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INSTITUTIONAL BARRIERS TO EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

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Employment rates for individuals with disabilities are significantly lower than employment rates for individuals without disabilities and not all of this variance can be explained by an inability or lack of desire to work. This paper conducts a literature review to examine the barriers to employment that individuals with disabilities must overcome in order to be gainfully employed. It finds that a wide variety of factors influence the decision of an employer to hire, retain, or accommodate an individual with a disability and that there are likely a wide variety of factors which influence the decision of an individual with a disability to participate in the workforce. The findings support the hypotheses that knowledge of the Americans with Disabilities Act and its reasonable accommodation mandate influence an employer's decision, but it also highlights other factors that employers have cited as similarly or more important. The hypothesis that many employers are influenced by bias and stereotypes of the disabled population is supported; and the hypothesis that Social Security benefits provide a disincentive for individuals with disabilities to participate in the workforce is supported by scholars and refuted by recent survey data. Recommendations for strategies to improve the situation are provided.

The Social Security Administration estimates that a worker has a 3 in 10 chance of becoming disabled before reaching the age of full retirement (Autor, 2012: 2) and yet, despite the increasing prevalence of disabilities and legislation to prohibit discrimination on the basis of disability, the disabled population still experiences significantly lower employment rates than the nondisabled population. Data from the Bureau of Labor Statistics shows that the 2012 employment to population ratio of individuals with disabilities was 17.8, while the ratio for individuals without disabilities was 63.9 (2013a). Further support for these statistics comes from a survey of employers that shows only 19.1 percent of respondents reported employing disabled workers and only 13.6 percent recruit individuals with disabilities; while these rates did improve with the size of the company, they still demonstrate startlingly low employment rates for this population (Office of Disability Employment Policy, U.S. Department of Labor, 2008).

These low employment rates contribute to the high rates of poverty (Ali, Schur, & Blanck, 2011) and low measures of psychological well-being among individuals with disabilities (Schur, 2002). To make matters worse, the recent recession affected disabled workers more harshly than

nondisabled workers with the rate of decline in employment more than three times faster and an unemployment rate significantly higher for those with disabilities (Chan et al., 2010). Past experience has also shown that labor force participation rates for individuals with disabilities recover much more slowly than for individuals without disabilities once the recession ends (Economic Systems, Inc., 2009).

The frequent assumption for the cause of this disparity is that individuals with disabilities are unable, or do not want, to work. However, approximately two-thirds of adults with disabilities who are not employed would like to be working (Copeland, Chan, Bezyak, & Fraser, 2010; Schur, 2002). Employment is important for increasing economic resources as well as for the psychological benefits that have been proven to be a result of it such as increased pride, self-confidence, and overall quality of life as well as reduced isolation and fewer general negative feelings (Ali et al., 2011; Copeland et al., 2010; Schur, 2002). Employment has also been observed to make bigger changes in the economic situation of disabled workers than it does for nondisabled workers with an increase in household income of 49 percent and 13 percent respectively, and a decrease in the poverty rate by 20 percentage points and 17 percentage points respectively (Schur, 2002).

The question is, then, since individuals with disabilities want to work and discrimination against qualified individuals with disabilities is prohibited, why employment rates are so low. One recent survey found that 50 percent of individuals with disabilities who were not employed encountered some barrier to employment (Bureau of Labor Statistics, U.S. Department of Labor, 2013b). This paper attempts to identify, through a review of the relevant literature, the institutional barriers to employment faced by individuals with disabilities.

HYPOTHESES

The answer to this question could lie with one or both of the two groups of people who are directly involved with these transactions: employers and potential employees with disabilities. Employers are assumed to have encouragement to hire, retain, and accommodate individuals with disabilities because of the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA). However, not all employers are knowledgeable regarding the extent or the limitations of their legal obligations so it is possible that the ADA and ADAAA do not have the intended effect of encouraging all employers employ individuals with disabilities and that they have the unintended effect of creating new barriers to employment.

Hypothesis 1. Employers with a better understanding of the ADA and ADAAA are more likely to hire, retain, and accommodate individuals with disabilities.

Hypothesis 1a. Specifically, misunderstanding of the reasonable accommodation mandate creates a barrier to employment.

Hypothesis 2. Bias and negative perceptions toward individuals with disabilities still effect employer decision making, despite the anti-discrimination provisions of the ADA and ADAAA.

Individuals with disabilities may be unable to work in any capacity due to their disability,

however, many others may be able to work, and many want to work. To assist those who are unable to work, Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) provide cash and healthcare benefits. However, due to the requirements for eligibility, it is possible that SSDI and SSI create barriers to workforce participation.

Hypothesis 3. SSDI and SSI create disincentives for disabled individuals to continue or begin participation in the workforce.

To test these hypotheses, this paper reviews the relevant literature and will begin with a brief description of the ADA and ADAAA as well as the SSDI and SSI programs followed by a brief definition of the theories that have been used by the studies cited. I will then discuss the findings of these studies, which have been conducted in an attempt to answer similar questions, describe the recommendations for change suggested by these findings, and will conclude with a summary of the findings as they relate to my hypotheses as well as some areas for additional research.

LEGAL AND THEORETICAL FRAMEWORK

The laws and theories presented in this section are provided as background information that is needed to apply the findings of the studies examined in this paper to the hypotheses and research question which are the aim of this work.

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) was intended to remove the barriers to active social participation faced by individuals with disabilities. Title I of the ADA specifically targets discrimination in employment and states that “no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to ... terms, conditions, and privileges of employment” (*Americans with Disabilities Act*, 1990: § 12112). The term discriminate explicitly includes “not making reasonable accommodations ... unless ... the accommodation would impose an undue hardship on the operation of the business” (*Americans with Disabilities Act*, 1990: § 12112(b)(5)(A)). The

intention behind these mandates was to increase employment opportunities (Satz, 2008) thereby reducing the unemployment and dependency rates for individuals with disabilities (Wexler, Warner, Siniscalco, Quinn, & Klein, 2010). However, many of the cases brought under the ADA hinged on the definition of disability: "The term "disability" means, with respect to an individual (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment" (*Americans with Disabilities Act*, 1990: § 12102(2)). In 1999 a trilogy of cases decided by the Supreme Court narrowly construed this definition in a number of ways including ruling that there was no disability if the condition was successfully mitigated – a ruling which was in direct opposition to Equal Employment Opportunity Commission (EEOC) guidelines – in order to avoid creating "per se" disabilities which may not affect a major life activity (Wexler et al., 2010). In 2002 another Supreme Court trilogy of decisions established a "demanding standard" further narrowing the construction of the term "disability" by requiring that the effect of the disability should be considered throughout the individual's daily life rather than just at the workplace (Wexler et al., 2010). Due to these decisions, employers were winning approximately 97.2 percent of ADA cases, causing many to conclude that the ADA had failed to live up to its goals (Wexler et al., 2010).

Americans with Disabilities Act Amendments Act

In the findings and purposes section, the ADA Amendments Act of 2008 (ADAAA) specifically rejects much of the case law construing ADA coverage narrowly and, in later sections, provides new, more explicit definitions and rules for construction to help address the problems created by the case law. In the new section 12102(2), a non-exhaustive list of major life activities has been provided:

... major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting,

bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. ... [A] major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Section 12102(4) provides rules for construction regarding the term "disability" and unambiguously rejects the holdings of the Supreme Court in 1999 and 2002, making "broad coverage" the rule and declaring that the effect of the impairment should be considered when it is active and without the effects of mitigating measures other than "ordinary eyeglasses or contact lenses."

Due to these and other changes, scholars believe that the arguments in ADAAA cases will now be focused on the reasonable accommodation mandate rather than determining if the individual is disabled under the law (Dwoskin & Bergman Squire, 2013). The definition of accommodation has been read broadly by the EEOC and the courts and the EEOC's expectations for employers in this regard are high (Dwoskin & Bergman Squire, 2013). The only limit on the accommodation mandate contained in the law is the "undue hardship" defense; the law defines these terms:

The term "reasonable accommodation" may include: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations..." (*Americans with Disabilities Act*, as amended, 2008: §12111(9))

The term "undue hardship" means an action requiring significant difficulty or expense ... factors to be considered include: the nature and cost of the accommodation needed under this chapter; ... the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity." (Americans with Disabilities Act, as amended, 2008: §12111(10)).

While there have not yet been many cases with published decisions under the ADAAA, there are some recent rulings in regards to what is "reasonable" which have upheld reallocating non-essential functions, working from home, leave, modification of performance goals due to leave, and changes in workplace policies (Dwoskin & Bergman Squire, 2013).

Social Security

Social Security Disability Insurance (SSDI) provides cash payments and Medicare benefits to individuals who have worked in 5 or more of the most recent 10 years before the onset of disability and who are no longer able to participate in substantial gainful activity due to that disability (Autor, 2012; Social Security Administration, 2013). These benefits are paid for from the Social Security Trust Fund which receives contributions from employers through a payroll tax (commonly known as FICA). The amount a beneficiary receives is based on his or her lifetime covered earnings, may be reduced by income received from other public disability programs, and is adjusted annually based on changes in the Consumer Price Index (CPI) (Social Security Administration, 2013).

Supplemental Security Income (SSI), which is paid for by general tax revenues, provides cash

payments and Medicaid benefits to individuals who qualify based on age or disability and who have limited income and resources (Social Security Administration, 2013). The amount an individual may receive starts at \$710 per month for an individual and \$1,066 per month for a couple for 2013; countable income is then deducted from this amount and any applicable state supplement is added (Social Security Administration, 2013). An individual is not eligible for an SSI payment if he or she does not meet the income and resources tests in that month (Social Security Administration, 2013).

In order to be considered disabled under these programs, an individual "must not be able to engage in any substantial gainful activity (SGA) because of a medically-determinable physical or mental impairment(s) [t]hat is expected to result in death, or [t]hat has lasted or is expected to last for a continuous period of at least 12 months" (Social Security Administration, 2013: 5). The SGA level is also indexed to the CPI and for 2013 is set at \$1,040 per month (Social Security Administration, 2013) or \$12,480 per year. As a basis for comparison, the poverty threshold for an individual in 2012 was set by the Census Bureau at \$11,945 per year; for a family of four comprised of two adults and two children it was set at \$23,283. If an individual meets the requirements of both programs, benefits can be received from both concurrently.

In addition to these benefits, the Social Security Administration (SSA) provides several voluntary programs that are intended to help people return to work after becoming disabled and starting on SSDI and/or SSI benefits such as The Ticket to Work Program, Expedited Reinstatement, Trial Work Period, Extended Period of Eligibility, and Unsuccessful Work Attempt (Social Security Administration, 2013). The SSA is also currently testing a couple of additional return to work programs: Accelerated Benefits, and Benefits Offset (Social Security Administration, 2013). While these programs may assist some individuals, examining and comparing the efficacy of each of these individual programs does not seem to have been the focus of any empirical work, therefore, these programs will not be discussed in detail here.

Attribution Theory

Attribution Theory says that people look for the cause of an action either in the actor or the situation and that these attributions shape and are shaped by our cognitive representations of persons, objects, and events; as such, causal attribution is subject to biases that can alter perception and judgment (Krieger, 1995). Further, people tend to minimize the impact of situations and are more likely to attribute a behavior to dispositional factors – this is referred to as the Fundamental Attribution Error (Krieger, 1995). Therefore, stereotype consistent behaviors are more likely to be attributed to the person and stereotype inconsistent behaviors are more likely to be attributed to the situation which will cause observers to believe that the stereotype consistent behavior is more likely to recur (Krieger, 1995).

Cognitive Dissonance

Cognitive Dissonance Theory posits that individuals seek harmony between their thoughts and that disharmony makes a person uncomfortable which motivates cognitive changes to restore harmony (Goldsmith, Sedo, Darity Jr., & Hamilton, 2004). A dissonant relationship exists when two cognitive elements, which are anything that a person knows regarding themselves, others, or their environment, do not seem to fit together. The amount of dissonance increases with the importance of the elements, and importance is based on the strength of the belief and the relationship of the belief to the individual's perception of self. Dissonance is resolved by altering one or more of the dissonant cognitions, reducing the importance of the cognition, or through the addition of new information (Goldsmith et al., 2004).

Neoclassical Theory of Labor Supply

The Neoclassical Theory of Labor Supply dictates that a person attempts to maximize utility through earnings and non-market time (Goldsmith et al., 2004). The value of this non-market time is subjective and is based on the individual's assessment of the features of work and non-work activities – utility is maximized if a person allocates

time and earnings such that his or her assessment of the utility of additional non-market time and additional wages is equal (Goldsmith et al., 2004).

Social Cognition Theory

Social Cognition Theory tells us that the ability to categorize is vital to normal cognitive functioning. Categorization is the mechanism through which humans are able to simplify the perception, processing, and retention of information about other people – it allows us to identify objects, make predictions about the future, infer the existence of hidden traits, and attribute the causes of events (Krieger, 1995). In this context, stereotyping is a form of categorization similar to a schema, which is a mental prototype of a typical category member (Krieger, 1995). Stereotypes bias judgment and decision making by acting as implicit theories which alter the perception, interpretation, retention, and recall of information about other people, and operating without any intention to favor or disfavor, they bias a decision maker before the moment of decision; in other words stereotypes bias the way we see evidence, we then act on that evidence and not the stereotype itself (Krieger, 1995).

Implicit theories or attitudes are beliefs that can be activated without the awareness of the believer, and when activated, influence decisions and actions (Quillian, 2006). The core idea behind implicit attitudes is that stereotypical beliefs exist in the mind and are activated automatically even when the person is unaware of what triggered the association to the stereotype – psychologists have demonstrated this effect on behaviors even among individuals who score low on measures of prejudice (Quillian, 2006). Implicit beliefs are linked to subtle behaviors that can be difficult to control such as body language or split-second decisions, and in these situations, they are likely to influence the behavior even of individuals with neutral or positive explicit attitudes; complex decisions are more likely influenced by both implicit and explicit beliefs (Quillian, 2006). There is evidence that implicit beliefs can be changed through introspection and positive exposure to the target group (Quillian, 2006).

Theory of Planned Behavior

The Theory of Planned Behavior states that the immediate antecedent of a behavior is the intention to perform the behavior and that intention is determined by three components: attitude toward the behavior, including beliefs regarding the consequences of the behavior; subjective norm or the perceived social pressure to perform the behavior; and perceived behavioral control, including the perception of resources and ability to carry out the behavior (Fraser et al., 2010). Based on this theory, intention to perform a behavior should increase when: the attitude towards the behavior, including the assessment of likely outcomes, is positive; other people who are important to the actor are perceived to have favorable attitudes toward the behavior; and the actor believes that he or she has the resources and abilities necessary to complete the behavior.

Vulnerability Theory

Vulnerability Theory has four premises: 1) vulnerability is universal and constant; 2) vulnerability is not situated in the body alone, it may be the product of economic, institutional, and other social harm; 3) disadvantage (including discrimination) that results from vulnerability is best addressed by moving past identity categories, including protected classes; and 4) both state and private actors must address vulnerability (Satz, 2008: 524). As applied to disability by Ani Satz, the theory asserts that vulnerability is part of the human experience and that the state must develop structures to address substantive inequality and disadvantage on the basis of shared vulnerabilities rather than specific deprivations and dependencies (2008). Under this model, all individuals are vulnerable in that they have the potential to become dependent; disabled individuals have heightened vulnerabilities associated with their impairments which are constant and extend across their home, work, and social environments and they may be disadvantaged by discrimination on the basis of those vulnerabilities (Satz, 2008).

This theory is a critique of formal equity structures which provide the same opportunities to all groups but do not address the substantive

inequalities embedded within our legal structures which only address vulnerability in certain contexts thereby limiting the reach of protections and failing to address inequalities such as stigma which are embedded within the legal and social structures (Satz, 2008). Vulnerability Theory challenges the focus on discrete groups and removes the responsibility of accommodations from employers to an “interventionist state” in order to address universal vulnerabilities (Satz, 2008).

FINDINGS AND DISCUSSION

Concerns Regarding Hiring, Retention, and Accommodation

Several studies investigating the reasons that employers do not hire, retain, and accommodate individuals with disabilities were examined in an attempt to determine if there is consensus in the research and if hypotheses 1, 1a, and 2 are supported. These studies used survey data from human resource and other management officials, which, by the authors’ own admission, are prone to social desirability and non-response biases due to the subject’s knowledge of the purpose of the research being conducted. In addition, most of the surveys were distributed through employer groups such as the Society for Human Resource Management and local Chambers of Commerce resulting in a population of respondent employers who are more likely to be educated on related issues. One of the studies, conducted by Kaye, Jans, and Jones (2011) attempted to avoid these biases by distributing the surveys to employers who were known to be resistant to hiring and accommodating individuals with disabilities, and by phrasing the questions such that the respondents were providing the reasons that they believe other employers do not hire, retain, and accommodate individuals with disabilities. Examining these studies as a group is also flawed mostly due to the inconsistency or lack of definitions of some of the terms used and the inconsistency of factors measured by the research. These issues could contribute to the disagreement in the findings between the studies. Nevertheless, several themes were frequently cited by employers as concerns, even though there was not any one theme which

stood out as being indicated by large numbers of employers in all studies examined. The themes most frequently cited by the research are described below. Using the Theory of Planned Behavior, the majority of the concerns relate to employer's attitudes, a few important concerns relate to control issues, and a couple relate to norms. All of these serve to reduce the employers intention to hire, retain, and accommodate individuals with disabilities. Underlying these attitudes and beliefs are several important biases and attribution errors which can be targeted in education programs to lessen their effect on employer decisions in the future.

Accommodations. One of the most frequently cited concerns for employers was the subject of accommodations. Almost all of the studies asked the survey participants for their feelings regarding accommodations either in regards to the cost of accommodations or their knowledge of how to make accommodations, but the findings were inconsistent. Bruyere (2000) found that only 16 percent of employers listed the cost of accommodation as an obstacle to the employment of individuals with disabilities and that 31 percent cited knowledge of how to make an accommodation while Fraser et al. (2010) found that concern over the need for structural modifications was number 6 on the list of employer concerns for small and medium sized companies. Kaye et al. (2011) on the other hand, found that more than 80 percent of employers found the cost of accommodations and a lack of awareness regarding how to handle the needs of a disabled worker to be a reason for not hiring or retaining a disabled worker. Copeland et al. (2010) found that employers tend to have negative perceptions regarding both the need for and the cost of accommodations and that their intention to accommodate was impacted by the perceived legitimacy of the request, the magnitude of the request, and the controllability of the condition. The Office of Disability Employment Policy (ODEP) (2008) survey discovered that for companies employing individuals with disabilities, finding a way to return an employee to work after the onset of a disability was the top challenge for medium

and large companies, but that the fear of the cost of an accommodation was more of a hiring challenge across all companies than the actual cost of an accommodation suggesting that much of this concern is unfounded and could be addressed through training. Chan et al. (2010) agreed, finding that inadequate training in ADA and accommodations was identified as a systemic barrier to the hiring and retention of disabled workers. Despite all of the concern, it does seem that employers are granting accommodations. Bruyere (2000) asked employers what types of accommodations they had made for an employee with a disability and found that the accommodations most often granted were making a facility accessible, being flexible in the application of workplace policies, and restructuring jobs or work hours.

Employer Attitudes/Focus. Surveys also frequently asked questions of employers that would indicate the employer's attitudes toward individuals with disabilities, either in general or in respect to employment, and typically found positive attitudes, however they also found that inclusion of disabled workers was not a high priority. Copeland et al. (2010) found that employers had no significant negative reactions toward employees with a disability, that they had moderately positive attitudes toward accommodations, and a high positive attitude toward equal treatment. In addition, the researchers found that there was a significant association between positive attitudes toward accommodation and beliefs regarding the reasonableness of an accommodation (Copeland et al., 2010). In contrast, Economic Systems, Inc. (2009) found that employers typically overestimate the negative impacts of hiring individuals with disabilities. As would be expected, Chan et al. (2010) found that negative attitudes towards individuals with disabilities are negatively related to perceptions of disabled employees as productive, inclusion of disability in a company's diversity efforts, and employer commitment to hire disabled workers. Chan et al. (2010) also found that the survey respondents believed the focus on disability management (the management of

absences, injuries, and mental health and substance abuse issues) for existing employees was a barrier to the hiring of individuals with disabilities and that the lack of inclusion of disability in their companies' diversity plan was a barrier to the hiring and retention of disabled workers. More than half of the employers in the study by Kaye et al. (2011) said that a worker who had become disabled had also become less dependable but not less dedicated.

Increased Costs. Costs other than the costs of accommodations were another frequently cited concern in regards to hiring and retaining employees with disabilities. Fraser et al. (2010) found that small and medium sized companies listed the fear of losing revenue due to the increased need for training employees and managers as their number four concern while large companies did not mention cost as a concern at all. Similarly, nine percent of respondents in Bruyere's (2000) study cited the cost of additional training as an obstacle to the employment of individuals with disabilities while 12 percent listed the cost of additional supervisory time. Kaye et al. (2011) found that 70 percent of employers find the cost of additional supervision, as well as increased costs in general, to be an impediment to the hiring of disabled workers, and that concerns related to costs or the belief that the employee will become a financial liability were listed by 70-80 percent of companies as a reason for not retaining a worker who had developed a disability. Increases in the costs of healthcare and worker's compensation were listed as concerns by small and medium sized companies in ODEP's (2008) study, in fact, increased costs in general were the most often cited concern for these companies.

This belief that employing a disabled worker will cost more than employing a nondisabled worker seems to be widely held by various groups throughout our society, but, as Bird & Knopf (2010) point out, there is almost no empirical evidence in support of that belief. They completed a study to attempt to fill that gap in the literature that used firm performance data during a period before the passage of the ADA when states were passing their own, different disability antidiscrimination and/or

accommodation laws. The data were examined to determine if the passage of an antidiscrimination rule, an accommodation mandate, or a combination of the two had any effect on firm performance. Overall, no change in the size of the workforce was found, but they did find that an antidiscrimination law and an accommodation law impacted firm behavior differently. While an antidiscrimination law did not impact a firm's capital expenditures, it was observed that in the third year after the enactment of an antidiscrimination law, salaries were reduced by 1.3 percent, which they speculate may be an effort to absorb some perceived or actual costs such as litigation or training (Bird & Knopf, 2010). An accommodation mandate, on the other hand, did not affect salaries, but it did cause an 11 percent reduction in capital expenditures in the year of enactment with a 1.4 percent increase one year later, a 2.6 percent increase 2 years later, and a 5.3 percent increase three years later (Bird & Knopf, 2010). Despite these changes in behavior, overall firm performance did not seem to be affected possibly due to the size of the changes being too small to appear in the bottom line, or perhaps because any increases in costs were passed on to the consumer (Bird & Knopf, 2010).

Worker Qualifications. It is true that individuals with disabilities on average have fewer years of education and are only half as likely to hold a college degree (Ali et al., 2011) with 15.1 percent of people with a disability over age 25 holding a bachelor's degree or higher compared to 33.4 percent of those without a disability (Bureau of Labor Statistics, U.S. Department of Labor, 2013b). These statistics do give some legitimacy to the belief of many employers that individuals with disabilities will not be qualified for the job, however, not all jobs will require this level of educational attainment and excluding all disabled applicants because of these types of statistics is clearly not a valid selection method. ODEP (2008) found the belief that disabled workers lacked skills and experience was one of the most often cited concerns for small and medium sized companies. Similarly, Fraser et al. (2010) found that medium sized companies listed lack of qualifications as

number eight on their list of obstacles to hiring individuals with disabilities. In Bruyere's (2000) study lack of relevant experience and lack of required skills and training were the two highest rated concerns with 49 and 39 percent of employers respectively citing it as a concern. Kaye et al. (2011) also agree with these findings with 41.8 percent of respondents answering that lack of qualifications is a barrier to the employment of individuals with disabilities.

Support Services/Resources. Several studies also found that employers believe there are not enough support services and resources to assist in the recruiting and accommodation of individuals with disabilities. However a simple internet search uncovers that there are many resources available; therefore this finding is less reflective of a lack of supports as it is of a lack of knowledge of the available resources. Both Chan et al. (2010) and ODEP (2008) found that employers reported a lack of support for finding and recruiting qualified individuals with disabilities with ODEP noting that this was the top challenge for large employers despite their being more knowledgeable of the available resources. Fraser et al. (2010) reported a similar outcome with companies of all sizes reporting lack of contact from support agencies and the efficiency of the contacts which did occur as the top concerns when recruiting and hiring individuals with disabilities, again noting that large companies had higher levels of knowledge regarding the available resources. Economic Systems, Inc. (2009) found that employers typically underestimate the amount of assistance available for hiring and training workers with disabilities, and Kaye et al. (2011) reported that 70 percent of respondents cited a lack of disabled applicants as a barrier to hiring disabled workers despite the many support services for finding such workers.

Performance Issues. Only a few studies cited performance issues or concerns regarding an individual's ability to do the job as an obstacle that prevented them from hiring or retaining employees with disabilities. Fraser et al. (2010) found that small and medium sized companies found the fear of losing revenue due to productivity issues and the inability of an employee with a disability to do the

job were concerns number 4 and 6 respectively. ODEP (2008) found this concern to be much more prevalent with 72.6 percent of employers admitting it was a barrier, but also noted that it was more common in industries that required physical work. Kaye et al. (2011) reports that 70 percent of employers cited difficulty in assessing a disabled applicant's ability to do the job as a barrier to hiring, and 65 percent list it as a barrier to retention of an employee who has developed a disability. That study also found that 70 percent of employers responded that the belief that a disabled worker will not perform as well was a barrier to hiring while only 50 percent said they believed that a disabled worker would not be able to perform the essential functions of the job. In addition, some of the most frequent write-in responses from the Kaye et al. (2011) survey were concerns related to job performance including the need for employees to be flexible outside of the essential functions of the job and the belief that workers with disabilities would not be able to fill that need, employers also described concerns related to absenteeism and other effects of poor health.

Legal Knowledge. A few studies asked employers about their knowledge of the ADA and mostly found that employers do not believe they have a very good understanding of the law. Copeland et al. (2010) found that employers only reported moderate knowledge of the ADA but they have negative attitudes toward the law; in particular, smaller companies are less familiar with the law and are also less likely to recruit, hire, and accommodate disabled workers. Further, the regression results from Copeland et al. demonstrated that employer attitudes were not related to their knowledge of the particularities of the ADA. Chan et al. (2010) also found that employers believe they are not well trained on the ADA and that this lack of training is a barrier to the employment of individuals with disabilities. The regression completed as part of their study found that knowledge of the ADA and inclusion of disability in diversity efforts were the two strongest predictors of corporate and manager commitment to hire disabled workers (Chan et al., 2010). Bruyere (2000) looked at the question from a

slightly different perspective and found that employers were uncertain about the interaction of ADA with other employment and health and safety regulations.

Litigation. The Fraser et al. (2010) and ODEP (2008) studies agree that the fear of litigation was a challenge for small and medium sized companies when considering whether to hire or retain an individual with a disability, but was not as much of a concern for large companies. Kaye et al. (2011) reported that more than 80 percent of respondent employers cited the concern that an employee with a disability would become a legal liability as a reason for not hiring or retaining individuals with disabilities.

Attitudes of Coworkers. A few of the studies asked participants if the attitudes of coworkers were a barrier to the hiring and retention of employees with disabilities, and while some said it was, the number of respondents who felt this way were relatively low. In ODEP's (2008) study, this was the least frequently cited challenge and in Fraser et al. (2010) concerns regarding low and mid-level managers, and coworker receptivity were ranked sixth and seventh respectively for medium sized companies. Bruyere (2000) found that 22 percent of employers felt the attitudes and stereotypes of coworkers and supervisors were a barrier to the employment of individuals with disabilities and that this was the most difficult, and yet most frequently completed, change to the workplace.

Managing Workers. Only two studies mentioned uncertainty over how to discipline a disabled employee or the fear that a disabled employee could not be fired. ODEP (2008) found that this concern was most often cited by large companies while Kaye et al. (2011) found that more than 80 percent of respondents felt this was an issue to be considered when hiring and retaining employees with disabilities.

Low Comfort Level. Only Copeland et al. (2010) mentioned that employers rate their level of comfort working with individuals with disabilities as low, however, they also found that there was a significant inverse relationship between negative

perceptions of disabled workers and experience working with disabled individuals. This is an important finding because many of the findings listed above have their roots in negative perceptions and stereotypes towards individuals with disabilities and if experience working with disabled individuals reduces these perceptions, the potential for changes to the rates of employment for the disabled population could be significant.

Bias and Discrimination

The findings described above do not seem to be obviously connected to one another, however many of them are not based in fact, they are based in stereotypes and biases which affect an employer's intention to hire, retain, or accommodate an individual with a disability and may result in discrimination. Using the Theory of Planned Behavior (TPB), obstacles related to making accommodations, employer attitudes, increased costs, worker qualifications, performance issues, litigation, managing workers, and low comfort level are attitudinal or behavioral concerns; obstacles related to the focus of employers, and attitudes of coworkers are normative concerns; and obstacles related to the actual costs of accommodations, actual increases to other costs, support services and resources, and legal knowledge are control concerns. All of these issues interact to reduce an employer's intention to hire, retain, or accommodate an individual with a disability. The control related issues are somewhat easier to understand and mitigate – if the employer feels that they lack the resources to perform the behavior, the simple solution is to provide the resources. However the attitudinal and normative concerns are more difficult to understand and alter. The stereotypes and attribution errors which underlie the beliefs described above can have a different source for each individual who holds the belief. According to Social Cognition Theory, the schema which identifies the individual as disabled contains implicit attitudes which are activated subconsciously causing the perceiver to attribute these qualities and characteristics to the individual whether or not those qualities or characteristics are actually possessed by the individual. Further, Attribution Theory tells us that the perceiver is

likely to attribute those qualities or characteristics to the stable dispositional factors of the individual and not to the situation in which the individual is situated which results in the perceiver predicting that these qualities or characteristics will persist. These beliefs will continue to exist until the perceiver encounters new information either through education or positive interaction that alters the implicit attitudes contained within the schema. While it may sound like a simple fix, these beliefs are not so easily altered due to the fact that they typically exist below the level of self-consciousness so the perceiver does not necessarily know that he or she holds these beliefs.

As support for the finding that bias and discrimination likely do contribute to the low rates of employment for individuals with disabilities, Schur (2002) found that 20 percent of individuals with a disability who are employed reported encountering discrimination while 33 percent of unemployed individuals with a disability reported encountering discrimination. Additionally, more than 50 percent of respondent employers in the survey conducted by Kaye et al. (2011) reported a belief that other employers do discriminate against individuals with disabilities, although this belief also registered the strongest level of disagreement with 10 percent of employers reporting that they do not believe other employers discriminate. Copeland et al. (2010) found that 66 percent of small business owners had never hired an individual with a disability despite indicating that their attitude towards doing so was neutral. In general, the study found that while global attitudes towards individuals with disabilities were positive, the attitudes became negative once situated in the employment context (Copeland et al., 2010). Interestingly, employers seem conflicted regarding employing individuals with disabilities by expressing positive attitudes and a reluctance to hire (Fraser et al., 2010). This conflict, however, makes sense in light of Social Cognition Theory because the employers hold explicit beliefs that are positive and implicit beliefs which are negative; the implicit beliefs influence the way the employer perceives the information regarding a disabled

applicant or employee causing inadvertent discrimination.

With the cause of discrimination under this theory being subconscious, it is unreasonable to think that an anti-discrimination mandate such as the ADA would be able to eliminate all discrimination. However, the courts use a different assumption, namely that discrimination is motivational in origin and not due to subconscious cognitive functions which leads them to search for discriminatory motive or intent when ruling on these types of cases (Krieger, 1995). In addition, discrimination based on the disability of an individual is often seen as rational even if that individual would be able to be as productive as an employee without a disability (Bagenstos, 2004). This is because there is a widespread belief that disability is related to an individual's value in ways that other triggers for antidiscrimination protections, such as race, gender, national origin, etc., are not (Bagenstos, 2004). In fact, the Supreme Court in *Chevron U.S.A., Inc. v Echazabal* and *Albertson's, Inc. v Kirkingburg* allowed the employer to use a rationality defense (demonstrating a negative effect on financial performance) when answering to charges of disability discrimination – a defense that it had not allowed for other types of discrimination (Bagenstos, 2004). Due to these factors, disability discrimination protections under the law may still be falling short of reducing the high levels of unemployment in the disabled population.

Concerns Affecting Workforce Participation

Low employment rates for individuals with disabilities are not exclusively caused by employer discrimination; part of the problem is low workforce participation by individuals with disabilities. The main theory regarding why disabled individuals who may be able to work choose not to do so relates to the disincentives created by Social Security benefits. A handful of studies discuss this issue in an attempt to understand the various mechanisms causing this effect. Another assumed cause of the low participation rates is that individuals with disabilities are thought to have preferences for

certain types of jobs which may allow more flexibility or have other characteristics that may be appealing to the disabled population; one study by Ali, Schur, and Blanck (2011) inquires into this assumption. The third theory, which is extended by this paper to the disabled population, gives Cognitive Dissonance a role in the Neoclassical Theory of Labor Supply to explain the effect discrimination has on an individual's decision to supply labor to the market (Goldsmith et al., 2004). Finally, Vulnerability Theory demonstrates how the current approach to disability antidiscrimination does not consistently remove the barriers faced by individuals with disabilities resulting in a lack of meaningful participation that may leave an individual unable to participate in the workforce.

Social Security Benefits

Social Security Disability Insurance was created in 1956, a time when many jobs involved physical labor and assistive technology and medical interventions were not as advanced as they are today (Autor, 2012). While that has changed, the number of people receiving Social Security benefits has continued to increase at a pace that has led the SSA to estimate that the SSDI trust fund will be exhausted between 2015 and 2018 (Autor, 2012). Additionally, SSI which started as a supplement to SSDI benefits has become a "catchall income support" for individuals who do not qualify for SSDI benefits, and a significant relationship between SSI participation and the local unemployment rate has been found which indicates that not all of this increase in participation is due to an increase in the number of individuals who are unable to participate in the workforce (Ozawa, 2002: 157, 160).

Unfortunately, SSDI has been ineffective in assisting individuals who may be able to work reach self-sufficiency or even participate in the workforce in a meaningful way due to its incentivization of non-participation by requiring that individuals refrain from working in any substantial capacity in order to maintain benefits (Autor, 2012). Besides this incentive, Autor (2012) maintains that the SSDI determination process unintentionally reduces the ability of a program applicant to get a job by prohibiting work during the application period

which could take months or years. Such a prolonged absence from the labor force will make it more difficult for the individual to find work once a decision regarding his or her application for benefits is finalized. It is also during the application period, which is assumed to be the months following the onset of a disability, that assistance to adapt to the disability is most effective (Autor, 2012). This creates a difficult situation for individuals who acquire a disability that may prevent them from being completely self-sufficient but does not prevent them from working entirely: if he or she works during the application period, benefits are denied, but if he or she does not work and adapt to the disability, returning to work later may be more difficult or impossible. While the SSA does offer programs that attempt to address these problems, it is unclear if these programs have experienced more than moderate success. The SSA is also testing additional programs such as Accelerated Benefits which provides healthcare benefits to certain individuals sooner than they would ordinarily receive them. One group participating in the test received only the healthcare benefits and another group received healthcare benefits as well as other voluntary services intended to support a return to the workforce. Michalopoulos et al. (2011) found that while individuals who received the support services were more likely to be looking for work, they also found that there was no significant difference in employment rates between the groups in the first year, a result that the researchers believe may be due to the recession.

On the other end of the problem, Burkhauser, Nicholas, and Schmeiser (2012) found that providing a workplace accommodation was extremely effective at reducing the probability of an application for SSDI benefits. They estimate that receiving an accommodation reduced the likelihood of application for benefits by 26 percentage points within the first year, 38 percentage points within 5 years, and 39 percentage points within 10 years of the onset of a disability (Burkhauser et al., 2012: 14).

In contrast to the assumption underlying much of the research on the subject, a recent survey by

the Bureau of Labor Statistics (2013b) found that of the approximately 58.4 percent of individuals with a disability who received financial benefits within the past year, only 7.5 percent said that the work restrictions of their benefits program caused them to work less than they otherwise would have. This finding is a strong call for more research in this area to determine: 1) if the work restrictions during application periods are reducing the ability of individuals to work; 2) what effect work restrictions while receiving benefits have on individuals who may be able to work; and 3) what effect existing return to work programs have on actual return to work rates.

Job Preferences. Ali et al. (2011) hypothesized that a difference in job preferences between individuals with disabilities and individuals without disabilities may have the effect of creating a narrower job market for disabled workers and causing lower employment rates. The researchers believed that disabled workers may desire more flexibility in work arrangements in order to accommodate health or mobility issues, and may place higher value on income and job security due to the higher likelihood of living alone and in poverty (Ali et al., 2011). They found that individuals with disabilities had almost no difference in the desire to work as compared to nondisabled individuals but that the disabled population was much less likely to be optimistic about actually getting a job: 25 percent of individuals with disabilities were optimistic as compared to 51 percent of individuals without disabilities (Ali et al., 2011). As either a reflection of or contributor to the levels of optimism, only 20 percent of disabled persons were searching for work while 33 percent of nondisabled persons were actively searching (Ali et al., 2011: 202–203). Ultimately, Ali et al. found that individuals with and without disabilities wanted the same types of jobs; even after controlling for demographics, no significant differences in criteria indicated as important were found (Ali et al., 2011). These findings suggest that the reasons for low employment rates of individuals with disabilities are not likely due to a difference in the types of jobs desired by the disabled population.

Neoclassical Labor Supply and Cognitive Dissonance. Goldsmith, Sedo, Darity, Jr., and Hamilton (2004) created another theory which may explain low workforce participation for individuals with disabilities; while they did not create this theory with the disabled population in mind, it is easy to see its applicability. Their theory states that when an individual enters the labor market he or she is seeking the economic goal of utility maximization as well as psychological balance. When an individual enters the labor market with the expectation of being treated fairly, encountering discrimination creates cognitive dissonance and this dissonance causes the individual to change their economic goal of finding what he or she considers “a good job” to a goal of finding the best job available. These lower job expectations cause an individual to increase his or her desire for nonmarket time thus causing a reduction in the amount of labor supplied to the market (Goldsmith et al., 2004). In addition to an increased desire for nonmarket time, a less desirable job may also pay a lower wage, causing the amount of labor supplied to fall even further. The researchers additionally hypothesized that if an individual believes work experience will help with landing a “good job” in the future, the value of nonmarket time will again be reduced increasing the amount of labor an individual supplies to the market. The empirical findings were mixed, however, with the hypotheses holding true for some racial and gender groups but not for others (Goldsmith et al., 2004).

This theory may have particular application to the disabled population due to the unique challenges faced by this group. Before even attempting to enter the labor market, an individual with a disability may believe that he or she is unable to get a good job due to an inability to perform certain tasks; according to this theory, this belief would reduce the amount of labor supplied to the market. In addition, a worker who encounters discrimination may follow the process as outlined above due either to the expectation of encountering future discrimination or due to an internalization of the discriminatory beliefs encountered in the market. This model becomes

more complicated however, when disability benefits are taken into consideration. With a program such as SSDI, nonmarket time now also commands a wage which will need to be overcome by the wage of a job in order to cause an individual to supply labor to the market.

Meaningful Participation. A noneconomic approach to the question of workforce participation by individuals with disabilities is the issue of meaningful participation. These theories are based on the belief that “disabilities exist only relative to specifications of social roles and norms, [and] impairments refer to individual functional limitations without reference to situational, social roles and norms;” in other words, disabilities “are institutionally created activity limitations” which emerge in the sociohistorical context of particular social norms and values (Ward, Moon, & Baker, 2012: 40–41). Satz points out that some have suggested approaching the problem of disability discrimination from a social welfare perspective rather than from a civil rights approach because it may have more success in providing the needed supports (2008). These social welfare models focus on providing compensation and material supports and do not hold equality of participation as a civil right. However, Satz also points out that there are some important issues that are not addressed by social welfare models because the supports are still tied to protected class status and no matter how broadly the class is defined it will still have the effect of excluding some individuals with less severe impairments (Satz, 2008). Under the current civil rights approach, the ADA does address many of the issues regarding coverage of individuals under the law, but it does not address issues related to the fragmentation of disability protections or support for atypical modes of functioning. While Satz does not advocate a pure social welfare approach, she does make several important criticisms related to these issues.

Satz points out that equality under the ADA means being treated like a person without a disability, which may include accommodation, but does not address the inequalities that are part of the institutional structure itself (Satz, 2008: 528–529). Additionally, she explains that any approach

based on a class membership paradigm overlooks the benefits that may be gained by supporting a variety of methods of functioning and addressing universal vulnerabilities. Currently, the law, including the ADA, assumes that participation can be addressed within particular environments and as such, it does nothing to support movement between or outside of these environments. Because of this, the law responds to vulnerabilities as if they were created by the situation and provides different protections for different contexts (i.e. education, housing, transportation, employment, etc.) so that an individual may be treated differently under the law in different situations (Satz, 2008). This creates inconsistent and interrupted protections and does nothing to provide accommodations within the private realm that would support participation in the public realm. For example, under the ADA, an accommodation to address functioning at the workplace may be required, but support to address functioning at home which would allow an individual to work is not provided (Satz, 2008). In addition to this fragmentation, the ADA only requires “a” reasonable accommodation, not the accommodation which would be preferred by, or most useful to, the individual, and yet, the law may deny protection to an individual who is able to function atypically. By focusing on universal vulnerabilities, protections could become continuous throughout the lives of all individuals thus removing the stigma of needing assistance and allowing for social discrimination to be addressed (Satz, 2008). “Conceptualizing the experience of disability as fragmented, rather than as a constant and part of the human condition, is perhaps the most significant barrier to addressing disability discrimination under the current civil rights approach” (Satz, 2008: 533).

In a similar work, Satz describes how the courts further fragment the protections provided under the ADA by shifting the environment frame at different stages of legal inquiry (2011). An environment frame is defined by Satz as the physical space in which an individual is assessed for legal protections (Satz, 2011: 192). Under federal case law, she found that the courts used broad

environment frames at the eligibility stage to deny protections for individuals who are able to function in one aspect of their lives, and narrow environment frames at the remedy phase to only provide accommodations that would allow a person to perform the essential functions of the job (i.e. no accommodation for access to the break room) (Satz, 2011). This further fragments the experience of individuals with disabilities by creating a legally recognized experience that is different from their actual day-to-day experience. While the ADA has broadened eligibility for protections by expanding the definition of disabled, it did not address the appropriate environment in which to evaluate an individual and the existing case law does not explain why certain environment frames were used, which will likely contribute to further inconsistencies in outcomes (Satz, 2011).

The fragmentation of protections, lack of support for atypical modes of functioning, and inconsistent legal outcomes likely make it very difficult for individuals to navigate the system that is meant to help them. An inability to access existing supports due to this confusion combined with a lack of continuous supports due to the fragmentation of protections could be a key reason for low workforce participation rates among individuals with disabilities.

RECOMMENDATIONS FOR CHANGE

Several of the studies cited above that polled employers for their concerns related to hiring, retaining, and accommodating individuals with disabilities also asked employers for solutions that may be most effective in solving the problem of low employment. The majority of responses related to education, training, or access to information and expertise. The potential efficacy of information-based solutions is supported by Social Cognition Theory and the Theory of Planned Behavior. In order to change the underlying stereotypes, additional information must be attached to the schema of the target group. Once that is complete, attitudes toward behaviors specific to hiring, retention, and accommodation of individuals with disabilities will improve thereby increasing intention to perform those behaviors. The most common types of training requested relate to bias

towards disabled workers, ADA and accommodations, available resources, and data or testimonials demonstrating successful employment. These study respondents also made several suggestions for changes to company policies and/or procedures. Most common was a call for disability to be included in a company's diversity plan, followed by the development of explicit procedures and mechanisms for handling accommodation requests, and top-down support for inclusion of individuals with disabilities. Least often, respondents suggested public policy changes such as government funding for accommodations, and tax incentives for hiring and retaining disabled workers.

Not surprisingly, there are an abundance of suggestions related to changing Social Security benefits plans. Ozawa (2002) listed several interventions which should be attempted prior to the long application process, such as: wage subsidies to encourage employers to hire an individual with a disability; providing the individual with moving expenses to allow him or her to relocate for a job; providing job training, counseling, and other vocational rehabilitation services to help individuals qualify for available jobs; time-limited income support to help close the gap between jobs or between the end of unemployment and a job. Autor (2012) provides more detail regarding proposed changes to Social Security programs, but there are several main points and a couple of common themes. The first point that Autor elucidates several times is the lack of incentive for employers to help keep individuals with disabilities off the SSDI and SSI program rolls. One simple solution to this would be to experience-rate the FICA tax paid by employers, similar to the system used by unemployment insurance, in order to incentivize them to retain and accommodate employees who develop disabilities or to hire and accommodate new employees with disabilities. The major flaw with this simple plan is that employers have very little control over the disabilities of their employees and may experience increases to their tax for conditions beyond their control. Another proposal described by Autor (2012) is a mandate for employers to provide

private disability insurance that would provide time-limited income replacement, comprehensive in-work supports accompanied by incentives to remain in the workforce, and experience-rated premiums as an incentive to retain disabled employees. The final plan is an entirely new public insurance program which would provide partial wage replacement as well as tax credits to help offset the cost of accommodations and increased healthcare premiums (Autor, 2012). This plan intentionally did not experience-rate the cost to employers; the developers of the plan believed that this would be seen by employers as an additional cost of employing disabled workers and thus would serve as a disincentive for hiring individuals with disabilities.

Finally, addressing the fragmented protections and supports would require both legal reform and a shift in the way our institutions conceptualize disability. Satz, in her 2008 work, suggests a blend of the civil rights and social welfare models utilizing the perspective of universal vulnerabilities. She explains that by conceptualizing disability as the realization of certain universal vulnerabilities the environment for assessment expands beyond a specific aspect of a form of social participation to the form of participation itself – a shift from providing accommodations at the worksite to providing accommodations to support employment (Satz, 2008). In order to assist with this process in a concrete way, she recommends creating a fund that would relieve employers from carrying the financial burden of accommodations and mandating the interactive process recommended by the EEOC to identify inter-environmental accommodations that would best support the individual's preferred mode of functioning (Satz, 2008). To enforce this new paradigm, the courts would need to use broad environment frames at both stages of inquiry, with a different interpretation of the results of those inquiries in order to assess an individual's true functional abilities and provide accommodations that are broad enough to provide meaningful access (Satz, 2011). She points to the determination process used by the SSA as a model: the aggregate effect of all impairments are

assessed across environments to gain a complete picture of an individual's ability to function.

CONCLUSION

This paper set out to identify the institutional barriers to employment faced by individuals with disabilities, and focused on the following hypotheses:

1. *Employers with a better understanding of the ADA and ADAAA are more likely to hire, retain, and accommodate individuals with disabilities;*
 - 1a. *Specifically, misunderstanding of the reasonable accommodation mandate creates a barrier to employment;*
2. *Bias and negative perceptions toward individuals with disabilities still affect employer decision making, despite the anti-discrimination provisions of the ADA and ADAAA; and*
3. *SSDI and SSI create disincentives for disabled individuals to continue or begin participation in the workforce.*

In an attempt to determine the accuracy of these hypotheses, studies investigating the reasons employers may not hire, retain, and accommodate workers with disabilities were examined along with studies searching for the reasons behind low workforce participation within the disabled population. As was observed in the findings and discussion section above, the findings of a few of the studies were somewhat consistent while the other few were slightly different or in some cases contradictory. It is clear that research in this area suffers from several inconsistencies related to the definitions of terms such as disability, attitude, behavior, and even employment. An interdisciplinary examination of these subjects to develop clear definitions which can be used in future research is likely to help results of empirical studies become more consistent with one another. Barring that, studies should explicitly define these terms to allow future researchers to gain a better understanding of exactly what is being measured by the study and may even allow for a meta-analysis controlling for differing definitions. Studies similar to the ones examined by this paper

but which focus on specific types of disabilities may also clear up some of the contradictions: an employer's response to an individual with an obvious physical disability is likely to be very different from the reaction to an individual with a hidden disability such as a mental illness or a condition that would be covered by the bodily function definition of major life activity under the ADAAA.

Despite, or perhaps due to these issues, Hypothesis 1 is supported in part. It is supported to the extent that a lack of knowledge of the ADA was reported by employers in more than one study, and empirical analysis found that knowledge of the ADA was a strong predictor of corporate and management commitment to hire disabled workers (Chan et al., 2010). It is contradicted by a finding that employer attitudes toward hiring individuals with disabilities is not related to the employer's knowledge of the ADA (Copeland et al., 2010) as well as by the finding of this work that there are several other factors such as increased costs, worker qualification concerns, and employee performance issues, which seemed to elicit stronger responses from respondent employers. The subject which received the most discussion was knowledge regarding, and cost of, accommodations which supports Hypothesis 1a. While there were many other concerns cited as well, the subject of accommodations was listed by every study even if it was not the top concern found by that study. Interestingly, despite the professed lack of knowledge regarding the ADA and accommodations, a study by Hoffman found that many employers are responsive to the requirements of the ADA (2008).

Hypothesis 2 is supported by the literature related to Attribution and Social Cognition Theories as well as by the finding that the majority of employer concerns were based in bias and negative perceptions rather than in fact. Related to this finding is the discovery by Copeland et al. that employers are uncomfortable working with individuals with disabilities and that comfort levels increased with more experience. This raises the question of whether or not interaction between disabled and nondisabled children in school would

affect these types of findings in future generations. A study examining the effect of non-employment interactions with disabled individuals on perceptions of employability may inform future educational policies which could serve to reduce negative perceptions regarding individuals with disabilities. Additionally, research into whether such interaction and/or inclusion affects the future educational attainment of individuals with disabilities would also be informative in light of the finding by Economic Systems, Inc. that education is related to disability incidence due to the fact that the causal direction of this relationship is not yet known (2009). Similarly, research into whether educational attainment by individuals with disabilities changes the amount or type of discrimination they encounter is indicated by the finding of the Bureau of Labor Statistics (2013b) that only 38.6 percent of disabled individuals with a college degree reported encountering discrimination while 52.9 percent of disabled individuals with less than a high school diploma reported discrimination.

Another interesting vein of research in this area is the effect of coworker discrimination on a disabled individual's decision to participate in the workforce. It is possible that even after clearing all the hurdles related to finding and receiving a suitable job, an individual will withdraw from the workforce due to coworker discrimination and/or harassment. The expectation of encountering such treatment as compared to the rates of actual encounters may also be informative. If it is found that there is a high expectation but a low realization of such treatment, vocational rehabilitation or similar services could target these concerns and potentially increase workforce participation.

Scholarly literature points to the strong disincentives created by the SSDI and SSI programs, however a recent survey finding directly contradicts this literature with a report of only 7.5 percent of individuals receiving benefits from these and similar programs wanting to work more than the program would allow (Bureau of Labor Statistics, U.S. Department of Labor, 2013b). Because of this contradiction, I conclude that

Hypothesis 3 is supported in part. Further research in this area should be conducted in an attempt to reconcile these findings. Additionally, an international comparison of disability related statutes, regulations, case law, and programs with a focus on their efficacy as it relates to workforce participation could help to settle the matter as well as inform changes to institutions in this country.

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