

ADA Title I Allegations Related to Reasonable Accommodations: Characteristics of Charging Parties

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This article describes findings from a causal comparative study of the characteristics of charging parties who filed allegations of discrimination related to reasonable accommodations with the U.S. Equal Employment Opportunity Commission (EEOC) under Title I of the Americans with Disabilities Act (ADA) between 1992 and 2005. Charging party characteristics derived from 65,684 closed reasonable accommodation allegations were compared and contrasted to 215,583 closed allegations aggregated from six other prevalent forms of discrimination including discharge and constructive discharge, hiring, disability harassment and intimidation, and terms and conditions of employment. Tests of sample proportions were used to form comparisons along a variety of factors including age, gender, type of impairment, and race/ethnicity. In comparison to non-accommodation allegations, reasonable accommodation allegations were more likely to be filed by charging parties who are male, middle-aged, white, and reporting back and orthopedic conditions, autoimmune disorders, and chronic neurological diseases. Implications for future research and rehabilitation practice are discussed.

This investigation examined the prevalence of allegations of discrimination regarding failure to provide reasonable accommodations filed with the United States Equal Employment Opportunity Commission (EEOC) and the subsequent evaluation of those allegations by the EEOC as to their merit. In addition the study addressed the extent to which characteristics of the charging parties (i.e., people with disabilities or CP's) were related to such allegations. The rationale for the study is two-fold. First, Title I of the Americans with Disabilities Act (ADA) specifically provides anti-discrimination protection for employees with disabilities (McMahon & Shaw, 2005), and second, the outcome of such protection should result in greater access to and involvement in society, in this case the workplace, by individuals with disabilities (Batavia & Schriner, 2001; Blanck, 2004).

Reasonable accommodation is obviously an important strategy for assuring such access. Critical factors in understanding the meaning of the concept of reasonable accommodation inhere in the very term itself. "Accommodation" refers to any change in the workplace that results in equal employment opportunity for the individual with a disability, with such accommodation applying both to tasks encountered in applying for employment and in performing satisfactorily on the job. The term "reasonable" is determined contextually and is a function of the cost of the accommodation and the resources of the employer. Reasonable accommodations may apply to workplace policies regarding scheduling of work, technology such as voice input software, location of work such as working from the home, environmental modifications such as widening doors, and education and training opportunities offered in multiple modes and formats (Head & Baker, 2005). An accommodation considered to be unreasonable is judged

to be "unduly costly, extensive, substantial, and disruptive or will change the fundamental nature of the job" (Rioux, Crawford, & Anweiler, 2001, p. 7).

Reasonable accommodation at work is vital to the careers of people with disabilities. For example, unfair practices in screening job applicants such as failure to provide readers or interpreters for the interview process (Unger, Rumrill, & Hennessey, 2005) decrease the probability that people with disabilities can even join the workforce. Denial of reasonable accommodations on the job impedes the ability of people with disabilities to perform satisfactorily, thereby increasing the risk of poor evaluations and possible termination. Discrimination in the provision of reasonable accommodation in either phase of the employment process is likely a major contributor to the high unemployment rate of individuals with disabilities which has hovered around 65% for more than two decades (National Organization on Disability [NOD], 1998, 2000, 2004).

Failure to provide reasonable accommodations by employers is a function of a variety of factors, some related to society's reactions to disability and some related to the personal characteristics of individuals with disabilities. For example, employers may express positive global attitudes toward people with disabilities in surveys, but none the less continue to resist employing people with disabilities (Hernandez, Keys, & Balcazar, 2000). Others have commented on the pervasiveness of public perceptions that people with disabilities will have poor attendance, safety, production, and insurance records (Bell & Klein, 2001; Bricout & Bentley, 2000; Harcourt, Lam, & Harcourt, 2005; Pearson, et al., 2008). Employer resistance to providing reasonable accommodations may stem from beliefs that accommodations have excessive costs, are inconsistent with typical work methods, represent special concessions to certain employees that will negatively affect the morale of other workers, and may give some workers a competitive edge or actually result in their workloads being less taxing (Harcourt et al.; Schur, Kruse, & Blanck, 2005). All of these factors represent underlying conditions that may prompt employers to deny a request for reasonable accommodations at work.

Characteristics of people with disabilities are associated with the amount of discrimination experienced in the workplace and thus may increase the likelihood that an employer may deny a person's request for a reasonable accommodation. Gender and racial/ethnic status (Balser, 2007) are two such personal characteristics. Phrases such as "twice disadvantaged" (O'Hara, 2004) and double jeopardy (Alston & Bell, 1996) are used to explain the additional barriers to equal opportunity encountered by women with disabilities and individuals with disabilities from ethnic minority backgrounds. Such factors coupled with age and religion have the potential to limit access to equal employment exponentially (Hays, 1996). Hence, this

study focuses on the demographic characteristics of individuals with disabilities who filed allegations with the EEOC regarding failure to receive reasonable accommodation. Of course, demographic characteristics of people with disabilities must also include the type of disability itself. O'Hara (2004) reported that women with more visible disabilities and severe conditions elicit more prejudice and were more likely to experience discrimination. Unger and colleagues (Unger, Rumrill, et al., 2005; Unger, Campbell, and McMahon (2005) speculated that employers perceived the accommodation costs of people who were blind or people diagnosed as mentally retarded as prohibitively expensive.

Underlying stereotypical thinking about the potential of people with disabilities and the resistance to provision of reasonable accommodations in the workplace is a mindset often referred to as the medical model of disability. In the medical model, disability is viewed as a property of the person, and the individual with a disability, rather than the environment, bears the burden for change through medical and other rehabilitation interventions. A different paradigm is needed in which disability is understood to be a function of society's failure to adapt for individuals of differing ability (Weber, 2007). From this perspective, disability is not an aspect of the person but the end product of the interaction of person and environment, with the employment environment having as much responsibility to be flexible and responsive as the person with a disability. Underscoring the value of reasonable accommodations, Putnam (2005) stressed that the first step in removing disability-related barriers is modification of the environment, whether it be the physical, social, or cultural environment. Concurring with this perspective, O'Hara (2004) advocated that employers adopt a "socio-technical" understanding of the interaction of person and job in which the workplace (e.g., work tasks, co-workers, and supervisors) adjusts to meet the accommodation needs of people with disabilities. For this reason, it is important to examine the factors affecting the socio-technical commitments of the workplace in terms of questions about the prevalence of discrimination in the provision of reasonable accommodations, the merit of those allegations, and the characteristics of people with disabilities filing such allegations. Information regarding discrimination in the provision of reasonable accommodations could enable rehabilitation counselors to help people with disabilities anticipate and identify barriers to job entry and productivity and learn how to address such barriers in discussions with supervisors and employers. Counselors could also use such information in the development of employer awareness training regarding the benefits of accommodation and the application of anti-discrimination provisions of Title I of the ADA.

The research questions that guided the present study included:

- What is the prevalence of reasonable accommodation discrimination allegations?
- Does the prevalence of allegations of reasonable accommodation discrimination vary according to the type of disability identified by charging parties?
- To what extent do other characteristics known to produce social stigma affect the perceptions of discrimination in the provision of reasonable accommodations held by people with disabilities? Specifically, to what extent are age, gender, and racial/ethnic status related to the prevalence and pattern of accommodation discrimination allegations filed by people with disabilities with the EEOC?

Methods

Allegations pertaining to failure to accommodate result from situations in which employees believe that actions affecting their employment are based entirely on the presence of their disability. The intent of this article is to determine how allegations of discrimination in accommodation ($N = 65,624$) are different than allegations of other commonplace discriminatory issues with respect to characteristics of CP's. The alle-

gations comprising the comparison group include five primary or most frequently occurring issues representing 61% of all allegations of disability discrimination made to the EEOC. Specifically, these other five issues are: (1) discharge, (2) constructive discharge, (3) hiring, (4) disability harassment and intimidation, and (5) terms and conditions of employment. Disability harassment and intimidation are combined because of their similar nature, and constructive discharge is included because of its close connection to discharge. The EEOC's definitions of these issues and the frequency of allegations for each are presented in Table 1.

Data Collection: The EEOC Investigation Process

EEOC investigators in all U.S. states and territories provided data for this study. The EEOC issued regulations to enforce the employment provisions of the ADA on July 26, 1991, and these provisions took effect on July 26, 1992 covering employers with 25 or more employees. On July 26, 1994, ADA provisions applied to employers with 15 or more employees, resulting in the

Table 1. Target and Comparison Issues and Their Definitions

Target Group	N	Definition
Reasonable	65,624	Failure to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability
Comparison Group		
Discharge	119,039	Involuntary termination of employment statuses on a permanent basis
Disability Harassment/Intimidation	33,654	Bothering, tormenting, troubling, ridiculing, or coercing a person because of disability. For example: (1) making, allowing, or condoning the use of jokes, epithets or graffiti; (2) application of different or harsher standards of performance or constant or excessive supervisions; (3) the assignment to more difficult, unpleasant, menial or hazardous jobs; (4) threats or verbal abuse; or (5) application of stricter disciplinary measures such as verbal warning, written reprimands, impositions or fines or temporary suspensions
Terms/Conditions of Employment	32,494	Denial or inequitable application of rules relating to general working conditions or the job environment and employment privileges which cannot be reduced to monetary value. Examples include: (1) assignment to unpleasant work stations or failure to provide adequate tools or supplies; (2) inequities in shift assignments or vacation preferences; or (3) restriction as to mode of dress or appearance
Hiring	19,527	Failure or refusal by an employer to engage a person as an employee
Constructive Discharge	8,869	Employee is forced to quit or resign because of the employer's discriminatory restrictions, constraints, or intolerable working conditions

Note: Total N for Comparison Group = 213,583.

majority of cases being employers in the private sector, with workforces greater than or equal to 15 employees.

Designated by statute as the enforcement agency for the ADA (Federal Laws, 2004), the EEOC provides explicit instructions for filing a charge of employment discrimination under Title I of the ADA. In addition to persons filing allegations on their own behalf, an individual, organization, or agency may file a charge on behalf of another person. A charge may be filed by mail or in person at the nearest EEOC office. To identify a local EEOC office, a charging party may contact the EEOC at a toll free number. The EEOC representative will then explain the complaint process to the caller. EEOC also has a website at <http://www.eeoc.gov> which provides the appropriate forms and information needed to file an allegation.

Filing a complaint involves sharing information about the charging party's name, address, and telephone number; the name, address, and telephone number of the employer that is alleged to have discriminated; and the number of employees who work there, if known. Other required information includes a brief description of the alleged violation or event that caused the charging party to believe his or her rights were violated and the date(s) of the alleged violation (Finerty, n.d.). Enforcement of Title I by the EEOC is strictly a complaint-driven process. The EEOC cannot audit or otherwise seek out or pursue discriminatory activity in the absence of a complaint.

Before a lawsuit can be filed in Civil Court, it is required that charges be filed with the EEOC. A charge must be filed with the EEOC within 180 days from the date of the alleged violation in order to protect the charging party's rights. This 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law (Federal Laws, 2004). Once an allegation is received, the EEOC notifies the employer that a charge has been filed.

There are several different ways in which the charges can be handled initially. A charge may be assigned for priority investigation if the initial facts appear to support a violation of law. When the evidence is weaker, the charge may be assigned for follow up investigation to determine whether it is likely that a violation has occurred. The EEOC can seek to settle a charge at any stage of the investigation if the charging party and the employer express an interest in doing so. If settlement efforts are not successful, the investigation continues. In the investigation of a charge, the EEOC may make written requests for information, interview people, review documents, and, as needed, visit the facility where the alleged discrimination occurred. When the investigation is complete, the EEOC discusses the evidence with the charging party and/or employer, as appropriate.

The charge may be selected for EEOC's mediation program if both the charging party and the employer ex-

press an interest in this option. Mediation is also offered as an alternative to a lengthy investigation. Participation in a mediation program is confidential, voluntary, and requires consent from both charging party and employer. If mediation is unsuccessful, the charge is returned for investigation. A charge may be dismissed at any point if, in the EEOC's best judgment, further investigation does not establish a violation of the law. A charge may be dismissed at the time it is filed if an initial in-depth interview does not produce evidence to support the allegation. When a charge is dismissed, a notice is issued in accordance with the law which gives the charging party 90 days in which to file a lawsuit on his or her own behalf (Federal Laws, 2004).

EEOC also has an established protocol for resolving cases. If the evidence obtained in an investigation does not establish that discrimination occurred, this will be explained to the charging party. A required notice is then issued, closing the case and giving the charging party 90 days in which to file a lawsuit on his or her behalf. If the evidence establishes that the discrimination occurred, the employer and the charging party will be informed of this in a letter of determination that explains the finding. The EEOC will then attempt conciliation with the employer to develop a remedy for discrimination. If the case is successfully conciliated (or if a case has earlier been successfully mediated or settled) neither EEOC nor the charging party may go to court unless the conciliation, mediation, or settlement agreement is not honored. If EEOC is unable to successfully conciliate the case, the EEOC will decide whether to bring suit in Federal Court. If EEOC decides not to sue, it will issue a notice closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf (Federal Laws, 2004).

The EEOC may recommend one or more remedies when employment discrimination is caused by intentional acts or by practices that have a discriminatory effect. These remedies may include the following: (a) back pay, (b) hiring, (c) promotion, (d) re-instatement, (e) front pay, (f) reasonable accommodation, (g) other corrective actions which will make the individual "whole," (h) payment of attorney fees, (i) expert witness fees, and (j) court costs. Compensatory and punitive damages also may be available where intentional discrimination is found. Compensatory damages are intended to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages are intended as punishment if an employer acted with malice or reckless indifference. In cases of reasonable accommodation under the ADA, compensatory damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation. The employer may be required to take corrective or preventive actions to cure the source of the identified discrimination and mini-

mize the chance of its recurrence as well as discontinue the specific discriminatory practices involved in the case.

Project Design and Procedures

The EEOC charge data were transferred to the authors from the EEOC via zip disk. Data needed to answer the research questions were extracted, coded, refined, and formatted in Microsoft Access using standard extraction criteria (McMahon, 2006). The result was a study-specific dataset in which the underlying unit of measure is the frequency of allegations, a ratio level of measurement. The design includes a number of variables including: (1) basis of the allegation (one of 39 impairments, see Table 2), (2) age (detailed in eight categories: under 18, 18 to 21, 22 to 29, 30 to 39, 40 to 49, 50 to 59, 60 to 65, and over 65), (3) gender, and (4) race/ethnicity (White, African American, Hispanic/Mexican, Other, Asian, Native American/Alaskan Native, Mixed Ethnicity, and Unknown).

The research questions follow:

- Is there a difference in the proportion of accommodation vs. non-accommodation allegations that can be attributed to the type of impairment of the charging party?
- Is there a difference in the proportion of accommodation vs. non-accommodation allegations that can be attributed to the age of the charging party?
- Is there a difference in the proportion of accommodation vs. non-accommodation allegations that can be attributed to the gender of the charging party?
- Is there a difference in the proportion of accommodation vs. non-accommodation allegations that can be attributed to the race/ethnicity of the charging party?

Data were analyzed to answer the stated research questions in two primary ways. First, descriptive statistics were used to detail the various groups and attributes thereof. Second, tests of sample proportion were conducted to compare the target group (i.e., people who filed accommodation allegations) with the comparison group (i.e., people who filed one or more of the five high-frequency non-accommodation allegations) on allegation combinations of interest using MINITAB. To compensate for the effects of multiple testing, alpha levels were set conservatively at $\leq .01$. These analyses yielded Z scores and 95% confidence intervals.

Results

The overarching purpose of the present study was to differentiate ADA Title I allegations related to reasonable accommodations from those allegations involving other commonly asserted discriminatory actions (i.e., discharge, constructive discharge, hiring, harassment/intimidation, terms and conditions of em-

ployment). In this study, those two groups of allegations (i.e., accommodation and non-accommodation) were compared based upon the characteristics of the charging parties who filed ADA Title I allegations with the EEOC between 1992 and 2005. The charging party characteristics that were used to differentiate the two groups of allegations were: (1) impairment type, (2) age, (3) gender, and (4) race/ethnicity. Descriptive data for reasonable accommodation and non-accommodation allegations by impairment type of charging parties are listed in Table 2.

As can be seen in Table 2, reasonable accommodation allegations were most frequently filed by charging parties whose impairment types were related to the structure and function of the back. In descending order, the next most frequently represented impairment types in the set of accommodation allegations were non-paralytic/orthopedic, depression, diabetes, other neurological, heart/cardiovascular, and anxiety. Similarly, non-accommodation allegations were most often filed by people whose impairment types were related to the back, followed in descending order by non-paralytic/orthopedic, depression, diabetes, heart/cardiovascular, other psychological, and hearing.

The test of sample proportions revealed that, in comparison to the non-accommodation group, CP's who filed reasonable accommodation allegations were overrepresented for eight impairment types: back ($z = 31.31, p < .001$), non-paralytic/orthopedic ($z = 31.03, p < .001$), other neurological ($z = 8.76, p < .001$), asthma ($z = 13.73, p < .001$), vision ($z = 2.01, p < .001$), cumulative trauma ($z = 13.61, p = .001$), multiple sclerosis ($z = 6.30, p < .001$), allergies ($z = 12.91, p < .001$), and chemical sensitivities ($z = 10.16, p < .001$).

In comparison to the non-accommodation group, CP's who filed reasonable accommodation allegations were underrepresented for fifteen impairment types: depression ($z = -6.68, p = .001$), heart/cardiovascular ($z = -3.36, p < .001$), other psychological impairment ($z = -8.18, p < .001$), cancer ($z = -8.48, p < .001$), bipolar disorder ($z = -7.43, p < .001$), epilepsy ($z = -6.84, p < .001$), other blood ($z = -2.81, p < .01$), missing digits/limbs ($z = -6.83, p < .001$), HIV/AIDS ($z = -18.59, p < .001$), alcoholism ($z = -20.59, p < .001$), speech impairment ($z = -12.15, p < .001$), drug addiction ($z = -18.77, p < .001$), schizophrenia ($z = -8.97, p < .001$), disfigurement ($z = -9.54, p < .001$), and mental retardation ($z = -10.12, p < .001$).

With regard to age, Table 3 presents the frequencies and percentages for this categorically coded variable across the two allegation groupings. As can be seen in Table 3, reasonable accommodation allegations were most frequently filed by charging parties in the 40-49 age bracket, followed in descending order by charging parties ages 30-39, 50-59, 22-29, 60-65, 66 and Over, 18-21, and 18 and Under. Similarly, non-accommodation allegations were most often filed by people be-

Table 2. Allegations by Impairment Type of Charging Parties

Impairment Type	Reasonable Accommodation (N = 48,869)		Non-Accommodation (N = 144,481)	
	n	%	n	%
Back	10,211	20.9	22,770	15.8
Non-paralytic/Orthopedic	7,642	15.6	15,765	10.9
Depression	3,840	7.9	14,013	9.7
Diabetes	2,393	4.9	7,659	5.3
Other Neurological	2,153	4.4	5,555	3.8
Heart/Cardiovascular	1,967	4.0	6,954	4.8
Anxiety	1,833	3.7	5,480	3.8
Hearing	1,775	3.6	6,032	4.2
Other Psychological	1,696	3.5	6,789	4.7
Asthma	1,546	3.2	3,135	2.2
Vision	1,481	3.0	4,538	3.1
Cancer	1,091	2.2	4,619	3.2
Learning Disability	1,019	2.1	3,476	2.4
Cumulative Trauma	969	2.0	1,677	1.2
Bipolar Disorder	963	2.0	4,013	2.8
Multiple Sclerosis	938	1.9	2,359	1.6
Epilepsy	888	1.8	3,666	2.5
Other Respiratory or Pulmonary	680	1.4	1,825	1.3
Allergies	679	1.4	1,044	0.7
Gastrointestinal	587	1.2	1,662	1.2
Other Blood	585	1.2	2,160	1.5
Missing Digits/Limbs	460	0.9	2,064	1.4
Paralysis	455	0.9	1,482	1.0
Brain Injury (Traumatic)	432	0.9	1,376	1.0
HIV/AIDS	417	0.9	2,945	2.0
Kidney Impairment	407	0.8	1,315	0.9
Alcoholism	402	0.8	3,062	2.1
Chemical Sensitivities	388	0.8	570	0.4
Cerebral Palsy	248	0.5	1,016	0.7
Speech	167	0.3	1,205	0.8
Drug Addiction	157	0.3	1,577	1.1
Schizophrenia	132	0.3	855	0.6
Mental Retardation	131	0.3	911	0.6
Disfigurement	66	0.1	552	0.4
Cystic Fibrosis	24	0.0	62	0.1
Autism	23	0.0	77	0.1
Tuberculosis	22	0.0	115	0.1
Dwarfism	21	0.0	82	0.1
Alzheimer's	8	0.0	24	0.0

Table 3. Allegations by Age of Charging Parties

Group	Reasonable Accommodation (N = 58,755*)		Non-Accommodation (N = 192,373*)	
	<i>n</i>	%	<i>n</i>	%
Under 18	7	0.0	94	0.0
18-21	406	0.7	1,861	1.0
22-29	4,013	6.8	16,336	8.5
30-39	14,849	25.3	50,357	26.2
40-49	22,228	37.8	67,658	35.2
50-59	13,912	23.7	43,139	22.4
60-65	2,584	4.4	9,407	4.9
66 and Over	756	1.3	3,521	1.8

* Totals do not include "null or unknown" race values.

tween the ages of 40-49, followed in descending order by those in the 30-39, 50-59, 22-29, 60-65, 66 and Over, 18-21, and 18 and Under age ranges.

A test of sample proportions also revealed that, in comparison to the non-reasonable accommodation group, CP's who filed reasonable accommodation allegations were overrepresented in the 40-49 ($z = 10.43, p < .001$) and 50-59 ($z = 5.51, p < .001$) age groups and underrepresented in the under 18 ($z = -5.49, p < .001$), 18-21 ($z = -6.90, p < .001$), 22-29 ($z = -13.97, p < .001$), 30-39 ($z = -5.07, p < .001$), 60-65 ($z = -5.31, p < .001$), and 66 and over ($z = -9.94, p < .001$) age ranges.

With regard to gender, the reasonable accommodation group was 51.7% female (N=33,799) and 48.3% male (N=31,582), whereas the non-accommodation group was 48.0% female (N=102,126) and 52.0% male (N=110,535). A test of sample proportions revealed that the reasonable accommodation group had proportionally more males and proportionally fewer females than did the comparison group of non-accommodation charging parties ($z = -16.26, p < .000$).

Descriptive data for race and ethnicity categories across allegation groupings are presented in Table 4. When looking at categories of race, reasonable accommodation allegations were most frequently filed by charging parties who identified themselves as White, followed in descending order by charging parties who identified as Black, Other, Hispanic, Asian, Native American, and Mixed. Likewise, non-accommodation allegations were most often filed by people who identified themselves as White, followed in descending order by people who identified as Black, Other, Hispanic, Asian, Native American, and Mixed.

The tests of sample proportions revealed that, in comparison to the non-accommodation group, CP's who filed reasonable accommodation allegations were

overrepresented in the White ($z = 11.11, p < .001$) group and underrepresented in the African American ($z = -7.37, p < .000$), Hispanic ($z = -1.58, p < .114$), and Native American ($z = -4.13, p < .000$) groups. No differences in proportions were found for the Other, Asian or Mixed ethnicity groups.

Discussion

Data in this study and in previous research on EEOC allegations support the broad generalization that issues of reasonable accommodation play a major role in the employment discrimination experiences of Americans with disabilities. Moreover, in absolute terms, the general pattern of charging party characteristics is similar for accommodation-related allegations and non-accommodation allegations. Both categories of allegations were most likely to be filed by White males in the 30-59 age range who were dealing with back and non-paralytic orthopedic disabilities, depression, diabetes, neurological disorders, or heart/cardiovascular disease. This study's focus on charging party characteristics is important because the demographic and disability-related attributes of individuals who file ADA Title I allegations have proven to be the most powerful differential indicators of workplace discrimination in previous research (McMahon, 2006).

Given that the vast majority of all ADA Title I allegations filed with the EEOC since 1992 have focused on job retention (e.g., reasonable accommodation, discharge, constructive discharge, disability harassment and intimidation, terms and conditions of employment) rather than job acquisition (i.e., hiring), these findings underscore the importance of job retention interventions that address such needs as early barrier identification, accommodation planning, and employee

Table 4. Allegations by Race of Charging Parties

Group	Reasonable Accommodation (N = 57,640*)		Non-Accommodation (N = 185,246*)	
	n	%	n	%
White	37,032	64.2	115,266	62.2
Black	10,725	18.6	37,521	20.3
Other	5,114	8.9	16,502	8.9
Hispanic	3,707	6.4	12,414	6.7
Asian	722	1.3	2,149	1.2
Native American	304	0.5	1,265	0.7
Mixed	36	0.1	129	0.1

* Totals do not include "null or unknown" race values.

education regarding procedures for seeking and securing reasonable accommodations and for asserting one's rights in the employment setting (Roessler & Rumrill, 1995; Roessler, Neath, McMahon, & Rumrill, 2007). All of these on-the-job interventions designed to enhance job retention are reminiscent of the call for additional rehabilitation personnel who can fulfill the role of a career development specialist – a professional who is involved in helping employees with disabilities retain their employment (Hagner, 2003; Rumrill & Roessler, 1999). Although opinions vary regarding how these services should be funded and provided, the need for them is apparent in the high proportion of ADA Title I allegations that center on reasonable accommodations.

Regardless of the manner in which these career maintenance and job retention services are implemented, they can be enhanced by two national-level ADA implementation and accommodation resources, namely, the Job Accommodation Network and the Disability and Business Technical Assistance Centers funded by the National Institute on Disability and Rehabilitation Research (Rumrill, Hennessey, & Nissen, 2008). With the support of these Federally-funded resources, advocates might call upon the state-Federal VR program to join in the accommodation planning process as a long-term career development strategy for VR consumers. Employee Assistance Programs in business and industry could also offer job retention interventions as part of their mission as an indication of the private sector's commitment to reduce the impact of employment discrimination (Brodwin, 2001).

Accommodation Discrimination and Impairment Type

In the information regarding accommodation discrimination and impairment types, in spite of between-group similarities in the ordering of the most frequently represented impairments among ADA Ti-

tle I charging parties, accommodation allegations were proportionally more likely than non-accommodation ones to be filed by people with disabilities related to the structure and function of the back, non-paralytic orthopedic impairments, other neurological disorders, asthma, cumulative trauma, multiple sclerosis, allergies, and chemical sensitivities. Accommodation allegations were comparatively less likely than non-accommodation allegations to be filed by people with depression, diabetes, heart/cardiovascular disease, hearing loss, other psychological disorders, cancer, and learning disabilities, to name a few.

It is not surprising that people with auto-immune and/or chronic illnesses such as multiple sclerosis, certain other neurological disorders, asthma, allergies, and chemical sensitivities – which are often unpredictable, episodic, and invisible – were proportionally more likely to file accommodation allegations than they were to file other types of allegations. Participating in an employee-directed and future-oriented process like accommodation planning, as set forth in ADA Title I regulations (Feldblum, 1991), can be a formidable challenge for workers whose disabling conditions may not be well understood by employers and co-workers, may manifest themselves without warning and present a wide range of symptoms (thereby making accommodation strategies difficult to identify), and may require significant time off from work, sometimes without advance notice (Rumrill, 2006; Vierstra, 2006). Also, for conditions such as asthma, allergies, or multiple chemical sensitivity, the range of viable accommodation strategies may be narrowed by work environmental factors and the frequent need for workers to avoid stimuli that trigger their symptoms (Vierstra, 2006). For these individuals, the only reasonable accommodation strategy may be to work from home and avoid the primary work location altogether.

Workers with back, non-paralytic orthopedic, and cumulative trauma disorders might be more inclined to file accommodation-related allegations because they are often concurrently involved in workers' compensation claims and lawsuits (Dunn, 2001; Shrey & Lacerte, 1997), many of which center on the application of reasonable accommodations and organizational ergonomics to facilitate return-to-work and thereby reduce the cost of disability to the employer. Physicians, attorneys, employers, rehabilitation professionals, and the worker himself or herself may have differing opinions regarding which accommodation(s) can be implemented most safely and cost-effectively, and the worker may feel the need to file a formal allegation to settle the multi-party disagreements (Dunn, 2001).

Stigma levels associated with other disabling conditions may be attributable to their under-representation among people who file accommodation-related allegations (Smart & Smart, 2006). It may be, for example, that well-publicized and highly intrusive chronic illnesses such as diabetes and cancer evoke higher levels of discrimination regarding the terms and conditions of employment or discharge than they evoke regarding reasonable accommodations. People with HIV/AIDS may encounter more discrimination related to harassment and intimidation or related to the terms and conditions of employment and fewer accommodation issues than do people with less stigmatizing physical disabilities (Conyers, Rumrill, & Unger, 2005). People with depression and other psychological disorders may encounter more subtle forms of workplace discrimination than an out-and-out refusal of an accommodation request by an employer, or they may be rejected for employment at the hiring stage if they disclose their disability status during a job interview, in which case they never get the chance to be considered for reasonable accommodations (Fabian & Coppola, 2001).

All of these proportional differences in accommodation and non-accommodation issues that are based upon impairment type underscore the need for focused, disability-specific interventions for both employees and employers that are grounded in the employment discrimination experiences of people with particular kinds of disabilities. Impairment-specific advocacy and service delivery efforts provide the best opportunity to meet the accommodation and career maintenance needs of Americans with disabilities, as evidenced by demonstrated broad-based national initiatives such as Project Alliance (Sumner, 1995) and Operation Job Match (Rumrill, Hennessey, & Nissen, 2008).

Accommodation Discrimination and Age of Applicant

Results regarding the proportions of accommodation and non-accommodation allegations viewed in terms of age indicate that middle-aged (ages 40-59) individuals were slightly but significantly more likely to allege dis-

crimination in accommodation than they were to allege other forms of discrimination. Younger and older workers were proportionally more likely to file non-accommodation allegations. Younger workers are less experienced and more often marginalized than more experienced workers, so it stands to reason that this group of workers would perceive more hiring discrimination and consequently less discrimination in job retention matters like reasonable accommodation. Younger workers may lack the confidence to assert their rights to reasonable accommodations in the first place, let alone file a formal allegation if those needs are not met by employers. Middle-aged workers, on the other hand, are often at their highest levels of career attainment (Super, 1980), and they may feel greater standing than their younger counterparts to both (a) ask for specific accommodations that will meet their needs and (b) file a formal allegation if their requested accommodations are not provided. These findings may suggest the existence of age-related discrimination against both younger and older workers, especially as it pertains to non-accommodation issues such as hiring (Findlaw, 2004; Gutman, 2000). It may seem strange that individuals older than 60 years of age would be filing hiring and other non-accommodation allegations in higher proportion than middle-aged workers, but one should remember that nearly 3 in 8 Americans nationwide over the age of 60 are active in the employment arena (Endicott, 2005).

Rehabilitation professionals and employers should consider these age-related differences in employment discrimination in the development of programs. Younger individuals with disabilities need assistance with their job seeking skills such as conducting oneself in the job interview, completing the job application, and organizing the job search (Ryan, 2005). They need better preparation for the world of work in terms of education and training and more support during the job acquisition process (Cook & Burke, 2002). Middle-aged individuals need access to career support provided by rehabilitation professionals to learn how to identify barriers to on-the-job productivity and to reduce or remove those barriers through proper accommodations. They need information regarding helpful websites such as the Job Accommodation Network (JAN) so that they can conduct their own searches for feasible accommodations and appropriate vendors (Roessler & Rubin, 2006). They also need easier access to financial support while out of work and improved return-to-work policies and practices in business and industry (Cook & Burke). For many older workers with disabilities, the career development process and their needs for rehabilitation services come "full circle," necessitating job acquisition support as these experienced workers embark on their second, third, or even fourth careers.

Accommodation Discrimination and Gender

Results on gender and the proportions of accommodation allegations versus other major allegations are somewhat counter to expectation and existing research. Men with disabilities were more likely, in fact, nearly twice as likely, than women with disabilities to file accommodation allegations. Thus, the gender proportions of accommodation allegations did not support the double disadvantage findings of O'Hara (2004) and Hennessey, Rumrill, Fitzgerald, and Roessler (2008), whereby women with disabilities experienced a "double jeopardy" effect in terms of workplace discrimination and their optimism regarding their future career pursuits. Some explanations for the overrepresentation of males in the accommodation allegation group do, however, exist in the literature. For example, Bell and Klein (2001) reviewed models of disability and stigma and discussed the possibility that men with disabilities may encounter more prejudice among employers than women with disabilities because men with disabilities are viewed as refutations of the stereotypical male characteristics of independence, strength, and power.

The greater likelihood of accommodation allegations among males than among females may also be attributable to males simply being more assertive about such matters. Possibly, they are more likely to act on the civil rights model of disability (Blanck, 2004) underlying the disability movement and the creation of the ADA, especially when it comes to requesting on-the-job accommodations. Undoubtedly, the accommodation process outlined in ADA Title I regulations (Feldblum, 1991) requires more assertiveness and self-advocacy on the part of the protected party than any other aspect of ADA implementation or enforcement (Rumrill, Hennessey, & Nissen, 2008).

Accommodation Discrimination and Racial/Ethnic Status

Results on racial/ethnic status are somewhat contrary to expectations and difficult to explain. Research clearly indicates that individuals from minority groups experience a negative bias in all aspects of employment, reasonable accommodations included, that is only compounded by the presence of disability (Alston & Bell, 1996), yet the proportion of accommodation-related allegations versus other allegations was higher for White individuals than for African American, Hispanic, and Native American charging parties. Social cognitive career theory and social learning theory (Lent, 2005) may offer one plausible explanation in its depiction of the expectations that have an impact on behavior. These expectations are of two types – self-efficacy and outcome expectations. Self-efficacy has to do with whether individuals believe that they can perform the behaviors required to achieve a certain outcome, whereas outcome expectations refer to their beliefs

that it would matter if they acted in such ways. Possibly African American, Latino/a, and Native American individuals have come to have strong negative outcome expectations regarding the utility of their allegations of discrimination in the accommodation process. They may take the point of view that such allegations will have little effect and that their time and effort is better spent in changing jobs rather than in filing charges of discrimination with the EEOC. Even earlier in the accommodation process, minority group members with disabilities may be less likely than their non-minority counterparts to request reasonable accommodations in the first place due to low self-efficacy and outcome expectations (Hennessey et al., 2008; Rumrill, 2006). If they do not make accommodation requests in the first place, it follows logically that they will be less likely to file formal allegations based on their employers' refusal to provide accommodations; a request has to be made before it can be denied, and it must be denied before grounds exist for a formal allegation.

Conclusion

Employers and disability advocates continue to express significant concern regarding the identification and implementation of reasonable accommodations in the workplace. Indeed, the uniqueness of discrimination in the accommodation process as an impediment to the employment of people with disabilities is borne in the findings of this study, which indicate that the people who file ADA Title I accommodation-related allegations are characteristically different than those who file allegations not involving accommodations.

Specifically, charging parties who filed accommodation-related allegations between 1992 and 2005 tended to be people with more back and orthopedic, auto-immune, and chronic neurological conditions than the non-accommodation comparison group. Charging parties in the accommodation group were disproportionately middle-aged, with the non-accommodation group having proportionately more younger and older members. Males and Caucasians filed proportionately more accommodation-related allegations than did women and other racial or ethnic groups. Taken in aggregate, these findings strongly suggest a risk profile for perceived accommodation-related discrimination that is evident in the demographic and medical characteristics of charging parties. By understanding what types of individuals are most and least likely to file accommodation-related allegations, rehabilitation professionals, employers, and other stakeholders can tailor information and interventions designed to reduce the incidence and impact of this type of discrimination in a way that benefits workers and employers alike.

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