Cornell University
ILR School
Employment and Disability Institute

Emerging Employment Issues for People with Disabilities

Disability Disclosure
Leave as a Reasonable Accommodation
Use of Job Applicant Screeners

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AAPD
American Association
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USE OF JOB APPLICANT SCREENERS

CONTENTS

EXECUTIVE SUMMARY

People with disabilities are employed at less than half the rate of their non-disabled peers (Erickson, Lee, & von Schrader, 2011); and the current economic climate is making it even harder for people with disabilities to obtain employment (Kaye, 2010). During the summer and fall of 2011, Cornell University's Employment and Disability Institute and the American Association of People with Disabilities (AAPD) collaborated on the development and implementation of a survey on current critical issues around the employment of people with disabilities. This research was funded by the U.S. Department of Education National Institute on Disability and Rehabilitation Research for Cornell's Employment Policy for People with Disabilities Rehabilitation Research and Training Center. Three primary issues were addressed in the survey: disability disclosure, leave as a reasonable accommodation, and the use of job applicant screeners. These are emerging issues that may have an important impact (positive or negative) on the employment of people with disabilities. The experiences uncovered in this survey provide a foundation for policy development around these very critical issues.

Recruitment and Methods

The survey was distributed primarily through the networks of AAPD and The Substance Abuse and Mental Health Services Administration (SAMHSA). Distribution of the online survey was done through: AAPD Facebook posts, AAPD Twitter posts, AAPD's general listserv, articles in AAPD's Justice for All Newsletter (JFA), as well as SAMHSA's network listserv and an article in SAMHSA/Center for Mental Health Services (CMHS) Consumer Affairs E-News. A total of 780 participants completed the survey; and an additional 101 participants started the survey, answered at least one question, but did not complete it. The respondents are not a representative sample of any particular group, for example, people with disabilities or AAPD members. Therefore, we are not able to make generalizations to a particular group, but we do believe that the experiences collected from those who chose to respond are valid and important to share. Descriptive statistics of survey responses are presented in the report as well as a summary of open-ended responses. We conducted a thematic analysis of the qualitative data gathered through open-ended items (Braun & Clarke, 2006).

Results

The majority of respondents identified themselves as a person with a disability (599) while the rest (212) did not. As might be expected based on the methods for survey distribution, many of the respondents were disability advocates and/or disability service providers. Around one-third were family members of a person with a disability. More than two-thirds of respondents were female and most were over 45 years old. Overall, respondents were highly educated, with more than two-thirds having a college degree. More than four out of five identified their race as "white." While nine out of ten respondents without a disability were employed, just under two-thirds of respondents with a disability were employed. Respondents reported a variety of health conditions. Interestingly,

although not surprising given that around one third of surveys were completed by individuals recruited through SAMHSA networks, half of people with a disability reported having mental/emotional health conditions.

Disability Disclosure

Respondents were asked to rate the importance of both factors that might motivate them to disclose that they have a disability and factors that may be barriers to disclosure. Respondents were also given the opportunity to describe a particular disclosure decision. About two-thirds of the respondents with disabilities rated the *need for accommodation* and *supportive supervisor relationship* as being very important. However, the context of the workplace was also important, with high ratings for having a *disability friendly workplace* and *knowing that the employer was actively recruiting people with disabilities*. Similarly, respondents rated factors in the decision to not disclose; nearly three quarters of people with a disability viewed *risks of being fired/not hired* as being very important. Other factors most frequently rated as very important were: *employer may focus on disability (not ability)*, *fear of limited opportunities*, and *risk of losing health care*.

We asked individuals who self-identified as an individual with a disability more questions about their disability disclosure experience at their current or most recent job. As expected, the disclosure rate was greater among people with a more apparent disability. Among those who disclosed, just more than half rated their immediate disclosure experience as positive, while fewer rated the longer term consequences of the disclosure as positive. The final item in this section was open-ended and asked: "please explain why you would or would not disclose in the future." Responses provided more description of why the factors that were rated earlier in the survey are important. Many respondents answered the question by describing a disability disclosure experience in their past that would influence their future decisions. Respondents also noted other factors that played a role in their decision. We had a wide range of responses, but grouped them into a few key themes:

- The timing of the disclosure (e.g., waiting until hired)
- The importance of a supportive environment
- "Disability is part of who I am"
- Fear of limited opportunities and harassment

Workplace Leave

The survey included a series of questions that delved into requesting leave because of a medical condition or disability. Survey respondents were asked the question: "Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability (not including the birth of a child)?" Overall, 41.9% reported requesting leave. In thinking about their most recent request for leave, most (56.9%) requested a block of leave as opposed to intermittent leave; most reported that the leave was granted (292 out of 329, or 88.7%). Of the 37 respondents who said their leave was not granted, just more than half (51.4%) felt the denial was due to employers' inflexible leave policy.

Respondents who had requested leave were asked to rate their most recent experience in requesting leave as positive, negative or neutral. Half of respondents (50%) reported a positive experience in requesting leave, 17% reported a negative experience, with 33% reporting a neutral experience. Over three-fourths of respondents answered a follow-up open-ended question: "Please describe your experience in requesting leave." Responses to the open ended items were grouped into a few themes, including:

- Leave request was granted with very little difficulty
- Supervisor questioned whether leave was necessary
- Requesting leave was a confusing process/involved poor communication

Among those who had returned from leave, 57% reported a positive experience returning from leave, 17% reported a negative experience and 26% reported a neutral experience. A follow-up parallel to the open-ended question on requesting leave was asked, soliciting people's personal experiences of returning to work after leave. The experiences described ran the gamut from harassment and firings to supportive and accommodating supervisors and co-workers.

Job Applicant Screening

CRIMINAL BACKGROUND CHECKS

More than one quarter of respondents believe that people with disabilities are likely to be screened out because of criminal background checks. Respondents were given an opportunity to provide more context in responding to the open-ended item: "Do you have a specific experience to share?" We identified three major themes in responses to this question.

- Criminal background checks were applied regardless of disability status and do not differentially impact applicants with disabilities
- Job coaches and counselors reported significantly greater difficulty in placing persons with disabilities who had a criminal record.
- People with certain types of disabilities (e.g., mental illness and substance abuse) were more likely to have been involved in the criminal justice system as a result of their disability. Respondents reported that criminal background checks might have a differential impact on employment opportunities for that particular group.

CREDIT CHECKS

Just under one third of respondents answered "yes" to the question that asked: "In your experience, are people with disabilities more likely to be screened out in the application/hiring process because of credit checks"? In an opportunity their share their experiences, respondents often reported that:

- Individuals with disabilities often have bad or no credit because of high medical costs, low incomes, periods of unemployment and disability-related financial mismanagement.
- Credit screens have a negative impact on the potential for individuals with disabilities to obtain work, given their frequently poor credit histories.
- Credit screening is a poor measure of potential applicants' "motivation and capability" and unnecessarily screened out people with disabilities because of poor credit related to past circumstances beyond their control.

SCREENING FOR CURRENT EMPLOYMENT

Half of respondents felt that people with disabilities were more likely to be screened out in the application/hiring process because they may be unemployed at the time of application. Respondents often reported that:

- Being unemployed presents a significant barrier to finding employment, regardless of disability status.
- Long term unemployment is more detrimental to finding work than short term unemployment.

Respondents went well beyond current unemployment to discuss a wide range of issues related to employment patterns, employer practices, disability and alternatives to employment that have an impact on the potential for individuals with disabilities to obtain employment.

Conclusion

This survey focused on people with disabilities and their perspectives – only the "supply end" of the employment equation. The results provide a window into the experience of individuals with disabilities in the application and employment process. Interestingly, disclosure was an issue that appeared in all three sections of the survey: disability disclosure, leave as a reasonable accommodation, and the use of job applicant screeners. Respondents discussed the sometimes complex decision of whether to disclose and the barriers and rewards for such disclosure. In the section on workplace leave, several respondents mentioned the need to disclose when requesting and/or returning for leave. This sometimes changed their workplace experience significantly – sometime for the better, but often for the worse. There was also a fear of disclosure associated with job screeners such as credit checks and employment history. Respondents were concerned that a credit check might reveal SSI/SSDI receipt or medical debt, unintentionally informing an employer of an individual's disability or health issue. Similarly, respondents were concerned that an

employment history with gaps may alert an employer that an applicant has a disability. A wide range of experiences and perspectives were uncovered in this study, both positive and negative. Policy makers, employers ("demand-side") and others may use this information to guide policy that will lead to more inclusive hiring and retention of individuals with disabilities, ideally, improving the employment situation for people with disabilities

BACKGROUND

People with disabilities are employed at less than half the rate of their peers without disabilities (Erickson, Lee, & von Schrader, 2011); and the current economic climate is making it even harder for people with disability obtain employment (Kaye, 2010). During the summer and fall of 2011, Cornell University Employment and Disability Institute and the American Association of People with Disabilities (AAPD) collaborated on the development and implementation of a survey on current critical issues around the employment of people with disabilities. This research was funded by the U.S. Department of Education National Institute on Disability and Rehabilitation Research for Cornell's Employment Policy for Persons with Disabilities Rehabilitation Research and Training Center. Three primary issues were addressed in the survey: disability disclosure, leave as a reasonable accommodation, and the use of job applicant screeners. These are emerging issues that have an important impact (positive or negative) on the employment of people with disabilities. The experiences uncovered in this survey will provide a foundation for policy development around these very critical issues. Below we describe why these are critical issues of policy concern.

Disability Disclosure

The decision to disclose a non-evident disability to an employer can be complex (Dalgin & Gilbride, 2003). There is a common and not unfounded fear that disclosing a disability may lead to not being selected for a position or result in differential treatment in the workplace. Common concerns include lowered expectations, lack of respect, isolation from co-workers, decrease in job responsibility, and being passed over for promotion (Dalgin & Bellini, 2008; Dalgin & Gilbride, 2003; Madaus, 2008). Balancing those concerns are the possible rewards of disclosure. In some cases individual may need a reasonable accommodation to succeed in the workplace, and therefore need to disclose their disability to the employer. As the result of disclosure, an individual may also receive the support of a coworker or supervisor. In cases were the disability is not apparent, disclosure may help explain behavior to a supervisor or coworkers (MacDonald-Wilson, 2005).

This survey explores the motivations and barriers to disclosure, and asks individuals to describe a particular disclosure decision and experience. Understanding the motivations and barriers is important information for employers who may be under pressure to affirmatively hire and retain individuals with disabilities, particularly federal contractors or employers in the federal government. An employer, faced with a mandate to increase the employment of people with disabilities, may be interested in creating an environment where an individual feels comfortable disclosing. We focus on employer characteristics and actions that might increase the likelihood of disclosure.

Leave as a Reasonable Accommodation

There has been growing concern about providing leave as a reasonable accommodation, under the Americans with Disabilities Act (ADA). The U.S. Equal Employment Opportunity Commission (EEOC) held a public meeting on Wednesday, June 8, 2011 to examine the use of leave as a reasonable

accommodation (U.S. Equal Employment Opportunity Commission, 2011). Inflexible leave policies may mean that an employee entitled to a reasonable accommodation under the ADA is denied leave. We were interested in understanding the experience of people with disabilities requesting leave as well as their experience when they return to work.

Job Applicant Screening

The employment rate of Americans with disabilities continues to be low and has not been helped by the recent recession (Bjelland, Burkhauser, von Schrader, & Houtenville, 2011; Kaye, 2010). The employment gap between those with disabilities and without remains large, with 36.0% of people with disabilities employed compared to 76.8% of people without disabilities, a gap of 40.8 percentage points (Erickson, Lee, & von Schrader, 2011). There are a number of job applicant screening practices that may differentially impact people with disabilities, potentially maintaining or increasing that gap. Unless an employer can defend these screening methods as job-related or as a business necessity, the use of such checks may differentially impact individuals in some protected groups and be considered a discriminatory act. In our survey, we investigate whether respondents feel that these practices are differentially impacting people with disabilities and also gather information about experiences with these screeners.

Criminal background checks

The Society for Human Resource Management (SHRM) conducted a survey in 2009 of a random sample of its HR professional members, examining the use of background checks, including criminal background checks (Society for Human Resource Management, 2010a). Seventy-three percent of survey respondents conducted criminal background checks on all job candidates, and an additional 19% used these checks for selected candidates. The EEOC is monitoring this area and held a meeting in July 2011 to gather expert opinion on the subject (Society for Human Resource Management, 2010b). There is concern that employers will not hire an individual with a criminal background even years after the individual has served his/her sentence. The unemployability of individuals with a criminal background has the potential to lead to greater social costs and recidivism.

Credit history checks

The Fair Credit Reporting Act allows employers who (1) disclose a valid employment purpose and (2) obtain authorization from the individual to conduct a credit check during the application/hiring process. A 2009 SHRM survey demonstrated that employers use credit checks, at least in certain situations to screen candidates. Only 13 percent of respondents (HR professionals) said that they conduct credit background checks for all job candidates; an additional 47% conduct checks for selected jobs (Society for Human Resource Management, 2010c). The EEOC had a public meeting on the topic in October of 2010. At this meeting SHRM defended the right of employers to use credit checks in screening, noting that the information on credit screening is can be useful for making informed decisions and most employers only use this screener for selected jobs (Society for Human

Resource Management, 2010b). Testimony by Sarah Crawford, Esq., of the Lawyers Committee for Civil Rights Under Law, noted that several protected groups may be disadvantaged by the use of credit checks: "Persons with disabilities could also be disadvantaged by credit checks, due to the effects of incurring higher medical expenses" (Crawford, 2010). She also noted that: "Medical debts reflected in credit reports raise particular concerns about the practice of employer credit checks," as employer decisions may be influenced by what is learned about past medical history/debt.

Currently employed requirement

Many job vacancy ads now include a statement that reads something like: "must be currently employed "(Rampell, 2011). With the current recession many people have lost their jobs and the requirement of current employment (or an uninterrupted employment history) may mean it will be even more difficult to get back into the labor force. The EEOC has examined this practice and how it may differentially impact groups protected by employment laws enforced by the EEOC such as racial and ethnic minorities and older workers (U.S. Equal Employment Opportunity Commission, 2011). Limiting the pool of applicants in this way may also differentially impact individuals with disabilities who are employed at a much lower rate than their non-disabled peers. At the public meeting on this issue in February of 2011, Joyce Bender, a disability and employment expert, noted: "Given my experience, … I can say without a doubt that the practice of excluding persons who are currently unemployed from applicant pools is real and can have a negative impact on persons with disabilities"(Bender, 2011). Some states have already moved to outlaw this practice, and in July of 2011, the Fair Employment Opportunity Act of 2011, which is intended to stop discrimination on the basis of one's history or status of unemployment, was introduced to Congress (Delauro, 2011).

METHODS

Survey Development and Distribution

Cornell and AAPD staff worked together to identify the topics of focus described above. Items were developed for the survey and reviewed by a variety of individuals with wide expertise on these policy issues. The survey was developed iteratively and once a draft was ready, it was piloted with the staff at the Employment and Disability Institute at Cornell. The survey was revised based on feedback and a final version was sent to the Cornell Survey Research Institute (SRI) who programed the online survey and created six survey links for distribution purposes. We did not have access to individual emails and instead distributed the survey through listservs and newsletters as well as social media outlets. A generic link was utilized for each of six recruitment sources: AAPD Facebook, AAPD Twitter, AAPD general listserv, AAPD's Justice for All Newsletter (JFA), as well as The Substance Abuse and Mental Health Services Administration network listserv and SAMHSA/Center for Mental Health Services (CMHS) Consumer Affairs E-News.

A total of 780 participants completed the survey. Additionally, 101 participants started the survey, answered at least one question, but did not complete it. Table 1 presents survey responses broken

down by recruitment activity. We were very interested in the use of social media for recruiting participants for the survey. While AAPD listserv subscribers number approximately 7,700, the network is much broader when including individuals who follow AAPD on Facebook or Twitter. AAPD promoted the survey at least once a week for four weeks on both Facebook and Twitter, but the number of complete surveys from these outlets was quite low. Although, there were 103 surveys accessed via Facebook and 175 via Twitter, together these sources only resulted in 32 completed surveys, a "completed-to-touched" rate of just under 12%. More traditional methods of distributing the survey were found to be more successful. The JFA newsletter advertised the survey each of 3 weeks. In the final week, the survey was the lead article and email subject line of the newsletter. This last week netted most of the responses for a total of 513 touched surveys and 366 completed (71% completed-to-touched rate). The AAPD outreach via the general listserv, netted 133 completed surveys and a completed-to-touched rate of 65%. We were fortunate to also have the support of SAMHSA and its network in survey distribution. The outreach via listserv led to 1164 touched surveys and 212 completed responses. The SAMHSA/CMHS newsletter led to 37 completed surveys. It should be noted that the distribution of the surveys was not limited to only those on these listservs or subscribers to the newsletters. These links were forwarded extensively; for example we learned that the survey was promoted in a Disability and Business Technical Assistance (ADA) Center newsletter and sent out to a National Federation of the Blind listserv as well.

Table 1. Surveys touched and completed by recruitment method

	Touched surveys	Total surveys (including incomplete)	Completed Surveys	Completed-to-Touched Rate
AAPD Facebook	103	25	22	21%
AAPD Twitter	175	13	10	6%
AAPD general listserv	205	149	133	65%
AAPD JFA newsletter	513	413	366	71%
SAMHSA listserv	1164	243	212	18%
SAMHSA/CMHS newsletter	49	38	37	76%
Total	2209	881	780	35%

Data Analysis

It should be noted that the respondents are not a representative sample of any particular group, for example, people with disabilities or AAPD members. We are not attempting to make inferences about any particular group, but we do believe that the experiences that have been collected from those who chose to respond are valid and important to share. These voices may help us better understand these important issues by highlighting the perspectives of those who have related experiences. Descriptive statistics of survey responses are presented in the report, as well as a summary of open ended responses. The open ended items on the survey had a very high response rate. For example, on one item that was only asked of people with a disability (N=599), over 370

entered an open-ended response. We conducted a thematic analysis of the rich qualitative data gathered through these open ended items (Braun & Clarke, 2006). After thoroughly reading all of the responses for each item, we developed a set of codes where we identified features of interest in the data. We then grouped these coded responses into broader themes; these themes were further refined and quotations were selected from the text responses that represent these themes. In order to protect the confidentiality of our respondents, we removed any identifying information from the quotes, brackets or ellipses were inserted to show where text was suppressed. When presenting quotes we decided to correct spelling errors so as not to distract the reader, but we did not correct grammar or any make any other changes. The results of these analyses are presented in this report.

RESULTS

Respondent Characteristics

One of the key demographic items asked individuals whether they are a person with a disability; the item also asked about other roles such as whether they are a disability service provider. The majority of respondents identified as a person with a disability (599), while the rest (212) did not. Table 2 breaks down the roles identified by those with and without disabilities. In addition, several other demographic are compared between people with and without disabilities, including sex, age, education-level, race/ethnicity, Social Security Insurance (SSI)/Social Security Disability Insurance (SSDI) receipt, employment status, and health conditions/impairments.

As might be expected based on the methods for survey distribution, many of the respondents were disability advocates and/or disability service providers. Around one-third were family members of a person with a disability. More than two-thirds of respondents were female and most were over 45 years old. Overall, respondents were highly educated with more than two-thirds with a college degree. More than four out of five identified their race as "white." More than half of the respondents with a disability said that they had received Social Security disability benefits, while less than 10% of people who did not report a disability reported receiving these benefits. While nine out of ten respondents without a disability were employed, just under two-thirds of respondents with a disability were employed. Respondents reported a variety of health conditions. Interestingly, half of people with a disability reported having mental/emotional health conditions, not surprising given the survey promotion through SAMHSA.

Table 2. Characteristics of Survey Respondents by Self-reported Disability Status

		Percent of persons with a disability (N=599)	Percent without a disability (N=212)
q3b	Family member of a person with a disability	31.4	37.3
q3c	Disability advocate	53.6	42.0
q3d	Disability service provider	27.2	51.4
q3e	Policymaker	6.2	7.5
q3f	Employer	8.7	17.5
q3g	Other-self description	8.8	9.0
q24	Female	65.9	70.9
q25	18-24	1.8	3.0
	25-34	13.4	15.8
	35-44	17.8	13.3
	45-54	30.7	32.0
	55-64	29.5	30.1
	more than 65	6.8	5.9
q27	Less than high school	1.1	4.0
	High school graduate or GED certificate	4.0	3.9
	Technical, trade, or vocational school	3.5	0.0
	Some college, but less than a 4-year degree (include 2 year)	24.0	13.3
	College graduate (BS, BA, or other 4-year degree) or higher	67.4	78.8
q26a	White-race	84.2	79.4
q26b	Black-race	8.3	9.6
q26c	Asian-race	1.6	1.4
q26d	American Indian or Alaska Native-race	5.7	2.9
q26e	Latino/Hispanic-race	3.0	7.7
q26f	Other-race	3.1	1.0
q28	Received SSI or SSDI	54.9	8.9
q29	Currently employed	67.4	91.1
q31_1	Alcohol/drug problem	6.8	--
q31_3	Attention Deficit/Hyperactivity Disorder	9.8	2.4
q31_4	Autism	3.3	4.8

		Percent of persons with a disability (N=599)	Percent without a disability (N=212)
q31_5	Cerebral palsy	6.8	--
q31_7	Epilepsy/seizures	5.4	1.9
q31_8	Intellectual disability	1.4	2.9
q31_9	Learning disability	10.3	5.3
q31_10	Mental/emotional health conditions	50.0	14.0
q31_11	Parkinson's/neurological disease	1.6	--
q31_12	Stroke	2.6	--
q31_13	Traumatic brain injury	6.1	--
q31_15	Arthritis/rheumatism	26.3	11.6
q31_16	Back/spine problems	27.0	10.6
q31_17	Broken bone	4.9	--
q31_18	Carpal tunnel syndrome	9.1	2.9
q31_21	Multiple sclerosis (MS)	2.6	--
q31_22	Missing limbs/foot/hand/finger	2.4	--
q31_23	Muscular dystrophies	2.1	--
q31_24	Paralysis	7.1	--
q31_25	Spinal cord injury	7.3	--
q31_26	Stiff/deformed foot/hand/finger	5.6	--
q31_27	Asthma/COPD	14.8	8.2
q31_28	Blood disorders	3.8	--
q31_29	Heart condition	5.7	--
q31_30	High blood pressure	24.9	17.9
q31_31	Lung/respiratory condition	6.6	--
q31_33	Allergies	23.5	18.8
q31_34	Blind/serious difficulty seeing	9.9	--
q31_35	Cancer	3.5	3.9
q31_36	Deaf/serious difficulty hearing	7.0	2.9
q31_37	Diabetes	13.4	8.2
q31_38	Gastrointestinal disorder	11.3	--
q31_39	Kidney disease/stones	3.3	--
q31_40	Thyroid condition/goiter	10.6	6.3
q31_41	Tumor/cyst/growth	2.1	--
q31_42	Other condition	13.1	3.4

Note: health conditions with five or fewer in the cell were suppressed and noted with a "—". In cases where there were five or fewer respondents in both groups the category was not reported.

Disability Disclosure

Factors important to the decision

The first section of the survey asked respondents to rate the importance of various factors in the decision to disclose (or not disclose) on a scale from 1 - not at all important to 5 - very important. Table 3 presents these data split by whether an individual self-identified as a person with a disability. About two thirds of the respondents with disabilities rated the *need for accommodation* and *supportive supervisor relationship* as being very important (see Appendix A for the full text of each item). However the context of the workplace was important, with high ratings for having *disability friendly workplace* and *knowing that the employer was actively recruiting people with disabilities*. While the responses were quite consistent between groups, persons with a disability rated the importance of belief in new opportunities higher than individuals without a disability.

Table 4 presents factors that may influence the decision to not disclose. Nearly three quarters of people with a disability viewed *risks of being fired/not hired* as being very important. This was followed by *employer may focus on disability*, *fear of limited opportunities*, and *risk of losing health care*. People with a disability rated the *desire for privacy* as less important than those without a disability. People with a disability were more likely to rate the *risk of being fired/not hired*, *losing health insurance* and *fear of limited opportunities* as very important factors than people without disabilities.

Table 3. Percent who rated factor as "very important" when deciding to disclose a disability to an employer

		Persons <u>with</u> a disability (N=598)	Persons <u>without</u> a disability (N=207)
q1a	Need for accommodation	68.2	64.3
q1b	Supportive supervisor relationship	63.5	60.9
q1c	Disability friendly workplace	56.8	54.6
q1d	Active disability recruiting	50.5	49.5
q1e	Knowing of other successes	49.9	45.9
q1k	Disability in diversity statement	48.9	45.9
q1g	Belief in new opportunities***	40.7	25.7
q1i	Recruitment materials invite disabled	37.8	36.1
q1j	Disability inclusiveness message	38.0	37.4
q1h	Disabled employee as recruiter	32.4	28.8
q1f	Existence of affinity group	26.1	21.0

*P<0.05; ** P<0.01; ***P<0.001

A variety of other factors were added by respondents who had the opportunity to add and rate two additional open-ended factors. Some of the factors that were commonly mentioned as important in making the decisions to disclose included:

- Company offers flexible work opportunities (e.g. part-time, work from home, flexible schedule, flexible leave policy).
- Disability awareness/anti-stigma training offered to all employees in the workplace.
- "HR personnel who are familiar with disabilities, accommodations and understand it is a goal for companies."
- "Knowing the employer has a fair system in place to resolve complaints."
- Accessible building and facilities at the workplace.
- Organization supports diversity more generally
- Organization offer benefits that cover medication.
- "Data presented on hiring and promotion of people with disabilities"
- "Participation and support by employers in community awareness events/activities"

Table 4. Percent of respondent rated factor as "very important" when deciding to NOT disclose a disability to an employer, by disability status

		Persons with a disability (N=598)	Persons without a disability (N=207)
q2d	Risk of being fired/not hired	73.0	67.3
q2f	Employer may focus on disability*	62.0	53.7
q2e	Risk of losing health care	61.5	54.7
q2i	Fear of limited opportunities***	61.1	42.9
q2c	Supervisor may not be supportive	60.1	60.5
q2h	Risk being treated differently*	57.8	49.8
q2g	Risk being viewed differently	53.8	51.2
q2b	No impact on job ability	44.0	47.5
q2a	Desire for privacy***	27.9	41.7

*P<0.05; ** P<0.01; ***P<0.001

A few other factors were added by respondents in the open ended opportunity to rate additional factors; most were concerns that fit into the factors listed in Table 4. Many respondents highlighted the concern over being treated differently, particularly emphasizing a concern over co-worker attitudes and fear of bullying by other employees – e.g., "Once the disability becomes known the workplace becomes "unfriendly." Others had concerns that employers may not understand the laws protecting people with disability from workplace discrimination.

The disclosure decision experience

We asked respondents who self-identified as an individual with a disability more questions about their disability disclosure experience at their current or most recent job. An individual who uses a

wheelchair (a very apparent disability) will likely not have the same experiences (or choices) in disclosure as someone with a psychiatric disability that may be completely hidden from others. We asked individuals with a disability to rate how apparent their disability is to others. Figure 1 presents the percent who disclosed in their current or most recent job. The majority across groups indicated that they did disclose their disability (from 74% to 86%).

Figure 1. Percent who disclosed their disability to their employer in their current or most recent job, by how apparent their disability is to others
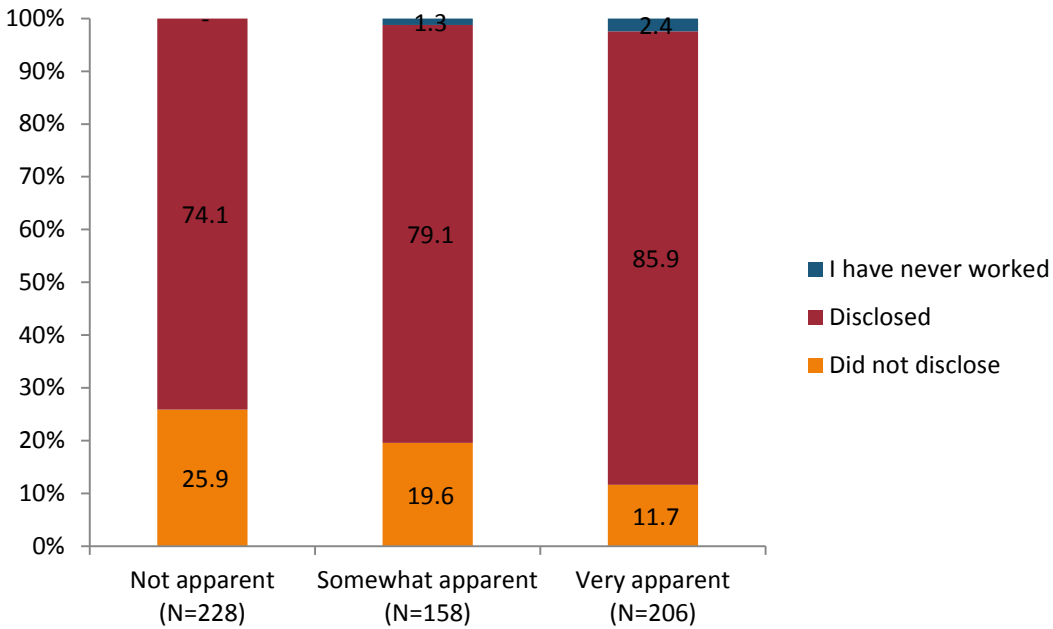
Figure 2 presents the point in the employment process when individuals chose to disclose, if they did disclose their disability. Most individuals with an apparent disability disclosed their disability during the recruitment process (50.6%). Those with a non-apparent disability disclosed less frequently in the recruitment process and more often after being hired (an option that is likely not available to individuals with an apparent disability).

Figure 2. When respondents disclosed their disability, by how apparent the disability was to others.
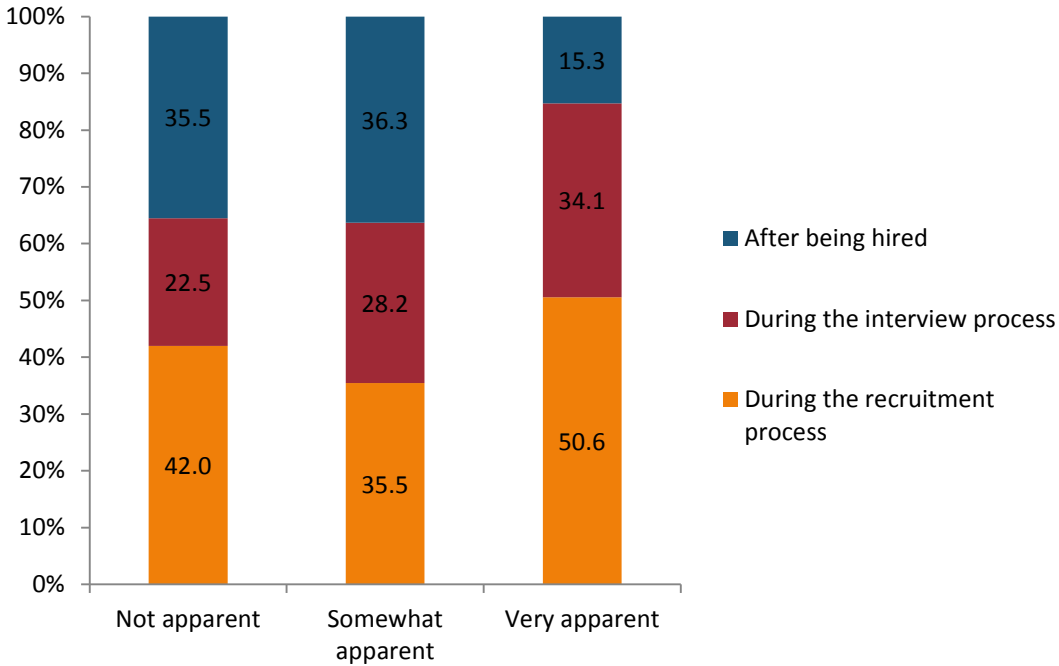
Among those who disclosed, more than half rated their immediate disclosure experience as positive (between 52% and 54%, depending on how apparent the disability was), while fewer rated the longer term consequences as positive (between 40% and 43%, depending on how apparent the disability was). Figure 3 demonstrates that the long term consequences of disclosure were generally more negative than the immediate experience of disclosing. The percent with longer term negative consequences was greater for those with less apparent disabilities.

Figure 3 Percent who reported immediate and longer-term negative consequences, by how apparent the disability was to others.
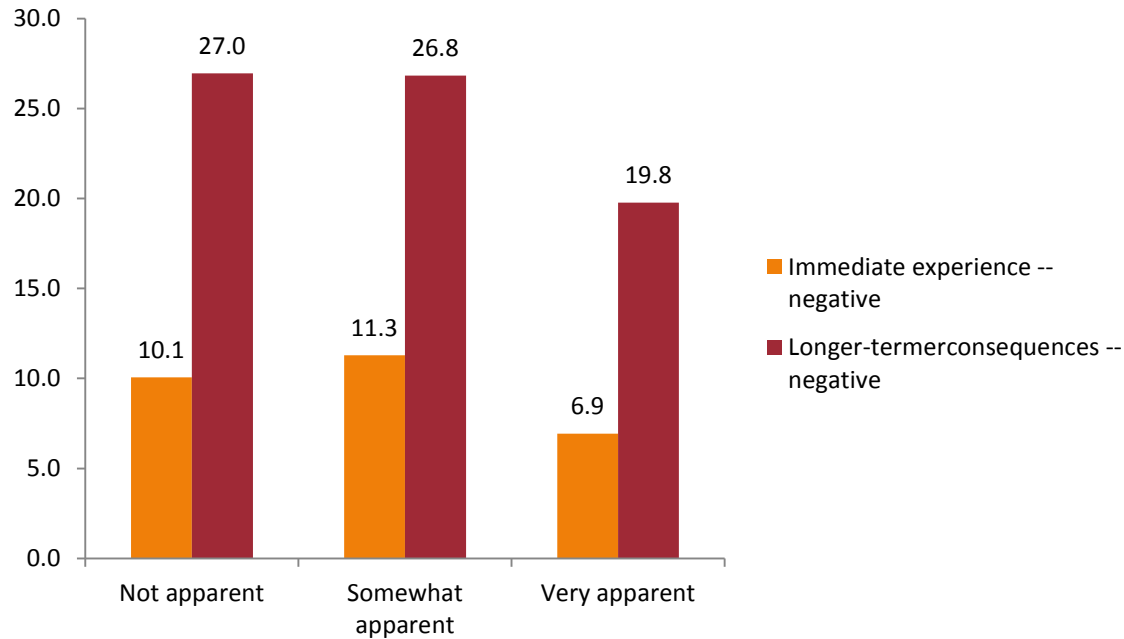
Open ended responses to the final item in this section asked: "please explain why you would or would not disclose in the future." Responses provided further description and resulting understanding of why the factors that were rated in the first two sections of the survey (1a-J and 2a-i) are important. Many respondents answered the question by describing a disability disclosure experience in their past that would influence their future decisions. Respondents also noted other factors that played a role in their decision.

Not surprisingly, accommodation was a critical issue in the decision to disclose and many respondents described their specific needs for accommodation in the workplace. While an individual may need an accommodation, disclosing too early may impact an individual's chance at getting a job (for more on this topic see the in the section on hiring/firing in this report). The timing of the disclosure was important to many respondents, who reported that they preferred to wait until hired to disclose. Although many respondents had an obvious disability and had no choice in disclosure, some noted that they disclosed only their visible disability and did not disclose other, less visible disabilities.

> "I waited until after being offered the position to disclose. I was hired for my extensive abilities, not my disabilities."

> "I tended to let employers see my work before letting them know that I am hard of hearing."

"I need accommodations to do the job so have to disclose. I have multiple disabilities and one is very apparent. I might not disclose all of my disabilities until hired or necessary but the apparent one would be disclosed at the interviewing process."

"I have an apparent disability therefore I can't hide it. In addition, I have an invisible disability and I don't disclose the circumstances of that part of my disability until it is time to discuss accommodations as I need different accommodations for my invisible disability."

"I would be less likely to disclose if I felt that my employer would not be understanding. I typically disclose to my supervisor after being offered the job but before accepting, and only disclose to co-workers on a limited basis depending on my relationships."

Respondents noted that the supervisor as well as the environment of the company was important in their decision to disclose. Several noted that a company simply having progressive policies is not enough; they need to see how employees with disabilities are treated in the workplace to make their decision.

"My boss respected me and understood the difficulties I have. I have concerns about a new employer being as understanding and supportive as my last boss."

"I typically disclose, but if and when depend on my rapport with the interviewer / supervisor. I've had good and bad reactions."

"I have worked hard not to be ashamed of how my disability affects my work performance and I absolutely do not want to work anywhere that I would not have as supportive an environment."'

"I would be wary of disclosing until I saw how the employer actually treated employees with mental health issues, not just their stated policy. There would have to be trust in my supervisors and colleagues."

"I would only disclose if there was clear evidence of being supportive of the disabled across the board at all levels."'

"It depends on the responsiveness of co-workers, supervisors, and general work environment."

Several respondents noted that their disability is "part of who I am." Some of these respondents said that they wanted to disclose because they wanted to know whether the employer would accept them for who they are. If they believed that they would not be accepted, they reported that they would look elsewhere for employment. Others noted that being honest was important to them, and that this straightforward approach makes later interaction with the employer less stressful. Several respondents mentioned that they felt an obligation (or desire) to disclose to

educate others, both employers and coworkers, that individuals with disabilities can be productive members of the work force.

I WON'T WORK FOR SOMEONE WHO DOES NOT ACCEPT ME FOR WHO I AM!

"I would disclose in the future to explain my employment history. I would also only work for agencies/companies that would accept my disclosure."

"…I want to work for a company that values me, no matter what my disability."

"I prefer to disclose my disability, then I would be able to detect any body languages, reactions, or type of vibe by the interviewers or supervisors. It gave me the idea of what kind of environment that I would be risking myself if I got hired…"

"Because I cannot deny who I am and if I had to leave a job because of it then I probably wouldn't have been happy working there anyway."

"I do not want to be viewed as a disabled person and then as an employee… I want to ensure that I am viewed as a valued employee who happens to have a disability."

IT IS IMPORTANT TO BE HONEST AND THIS REDUCES STRESS

"Disclosing makes life simpler - I am who I am and I am a person with a disability. Trying to cover that or pretend takes way too much energy."

"It is certainly less stressful to have it out in the open than to be concerned about having to hide it and not wanting anyone to find out."

"…it is important to have an open and honest relationship with my coworkers, supervisors and employer and that it is more fair to all parties involved when a reasonable level of disclosure is attained."

"Full disclosure is generally the best way forward.   "After the fact" discoveries may have negative consequences."

I WANT TO EDUCATE OTHERS

"Because I am not ashamed of my disability, and I would hope that my disclosure would help someone else with a disability in seeking employment."

"Disclosing allows me to serve as an example of successful employment and promotions."

"I … am proud to show that people with "disabilities" are competent, valued employees."

"Desire to serve as a role model for others, showing them it is possible to rise above one's disability."

"Unless I speak out I cannot change the way others get viewed with a disability."

"I am an advocate, so I disclose to make an example of myself. I believe I am a good example of how people with disabilities can be very valuable employees."

The most common reasons for not disclosing were fear of losing out on employment opportunities, that is, not being hired, being fired and not being promoted. Many individuals who said they would not disclose provided more detail around concerns related to not being hired or being fired. Several disability service providers noted that they felt comfortable disclosing in their current position but would not disclose for a non-disability related job. Many indicated a concern that opportunities for advancement might be limited if they disclosed and described their own experiences and perceptions related to being passed over for promotions. In general, respondents noted that there was too much discrimination ("ignorance and fear") in the workplace for individuals with known disabilities to get a fair shake.

NOT BEING HIRED/BEING FIRED

"People do NOT hire individuals with Mental Health Disability they have too many pre-conceived ideas about them."

"The loss of my job was directly related to the disclosure of my disability to my co-workers."

"I wish I could hide my disability as I know very well about employers' attitudes against deaf."

"Company policies are worthless if discriminatory behaviors are not curbed and the disabled are seen as too unreliable and costly. There is enormous ignorance and fear (of being sick, likewise disabled) by non-disabled coworkers, so denial and avoidance is rampant. Disability is still being treated like acute disease. Until this changes, there is still too high a risk of losing one's job if you disclose."

"The job I have currently requires a person to be a mental health consumer. If I were applying for a job in my profession … I am not so sure I would disclose."

"I was hired due to my disability so it was a big factor, If I was applying somewhere else I would not disclose it."

"I work in an office where all of us are disabled and it is a requirement to have a disability to work here. However if I had to work in a "regular" atmosphere I would never disclose my disability due to the fear of being singled out."

LOSING PROMOTION OPPORTUNITIES

"I was marginalized and alienated from the agency's mainstream development. I was deprived promotion and treated as levity by both supervisors and employees."

"I feel that I did not receive a recent promotion because of my disability and the belief that I am not able to do the job when I fit all of the requirements for the position."

"Discrimination occurs right from the moment of disclosure. Although there are efforts to end this discrimination, it remains and companies just try to cover it up. I had a promotion taken away from me, and employees have been hired at higher levels with higher pay when I am more qualified and have done more. This is seen repeatedly and occurs throughout the company where I work."

"I faced a great deal of difficulty when it came to advancement in my field & promotion when I was working because of my disability."

"Once you disclose your disability it can affect your long term promotions. The employer will always be aware of this no matter how hard you work."

"I found that having to disclose my disability with the last company I worked at, there wasn't a direct negative response. However, I did get the feeling that I was held back from promotional opportunities when I was fully capable to handle the responsibilities."

WORKPLACE HARASSMENT AND BULLYING

"I had a particularly bad experience with a supervisor who was attempting to force me to quit the company - This included making various disparaging statements in private to me (Such as: that I was a 'cripple', broken person, dysfunctional, useless, etc.), while making unreasonable demands/work assignments, and various attempts to get me in trouble with others."

"I was harassed daily, denied further training and eventually fired."

"[Disclosure] makes it harder to get fair and equal treatment in the workplace and results in being bullied, either by coworkers or by employers."

"In the beginning [my employer] was supportive but as the years went on I was bullied, harassed, belittled, written up and eventually fired. I was screamed at, called lazy, treated extremely cruel"

"No need to disclose, and would not disclose because whenever I have disclosed, such activity has created unnecessary pain, grief, and agony for me. Disclosure for all disabling conditions is not worth the gamble or the risk."

Workplace leave

The survey included a series of questions that delved into requesting leave because of a medical condition or disability. We asked individuals to report on leave requests that were due to their <u>own</u> medical condition or disability, rather than those of a family member.

Requesting Leave

All survey respondents (except for those who reported never working in an earlier item) were asked the question: "Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability(not including the birth of a child)?" Overall, 41.9% reported requesting leave. In thinking about their most recent request for leave, most (56.9%) requested a block of leave as opposed to intermittent leave; most reported that the leave was granted (292 out of 329, or 88.7%). Of the 37 respondents who said their leave was not granted, just more than half (51.4%) felt the denial was due to employers inflexible leave policy. Figure 4 presents the length of leave by type of leave, for those who were granted leave. Intermittent leave was typically shorter (1-5 days) while a block of leave was typically longer.

Figure 4. Among those who had their leave granted, the duration of the leave by the type of leave requested.
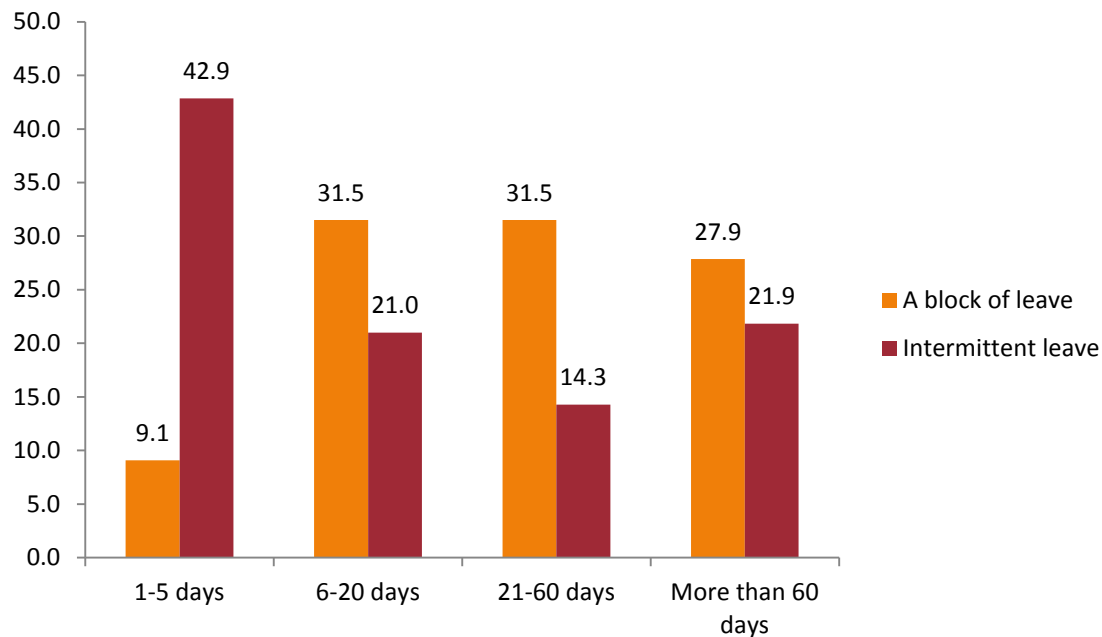
Respondents who had requested leave were asked to rate their most recent experience in requesting leave as positive, negative or neutral. Half of respondents (50%) reported a positive experience in requesting leave, 17% reported a negative experience, with 33% reporting a neutral experience. A follow-up open-ended question asked individuals to "Please describe your experience in requesting leave." Most respondents provided a response to this question with over 90% of

individuals who had a negative experience responding, and between 72 and 80% responding among those with a neutral or positive experience.

Most employees reported a positive or at least neutral experience in requesting leave, where the leave was requested and granted with very little difficulty. Several individuals even noted that it was their employer's idea that they should take leave. While the process went well for most respondents, the actual act of requesting leave was difficult or embarrassing for some.

"I did not have a problem, I just requested it and it was granted."

"My request was received with compassion and caring and an open invitation to return to work when I was ready."

"The company was kind, considerate and fair in allowing me time off of work."

"My employer offered it to me before I even asked for it."

"It became apparent that I was having difficulty performing my work duties and my immediate supervisor suggested that I consider taking FMLA leave."

"I felt that the process went o.k. but it was very disconcerting to need to take off and be unable to work due to these issues."

"I felt very embarrassed to request FMLA."

"Difficult to do, to have the clarity and courage to ask for it."

"I was afraid my supervisor would think I was "faking it" or just lazy or whatever excuse to manipulate him."

In several cases where the leave request process was not so positive, many noted that they had difficulty defending their need for leave; their supervisor questioned whether the leave was really necessary.

"I felt diminished by my manager for even asking for leave … [I was] told I wouldn't advance if I continued to ask for time off. The manager did not want to hear any request from me and treated me as an inconvenience."

"'I was told that I was not really in pain and that I must return to work immediately or face termination."

Several respondents mentioned extensive paper work and a confusing process that they often felt they were not in control of. Part of the confusion that respondents felt was due to perceived conflict or lack of communication between their supervisors and human resources. In some cases the employer's leave policy was not flexible enough to allow for leaves, particularly longer leaves.

"I had to get all these notes and letters and follow up on whether it was done and received. That [made the experience] and getting well that much harder."

"We have no sick days, just FMLA leave. If forms are filled out scrupulously perfect, the grant of leave is no issue."

"The paperwork was the worst part."

"They don't understand and my very large employer made it extremely complicated."

"I was not given clear directions on how to proceed in terms of requesting a leave."

"'It is complicated. Front line supervisors don't really work well with HR in making the process smooth."

"I requested intermittent leave under FMLA and my manager resented having HR and another dept. involved in granting or denying the time away."

"There was no resources through HR that were helpful …. Supervisors can basically get by with what they want."

"The employer was not interested in completing the process despite medical documentation and it interfered with personnel policy used by organization. It was then made to be a supervisor to employee issue. Ultimately the process became so convoluted the request was abandoned."

"My employer was very supportive. However, if the leave had gone beyond 12 weeks, it would have been more difficult for them to continue to support me"

"Once the employers hire you, taking leave may be affected by the leave policy - and there may not be a way to negotiate changes for a particular disability issue."

"I think I was allowed a week or two but that was it. I had to obtain legal help to get the 3 month family and medical leave."

"'I was placed, after 2 weeks, on 'short-term' disability, then without discussion, negotiation or arbitration, placed on 'long-term' disability and 'retired,' when I returned. I now have no job."

"Initially I was told that there was no guarantee that my job would still exist when released from the hospital."

Return to Work

Among those who had returned from leave, 57% reported a positive experience returning from leave, 17% reported a negative experience and 26% reported a neutral experience. A follow-up parallel to the open-ended question on requesting leave was asked, soliciting people's personal experiences of returning to work after leave. Respondents were very open to sharing their experiences both positive and negative. Nearly all (95%) of those who reported a negative experience provided more detail, and fully three quarters who reported a positive experience provided additional information regarding their experience as well. The experiences described ran the gamut from harassment and firings to supportive and accommodating supervisors and co-workers.

As the ratings indicated many reported their return to be non-issue as if nothing ever happened:

"I just went back. No big deal."

"Like I'd never left."

"Wasn't treated any differently."

Many reported very supportive and positive experiences on their return to work on the part of both their employers/supervisors as well as co-workers:

"Supervisor arranged gradual return to work, helped with tasks initially I had difficulty doing, provided support and feedback, and believed I could return to work and do well. She was very respectful, also personal (sent a card, dropped off food to my house, checked in occasionally) while still focusing on me as a competent worker."

"My employers were very welcoming upon my return to work."

"My supervisor was very supportive of my needs, allowed me to work a reduced work schedule and kept my disability private."

"I came back knowing that my job was waiting for me and that my co-workers were aware of why I was out and very supportive of my return."

"They were excited to see me return. Everyone welcomed me back and work went on as usual."

"It was such an amazing experience where I enjoyed great support and a welcoming environment that understands and could empathize through the high expectations I was to return to and did with ease."

For others the return to work after leave was a more difficult process. For some it was primarily a matter of work that had piled up during their leave that they were expected to deal with upon their return:

"I had to work really hard to get caught up, but I was not treated poorly."

"Just more work to do because no one does my job when I'm not here. It makes it hard to take leave, even though it is easily gotten."

"My work was piled up and I had to hit the ground running. However, they were lenient about me work part time at first to recover my strength."

"No problems except for all of the work I needed to catch up on since I am the only person trained for my position."

"Work was not completed during my absence, so my return to work was very stressful."

Several respondents mentioned that their return to work resulted in a sort of incidental disclosure that was an uncomfortable experience for them:

"Besides, having to disclose problems I was having with my disability; everyone was understanding."

"A new position (part-time) was created for me. I liked what I was doing, however, it was very difficult coming back and having to explain to people where I had been and why I was not returning to my previous position."

"I felt like everyone had a different interpretation of why I had been gone . . . I wasn't prepared to explain my condition or how it affected my work performance, if it did at all."

Other common negative experiences included altered attitudes of supervisors and/or co-workers, needing to "prove oneself," and harassment:

"My boss stated upon my return to working that she, "would be watching me." That made me very uncomfortable."

"I feel like some of my co-workers are holding back their approval of me until I prove myself again. Others, especially my supervisors, are openly supportive."

"Co-workers did not understand my need for leave and played tricks on me making my job harder and the work environment somewhat hostile."

"It was held against me, and I was treated poorly by coworkers who do not understand. Denied placement back to prior position. I was treated a little differently. I feel sometimes as though I was being punished somehow."

"My supervisors and co-workers treated me differently upon my return. It negatively impacted my working relationship with them; caused them to judge and diminish their acceptance of me"

A number described extremely negative experiences with regards to lost opportunities for advancement and outright firing:

"I was look at different and my wages were not increased after the new min wage took effect, meaning someone hired after my 5 years of service were still paid the same as me."

"It left me behind and out of the loop. I lost ground professionally and lost project opportunities."

"My job was filled, during my absence, I lost a management tier, salaried position, and was returned to the hectic sales floor. I lasted two weeks before I had to quit."

"I was badgered and harassed by my supervisor, demoted, and eventually laid-off."

"I was escorted off the property of my employer and asked to sign a letter of termination of employment. . . "

Job Applicant Screening

It was a challenge to develop questions to better understand how various methods of screening impact people with disabilities. Most people are not aware of why they are screened out when applying for a job. However, with the wide variety of perspectives of respondents – from people with disabilities, service providers, and employers -- we were able to get some interesting and useful responses to probes about screening methods that may differentially impact people with disabilities.

Criminal Background Checks

Figure 5 demonstrates that 27% of respondents believe that people with disabilities are likely to be screened out because of criminal background checks. This item was followed by an open ended item "Do you have a specific experience to share?"

Figure 5. Responses to "In your experience are people with disabilities more likely to be screened out in the application/hiring process because of criminal background checks"?
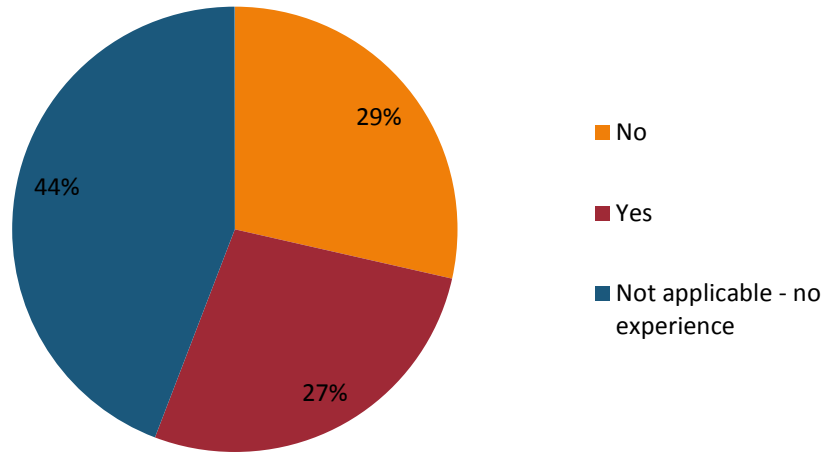
We identified three major themes in response among the response to this question. First, many respondents felt that criminal background checks were applied regardless of disability status and would therefore do not have a differential impact on chances of employment of applicants with disabilities. Second, a few individuals related their personal experience with difficulty in finding employment that they attributed to their record; likewise several job coaches and counselors mentioned experiencing significantly greater difficulty in placing persons with disabilities who had a criminal record. Finally, a number of respondents felt that people with certain types of disabilities were more likely to have been involved in the criminal justice system as a result of their disability. Most often mentioned were mental illness and substance abuse, and respondents reported that criminal background checks might have a differential impact on employment opportunities for that those particular groups. We focused on these last two themes below.

Several respondents described their experiences related to criminal background checks. Of the people who responded to the follow-up question regarding sharing their personal experiences regarding this issue, a few acknowledged that they had a record and felt that that it had affected their ability to get a job:

> "I have a criminal history have been turned away because of it."

> "I cannot find employment now, despite federal guidelines saying they will hire people with disabilities with a criminal background."

"Yes, I committed a serious misdemeanor about twelve years ago during a manic episode and was sent to jail first and then to the hospital. The misdemeanor still comes up on my background check and I have been turned down from several jobs because of it."

Many counselors reported finding employment opportunities significantly more difficult or impossible for consumers with disabilities and a criminal background:

"I do job placement for individuals with mental illness. We see it all the time."

"I am an employment specialist and some of my clients get shut out of on-line applications when they tell the truth. I have also spoken to employers who flat-out refused to consider applicants with criminal backgrounds."

"I am a Vocational Rehabilitation Specialist and have a client in my case load who has both disabilities and a criminal background and it is proving very difficult to find him a job."

"I am a Vocational Rehab. Specialist . . . many of my Veterans will not be considered for employment due to this issue."

"Most of my client who have criminal backgrounds- yes, they are screened out of about 35 jobs before they can locate one."

A number of respondents felt that persons with certain specific disabilities were at greater risk to have been involved in the criminal justice system. Most commonly mentioned were individuals with mental illness and/or substance abuse who might be at a greater disadvantage because of a criminal record.

"Many people with mental/substance use disabilities have had involvement in the criminal justice system, and if employers do background checks, it would make it harder for us to get jobs. This may not be true for all disabilities."

"In my personal experience persons with mental illness sometimes have interaction with police officers due to uncontrolled symptoms. Thus, they are then judged without consideration for their disability."

"Many mental health issues lead to drug & alcohol abuse as self medicating which can lead to criminal issues within and beyond their control."

"I work as an advocate for people with disabilities. Many of my clients, especially those with mental health disabilities, cannot pass a background check. . . They also often have low education levels, and have jail time. Some have PTSD as a result of being in jail which further impacts their ability to function in a work environment."

"People with mental health issues are more often homeless. Homeless people end up with criminal backgrounds often just cause cops see jail as the only way to help them. "

Credit history checks

Figure 6. Responses to "In your experience are people with disabilities more likely to be screened out in the application/hiring process because of credit checks"?
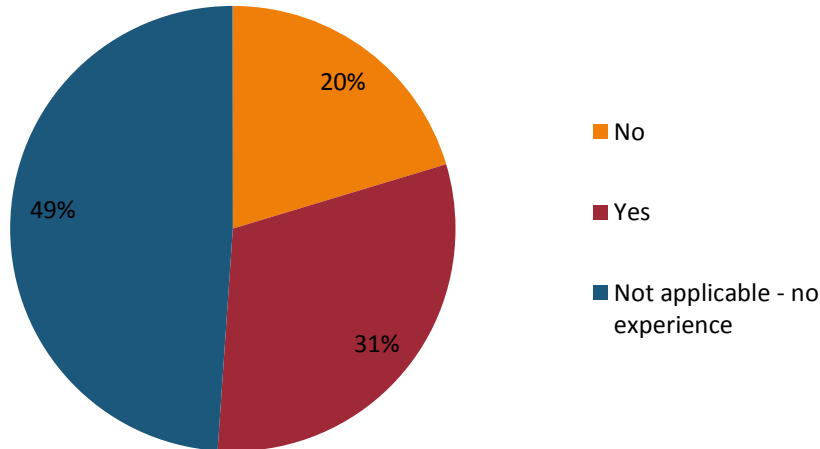
Many respondents reported having had experiences related to credit screening as a part of the hiring process. These respondents described patterns of credit characteristics among individuals with disabilities and discussed the impact of credit checks on applicants with disabilities.

Many respondents reported that individuals with disabilities are likely to have bad or no credit. These respondents highlighted a range of interlocking issues as the cause of credit problems, namely:

- High medical costs
- Periods of unemployment
- Low incomes
- Mental health or cognitive issues that lead to poor money management or manic spending

In general, respondents felt that individuals with disabilities were likely to have bad credit because of high medical costs (often resulting in significant debt) and low income related to un- or underemployment, making paying medical and other expenses difficult. Several individuals mentioned that the disability itself (especially in cases of mental health issues, substance abuse or cognitive impairment) might lead to poor financial management or imprudent overspending.

"Disabilities are expensive and irregular. They often lead to income inconsistencies, unexpected expenses, greater regular expenses, etc. Thus, credit histories are often less stellar."

"Many [people with disabilities] have spotty work history or a period of not working which has affected ability to pay bills and credit scores, high medical bills [can] be an issue, and some have had impaired judgment before proper treatment that led to poor money management."

"I think people with significant disabilities have lower rates of employment and tend to be of a lower economic status making it more difficult for them to make ends meet and at a higher risk of having poorer credit ratings/history leading to being screened out during the hiring process."

"I've found some disabled individuals, including myself, can wind up with lower credit scores when their health problems interferes with their 100% normal income and causes bills to become late/overdue."

"When struggling with a particularly bad bout of depression, I did not open my mail or answer a phone for over 3 months. I did not pay my bills nor make arrangements to pay them late. This adversely affected my credit. Additionally, during a 3 week leave of absence, which was an unpaid medical leave, I again fell behind on all my bills and this too affected my credit."

Many respondents reported that they had had to undergo a credit check as a part of a job application. Quite a few respondents, however, were unsure whether a potential employer had ever conducted a credit screening as a part of their application process.

Respondents did note that whether or not a credit check was performed seemed to "[depend] on the type of job the person is applying for" and the organization to which they were applying.

Several respondents mentioned that credit checks had been conducted as a part of a broader "security check:"

"We employ people with disabilities on a federal contract that requires rigorous security screening. Poor credit history has prevented several applicants from even applying. Sometimes we work with them to improve their credit before they apply or complete security form."

"Even the Federal [government] screens for credit problems for hiring workers at all levels. You can't pass a security background investigation to work on a military base with recent credit problems/collections/significant unresolved debt."

Respondents often reported that credit screens had a negative impact on the potential for individuals with disabilities to obtain work, given their frequently poor credit histories. In some cases, respondents with poor credit reported avoiding applying for positions that they knew would require a credit check.

> "I work with only people with disabilities and I know some people who were not hired after a credit check. I don't know if people with [disabilities] are more likely to be screened out…but people with bad credit are."

> "Most federal employers now do a credit check...for employment… Many of our Veterans/clients have a lot of unpaid debt. They are screened out of these jobs."

> "I know I was screened out of at least one position due to having had a bankruptcy. I also see no point in applying with companies that screen on the basis of credit checks."

Several respondents also mentioned that, even if their credit score might be good, their credit report would provide information to employers on their high medical costs, which might then flag them as an applicant with a disability or an individual on SSI/SSDI. Others discussed how invasive they considered employer questions to be when credit screens yielded negative information.

> "My own record is clean and good, but it does give indications that I have a condition that takes me into the medical system frequently, thereby tipping off employers."

> "Because of doctor bills my credit is poor. Therefore, I know that I must be flagged as someone with a health condition."

> "I do fear that information about receipt of SSDI benefits could be disclosed and viewed negatively by a potential employer."

> "Before being hired I had to undergo an extensive credit check which I felt was beyond the norm… I felt that too much emphasis was placed on my credit history and I had to reveal too many personal details to justify a less than [stellar] credit history."

Both respondents who had and had not knowingly been subjected to credit screens expressed uncertainty about whether credit had been a factor in not obtaining particular positions.

> "If the checks show up with issues, many companies will NOT tell the applicant why they will not hire the person. "

> "No company has been up front in saying why applicants don't get called back. 99.9% of the time, there's simply no communication at all (no call back, email, letter, nothing)."

"I never once had any employers make mention of my credit rating as the reason I was rejected for a job when I made the usual calls to find out why I had been rejected for employment after an interview."

In general, respondents noted that credit screening was a poor measure of potential applicants' "motivation and capability" and unnecessarily screened out people with disabilities because of poor credit related to past circumstances beyond their control.

"It is beyond me why an employer would feel that this measurement is an [accurate] depiction of a candidate for employment. Having bad credit does not mean that the person is bad or has even made bad choices and I feel that this practice is misleading and discriminatory!"

"Many [people with disabilities] are screened out because of past troubles that they have overcome but their credit history continues to haunt them."

"If a credit check is being utilized as a screening tool by the employer, it could very well be discriminatory as there are many disabled people who very well might have bad credit reports due to unmanageable medical expenses."

"I do not believe that credit checks are [indicative] of the person's ability to complete the job tasks. "

Currently employed requirement

Figure 7. Responses to: "In your experience are people with disabilities more likely to be screened out in the application/hiring process because they may be unemployed at the time of application"?
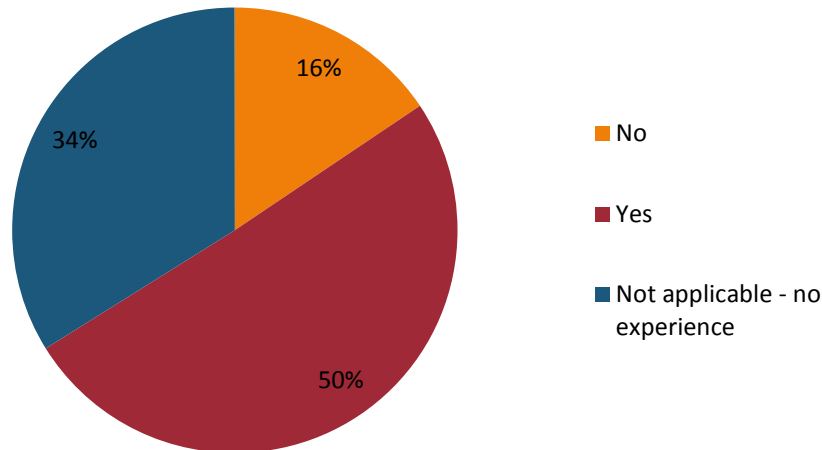
Respondents generally reported that they found being unemployed to present a significant barrier to finding employment and many felt that this was the case regardless of disability status. As one respondent noted, "Anyone who is currently unemployed at the time of application can be more likely screened out. I don't feel it is any different though if you have a disability or not."

One respondent also noted that, "the value of a potential employee is weighed heavily on whether they already have employment which then is seen as someone who has proved to be dependably employable."

Respondents also reported that **long term** unemployment was more detrimental to finding work, than was short term unemployment, "not being employed for a short time is not an issue but anyone applying with a long time of unemployment causes concern and question as to why."

Respondents went well beyond current unemployment to discuss a wide range of issues related to employment patterns, employer practices, disability and alternatives to employment that have an impact on the potential for individuals with disabilities to obtain employment. Respondents described a broad set of employment patterns that negatively impact individuals with disabilities' job searches. Many respondents noted that individuals with disabilities tend to have employment histories characterized by:

- Long gaps in employment
- Short periods of employment (e.g., not employed with a single organization for an extended period)

- Lack of work experience

Respondents reported that alone and in total these employment patterns made employers view individuals with disabilities as unfavorable candidates for employment. Several respondents noted that job histories with these characteristics negatively impacted individuals with disabilities' "job skill acquisition" and "job experience."

> "People with disabilities often lack early work experiences, experience small burst of employment, and long stents [sic] unemployed causing them to appear undesirable and unreliable."

> "I had several employers tell me in interviews that the fact that I had not held employment recently (over 1 year) and in addition, had not been with any organization for any decent length of time (usually defined as two or more years) that my resume was weak in that respect. I think that hurt my chances of being hired considerably."

> "So many of us have little to no work experience; many of us have sporadic experience because it's hard to get hired, especially in our teens and twenties because we are considered unfit for jobs that most people have at that age bracket. As a result, we have little to no entry-level experience before applying for non-entry jobs."

Respondents also noted that employers frequently ask questions during interviews about gaps in employment and reasons for unemployment. Respondents generally found these questions extremely difficult to answer and struggled with whether or not they should disclose their disability to explain periods outside the workforce. A few respondents reported that, at times, these questions appeared to be probes intended to force them to disclose their disability.

> "Having a six month break in my employment history, employers ask why I was not working during that period. It makes me feel like I have to lie or disclose at that time that I was hospitalized. I have now found a creative way of getting around that by stating that I was taking care of a loved one (I love myself)."

> "In my experience, being unemployed at the time of application is a strike against me. I may not be able to disclose my reason why I am unemployed without disclosing my disability, which in turn is an additional strike against me. So I don't say anything and hope the employer doesn't check. Then [when] I try to disclose my disability after hire, it is even more difficult."

Many respondents mentioned that disclosing a disability in order to explain a "spotty" job history negatively impacted the chances that they would get a particular job.

"Employers want to know, "what have you been doing...explain any periods of unemployment". If someone had to take time off to address disability-related health issues, an employer will likely NOT hire them."

"It is really hard to come up with an answer to why you have been unemployed for several years due to mental health problems. I have no spouse or kids so what do you say when they ask why you have been out the workforce - if you makes something up and get caught it's bad if you say I have major depression with psychotic features you can kiss the job goodbye."

Several employer respondents reported that they did ask questions about employment history, but assigned different values to this information.

"I worked the HR field and can say that recent employment was really key in hiring new applicants"

"[I] have hired many people with and without disabilities. Employment status only has bearing if [the] person has no explanation and is not currently engaged in self-improvement or productive activity"

"I do not think that this can portray a candidate fully or accurately. I have been in a HR capacity previously and I generally did not consider this when making the decision to hire people. It usually became a discussion during the interview process, but I never gave it much weight because there are many reasons why a person may or may not have a consistent employment history."

Many respondents reported that having a disability made them less desirable to employers, often regardless of work history.

"I am very aware of how my disability changes the perception of hiring people. Before my accident, I was prejudice myself. Not that I wouldn't hire someone with a disability (because I did), but if two candidates were equally qualified, I would have chosen the one without the disability."

"Employers do not want to hire people who may be sick and need to take off work due to an ongoing illness or disability."

"In my experience-- it is the disability that is screening out the applicants. My clients are deaf/ hard of hearing and that is obvious in the interview and that is the limiting factor."

One employer provided support for this perception by writing: "I was a manager for a large retail chain that discouraged hiring people with disabilities that might require work to be missed."

Several respondents mentioned volunteering as a potential remedy to some of the issues discussed above. Many of these individuals noted that volunteering was a good way to fill resume gaps, gain job skills and network to identify possible job opportunities.

> "I make it a point to do some type of volunteer work when I am unemployed so that I continue to gain skills and contacts and to maintain a routine of leaving the house and being active during the day so that I am much more likely to be successful in finding and keeping a job. Even though I do this, it is still very hard to find a full time position. Part time or occasional stints surface more frequently, but they are assigned to me usually after at least 6 months of volunteering and networking actively."

> "If unemployed, I encourage what I practice, volunteerism, as an effective means to garner experience to eventually bring to the table for prospective employers…"

> "Being on SSI was a time that had to explain my gap in employment. This is when I realized I needed to volunteer as my explanation for lack of history. Volunteering also helped me see what I wanted in the workplace environments."

CONCLUSION AND IMPLICATIONS

This survey focused on people with disabilities and their perspectives – only the "supply end" of the employment equation -- across several emerging issues potentially impacting their employment outcomes. The results provide a window into the experiences of individuals with disabilities in the application and employment process. One most Interesting finding was that self-disclosure-related issues appeared in all three section of the survey: disability disclosure, leave as a reasonable accommodation, and the use of job applicant screeners. Respondents discussed the sometimes complex decision of whether to disclose, the barriers and the rewards for such disclosure. In the section on workplace leave, several respondents mentioned the need to disclose when requesting and/or returning for leave. This sometimes changed their workplace experience significantly – sometime for the better, but often for the worse. There was also a fear of disclosure associated with job screeners such as credit checks and employment history. Respondents were concerned that a credit check might show SSI/SSDI receipt or medical debt, unintentionally informing an employer of an individual's disability or health issue. Similarly, respondents were concerned that an employment history with gaps may alert an employer that an applicant has a disability. These findings have significant implications for national employment and disability policy at a time when federal policy makers are exploring increased enforcement of affirmative action and disability reporting requirements for federal contractors, which would necessitate disability self-disclosure to facilitate accurate reporting. The preliminary findings from this study point to the inherent barriers for people with disabilities in assisting in this process.   Self-disclosure may well not be in their best interests.

A wide range of experiences and perspectives were uncovered in this study, both positive and negative. Policy makers, employers ("demand-side"), service providers, disability advocates and others may use this information to guide public policy and workplace practices that will lead to more inclusive hiring and retention of individuals with disabilities, ideally, improving the employment situation for people with disabilities.

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APPENDIX: COPY OF THE ONLINE SURVEY

SURVEY ON EMERGING EMPLOYMENT ISSUES FOR PEOPLE WITH DISABILITIES

The American Association of People with Disabilities (AAPD) and the Employment & Disability Institute at Cornell University invite you to participate in a brief (5-10 minute) *Survey on emerging employment issues for people with disabilities*. This research will provide a foundation for policy development around:

- Disability disclosure in the workplace
- Leave as a reasonable accommodation
- Job applicant screening criteria that may differentially impact people with disabilities in the hiring process.

By completing this survey you are agreeing to participate in the research. You are not likely to have any direct benefit from being in this research study. Your participation is voluntary and there is no penalty if you choose not to participate.

Your responses will be kept strictly confidential, and digital data will be stored in secure computer files. Reports based on this survey will not include any individually identifiable information.

We anticipate that participation in this survey presents no greater risk than everyday use of the Internet, however electronic communications are not necessarily secure and could be viewed by a third party.

Thank you in advance for sharing your time and experience with us.

Note: The main researchers conducting this study are Susanne Bruyere and Sarah von Schrader at Cornell University. If you have any questions, you may contact Sarah von Schrader at (607) 254-8088. If you have any questions or concerns regarding your rights as a subject in this study, you may contact the Cornell University Institutional Review Board (IRB) for Human Participants at 607-255-5138 or access their website at http://www.irb.cornell.edu. You may also report your concerns or complaints anonymously through Ethicspoint online at www.hotline.cornell.edu or by calling toll free at 1-866-293-3077. Ethicspoint is an independent organization that serves as a liaison between the University and the person bringing the complaint so that anonymity can be ensured.

This research is funded by the U.S. Department of Education National Institute on Disability and Rehabilitation Research for the Employment Policy Rehabilitation Research and Training Center (grant #H133B040013).

Definition:

For this survey, a "**person with a disability**" includes (but is not limited to) individuals with a physical or cognitive disability, mental health condition, chronic health condition, vision or hearing impairment, or workplace injury or illness.

DISABILITY DISCLOSURE IN THE WORKPLACE

Many employers track employee recruitment, hiring and promotion by gender and ethnic/racial background to ensure equal employment opportunity. Some employers are also interested in tracking their success in recruiting, hiring and promoting people with disabilities. To allow employers to accurately track this information, individuals with a disability need to be provided an opportunity to voluntarily tell an employer about (disclose) their disability.

Below is a list of possible factors that may influence the decision to disclose a disability to an employer.

Please indicate how important each factor would be to you, or to an employee/applicant with a disability, when deciding to disclose a disability to an employer (from 1= Not at all important to 5=very important)

[q1a] The need for an accommodation to perform a job or to take care of a health condition during working hours.

[q1b] An open and supportive relationship with one's supervisor.

[q1c] Knowing the employer has made concerted efforts to create a disability inclusive/friendly workplace.

[q1d] Knowing that the employer is actively recruiting and hiring people with disabilities.

[q1e] Knowing that other employees had disclosed their disability and were successful in the workplace.

[q1f] The existence of a disability employee resource group (affinity group).

[q1g] The belief that disclosure will lead to new opportunities for promotion or training (e.g., programs to advance employees who are members of diverse groups).

[q1h] An employee with a disability recruiting at job fairs or campus recruitment events.

[q1i] A statement on recruitment materials inviting applicants with disabilities.

[q1j] A message of disability inclusiveness on the company's website or promotional materials (e.g., pictures of people with disabilities).

[q1k] Disability is included in the employer's diversity statement.

[q1l] Other [q1_spec1] (please specify)

[q1m] Other [q1_spec2] (please specify)

Below is a list of possible factors that may influence the decision to **NOT disclose** a disability to an employer.

Please indicate how important each factor would be to you, or to an employee/applicant with a disability, when deciding to NOT disclose a disability to an employer (from 1=not at all important to 5=very important)

[q2a] A desire to keep the disability private.

[q2b] A belief that the disability does not have an impact on the ability to perform the job.

[q2c] Concern that one's supervisor would not be understanding/supportive.

[q2d] Concern about being fired or not being hired.

[q2e] Concern about losing or not receiving health care benefits.

[q2f] Concern that the employer may focus more on the disability than on actual work performance/abilities.

[q2g] Concern about being viewed differently by supervisor/co-workers.

[q2h] Concern about being treated differently by supervisor/co-workers.

[q2i] Fear that opportunities for promotion will be more limited.

[q2j] Other [q2_spec1] (please specify)

[q2k] Other [q2_spec2] (please specify)

Please check the categories that describe you (check all that apply):

[q3a] Person with a disability

[q3b] Family member of a person with a disability

[q3c] Disability advocate

[q3d] Disability service provider

[q3e] Policymaker

[q3f] Employer

[q3g] Other [q3_spec] **(please specify)**

[Survey Note: The following questions will display only if "q3a person with a disability" answered 'Yes']

> **[q4] How apparent or visible is your disability to others? (select one)**
>
> Not apparent
>
> Somewhat apparent
>
> Very apparent
>
>
> **[q5] In your current or most recent job, did you disclose your disability to your employer? (Select one)**
>
> Yes
>
> No
>
> I have never worked

[Survey Note: The following questions will display only if the above question "q5" answered 'Yes']

[q5_i] When did you first disclose your disability in your current or most recent job? (select one)

During the recruitment process

During the interview process

After being hired

[q5_ii] Was your immediate disability disclosure experience...

Negative

Neutral

Positive

[q5_iii] Were the longer term consequences of your disability disclosure experience...

Negative

Neutral

Positive

[q5_iv] If presented with a similar situation in the future, would you disclose?

Yes

No

Maybe, it depends

[q5_v] Please explain why you would or would not disclose in the future.

[Survey Note: The following question will display only if "q3a person with a disability" answered 'Yes']

[q6] Have you ever disclosed your disability to an employer/supervisor prior to your current or most recent job

Yes

No

WORKPLACE LEAVE

Inflexible leave policies may mean that employers do not permit leave as a reasonable accommodation.

[Survey Note: The following questions at this page will display if "q5 did you disclose your disability to your employer?" was NOT answered "I have never worked"]

[q7] Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability? (not including the birth of a child)

Yes

No

[Survey Note: The following question will display if the above question "q7" answered "YES"]

Thinking about your most recent request for a leave of absence:

[q8] Was this leave granted?

Yes

No

[Survey Note: The following questions (q9 and q10) at this page will display if "q5 did you disclose your disability to your employer?" was NOT answered "I have never worked" AND "q7 Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability?" was answered "YES"]

[Survey Note: The following question [q9] will display if the question "q8 Was this leave granted?" NOT answered "YES"]

[q9] Was this due to the employer's leave policy?

Yes

No

[q10] Did you ask for...

A block of leave

Intermittent leave

[Survey Note: The following question will display if the question "q8 Was this leave granted?" answered "YES"]

How long was your leave? (fill in days, weeks, months)

[Survey Note: The following questions at this page will display if "q5 did you disclose your disability to your employer?" NOT answered "I have never worked" AND "q7 Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability?" answered "YES"]

[q11] Was your experience of requesting leave ...

Negative

Neutral

Positive

[q12] Please describe your experience in requesting leave.

[Survey Note: The following questions [q13 & q14] will display if the question "q8 Was this leave granted?" answered "YES"]

[q13] Was your experience of returning to work after your leave...

Negative

Neutral

Positive

Have not yet returned to work

[Survey Note: The following question will display if the above question "q13" answered "Negative OR Neutral OR Positive"]

[q14] Please describe your experience in returning to work after leave.

[Survey Note: The following questions at this page will display if "q5 did you disclose your disability to your employer?" NOT answered "I have never worked" AND "q7 Have you ever requested a leave of absence or intermittent leave from an employer because of your medical condition or disability?" answered "YES"]

[q15] How many people work for your employer (total for all locations)?

Under 15 employees

16 - 50 employees

51 - 500 employees

501 - 2,499 employees

More than 2,500 employees

[q16] How long had you worked for this employer when you requested leave?

Less than six months

Less than one year, but more than six months

1-2 years

3-5 years

6-9 years

10-20 years

More than 20 years

[q17] Had you worked for your employer for at least 1,250 hours over the previous 12 months when you requested leave?

(Roughly 25 hours worked in each of the 52 weeks of the past year, or More than 104 hours worked in each of the 12 months of the past year, or About 40 hours worked per week for more than 31 weeks (over 7 months) of the past year.)

Yes

No

Don't know

JOB APPLICANT SCREENING

Recent surveys have found that many employers are screening applicants using criminal background checks, credit checks, and current employment status.

A recent poll of HR managers found that 73% of respondents said they did criminal background checks for all job candidates and 19% did them for selected candidates (SHRM 2010).

[Survey Note: The following question will display if the above question "q18" answered "YES or NO"]

 [q18] In your experience are people with disabilities more likely to be screened out in the application/hiring process because of criminal background checks?

Yes

No

Not applicable - no experience

[q19] Do you have a specific experience to share?

Forty-seven percent of HR managers polled consider the credit history for candidates of select jobs, while 13% considered the credit history for all candidates (SHRM, 2010).

[q20] In your experience are people with disabilities more likely to be screened out in the application/hiring process because of credit checks?

Yes

No

Not applicable - no experience

[Survey Note: The following question will display if the above question "q20" answered "YES or NO"]

[q21] Do you have a specific experience to share?

Some employers screen out applicants who are currently unemployed.

[q22] In your experience are people with disabilities more likely to be screened out in the application/hiring process because they may be unemployed at the time of application?

Yes

No

Not applicable - no experience

[Survey Note: The following question will display if the above question "q22" answered "YES or NO"]

[q23] Do you have a specific experience to share?

DEMOGRAPHICS

[q24] What is your sex?

Female

Male

[q25] What is your age?

18-24

25-34

35-44

45-54

55-64

more than 65

Which of the following racial/ethnic backgrounds apply to you? (Check all that apply)

[q26a] White

[q26b] Black or African-American

[q26c] Asian

[q26d] American Indian or Alaska Native

[q26e] Latino/Hispanic

[q26f] Other [q26_spec] **(please specify)**

[q27] What is your highest educational level completed?

8th grade or less

Some high school, but no diploma or GED

High school graduate or GED certificate

Technical, trade, or vocational school

Some college, but less than a 4-year degree (including 2 year Associate Degree)

College graduate (BS, BA, or other 4-year degree) or higher

[q28] Have you ever received Social Security disability benefits (SSI or SSDI)?

Yes

No

[Survey Note: The following questions "q29 & q30" will display if "q5 did you disclose your disability to your employer?" NOT answered "I have never worked"]

[q29] Are you currently employed?

Yes

No

[Survey Note: The following question will display if the above question "q29" answered "No"]

[q30] When were you most recently employed?

Within the last year

1 to 5 years ago

6 to 20 years ago

More than 20 years ago

Do you have any of the following conditions? (Check all that apply)

Developmental/Psychiatric/Neurological:

[q31_1] Alcohol or drug problem or disorder

[q31_2] Alzheimer's disease/Dementia

[q31_3] Attention Deficit/Hyperactivity Disorder (ADHD)

[q31_4] Autism/Autism spectrum disorder

[q31_5] Cerebral palsy

[q31_6] Down's syndrome

[q31_7] Epilepsy or seizures

[q31_8] Intellectual disability

[q31_9] Learning disability

[q31_10] Mental health or emotional conditions (e.g, depression, anxiety disorder, post-traumatic stress disorder, etc)

[q31_11] Parkinson's disease or other neurological condition

[q31_12] Stroke

[q31_13] Traumatic brain injury (TBI)

Musculoskeletal:

[q31_14] Amyotrophic Lateral Sclerosis (ALS)

[q31_15] Arthritis or rheumatism

[q31_16] Back or spine problems

[q31_17] Broken bone/fracture

[q31_18] Carpal tunnel syndrome

[q31_19] Cystic Fibrosis

[q31_20] Dwarfism

[q31_21] Multiple sclerosis (MS)

[q31_22] Missing limbs/foot/hand/finger

[q31_23] Muscular dystrophies

[q31_24] Paralysis of any kind

[q31_25] Spinal cord injury

[q31_26] Stiff/deformed/foot/hand/finger

Circulatory/Pulmonary:

[q31_27] Asthma or Chronic Obstructive Pulmonary Diseases (COPD)

[q31_28] Blood disorders/conditions

[q31_29] Heart condition (heart attack/disease)

[q31_30] High blood pressure

[q31_31] Lung or respiratory condition

Other Conditions:

[q31_32] AIDS or AIDS Related Condition (ARC)

[q31_33] Allergies

[q31_34] Blind, serious difficulty seeing even when wearing glasses

[q31_35] Cancer

[q31_36] Deaf, serious difficulty hearing

[q31_37] Diabetes

[q31_38] Gastrointestinal disorder/condition

[q31_39] Kidney disease/kidney stones

[q31_40] Thyroid condition or goiter

[q31_41] Tumor, cyst or growth

[q31_42] Other **(please specify)**

Thank you for taking the time to complete this survey.