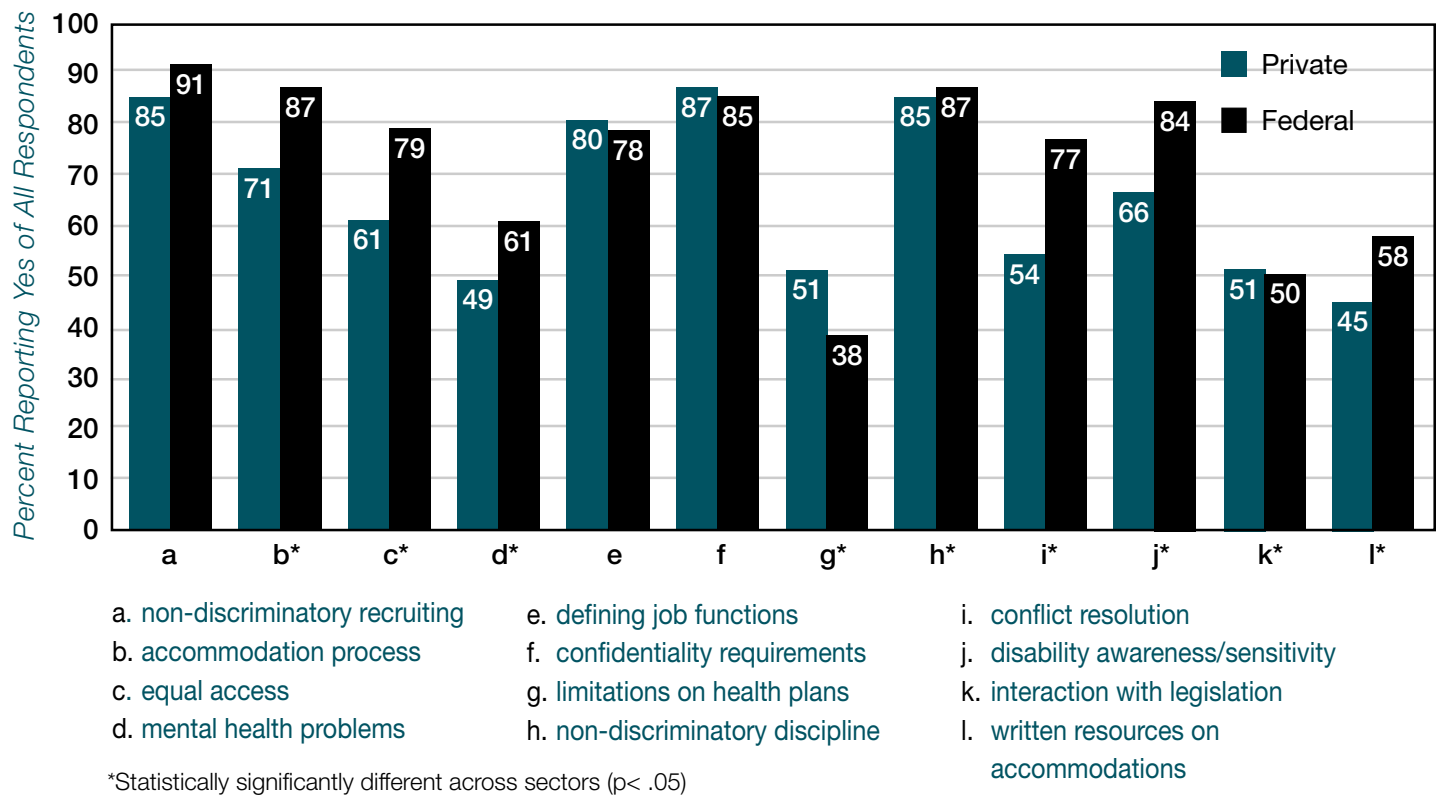
Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 18. Percent Reporting Frequently or Occasionally Uncertain about the ADA and the Drug Free Workplace Act by Private and Federal Sectors (see survey S2G4 a-d)



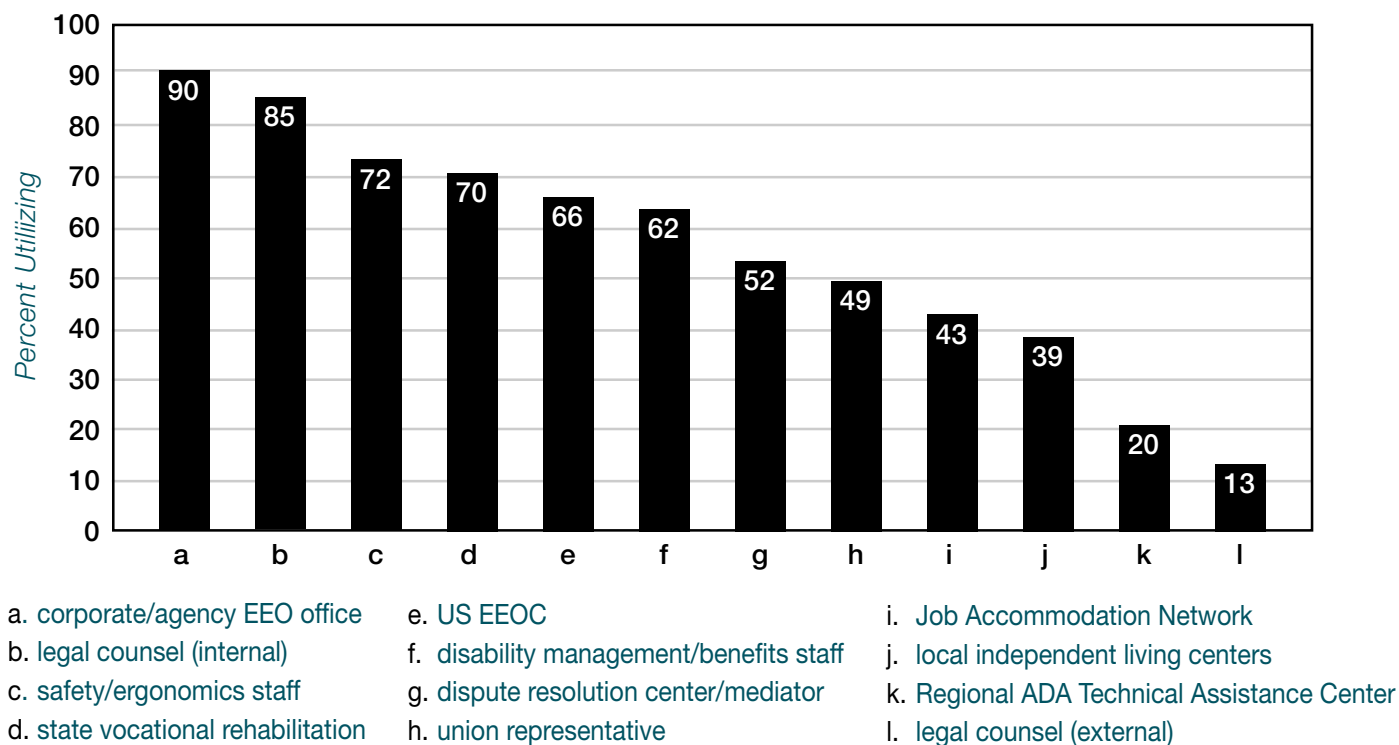
Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 19. Percent Reporting Employees Trained in ADA Topics by Private and Federal Sectors (see survey S2H1 a-l)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 20. Resources Used to Resolve Accommodation and Disability Nondiscrimination Issues in Federal Agencies (see survey S2H2 a-l)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

HR Professionals/Employer Representatives Receive Training on Accommodation 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 (see Figure 19). 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 sector and federal sectors) 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.

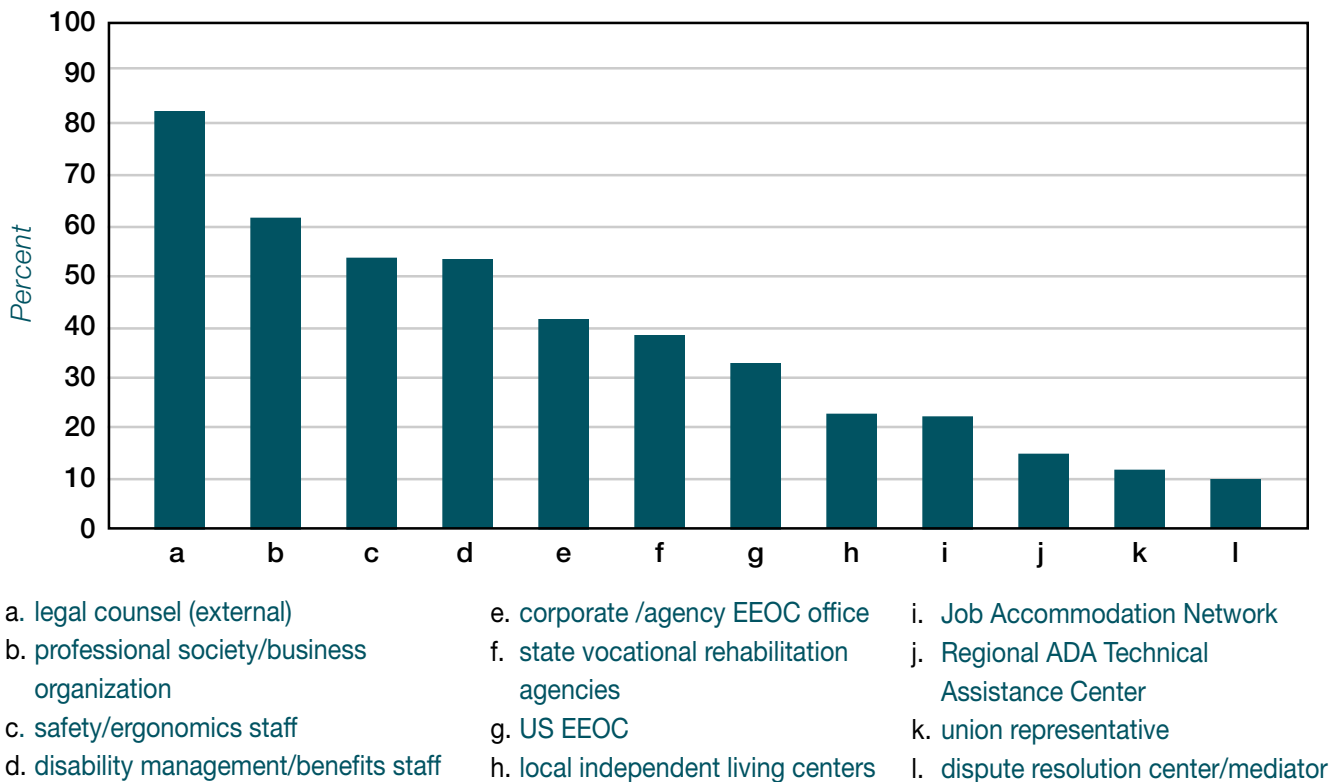
For each training area, respondents were asked if they would like to receive more information on the

subject. Both respondent groups expressed the most interest in further information on accommodations for persons with mental health disabilities (65 percent of private sector respondents, and 69 percent of federal respondents desired more information). Private sector respondents also wanted more information on recruiting and hiring (59 percent), equal access (54 percent) and the accommodation process (60 percent). Federal respondents wanted to receive more information on Rehabilitation Act requirements (66 percent), interaction with other employment legislation (64 percent), available print or organizational resources (64 percent), and limitations allowed to health plans (64 percent).

Resources Used to Resolve Disability Nondiscrimination Issues

The survey asked respondents to rate twelve often-used resources to handle accommodations and disability nondiscrimination issues. Figures 20 and 21 present

FIGURE 21. Resources Used to Resolve Accommodation and Disability Nondiscrimination Issues in Private Sector Organizations (see survey S2H2a-l)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

the prioritization of use in each of the respective respondent groups. Across both groups, internal legal counsel ranked highly as a resource often used to resolve ADA disputes (82 and 85 percent for the private and federal sectors respectively). This was the most-often used resource for the private sector group, 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), and 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).

Among the least used resources in this listing were dispute resolution centers or mediation (10 percent) or union representatives (11 percent) in the private sector and external legal counsel (13 percent) for the

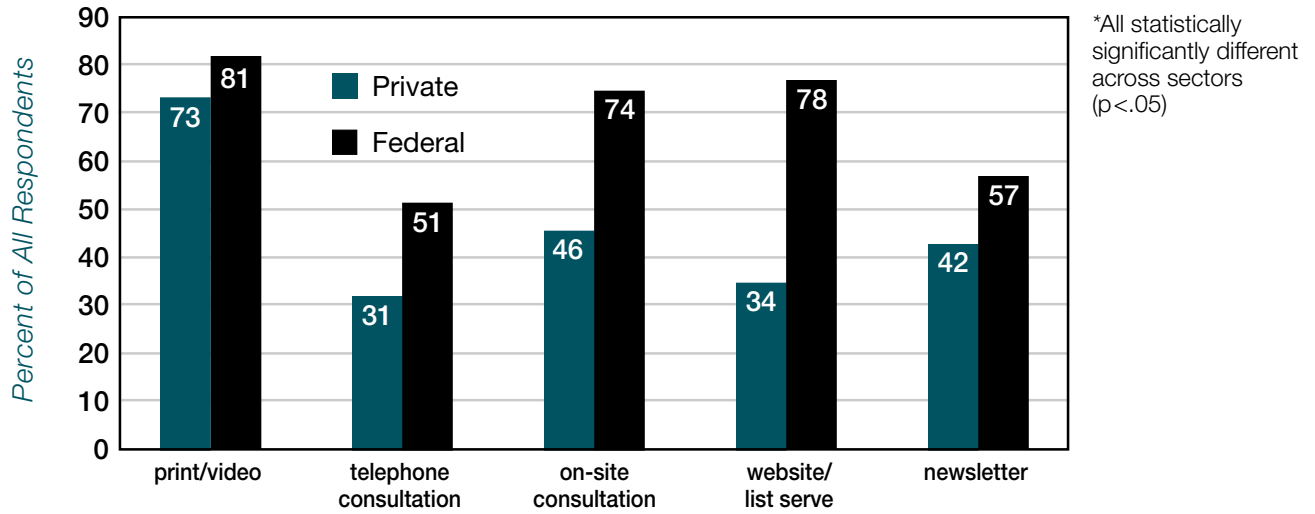
federal sector respondents. By contrast, almost half of the federal sector respondents reported using alternative dispute resolution/mediation and the union representative to resolve accommodation and disability nondiscrimination issues (52 and 49 percent respectively).

Respondents were also asked to rate the degree of helpfulness of those resources that they used. Legal counsel was rated the most helpful resource by private sector respondents (87 percent found it helpful or very helpful), while disability management staff came in first in the federal sample (84 percent).

Media Most Used to Address ADA Issues

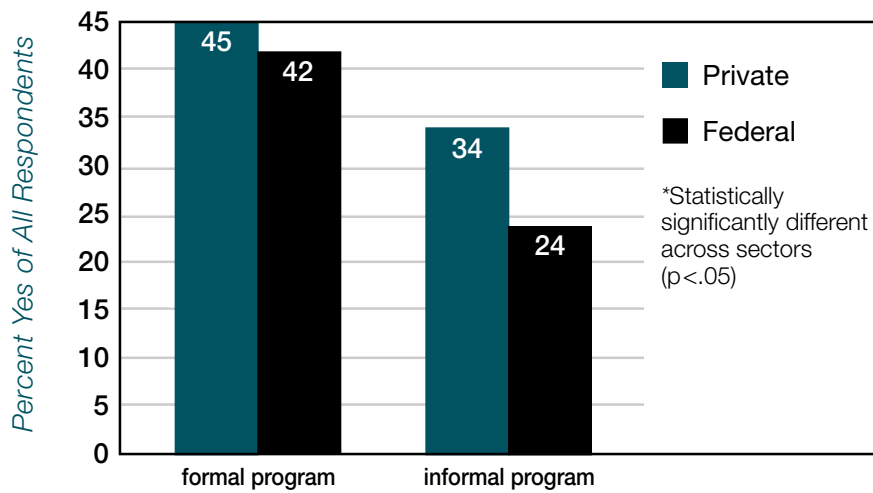
Survey informants were also asked the informational media used to address their ADA issues and their degree of helpfulness (see Figure 22). There was a

FIGURE 22. Distribution of Informational Mediums Used to Address ADA Issues by Private and Federal Sectors (see survey S2H3 a-e)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

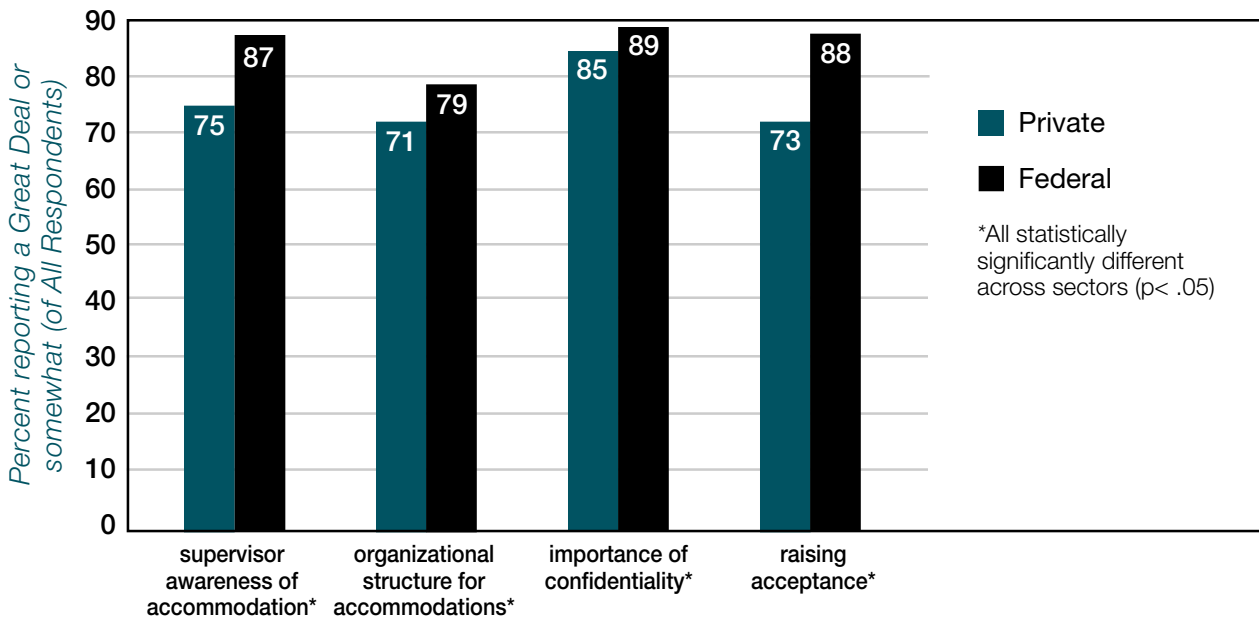
FIGURE 23. Distribution of Return to Work or Disability Management Programs by Private and Federal Sectors (see survey S2H4)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

FIGURE 24. Percent Reporting A Great Deal or Somewhat of a Contribution Due to the Return to Work Program by Private and Federal Sectors (of Those With a Program)

(see survey S2H5 a-d)



Source: Disability Employment Policies and Practices in Private and Federal Sector Organizations. S. Bruyère, Cornell University, 2000.

statistically significant difference between sample groups in all categories, but respondents from both identified print/video resources as the top preferred medium (73 percent for private sector, 81 percent for federal). For private sector respondents this was followed by on-site consultation, newsletters, and web sites or listserves. Federal employees ranked web sites or listserves second after print/video, followed by on-site consultation, and newsletters. Least favored for both groups was telephone consultation (31 percent of private sector, 51 percent of federal).

Disability Management/Return-to-Work Programs Contribute to Disability Civil Rights 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 disability nondiscrimination legislation in their organization. The majority of

respondents in both groups reported having formal or informal programs (see Figure 23), though the private sector group had a significantly higher number.

As illustrated in Figure 24, 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 sectors 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 sector and federal employers are responding to the employment disability nondiscrimination requirements of the Americans with Disabilities Act and the Rehabilitation Act. This research indicates that while much progress has been made, there remain many barriers to the recruitment, hiring, retention, and career advancement of adults with disabilities in the work-force that warrant consideration. The results of these surveys suggest some areas for further consideration to approach these remaining barriers. We will discuss these as structures in the organization that facilitate accommodation, supports needed for specific populations, use of diversity strategies, engaging unions, increasing supervisor knowledge of accommodations, use of alternative dispute resolution and disability management programs, and the implications for disability and employment training policy and further research needed.

Organization Accommodation Structure

Most organizations in both sectors report having made accommodations for their employees with disabilities. However, the structure for keeping data and who makes the final decision on accommodations is quite different. More federal respondents reported keeping data to fulfill reporting requirements, but the numbers in each group keeping data for future accommodations was quite similar. Private sector organizations may want to consider the accommodation process and the benefits of having a more formalized reporting mechanism, such as the federal sector has. In the private sector, the HR professional most often makes the decision about the accommodation, while in the federal, the immediate supervisor is most often cited as the final decision-maker in accommodation decisions. This suggests that data gathering about accommodations made and who informs this recordkeeping may be different between these organizational structures. Also, information and training about disability nondis-

crimination legislation requirements may need to be focused on these different personnel within each sector.

Supports Needed for Specific Populations

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, was an area 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. This finding is particularly significant in the federal sector in light of the recent addition of Section 508 to the Rehabilitation Act. Section 508 mandates that all federal technology purchases be fully accessible to employees with disabilities. Significant technical assistance and training at the federal agency level will be required if Section 508 is to be successfully implemented. Similarly, in the private sector, with an aging workforce, knowledge of accommodations for persons with visual and hearing impairments will become increasingly 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 sector and federal sectors indicated a need for further information on accommodations for this population. 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.

Exploration of how the federal sector can use the proposed new hiring authorities for this group, as well as how to provide supports in both sectors once individuals have been employed, need to be examined.

Employ Diversity Strategies

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. It would be a valuable discussion with both private sector and federal employers as to whether the presence of diversity programs has been of any assistance in addressing issues of disability nondiscrimination and negative attitudes or stereotypes toward persons with disabilities. Since diversity programs are increasing in popularity in the private sector, joint exploration with private sector employers of application of this use might be most beneficial.

Engage Unions

In workplaces which had unions, whether private sector 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.

Increase Supervisors' Knowledge of Accommodations

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.

Alternative Dispute Resolution

Alternative dispute resolution was reported by both groups as an infrequently used alternative for resolving conflicts around accommodations. The length of time for processing these disputes in both private and public sectors continues to increase. It would appear that significant further work must be done to encourage and inform dispute resolution, particularly on accommodation issues, earlier on and closer to the workplace. Alternative dispute resolution is an area that is gaining in popularity in the private sector, and again may be an area that the federal sector might want to further explore. An example that might be worth promoting is setting up teams across departments that represent the various interested parties in the accommodation process such as the person with a disability, HR representative, supervisor, health and safety representative, union, and EEO representative.

Use of Disability Management Programs

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.

Disability Employment and Training Policy

One of the areas across both private sector 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. It is imperative that initiatives such as those in existence under the Workforce Investment Act include people with disabilities in their mandate and implementation. This means not only having the direction for such inclusion written into the legislation and resulting regulations, but also making certain that implementation at the local level takes into account the unique service delivery needs of such system users. Success at this level calls for skilled professionals who will understand and be able to identify the service needs of persons with disabilities to assist them in making meaningful choices for training and subsequent employment. This also necessitates physical and communication accessibility of such service systems. Thus, regulations must be written for emerging workforce investment initiatives that require the opportunity for full participation of people with disabilities.

Also of interest for further study is the perspective of private sector employers about the effectiveness of tax incentives as a means to remove barriers for persons with disabilities in the hiring and retention employment processes. Tax incentives were seen as the least effective means to reduce such barriers, by private sector employers; indeed only 26% 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.

As evidenced by this research, private sector and federal organizations are making significant strides in responding to employment disability nondiscrimination legislation such as the ADA and the Rehabilitation Act to change internal business organization environ-

ments and policies to respond to the law. Such efforts must be complemented by supporting 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.

Further Research Needed

The results discussed in this report indicate a need for further research. One direction for further research is to gain the perspective of nondiscriminatory practices from employees with disabilities, supervisors, and co-workers. Another area for future research in the federal sector's further examination of the efficacy of federal training programs and Section 508, supporting technology applications. This report highlights many areas where the federal government can and should provide additional promotion, outreach, and technical assistance to federal agencies on accommodation and nondiscrimination issues.

In the private sector, business leadership such as organizations like the Washington Business Group on Health and the Society for Human Resource Management, can play a significant leadership and educational role for American business. This includes making available more information on accommodations for people with visual and hearing disabilities and people with psychiatric disabilities; maximizing the benefits of disability management programs in encouraging accommodation in the workplace for employees with disabilities; and the application of alternative dispute resolution to the accommodation and disability nondiscrimination process.

Appendix A: Survey for Private Sector Organizations

I. Demographic Information

Definitions

The employment provisions (Title I) of the ADA requires reasonable accommodation. A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual to enjoy an equal opportunity. Accommodations must be provided unless the employer can show that the accommodation would impose an undue hardship on the business.

A “person with a disability” under the ADA is someone who: a) has a physical or mental impairment that substantially limits a major life activity; b) has a record of such an impairment or; c) is regarded as having such an impairment.

Instructions

Please answer each question as it pertains to your organization. When questions refer to your organization, please answer for the unit of your organization for which you are responsible (for example, your branch rather than your entire organization nationwide).

1. Agency size at your location: *(Please circle one response)*

- | | |
|---------------------|-----------------------|
| 1 0-14 employees | 6 500-1499 employees |
| 2 15-25 employees | 7 1500-2499 employees |
| 3 26-50 employees | 8 2500-3499 employees |
| 4 51-249 employees | 9 3500-4999 employees |
| 5 250-499 employees | 10 5000+ employees |

2. Type of Industry: *(Please circle one response)*

- | | |
|------------------------------------|--|
| 1 Agriculture/Forestry/
Fishing | 4 Hi-tech/Computers/
Telecommunications |
| 2 Construction | 5 Insurance |
| 3 Finance | 6 Manufacturing, Durable |

- | | |
|---------------------------------|------------------------------------|
| 7 Manufacturing,
Non-durable | 13 Transportation |
| 8 Mining | 14 Utilities |
| 9 Public Administration | 15 Wholesale Trade |
| 10 Real Estate | 16 Other (please specify)
_____ |
| 11 Retail Trade | _____ |
| 12 Service | |

3. Your title: *(Please circle one response)*

- | | |
|----------------------|-----------------------------------|
| 1 President/Owner | 6 Assistant Manager |
| 2 Vice-President | 7 Supervisor |
| 3 Director | 8 Administrative Assistant |
| 4 Assistant Director | 9 Other (please specify)
_____ |
| 5 Manager | _____ |

4. Your function: *(Please circle one response)*

- 1 Administrative
- 2 (EEO)/Affirmative Action
- 3 Benefits
- 4 Compensation
- 5 Disability
- 6 Diversity
- 7 Employee Relations
- 8 Employment/Recruitment
- 9 Health/Safety/Security
- 10 Human Resources (HR)
- 11 Labor/Industrial Relations
- 12 Legal
- 13 Organizational Development
- 14 Training & Development
- 15 Other (Please specify) _____

5. Number of years with your organization: _____ Years

6. Are you reporting for: *(Please circle one response)*

- 1 Corporate level
- 2 Headquarters
- 3 Regional office only

II. Issue Areas

Please answer the following questions based on the practices of your organization

A. The Reasonable Accommodation Process

1. To meet the needs of your employees with disabilities, has your organization: <i>(Please circle one response for each item)</i>	Yes	No, not able to	No, never needed to make accommodations	Don't know
a. made existing facilities accessible to employees with disabilities	1	2	3	8
b. restructured jobs or modified work hours	1	2	3	8
c. made reassignment to vacant positions				
d. acquired or modified equipment or devices	1	2	3	8
e. acquired or modified examination or training materials	1	2	3	8
f. provided qualified readers or interpreters	1	2	3	8
g. been flexible in its application of HR policies	1	2	3	8
h. changed supervisory methods	1	2	3	8
i. made parking or transportation accommodations	1	2	3	8
j. provided written job instructions	1	2	3	8
k. modified work environment	1	2	3	8
l. Other (Please specify) _____	1	2	3	8

2. If an accommodation request is made, who makes the final decision regarding the provision of the accommodation? *(Please circle one response)*

- | | | | |
|---|---|----|--------------------------------------|
| 1 | Immediate supervisor of the employee requesting | 7 | Other manager/director |
| 2 | Occupational health/medical clinic staff | 8 | Disability management/benefits staff |
| 3 | Safety/ergonomic staff | 9 | Other (Please specify)
_____ |
| 4 | HR staff | | |
| 5 | Legal counsel
(internal or external) | 10 | No single final responsible party |
| 6 | EEO office | 11 | Don't know |

3. Does your agency keep data on the accommodations it makes for employees with disabilities for any of the following purposes? *(Please circle all that apply)*

- | | | | |
|---|---|---|------------------------------------|
| 1 | Future accommodations in similar situations | 5 | Disability claim coordination |
| 2 | Tracking accommodation costs | 6 | Other (Please specify)
_____ |
| 3 | Dispute resolution/settlement | | |
| 4 | Regulatory reporting requirements | 7 | Do not keep data on accommodations |

B. Recruitment, Pre-Employment Screening, Testing, and Orientation

1. In order to comply with the ADA, how easy or difficult was it for your agency to make the following changes or adaptations?

	Very easy	Easy	Neither easy nor difficult	Difficult	Very difficult	Not able to make this change	Didn't need to make this change	Don't know
a. Making recruiting locations accessible to people with disabilities	1	2	3	4	5	6	7	8
b. Changing wording of job applications	1	2	3	4	5	6	7	8
c. Changing questions asked in interviews	1	2	3	4	5	6	7	8
d. Making interview locations accessible to people with disabilities	1	2	3	4	5	6	7	8
e. Modifying pre-employment testing (e.g., time flexibility)	1	2	3	4	5	6	7	8
f. Arrange for medical tests post-offer	1	2	3	4	5	6	7	8
g. Making new employee orientation accessible to people with disabilities	1	2	3	4	5	6	7	8
h. Making information accessible for a hearing-impaired person (e.g., sign language interpreter; text telephone; captioning on video, etc.)	1	2	3	4	5	6	7	8
i. Making information accessible for a person with a visual or learning impairment (e.g., a reader, Braille, large print, or audio-cassette or telephone version of application, etc.)	1	2	3	4	5	6	7	8
j. Making restrooms accessible to people with disabilities	1	2	3	4	5	6	7	8
k. Other (<i>Please specify</i>)	1	2	3	4	5	6	7	8

2. Does your organization seek proactively to recruit job applicants who are persons with disabilities?
(Please circle one response)

- 1 Yes
- 2 No
- 8 Don't know

3. Generally, how familiar with the following are your agency's staff who are responsible for applicant interviewing? *(Please circle one response per item)*

	Very familiar	Familiar	Neither familiar nor unfamiliar	Unfamiliar	Very unfamiliar	Don't know
a. Framing questions to applicants about the ability to perform specific job tasks rather than about disability	1	2	3	4	5	8
b. Restrictions on obtaining medical examinations and medical history information	1	2	3	4	5	8
c. Restrictions on eliciting information about medical issues affecting applicants' health and safety on the job	1	2	3	4	5	8
d. Knowing when to ask an applicant about how s/he would perform specific job tasks	1	2	3	4	5	8
e. Accessing sign language interpreters	1	2	3	4	5	8
f. Using a teletypewriter (TTY) or relay service to set up interviews	1	2	3	4	5	8
g. Using a reader to assist a person with a learning disability or vision impairment	1	2	3	4	5	8
h. Adapting print materials used in the interview to large print, diskette, or Braille	1	2	3	4	5	8
i. Knowing when to test for illegal drugs	1	2	3	4	5	8

C. Health and Other Benefits of Employment

1. Does your organization provide health, life, or disability benefits for any of your employees?

- 1 Yes
- 2 No ☞ Please go to Section D, Question 1
- 8 Don't know ☞ Please go to Section D, Question 1

2. Has your organization made any changes in the following as a direct response to the ADA?

(Please circle all that apply)

- 1 Health insurance
- 2 Long-term disability
- 3 Short-term disability
- 4 Life insurance
- 5 Other *(Please specify)* _____
- 8 Don't know

3. As a direct result of the ADA, has your organization experienced the following?

(Please circle all that apply)

- 1 Anticipated or actual cost increases attributable to extending health, life, and/or disability coverage to employees or dependents with disabilities
- 2 Insurer declined to provide health, life and/or long-term disability coverage to company employee(s) or dependent(s) with a disability
- 3 Limitations or exclusions on health, life, or long-term disability coverage of employee(s) or dependent(s) with a disability
- 4 Removal of limitations or exclusions on health, life, or long-term disability coverage of employee(s) or dependent(s) with a disability

D. Opportunities for Promotion/Training

1. In your opinion, do any of the following pose a barrier to employment or advancement for persons with disabilities in your agency? *(Please circle all that apply)*

- | | |
|---|---|
| 1 Cost of accommodations | 6 Lack of requisite skills and training |
| 2 Cost of training | 7 Lack of related experience |
| 3 Additional cost of supervision | 8 Other (Please specify) _____ |
| 4 Attitudinal/stereotypes | |
| 5 Supervisor knowledge of which accommodation to make | 9 No barriers |

2. How effective or ineffective would each of the following be in reducing barriers to employment or advancement for persons with disabilities within your agency? *(Please circle one response for each item)*

	Very effective				Very ineffective	Don't know
a. Special budget allocation	1	2	3	4	5	8
b. Short-term outside assistance with job supervision (e.g., outside job coach)	1	2	3	4	5	8
c. Staff training	1	2	3	4	5	8
d. On-site consultation or technical assistance	1	2	3	4	5	8
e. Mentoring	1	2	3	4	5	8
f. Visible top management commitment	1	2	3	4	5	8
g. Other (Please specify) _____	1	2	3	4	5	8

3. In order to meet the needs of employees with disabilities, how easy or difficult was it for your agency to make the following changes? *(Please circle one response for each item)*

	Very Easy	Easy	Neither easy nor difficult	Difficult	Very difficult	Didn't make this change	Didn't need to make this change	Don't know
a. Change in leave policy	1	2	3	4	5	6	7	8
b. Adjusting policies regarding medical questions and medical examinations of employees	1	2	3	4	5	6	7	8
c. Changing co-worker or supervisor attitudes towards employees with disabilities	1	2	3	4	5	6	7	8
d. Ensuring equal pay and benefits for employees with disabilities	1	2	3	4	5	6	7	8
e. Creating flexibility within the performance management system	1	2	3	4	5	6	7	8
f. Modifying the return to work or transitional employment policy	1	2	3	4	5	6	7	8

4. Has your agency used the following to ensure that people with disabilities have access to meetings, promotional, social opportunities and/or training? *(Please circle one response for each item)*

	Yes	No, not able to provide	No, never needed to provide	Don't know
a. Wheelchair access	1	2	3	8
b. Communication access for a hearing-impaired person (e.g. sign language interpreter; text telephone; captioning on video; etc.)	1	2	3	8
c. Communication access for a person with a visual or learning impairment (e.g., Braille, large print, or audiocassette version of application; reader; etc.)	1	2	3	8
d. Time flexibility in test taking	1	2	3	8
e. Removing volatile or scented substances from the air	1	2	3	8
f. Other (Please specify) _____	1	2	3	8

E. Disciplinary Process, Grievance, Discharge, or Termination

1. Does your agency have a grievance or dispute resolution process to deal with disability and accommodation issues? *(Please circle one response)*

1 Yes 2 No 8 Don't know

2. Has your agency experienced any of the following filed disability claims under the ADA? *(Please circle one response for each item)*

	Yes	No	Don't know
a. Wrongful discharge	1	2	8
b. Failure to provide reasonable accommodation	1	2	8
c. Failure to hire	1	2	8
d. Harassment	1	2	8
e. Unfair discipline	1	2	8
f. Failure to rehire	1	2	8
g. Layoff	1	2	8
h. Denied or reduced benefits	1	2	8
i. Failure to promote	1	2	8
j. Wage dispute	1	2	8
k. Suspension	1	2	8

F. Interaction with Labor Relations/Collective Bargaining Issues

1. Are any of your employees covered by a collective bargaining agreement? (Please circle one response)

- 1 Yes
- 2 No → Please go to Section G, Question 1
- 8 Don't know → Please go to Section G, Question 1

2. Is the union involved in the accommodation process? (Please circle one response)

- 1 Yes
- 2 No → Please go to Section G, Question 1
- 8 Don't know → Please go to Section G, Question 1

3. In which of the following ways have unions been involved? (Please circle all that apply)

- 1 Provided information on the rights of employees with disabilities
- 2 Provided advice/information on ways to accommodate employees with disabilities
- 3 Provided representation in reasonable accommodation discussions
- 4 Provided representation in grievance discussions when accommodation requests have been denied
- 5 Consulted with employers on revising employment policies
- 6 Other (Please specify) _____

G. Interaction with Other Employment Legislation

1. How often has your agency been uncertain about how to handle the following concerning the **ADA** and **Workers' Compensation**? (Please circle one response for each item)

	Frequently	Occasionally	Never	Not applic.	Don't know
a. When an injured worker is also covered by the ADA	1	2	3	7	8
b. When an injured worker returning to work following a work-related injury is entitled to reasonable accommodation	1	2	3	7	8
c. Whether an injured worker who cannot return to full duties can be terminated	1	2	3	7	8
d. How long the organization and injured worker must search for modified or alternate work before beginning vocational rehabilitation	1	2	3	7	8
e. Whether transitional, light duty work can be considered a permanent reassignment for reasonable accommodation purposes	1	2	3	7	8
f. Safety issues involved in returning an injured worker to the job	1	2	3	7	8

2. How often has your agency been uncertain about how to handle the following concerning the **ADA** and the **Family and Medical Leave Act**? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether an employee who requests FMLA leave is also covered by the ADA	1	2	3	7	8
b. Coordination of leave under the ADA and the FMLA, Workers' Comp., STD/LTD, sick leave/salary continuation	1	2	3	7	8

3. How often has your agency been uncertain about how to handle the following concerning the **ADA** and the **Occupational Safety and Health Act**? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether it is permissible to discipline an employee who is a risk to self or others	1	2	3	7	8
b. Whether health and safety regulations supersede the confidentiality requirements of the ADA	1	2	3	7	8
c. Whether worksite modifications or ergonomic changes constitute reasonable accommodations	1	2	3	7	8

4. How often has your agency been uncertain about how to handle the following concerning the **ADA** and the **Drug Free Workplace Act** or the **Omnibus Transportation Employee Testing Act**? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether an employee who is currently using alcohol is covered by the ADA	1	2	3	7	8
b. Whether an employee who is currently using illegal drugs is covered by the ADA	1	2	3	7	8
c. Whether a past drug user is covered by the ADA	1	2	3	7	8
d. Whether it is permissible to suspend or fire an employee whose alcohol or drug use impairs job performance	1	2	3	7	8

H. General

1. Have any of your employees been trained in the following ADA topics?	Please circle one response for each item			If yes, please check which employees have received this training:				Would you like more information in this area?	
	Yes	No	Don't know	HR staff	Managerial staff	occupational/safety/medical staff	Other staff	Yes	No
a. Non-discriminatory recruitment and hiring practices	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
b. The accommodation process	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
c. Equal access in promotional opportunities and training	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
d. Accommodation for mental health problems	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
e. Defining essential job functions	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
f. Confidentiality requirements of medical information	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
g. Limitations and exclusions the ADA and other federal laws allow health plans to impose	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
h. Non-discrimination in the disciplinary process or termination	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
i. Conflict resolution in the accommodation process	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
j. Disability awareness or sensitivity training	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
k. Interaction with other state and federal employment legislation	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
l. Available print or organizational resources to assist in the accommodation process	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
m. Other (<i>Please specify</i>)	1	2	8	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2

2. Please indicate which of the following resources your agency utilizes to **help resolve** ADA issues and rate their degree of **helpfulness**. (Please check if utilized and circle one response for each item utilized.)

	Utilize	Very helpful				Not helpful at all	Don't know
a. State vocational rehabilitation agencies	<input type="radio"/>	1	2	3	4	5	8
b. Local independent living centers or other disability organizations	<input type="radio"/>	1	2	3	4	5	8
c. Job Accommodation Network (toll-free number)	<input type="radio"/>	1	2	3	4	5	8
d. The Regional ADA Technical Assistance Center (toll-free number)	<input type="radio"/>	1	2	3	4	5	8
e. US EEOC	<input type="radio"/>	1	2	3	4	5	8
f. Corporate EEO office	<input type="radio"/>	1	2	3	4	5	8
g. Legal counsel (internal or external)	<input type="radio"/>	1	2	3	4	5	8
h. Your safety/ergonomics staff	<input type="radio"/>	1	2	3	4	5	8
i. Disability management/benefits staff	<input type="radio"/>	1	2	3	4	5	8
j. Union representative	<input type="radio"/>	1	2	3	4	5	8
k. Professional society or business organization (e.g., SHRM, Chamber of Commerce)	<input type="radio"/>	1	2	3	4	5	8
l. Dispute resolution center/mediator	<input type="radio"/>	1	2	3	4	5	8

3. Please indicate which of the following informational mediums you use to address your ADA issues and rate their degree of helpfulness. (Please check if utilized and circle one response for each item utilized.)

	Utilize	Very helpful				Not helpful at all	Don't know
a. Print or video materials	<input type="radio"/>	1	2	3	4	5	8
b. Telephone consultation/information hotline	<input type="radio"/>	1	2	3	4	5	8
c. On-site consultation/training	<input type="radio"/>	1	2	3	4	5	8
d. Web sites/list serve/US EEOC homepage	<input type="radio"/>	1	2	3	4	5	8
e. Organizational newsletter	<input type="radio"/>	1	2	3	4	5	8
f. Other (Please specify) _____	<input type="radio"/>	1	2	3	4	5	8

4. Does your agency have a return to work or disability management program for employees who are injured or become disabled? (Please circle one response)

- 1 Yes, formal program with written policies/procedures
- 2 Yes, program is informal, has no formal written procedures
- 3 No return to work/disability management system

5. To what extent has your agency's disability management program contributed to the following?
 (Please circle one response for each item.)

	A great deal	Somewhat	Minimally	Not at all	Don't know
a. Supervisor awareness of the accommodation process	1	2	3	4	8
b. An organizational structure for providing accommodations	1	2	3	4	8
c. Recognition of the importance of confidentiality of medical information	1	2	3	4	8
d. Raising the acceptance of employees with disabilities by other employees	1	2	3	4	8

6. Would you like a copy of the executive summary of the study results?

1 Yes

2 No

Please provide your information:

Name: _____

Agency: _____

Street address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

7. Would you be willing to participate in a follow-up in-person interview for this project?

1 Yes

2 No

Thank you for your assistance!
 Please return your completed survey in the enclosed postage-paid envelope.
 If you have any questions, please call
Ann Makowski at WBGH:
(202) 628-9320

Appendix B: Survey for Federal Government Agencies

I. Demographic Information

Definitions

The employment provisions of the Americans with Disabilities Act (ADA) and the Rehabilitation Act require reasonable accommodation. A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual to enjoy an equal opportunity. Accommodations must be provided unless the employer can show that the accommodation would impose an undue hardship on the business.

A “person with a disability” is someone who: a) has a physical or mental impairment that substantially limits a major life activity, b) has a record of such an impairment or, c) is regarded as having such an impairment.

Instructions

Please answer each question as it pertains to your agency. When questions refer to your agency, please answer for the unit of your agency for which you are responsible (for example, your branch rather than your entire agency nationwide).

1. Agency size at your location: (Please circle one response)

- | | |
|---------------------|-----------------------|
| 1 0-14 employees | 6 500-1499 employees |
| 2 15-25 employees | 7 1500-2499 employees |
| 3 26-50 employees | 8 2500-3499 employees |
| 4 51-249 employees | 9 3500-4999 employees |
| 5 250-499 employees | 10 5000+ employees |

2. #2 has been deleted for purposes of this survey.

3. Your title: (Please circle one response)

- | | |
|------------------------------|--------------------------|
| 1 Director/Chief | 5 Officer |
| 2 Deputy Assistant Secretary | 6 Specialist |
| 3 Deputy Director | 7 Program Coordinator |
| 4 Personnel Manager | 8 Other (please specify) |
-

4. Your function: (Please circle one response)

- 1 Administrative
- 2 Equal Employment Opportunity (EEO)/Affirmative Action
- 3 Benefits
- 4 Compensation
- 5 Disability
- 6 Diversity
- 7 Employee Relations
- 8 Employment/Recruitment
- 9 Health/Safety/Security
- 10 Human Resources (HR)
- 11 Labor/Industrial Relations
- 12 Legal
- 13 Organizational Development
- 14 Training & Development
- 15 Other (Please specify)

5. Number of years with your agency: *years*

6. Are you reporting for: (Please circle one response)

- 1 Entire agency (including regions)
- 2 Headquarters
- 3 Regional office only

II. Issue Areas

A. The Reasonable Accommodation Process

PTF1. In the fiscal year 1999, how many accommodation requests has your agency received?

_____ Number of Requests

PTF2. Does your agency have a formal process for handling accommodation requests?

1 Yes 2 No 8 Don't know

1. To meet the needs of your employees with disabilities, has your agency: <i>(Please circle one response for each item)</i>	Yes	No, not able to	No, never needed to make accommodations	Don't know
a. made existing facilities accessible to employees with disabilities (restrooms, door entrances, hallways, etc.)	1	2	3	8
b. restructured jobs or modified work hours	1	2	3	8
c. made reassignment to vacant positions				
d. acquired or modified equipment or devices	1	2	3	8
e. acquired or modified examination or training materials	1	2	3	8
f. provided qualified readers or interpreters (includes personal assistants)	1	2	3	8
g. been flexible in its application of HR policies	1	2	3	8
h. changed supervisory methods	1	2	3	8
i. made parking or transportation accommodations	1	2	3	8
j. provided written job instructions	1	2	3	8
k. modified work environment (orthopedic chair, lower desk, etc.)	1	2	3	8
l. provided a job coach	1	2	3	8
m. Other (Please specify)	1	2	3	8

2. If an accommodation request is made, who makes the final decision regarding the provision of the accommodation? *(Please circle one response)*

- | | |
|---|--|
| 1 Immediate supervisor of the employee requesting | 7 Other manager/director |
| 2 Occupational health/medical clinic staff | 8 Disability management/benefits staff |
| 3 Safety/ergonomic staff | 9 Other <i>(Please specify)</i>
_____ |
| 4 HR staff | |
| 5 Legal counsel
(internal or external) | 10 No single final responsible party |
| 6 Your agency's EEO office | 11 Don't know |

3. Does your agency keep data on the accommodations it makes for employees with disabilities for any of the following purposes? *(Please circle all that apply)*

- | | |
|---|--|
| 1 Future accommodations in similar situations | 5 Disability claim coordination |
| 2 Tracking accommodation costs | 6 Other <i>(Please specify)</i>
_____ |
| 3 Dispute resolution/settlement | |
| 4 Regulatory reporting requirements | 7 Do not keep data on accommodations |

B. Recruitment, Pre-Employment Screening, Testing, and Orientation

PTF1. In order to recruit people with disabilities, how often does your agency make use of the provisions contained in schedule A and schedule B through which people with disabilities can be exempted from the competitive appointment process?

1 Frequently 2 Occasionally 3 Never 8 Don't know 9 Not aware of these provisions

PTF2. How frequently does your agency make use of special hiring programs for disabled veterans?

1 Frequently 2 Occasionally 3 Never 8 Don't know 9 Not aware of these programs

1. In order to comply with the ADA and/or the Rehabilitation Act, how easy or difficult was it for your agency to make the following changes or adaptations?

	Very easy	Easy	Neither easy nor difficult	Difficult	Very difficult	Not able to make this change	Didn't need to make this change	Don't know
a. Making recruiting locations accessible to people with disabilities	1	2	3	4	5	6	7	8
b. Changing wording of job applications	1	2	3	4	5	6	7	8
c. Changing questions asked in interviews	1	2	3	4	5	6	7	8
d. Making interview locations accessible to people with disabilities	1	2	3	4	5	6	7	8
e. Modifying pre-employment testing (e.g. time flexibility)	1	2	3	4	5	6	7	8
f. Arranging for medical tests post-offer	1	2	3	4	5	6	7	8
g. Making new employee orientation accessible to people with disabilities	1	2	3	4	5	6	7	8
h. Making information accessible for a hearing impaired person (e.g. sign language interpreter; text telephone; captioning on video)	1	2	3	4	5	6	7	8
i. Making information accessible for a person with a visual or learning impairment (e.g. a reader, Braille, large print, or audio-cassette or telephone version of application)	1	2	3	4	5	6	7	8
j. Making restrooms accessible to people with disabilities	1	2	3	4	5	6	7	8
k. Other (<i>Please specify</i>)	1	2	3	4	5	6	7	8

PTF3. How familiar are you with your agency’s goals for employment of persons with disabilities that are included in your agency’s Affirmative Employment Plan?

- 1 Very familiar 2 Familiar 3 Neither familiar nor unfamiliar
 4 Unfamiliar 5 Very unfamiliar 8 Don’t know

PTF4. To what extent does your agency set reasonable affirmative employment goals and make an effort to achieve them?

- 1 A great deal 2 Somewhat 3 Minimally 4 Not at all 8 Don’t know

3. Generally, how familiar with the following are your agency’s staff who are responsible for applicant interviewing? *(Please circle one response per item)*

	Very familiar	Familiar	Neither familiar nor unfamiliar	Unfamiliar	Very unfamiliar	Don’t know
a. Framing questions to applicants about the ability to perform specific job tasks rather than about disability	1	2	3	4	5	8
b. Restrictions on obtaining medical examinations and medical history information	1	2	3	4	5	8
c. Restrictions on eliciting information about medical issues affecting applicants’ health and safety on the job	1	2	3	4	5	8
d. Knowing when to ask an applicant about how s/he would perform specific job tasks	1	2	3	4	5	8
e. Accessing sign language interpreters	1	2	3	4	5	8
f. Using a teletypewriter (TTY) or relay service to set up interviews	1	2	3	4	5	8
g. Using a reader to assist a person with a learning disability or vision impairment	1	2	3	4	5	8
h. Adapting print materials used in the interview to large print, diskette, or Braille	1	2	3	4	5	8
i. Knowing when to test for illegal drugs	1	2	3	4	5	8

Section C has been eliminated for the purposes of this survey.

D. Opportunities for Promotion/Training

1. In your opinion, do any of the following pose a barrier to employment or advancement for persons with disabilities in your agency? *(Please circle all that apply)*

- | | |
|---|---|
| 1 Cost of accommodations | 6 Lack of requisite skills and training |
| 2 Cost of training | 7 Lack of related experience |
| 3 Additional cost of supervision | 8 Other (Please specify) |
| 4 Attitudes/stereotypes | _____ |
| 5 Supervisor knowledge of which accommodation to make | 9 No barriers |

2. How effective or ineffective would each of the following be in reducing barriers to employment or advancement for persons with disabilities within your agency? *(Please circle one response for each item)*

	Very effective				Very ineffective	Don't know
a. Special budget allocation	1	2	3	4	5	8
b. Short-term outside assistance with job supervision (e.g. outside job coach)	1	2	3	4	5	8
c. Staff training	1	2	3	4	5	8
d. On-site consultation or technical assistance	1	2	3	4	5	8
e. Mentoring	1	2	3	4	5	8
f. Visible top management commitment	1	2	3	4	5	8
g. Other (Please specify) _____	1	2	3	4	5	8

3. In order to meet the needs of employees with disabilities, how easy or difficult was it for your agency to make the following changes? *(Please circle one response for each item)*

	Very Easy	Easy	Neither easy nor difficult	Difficult	Very difficult	Didn't make this change	Didn't need to make this change	Don't know
a. Change in leave policy	1	2	3	4	5	6	7	8
b. Adjusting policies regarding medical questions and medical examinations of employees	1	2	3	4	5	6	7	8
c. Changing co-worker or supervisor attitudes towards employees with disabilities	1	2	3	4	5	6	7	8
d. Ensuring equal pay and benefits for employees with disabilities	1	2	3	4	5	6	7	8
e. Creating flexibility within the performance management system	1	2	3	4	5	6	7	8
f. Modifying the return to work or transitional employment policy	1	2	3	4	5	6	7	8

4. Has your agency used the following to ensure that people with disabilities have access to meetings, promotional, social opportunities and/or training? *(Please circle one response for each item)*

	Yes	No, not able to provide	No, never needed to provide	Don't know
a. Wheelchair access	1	2	3	8
b. Communication access for a hearing-impaired person (e.g. sign language interpreter; text telephone; captioning on video; etc.)	1	2	3	8
c. Communication access for a person with a visual or learning impairment (e.g., Braille, large print, or audiocassette version of application; reader)	1	2	3	8
d. Time flexibility in test taking	1	2	3	8
e. Removing volatile or scented substances from the air	1	2	3	8
f. Other (Please specify) _____	1	2	3	8

E. Disciplinary Process, Grievance, Discharge, or Termination

1. Does your agency have a grievance or dispute resolution process to deal with disability and accommodation issues? *(Please circle one response)*

1 Yes 2 No 8 Don't know

2. Has your agency experienced any of the following filed disability claims under the ADA? *(Please circle one response for each item)*

	Yes	No	Don't know
a. Wrongful discharge	1	2	8
b. Failure to provide reasonable accommodation	1	2	8
c. Failure to hire	1	2	8
d. Harassment	1	2	8
e. Unfair discipline	1	2	8
f. Failure to rehire	1	2	8
g. Layoff	1	2	8
h. Denied or reduced benefits	1	2	8
i. Failure to promote	1	2	8
j. Wage dispute	1	2	8
k. Suspension	1	2	8

F. Interaction with Labor Relations/Collective Bargaining Issues

1. Are any of your employees covered by a collective bargaining agreement? *(Please circle one response)*

- 1 Yes
- 2 No → Please go to Section G, Question 1
- 8 Don't know → Please go to Section G, Question 1

2. Is the union involved in the accommodation process? *(Please circle one response)*

- 1 Yes
- 2 No → Please go to Section G, Question 1
- 8 Don't know → Please go to Section G, Question 1

3. In which of the following ways have unions been involved? *(Please circle all that apply)*

- 1 Provided information on the rights of employees with disabilities
- 2 Provided advice/information on ways to accommodate employees with disabilities
- 3 Provided representation in reasonable accommodation discussions
- 4 Provided representation in grievance discussions when accommodation requests have been denied
- 5 Consulted with employers on revising employment policies
- 6 Other (Please specify _____)

G. Interaction with Other Employment Legislation

1. How often has your agency been uncertain about how to handle the following concerning the ADA and Workers' Compensation? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. When an injured worker is also covered by the ADA	1	2	3	7	8
b. When an injured worker returning to work following a work-related injury is entitled to reasonable accommodation	1	2	3	7	8
c. Whether an injured worker who cannot return to full duties can be terminated	1	2	3	7	8
d. How long the agency and injured worker must search for modified or alternate work before beginning vocational rehabilitation	1	2	3	7	8
e. Whether transitional, light duty work can be considered a permanent reassignment for reasonable accommodation purposes	1	2	3	7	8
f. Safety issues involved in returning an injured worker to the job	1	2	3	7	8

2. How often has your agency been uncertain about how to handle the following concerning the ADA and the Family and Medical Leave Act? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether an employee who requests FMLA leave is also covered by the ADA	1	2	3	7	8
b. Coordination of leave under the ADA and the FMLA, Workers' Comp., STD/LTD, sick leave/salary continuation	1	2	3	7	8

3. How often has your agency been uncertain about how to handle the following concerning the ADA and the Occupational Safety and Health Act? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether it is permissible to discipline an employee who is a risk to self or others	1	2	3	7	8
b. Whether health and safety regulations supersede the confidentiality requirements of the ADA	1	2	3	7	8
c. Whether worksite modifications or ergonomic changes constitute reasonable accommodations	1	2	3	7	8

4. How often has your agency been uncertain about how to handle the following concerning the ADA and the Drug Free Workplace Act or the Omnibus Transportation Employee Testing Act? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Whether an employee who is currently using alcohol is covered by the ADA	1	2	3	7	8
b. Whether an employee who is currently using illegal drugs is covered by the ADA	1	2	3	7	8
c. Whether a past drug user is covered by the ADA	1	2	3	7	8
d. Whether it is permissible to suspend or fire an employee whose alcohol or drug use impairs job performance	1	2	3	7	8

PTF5. How often has your agency been uncertain about how to handle the following concerning the Rehabilitation Act requirements? *(Please circle one response for each item)*

	Frequently	Occasionally	Never	Not applic.	Don't know
a. Designing and implementing affirmative action requirements of Section 501	1	2	3	7	8
b. Purchasing accessible technology/equipment in compliance with Section 508	1	2	3	7	8

H. General

	Please circle one response for each item			If yes, please check which employees have received this training:				Would you like more information in this area?	
	Yes	No	Don't know	HR staff	Managerial staff	EEO	Other staff	Yes	No
PTF1. Have any of your employees been trained in the Rehabilitation Act requirements?	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
PTF2. Have any of your employees been trained in Federal Hiring Schedules?	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2

1. Have any of your employees been trained in the following ADA topics?	Please circle one response for each item			If yes, please check which employees have received this training:				Would you like more information in this area?	
	Yes	No	Don't know	HR staff	Managerial staff	EEO	Other staff	Yes	No
a. Non-discriminatory recruitment and hiring practices	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
b. The accommodation process	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
c. Equal access in promotional opportunities and training	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
d. Accommodation for mental disabilities	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
e. Defining essential job functions	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
f. Confidentiality requirements of medical information	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
g. Limitations and exclusions the ADA and other Federal laws allow health plans to impose	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
h. Non-discrimination in the disciplinary process or termination	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
i. Conflict resolution in the accommodation process	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
j. Disability awareness and/or sensitivity training	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
k. Interaction with other employment legislation	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
l. Available print or organizational resources to assist in the accommodation process	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2
m. Other (<i>Please specify</i>)	1	2	3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	1	2

2. Please indicate which of the following resources your agency utilizes to help resolve ADA issues and rate their degree of helpfulness. *(Please check if utilized and circle one response for each item utilized.)*

	Utilize	Very helpful				Not helpful at all	Don't know
a. State vocational rehabilitation agencies	<input type="radio"/>	1	2	3	4	5	8
b. Local independent living centers or other disability organizations	<input type="radio"/>	1	2	3	4	5	8
c. Job Accommodation Network (toll-free number)	<input type="radio"/>	1	2	3	4	5	8
d. The Regional ADA Technical Assistance Center (toll-free number)	<input type="radio"/>	1	2	3	4	5	8
e. US EEOC	<input type="radio"/>	1	2	3	4	5	8
f. Your agency's EEO office	<input type="radio"/>	1	2	3	4	5	8
g1. Legal counsel (internal)	<input type="radio"/>	1	2	3	4	5	8
g2. Legal counsel (external)	<input type="radio"/>	1	2	3	4	5	8
h. Your safety/ergonomics staff	<input type="radio"/>	1	2	3	4	5	8
i. Disability management/benefits staff	<input type="radio"/>	1	2	3	4	5	8
j. Union representative	<input type="radio"/>	1	2	3	4	5	8
k. Other Federal agencies or professional society or business agency (e.g., OPM, MSPB, SHRM, IPMA)	<input type="radio"/>	1	2	3	4	5	8
l. Dispute resolution center/mediator	<input type="radio"/>	1	2	3	4	5	8

3. Please indicate which of the following informational mediums you use to address your ADA issues and rate their degree of helpfulness. *(Please check if utilized and circle one response for each item utilized.)*

	Utilize	Very helpful				Not helpful at all	Don't know
a. Print or video materials	<input type="radio"/>	1	2	3	4	5	8
b. Telephone consultation/information hotline	<input type="radio"/>	1	2	3	4	5	8
c. On-site consultation/training	<input type="radio"/>	1	2	3	4	5	8
d. Web sites/list serve/US EEOC homepage	<input type="radio"/>	1	2	3	4	5	8
e. Organizational newsletter	<input type="radio"/>	1	2	3	4	5	8
f. Other <i>(Please specify)</i> _____	<input type="radio"/>	1	2	3	4	5	8

4. Does your agency have a return to work or disability management program for employees who are injured or become disabled? *(Please circle one response)*

- 1 Yes, formal program with written policies/procedures
- 2 Yes, informal program with no formal written procedures
- 3 No return to work/disability management system

5. To what extent has your agency’s disability management program contributed to the following?
 (Please circle one response for each item.)

	A great deal	Somewhat	Minimally	Not at all	Don't know
a. Supervisor awareness of the accommodation process	1	2	3	4	8
b. An organizational structure for providing accommodations	1	2	3	4	8
c. Recognition of the importance of confidentiality of medical information	1	2	3	4	8
d. Raising the acceptance of employees with disabilities by other employees	1	2	3	4	8

6. If you would like a copy of the executive summary of the study results, please provide the following information:

Name: _____

Agency: _____

Street address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

7. Would you be willing to participate in a follow-up in-person interview for this project?

1 Yes

2 No

Thank you for your assistance!

If you have any questions,

please contact: **Lisa Horn**

Telephone (toll-free): (888) 367-8404

TDD: 607-255-2891

E-mail: LLH5@cornell.edu

Appendix C: Demographic Information

Organization Size at Location

(percent of respondents)

	SHRM	WBGH	PTFEAD
0-14	2%	0%	2
15-25	3	2	1
26-50	5	4	2
51-249	32	6	16
250-499	13	2	6
500-1499	22	2	22
1500-2499	7	6	13
2500-3499	4	2	6
3500-4999	3	0	7
5000 +	10	73	23
Don't know	**	0	**
Refused	**	4	1

** Less than one percent

Type of Industry

(percent of respondents)

	SHRM	WBGH	PTFEAD
Agriculture/Forestry/Fishing	1%	2%	NA
Construction	**	2	NA
Finance	8	8	NA
High Tech/Computers/Telecom	7	15	NA
Insurance	5	13	NA
Manufacturing—Durable	16	15	NA
Manufacturing—Non-Durable	8	19	NA
Mining	1	0	NA
Public Administration	4	2	NA
Real Estate	**	0	NA
Retail Trade	3	4	NA
Service	38	8	NA
Transportation	2	4	NA
Utilities	3	4	NA

Wholesale Trade	3	0	NA
Other	**	2	NA
Don't know	**	0	NA
Refused	0	2	NA

** Less than one percent NA—Not offered as an option with this group

Title of Respondent (Private)

(percent of respondents)

	SHRM	WBGH	PTFEAD
President/Owner	1%	4%	NA
Vice President	9	13	NA
Director	27	19	NA
Assistant Director	1	4	NA
Manager	36	46	NA
Assistant Manager	1	0	NA
Supervisor	2	2	NA
Administrative Assistant	2	0	NA
Other	5	4	NA
Administrator	4	2	NA
Analyst	**	0	NA
Rep/Specialist/ Coordinator/Associate	8	4	NA
Senior Rep/Specialist	2	0	NA
Generalist	1	0	NA
Don't know	**	0	NA
Refused	0	2	NA

** Less than one percent NA—Not offered as an option with this group

Title of Respondent (Federal)

(percent of respondents)

	SHRM	WBGH	PTFEAD
Director/Chief	NA	NA	41 %
Deputy Assistant Secretary	NA	NA	2
Deputy Director	NA	NA	4
Personnel manager	NA	NA	18
Officer	NA	NA	9
Specialist	NA	NA	10
Program Co-ordinator	NA	NA	3
Other	NA	NA	13
Don't know	NA	NA	0
Refused	NA	NA	0

** Less than one percent NA—Not offered as an option with this group

Function of Respondent

(percent of respondents)

	SHRM	WBGH	PTFEAD
Administrative	7 %	2 %	9
EEO/Affirmative Action	2	8	35
Benefits	3	15	0
Compensation	1	0	0
Disability	**	25	3
Diversity	**	0	1
Employee Relations	4	6	1
Employment/Recruitment	2	2	2
Health/Safety/Security	1	6	0
HR aka Generalist	69	23	41
Labor/Industrial Relations	1	2	**
Legal	**	0	**
Organizational Development	**	0	0
Training & Development	1	0	0
Other	10	10	8
Don't know	**	0	0
Refused	0	2	0

** Less than one percent

Number of Years with Organization

(percent of respondents)

	US (including SHRM and WBGH)	PTFEAD
< 2	16 %	6
2-5	31	16
6-10	22	20
11-20	21	30
20 +	10	29

Level of Organization Where Reporting From

(percent of respondents)

	SHRM	WBGH	PTFEAD
Corporate	60 %	81 %	NA
Division/Dept/Plant/Facility	39	17	NA
Refused	1	2	NA
Entire Agency (including regions)	NA	NA	49 %
HQ only	NA	NA	9
Regional only	NA	NA	40
Refused	NA	NA	2

Appendix D: Organizational Resources on the ADA and Accommodation

▲ ADA Disability and Business

Technical Assistance Center (USA)

Information line: 800-949-4232 (Voice/TTY)

▲ Cornell University

Program on Employment and Disability
School of Industrial and Labor Relations

106 ILR Extension

Ithaca, NY 14853-3901

607-255-7727 (Voice)

607-255-2891 (TTY)

607-255-2763 (Fax)

<http://www.ilr.cornell.edu/ped>

ilr_ped@cornell.edu

▲ Job Accommodation Network (USA)

1-800-526-7234 for accommodation information

1-800-ADA-WORK for ADA information

304-293-5407 (Fax)

<http://janweb.icdi.wvu.edu>

▲ US Department of Education National Institute on Disability and Rehabilitation Research

400 Maryland Avenue, SW

Washington, DC 20202-2572

202-708-5366 (Voice, Dept. of Ed. main #)

202-205-8134 (Voice)

202-205-9433 (TTY)

<http://www.ed.gov/offices/OSERS/NIDRR/>

▲ US Department of Labor: Office of Federal Contractor Compliance Programs (OFCCP)

Department of Labor

Frances Perkins Building

200 Constitution Avenue NW

Washington, DC 20210

888-376-3227 (Voice)

202-219-9475 (Voice)

202-208-0452 (TTY)

<http://www.dol.gov/dol/esa>

▲ US Equal Employment Opportunity Commission

1801 L St. NW

Washington, DC 20507

Technical Assistance: 800-669-4000 (Voice)

800-669-6820 (TTY)

Publications: 800-669-EEOC (Voice)

800-800-3302 (TTY)

<http://www.eeoc.gov>

▲ US Office of Personnel Management (for federal employment information)

1900 E Street NW

Washington, DC 20415

202-606-2700 (Voice)

912-744-2299 (TTY)

<http://www.opm.gov>

▲ Washington Business Group on Health (WBGH)

50 F Street, NW, Suite 600

Washington, DC 20001

202-628-9320 (Voice)

202-628-9244 (Fax)

<http://www.wbgh.org>

Appendix E: Related Print & Web-Based Resources

Online Cornell ADA Resources and Information Available

The following titles are available free for download at

<http://www.ilr.cornell.edu/ped/ada>

They can also be obtained for a small fee from the Program on Employment and Disability (contact information is included in the “Related Resources” section).

HUMAN RESOURCE ISSUES

- ▲ A Human Resource Perspective on Implementing the ADA
- ▲ Pre-employment Screening Considerations and the ADA
- ▲ Pre-Employment Testing and the ADA
- ▲ Reasonable Accommodation Under the ADA
- ▲ Health Benefit Plans and the ADA
- ▲ The Americans with Disabilities Act of 1990 and Injured Workers
- ▲ The ADA and Collective Bargaining Issues
- ▲ The ADA and Personnel Training
- ▲ The ADA and Total Quality Management
- ▲ Cultural Diversity and the ADA

REASONABLE ACCOMMODATIONS FOR SPECIFIC DISABILITY POPULATIONS

- ▲ Working Effectively with People Who are Deaf or Hard of Hearing
- ▲ Working Effectively with People Who Are Blind or Visually Impaired
- ▲ Working Effectively with Persons Who Have Cognitive Disabilities

- ▲ Workplace Accommodations for Persons with Musculoskeletal Disorders
- ▲ Working Effectively with Employees Who Have Sustained a Brain Injury
- ▲ Employing and Accommodating Workers with Psychiatric Disabilities
- ▲ Employing and Accommodating Individuals with Histories of Alcohol and Drug Abuse
- ▲ Employment Considerations for People Who Have Diabetes
- ▲ Accommodating the Allergic Employee in the Workplace
- ▲ Causes of Poor Indoor Air Quality and What You Can Do About It
- ▲ Working Effectively with People with Learning Disabilities and Attention Deficit Hyperactivity Disorder
- ▲ Working Effectively with Individuals Who Are HIV-Positive

Copies of Executive Summaries of Cornell University’s survey of employer practices in response to the ADA can be viewed or downloaded at

http://www.ilr.cornell.edu/ped/projects/ADA_Projects/IEP/surveys.html

ACCESS FOR ALL

<http://www.ilr.cornell.edu/ped/accessforall>

A web-based guide for human-resource professionals on how to accommodate individuals with visual and hearing disabilities.

US EEOC On-Line ADA-Related Publications

The following documents are all available on the World Wide Web at the URL:

<http://www.eeoc.gov/policy/guidance.html>

- ▲ Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act 3/1/99
- ▲ EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities *Date issued 3/25/97* (Also available in PDF format)
- ▲ Letter to National Labor Relations Board stating the Commission's position that, under limited specified circumstances, Title I of the ADA permits an employer to give a union medical information about an applicant or employee. *Date Issued 11/1/96*
- ▲ EEOC Enforcement Guidance: Workers' Compensation and the ADA *Date Issued 9-3-96*
- ▲ ADA Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations *Date issued 10/10/95* (Also available in PDF format)
- ▲ Interim Enforcement Guidance on the Application of the Americans with Disabilities Act of 1990 to Disability-based Distinctions in Employer Provided Health Insurance *Date issued 6/8/93* (Also available in PDF format)
- ▲ Facts About the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964

Resources for the HR Professional Relating to the ADA

▲ Loose-Leaf Series

ADA Compliance Guide

Thompson Publishing Group, Inc.
1725 K St. NW
Washington, DC 20006
1-800-677-3789

<http://www.thompson.com/tpg/tpgindex.html>

BNA Policy and Practice Series

Bureau of National Affairs, Inc.
1231 25th St. N.W.
Washington, DC 20037
1-800-372-1033 (Voice)

<http://www.bna.com/>

▲ Human Resource Management

CCH, Inc.

4025 W. Peterson Ave.
Chicago, IL 60646-6085
(800) 344-3734

<http://www.cch.com>

▲ Membership Services

Society of Human Resource Management (SHRM)

A fax-on-demand system that allows SHRM members to receive publications on the ADA and other HR-related topics. See <http://www.shrm.org> or call (800) 283-7476.

▲ HR Advisor

<http://www.advisor.riag.com>

An extensive library of information for HR professionals.

For more information contact:

Susanne M. Bruyère
Director

Program on Employment and Disability

School of Industrial and Labor Relations
106 ILR Extension
Cornell University
Ithaca, NY 14853-3901

607-255-7727 (Voice)

607-255-2891 (TTY)

607-255-2763 (Fax)

E-mail: smb23@cornell.edu

Web: <http://www.ilr.cornell.edu/ped>