# WorkWithoutLimits

**Supporting Massachusetts' Executive Branch to Become a Model Employer of People with Disabilities: Findings from Focus Groups with ADA Coordinators, Hiring Managers and Employees with Disabilities**

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Work Without Limits

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## Introduction and Background

The prevalence of disability among working age adults (ages 21-64) in the United States is 13 percent or 22 million, representing 1/8 of all working age Americans. Unemployment rate among people with disabilities is historically high. Data from the Disability Status Report 2007 and the American Community Survey suggest that people with disabilities are only half as likely as the general population without disability to be employed (37% compared with 80%). In Massachusetts, the prevalence of disability among working age adults (11%) and their employment rate (37%) are similar to the national averages.

The Commonwealth of Massachusetts is committed to improving its outreach, recruitment and retention of a diverse workforce, including people with disabilities (Executive Order 478). A Disability Task Force on Employment was formed in May 2008 to take a critical look at the Executive Branch's current policies and practices and search for best practices in the public and private sector that pertain to recruiting, hiring, accommodating, promoting and retaining people with disabilities in the workplace. The goal of the Executive Branch –announced by Governor Patrick on June 25, 2009- is to encourage its secretariats and agencies to become *Model Employers* for people with disabilities. In collaboration with the Commonwealth's Human Resources Division (HRD), the Massachusetts Office on Disability (MOD) and the Executive Office of Health and Human Services (EOHHS), the Task Force created several objectives and an Action Plan to realize this goal.

The Task Force's Action Plan identified a need for a review of existing Executive Branch policies and practices related to self-identification, disclosure of disability, recruiting, hiring, promoting, accommodating and retaining employees with disabilities.  The Action Plan also identified a need for an increased understanding of the experiences and perspectives of three informant groups likely to insight into these issues: Executive Branch ADA Coordinators; Executive Branch hiring managers; and Executive Branch employees with disabilities. At the request of the Task Force, researchers at UMass Medical School's Center for Health Policy and Research and at UMass Boston's Institute of Community Inclusion conducted focus groups with the three informant groups. This report presents a summary of the focus group findings.

## Methods

Data were collected using focus group methodology.  Focus groups are useful in initial inquiries when topics under investigation are not well understood, and can yield a rich understanding of the participants' experiences and beliefs. Prior to data collection, the study was reviewed and approved by the Committee for the Protection of Human Subjects in Research at the University of Massachusetts Medical School.  We recruited Executive Branch employees representing three groups to participate in the focus groups: ADA Coordinators; hiring managers; and employees with disabilities. To be eligible for the study, all participants had to be age 18 or older.  Those employed by the Executive Branch as ADA Coordinators or hiring manager had to have held those positions for a minimum of six months.  Employees with disabilities, who may or

may not have self-identified or disclosed their disability within the workplace, could have been employed in any position for any length of time.

The Commonwealth's Human Resources Division (HRD) assisted the researchers in recruiting study participants.  Via e-mail, the HRD sent invitation letters and flyers describing the study to all individuals identified as Executive Branch ADA Coordinators (n=93) and hiring managers (n≈3,200).  In order to recruit individuals with disabilities who may or may not have disclosed their disability, HRD also sent invitation letters and flyers to all Executive Branch employees (n≈40,000).  The invitation letters/flyers informed potential participants about the goals and the voluntary and confidential nature of the study, and instructed participants to contact the researchers by e-mail or phone to volunteer.  Researchers conducted a brief phone interview with volunteering participants to determine eligibility and discussed potential dates and location of focus groups. Participants received reminder e-mails two days before a scheduled focus group event.

### Focus group procedures

A total of eight focus groups with 76 participants were held in May and June, 2009. Two groups each, in Boston and Worcester, were held with ADA Coordinators (n=17) and hiring managers (n=16). Over 100 employees with disabilities volunteered to participate.  From this pool, we randomly selected and invited 60 individuals to participate in 4 focus groups; two in Boston, one each in Worcester and Springfield.  Forty-three employees with disabilities participated in the groups.  Groups met one time for 2½ - 3 hours and were moderated by a researcher experienced in focus group facilitation.  All groups were audio-recorded and field notes were taken by three additional research staff. Depending on the time of day of the focus group, each participant received complimentary breakfast or lunch.  Participants also received parking vouchers, but no other monetary compensation was provided.

At each meeting we introduced ourselves as independent researchers from the University of Massachusetts, provided an overview of the study's purpose, reviewed consent forms and obtained written consent from each participant. Participants also completed brief demographic data forms. We began each focus group session by posing a broad question to learn about the participants' knowledge and experience with respect to the self-identification process, followed by questions related to disclosure, recruitment, hiring, accommodation, promotion and retention of employees with disabilities. Throughout the focus groups, we used non-assumptive probes and follow-up questions to encourage participants to elaborate and provide examples from their own experiences and experiences of others they knew.   At the end of each session we asked participants to recommend strategies or action steps that could be undertaken to address issues related to employees with disabilities within the Executive Branch.  (See Appendix II for guiding questions used during the focus groups)

### Data Analysis

We undertook a thematic analysis of the data, which began immediately after the first focus group. Researchers conducted a de-briefing session immediately after each group, making note

of prominent themes that arose during the group.  Field notes were transcribed and were review to further identify a set of initial themes. We compared initial themes from the same focus group across note takers and the moderator and listened to audiotapes to ensure that we understood all issues correctly.  This process continued across all eight groups, during which we sought to determine whether themes identified in each group were consistent with initial themes or represented new themes, utilizing a constant comparative method. Because we began data analysis immediately after each focus group session, we were able to continuously confirm and refine emerging themes with participants in later groups. As analysis progressed and data became saturated it became apparent that certain issues were consistently brought up and discussed by participants across all groups.  Research staff held several internal meetings to refine prioritize and organize study findings.

_Characteristics of Study Participants_

Table 1 shows gender, mean age and years in position for 17 ADA Coordinators, 16 hiring managers and 43 employees with disabilities who participated in the focus groups.  The majority of focus group participants were female, and the average age of participants in all three groups was over 50 years.  In all three groups, the majority of participants had been in their positions for more than 5 years.

| TABLE 1. Characteristics of ADA Coordinators, Hiring Managers and Employees with Disabilities (n=76) | | | |
|---|---|---|---|
| | ADA Coordinators (n=17) | Hiring Managers (n=16) | Employees with Disabilities (n=43) |
| Gender | | | |
|    Female | 13(76%) | 11(69%) | 23(53%) |
|    Male | 4(24%) | 5(31%) | 20(47%) |
| | | | |
| Mean Age (range) | 52(41-61) | 51(34-64) | 53(37-67) |
| | | | |
| Years as ADA Coordinator/ Hiring Manager/Employee | | | |
|    6-12 months | 2(12%) | 0(0%) | 1(2%) |
|    1-3 years | 3(17%) | 4(25%) | 2(4%) |
|    3-5 years | 1(6%) | 1(6%) | 6(14%) |
|    5+ years | 11(65%) | 11(69%) | 34(79%) |

Table 2 shows employment and disability characteristics of the employees with disabilities who participated in the focus groups.  Most employees worked full-time, and the majority (88%) had disclosed their disability at work.  However, only 37% had disclosure during the hiring process.  Physical disability and long-term illness were the most common types of disabling conditions reported by these participants, with 37% reporting more than one condition.

| TABLE 2. Employment and Disability Characteristics of Employees with Disabilities (n=43) | |
|---|---|
| | **%** |
| Time of disclosure | |
| Disclosed disability at work | 88% |
| Disclosed disability during hiring process | 37 |
| | |
| Type of disabling condition | |
| Physical disability | 55 |
| Long-term illness | 33 |
| Sensory disability | 27 |
| Mental disability | 16 |
| Intellectual/developmental disability | 7 |
| Head injury | 7 |
| Other | 12 |
| | |
| Number of disabling conditions | |
| One | 63 |
| Two | 21 |
| Three or more | 16 |
| | |
| Mean hours worked/week (range) | 36.6 (10-40+) |

## Findings from Focus Groups

We asked focus group participants to share their experiences and perceptions with us regarding: 1) self-identification of disability; 2) disclosure and reasonable accommodation; 3) recruiting, hiring, promoting and retaining of employees with disabilities and 4) how agency culture affects such experiences. Findings are presented organized by these four broad topical areas.  However, findings regarding these areas are not mutually exclusive, and there are some overlapping themes and issues throughout the report.

### <u>Self-Identification</u>

We began each focus group asking participants about their experiences with and understanding of the processes of self-identification[1] and disclosure[2]. We also inquired about the role of ADA

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[1] Federal contractors are required to request and maintain data on their employees with disabilities to ensure compliance with laws and regulations under the Equal Opportunity statue. Employers invite individual to self-identify in writing as having a disability. Providing self-identification information is voluntary and the process is confidential.

coordinators in the self-identification process and participants' perspectives regarding confidentiality of the process. We learned that agencies vary in the frequency and depth of information they provide to employees about self-identification processes and that the three groups of participants – ADA Coordinators, hiring managers and employees with disabilities – vary in their understanding of and experiences with these processes.

**ADA Coordinators have a clear understanding of the distinction between self-identification and disclosure, but some hiring managers and many employees with disabilities appear unaware that self-identification is distinct from disclosure.** Among participants, the ADA coordinators clearly understand the distinction between these two processes.

> *"People can self-identify for the purposes of affirmative action and not ask for accommodation. They can ask for accommodation, but not self-identify. So you think those two things are married- they couldn't be more separate.*" (ADA Coordinator)

ADA Coordinators also acknowledge that helping people clarify the difference can be a challenge.

> "*No matter how many times you tell people that reasonable accommodations and self-identification are separate and distinct processes, everybody nods … then three months later you find you have to tell them again."* (ADA Coordinator)

Some hiring managers and many employees with disabilities appeared not to understand the distinction between self-identification and disclosure. When discussing self-identification, one hiring manager noted:

> *"This year we had to take diversity training for managers and that was the first time I heard that disability, disclosure as part of the hiring process."* (Hiring manager)

Another noted:

> "*If the employee has a disability and needs an accommodation, then in that respect it is advantageous to self-identify.*" (Hiring manager)

A few employees with disabilities did understand the self-identification process.

> "*What self-identification does is say that a layoff cannot have a disparate impact on one class."* (Employee with disability)

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[2] Disclosure of disability is typically, although not exclusively, related to requesting reasonable accommodation. Reasonable accommodation can be any modification or adjustment to the job or work environment that will enable a qualified employee with a disability to perform essential job functions. Disclosure and self-identification serve distinct purposes and have separate procedures. One can self-identify and not disclose -if the job can be performed without accommodation- or disclose but not self-identify.

However, most employees were unaware that self-identification is a separate process from disclosure.  In fact, many had not heard of self-identification and were not aware that they had ever been requested to self-identify.

> *"What is a protected class anyways? It was never explained.*" (Employee with disability)

> *"I wasn't aware that there was a distinction between the affirmative action aspect and [disclosure for accommodation]. Maybe I missed it. The information didn't come my way."* (Employee with disability)

**ADA Coordinators stress that self-identification is a personal choice**.  The ADA Coordinators participating in the focus groups agreed that self-identification of disability is voluntary.

> *"It is up to the individual. There is very little you can do."* (ADA Coordinator)

ADA Coordinators noted that self-identification is "*just a number"* that provides a count of people with disabilities for affirmative action purposes, but that the counts will always underestimate the number of individuals with disabilities in the Executive Branch.  There will always be people who will choose not to self-identify because they do not consider themselves disabled.

> *"I do not think HRD should force people to self-identify if they do not see themselves [as a person with a disability].*"(ADA Coordinator)

Other reasons why people may choose not to self-identify are discussed below on pages 11-12.

**The frequency and clarity of information employees receive about self-identification appears to vary across agencies.** It appears that agencies are not uniform in how frequently they communicate about self-identification or offer opportunities for employees to self-identify. Most participants agreed that there is opportunity to self-identify during the hiring process, and some were aware of it happening periodically thereafter.  ADA Coordinators and hiring managers name e-mail as the most frequently used communication tool to solicit self-identification information.

> *"We put an e-mail out to everyone [at our agency] twice a year."* (ADA Coordinator)
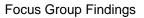
> *"I've found that [the frequency of communication] varied depending who the commissioner was or who the HR director. Over the years I've seen certain HR directors be more aggressive in bringing awareness to issues like this."* (Hiring manager)

Some hiring managers are not aware that agencies periodically solicit self-identification information.

> *"In 2008, for the first time that I can recall in my 32 years, our affirmative action office sent out an email…how to get the forms and I never remember seeing that as an*

*individual [with a disability]. I'm just not sure if it was a change in policy or if it was asking people to self-identify…I was surprised at the broadcast request for self-identification after hire."* (Hiring manager)

Some employees found the self-identification process easy to do, but still feel that the information they receive about self-identification is insufficient.

*"My agency's been real good...They were looking for people to [fill out the self-identification form] …I got a form back saying I was a protected person, but no one ever told me what that meant. It didn't do any good as far as I know…"* (Employee with disability)

Other employees noted that self-identification is not consistently publicized, and some participants suggested that the process might be intimidating.

*"I went and asked for the form 15-18 years ago. They referred me to a civil rights person for the department. When others had disclosed and they were suggesting for protection that they go after and actively ask for that form. There were people who hadn't been given the form."* (Employee with disability)

*"When you fill out something and write it down, it reaffirms your disability…and now it's in writing and I think that whole process is…psychologically [difficult]."* (Hiring manager)

Most employees with disabilities questioned the value of self-identification and agreed that any benefit to the individual is minimal.

*"I can't see where [self-identification] makes any difference.*" (Employee with disability)
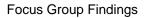
*"It is my understanding that [self-identification] buys you a certain level of protection that non-disabled folks would be laid off before you would be laid off."* (Employee with disability)

*"I heard that [self-identification] didn't matter…that it was seniority totally."* (Employee with disability)

*"They want you to self-identify, but they don't give you the materials or the tools [to understand it].*" (Employee with disability)

### *Role of the ADA Coordinator in Self-Identification*

**ADA Coordinators see themselves as providing information but not encouraging people to self-identify.** ADA coordinators provide relevant information and educate employees and managers about issues related to the ADA. ADA coordinators respect that the process is

voluntary, and do not encourage people to self-identify, nor do they advocate for employees with disabilities.

>"I see us as advocating for the law." (ADA Coordinator)

While acknowledging that their role is not to advocate for people with disabilities, some ADA Coordinators agreed that during times of layoffs they may be able to help employees with disabilities by saving some jobs if senior management includes the ADA Coordinator in reorganization talks early on.

>"*Because I had the information of the folks who were disabled I was able to give some pushback when we were reviewing the list [for lay-off]… They were not laid off because we actually had that conversation with the agency head and they could go a different way." (*ADA Coordinator)

ADA Coordinators acknowledge that they need more training. Coordinators would like access to important publications, such as the Disability Compliance Bulletin, to be up-to-date on the latest regulations regarding the ADA. They would also like to have access to their agency's general counsel and would appreciate opportunities to network with colleagues to share their personal experience.

Some hiring managers and employees with disabilities have a perception that ADA Coordinators need further training in disability issues.

>"I don't get the sense that [the ADA Coordinators] really have a depth of knowledge in the field." (Employee with disability)

**Some ADA Coordinators cover very large agencies, some cover smaller agencies;[3] some cover multiple agencies. This can impact the opportunities ADA Coordinators have to build trust with employees.** It is not infrequent for one ADA Coordinator to serve multiple agencies or one large agency with thousands of employees. It is also common that an ADA Coordinator has several job functions unrelated to their role as an ADA Coordinator. Under such circumstances, the ADA Coordinator's visibility and availability may impact how well employees understand the ADA, how the role of an ADA Coordinator is understood within the agency and how effectively an ADA Coordinator may be able to build trust with employees. ADA Coordinators identify trust as the most important consideration in an individual's decision to come forward and self-identify.

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[3] In this report we do not define "small" and "large" agency but use agency size as a relative term for comparison purposes. A "small" agency can be one with a few dozen employees or with hundreds of employees when compared to an agency that employs thousands of people.

*"If you have to take care of several thousand people [in your agency] and you don't build those relationships up, people will be apprehensive about coming to you because you haven't…developed that…trust."* (ADA Coordinator)

**Some employees are unaware that their agency has an ADA Coordinator, and many do not know who the ADA Coordinator is.**

*"I just found out [about the ADA Coordinator] this year because they sent out an email from Boston asking if people want to self-identify and then that's when I found out we had a person right in our building that I could go to."* (Employee with disability)

*"The names of the ADA Coordinators are posted nowhere."* (Employee with disability)

## Confidentiality of Self-Identification

**All participants agree that confidentiality of the self-identification process can be compromised if the ADA Coordinator has multiple roles within the organization**. Many participants raised concerns that the multiple positions held by ADA Coordinators have the potential to compromise confidentiality of information, and hence people's willingness to self-identify.  We learned that some ADA Coordinators volunteered for the position, others were appointed by the agency heads.  However, for all, being an ADA Coordinator means responsibilities above and beyond someone's daily job functions.

*"The [ADA Coordinator position] came with a job that was another position. [The ADA Coordinator position] came as an appointment."* (ADA Coordinator)

Oftentimes ADA Coordinators are also hiring managers or can hold any other position within the agency.

*"At one point our ADA Coordinator was the payroll clerk."* (Employee with disability)

Some employees suspect that the ADA Coordinator's multiple responsibilities and line of reporting to the agency head can compromise the Coordinator's ability to keep disability information confidential.

*"I have not self-disclosed because I believe my ADA Coordinator of my agency tells everybody everything."*  (Employee with disability)

*"The person who has the fiduciary responsibility and the person who has the knowledge [of the ADA] shouldn't be the same person because then they are making an internal connection."* (Employee with disability)

**Confidentiality of disability information can also be compromised if personnel file is not separated from self-identification form during the hiring process.**  When a candidate

applies for a job at the Commonwealth, the application packet contains a self-identification form that can be mailed to the ADA Coordinator separately. Sometimes the self-identification form remains part of the hiring packet and the personnel file may also contain other confidential information not intended to be seen by hiring managers.

> *"[When someone identifies] I would know about it. Because either I would know about it directly through the staff in my office that the forms have been filled, or the Coordinator would absolutely contact me."* (Hiring manager)

Other barriers to keeping self-identification information confidential are lack of private space for confidential conversation with an employee or lack of private equipment (e.g. one printer for the entire department).

> *"[ADA Coordinator who is in a cubicle] What happens is, you have someone who comes to talk to you and they want to speak about their disability, you have to kick [another person] out of her office because she's the only one who has a confidential space or you have to reserve a conference room."* (ADA Coordinator)

> *"We have one central printer.  I have to print it off and run to the printer to get the information."* (ADA Coordinator)
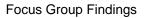
## *Why Do Some Employees Self-Identify?*

ADA Coordinators made the point that the self-identification data do not reflect the true prevalence of disability among Executive Branch employees.  Among those who self-identify, more people have apparent disabilities than non-apparent disabilities. One employee noted that with an apparent disability a person *"might as well"* self-identify. Others self-identify because they understand that self-identification affords certain protections under the law. Trust in the ADA Coordinator and in the confidential nature of the process were identified as the most important considerations for self-identification.

## *Why Do Others Not Self-Identify?*

**It was clear that many employees were not aware of the self-identification process.** Moreover, some employees are not sure what the definition of disability is under the ADA, and therefore they do not know whether the law applies to them.

> *"I have never heard of the [self-identification] process."* (Employee with disability)

> *"People have no clue [about the definition of disability under the ADA] because it is so broad and open-ended."* (Employee with disability)

> *"The process does not [work for people with disabilities]. They have to know they have a [disability], but they do not know what qualifies [for protection]."* (Employee with disability)

Many participants suggested that, in general, employees do not trust the self-identification process to be confidential.

> *"I think there is an assumption that as soon as you write it down on a piece of paper, someone is going to find out."* (Hiring manager)

Participants also suggested that there is widespread concern among employees with disabilities about being stigmatized by managers and co-workers.

> *"Some employees refuse to self-identify, even though you know they have a disability, because they're afraid they will be stigmatized and they won't be considered for promotion because they have a disability…even though we tell them that it's confidential and their names are not [revealed]… but there are still a lot of people who are afraid to self-identify."* (ADA Coordinator)

Some employees with disabilities view a self-identification request as a "step back" because self-identification puts the focus on one's disability as opposed to personal contributions and abilities. Some simply do not consider themselves "disabled" regardless of the disabling condition.

## Disclosure and Reasonable Accommodation

We asked all participants to share their experiences and perspectives regarding disclosure of disability in the workplace, as well as regarding the process of requesting and receiving accommodations. We also asked participants to describe factors that help or hinder the accommodations process. As noted above, with the exception of ADA Coordinators, many participants did not understand the clear distinction between self-identification and disclosure. For the most part, disclosure was discussed in the context of accommodations.

**Some employees feel comfortable disclosing a disability whether or not they need an accommodation; co-workers oftentimes provide informal accommodation to a colleague with a disability.** We found that some employees feel comfortable disclosing a disability to managers and co-workers; others feel more comfortable disclosing to co-workers only. If an employee has a temporary or permanent disability but does not need modification to the job or work environment, s/he may not request accommodation. In such circumstances co-workers might provide "unofficial accommodation" by covering shifts or doing smaller helpful tasks.

> "*Sometimes the individual confides in their co-workers, and it's almost like the manager doesn't even know initially. They've taken it upon themselves – let's problem solve and figure it out.*" (Hiring manager)

**Some employees with disabilities receive accommodation in a timely manner, while others experience delays.** Several employees shared positive experiences with the process of requesting and receiving accommodations. Other employees expressed some frustration with the process. If the request is for a small item that fits the agency's budget (e.g. ergonomic chair, keyboard), the accommodation is usually granted in a timely manner, however if the request is for flexible time or costly equipment, the agency may be less likely to provide the accommodation. A small number of employees shared the perspective that agencies are not responsive to their requests for accommodation until the case goes to arbitration or litigation.

> "[*My department] has actually been pretty good [about handling reasonable accommodation].*"(Employee with disability)

> "*They've been very, very good to me [re: agency providing reasonable accommodations]. I have no complaints about my agency. They've been very good to me.*" (Employee with disability)

> "*I needed a special chair, I got a special chair. I needed a footstool. I got a footstool. [My manager] has been very accommodating.*" (Employee with disability)

Some employees are not sure what the definition of disability is under the ADA, therefore they do not know how the law applies to their individual condition and situation.

> "*I asked if I could start part time because I had major surgery and the [response] was kind of strange, [they said] 'why do you need to come back?'... My doctor said I could work part time... I had that frightened feeling…like I would not be welcome to come back.*" (Employee with disability)

> "*I feel like if I want an accommodation that costs two thousand dollars, I'm taking someone's job away.*" (Employee with disability)

> "*I am really at the point now where I would like to get all my information from these years and find a lawyer and go to him and say 'do I have a case?' because I am tired of being targeted.*" (Employee with disability)

**Participants acknowledged that requesting and receiving an accommodation in effect discloses a disability and can put an employee at risk for discrimination.** Co-workers may view reasonable accommodation as preferential treatment and become resentful.

> "*Even if you do maintain some level of confidentiality in [a visible accommodation], afterwards people are going to come forward and say 'Why did Sally So-and-So get a good workstation?' and it takes a diversity officer some courage to be able to say, 'I can't tell you the reason, but let's just say that if it were you in that situation you'd want your needs respected as well'. "* (ADA Coordinator)

*"The reality is, unfortunately, people still figure [reasonable accommodations] out and frankly, they're still resentful…which makes me nuts."* (ADA Coordinator)

Some participants also share concerns that some managers may feel that an employee requesting reasonable accommodation just wants to "game the system."

*"I think that the issue of being free to disclose and not being perceived as being an employee abusing the system is an issue and there's a difference in managers and how they treat employees in accordance with that."* (Hiring manager)

**Apparent and non-apparent disability can affect the outcome of the accommodation process.** All participants agree that accommodations for employees with non-apparent disabilities, particularly mental or behavioral disorders, can be more of a challenge – both in terms of identifying appropriate accommodations and the willingness of managers to provide them.

*"I do know people in my agency are pretty good [with reasonable accommodation] but I hear a lot of ignorance when it comes to mental health issues."* (Employee with disability)

*"If it's an obvious visible disability, the conversation starts probably right at the point of the job offer, even though it doesn't have to. But, if it's an invisible disability – which most are – you wait until the person chooses to self-disclose and request an accommodation."* (Hiring manager)

*"I have a few [cases] who had just come back from Iraq and they have PTSD and some people don't see that as a disability [they think] 'aw he'll be alright.'"* (ADA Coordinator)

Participants also expressed concerns that some managers do not consider a non-apparent disability an acceptable reason for an accommodation.

*"I told the building supervisor that I couldn't hear the fire alarm…he told me quote 'they said it was loud enough' meaning they – the building owners- designated that as a loud enough [sound]."* (Employee with disability)

**Employees would like more information on whether they are covered under the ADA, as well as how and whom to ask for accommodations.**

*"It seems to me to be so many different rules and regulations that apply to so many different people…it's hard to keep track…I wish there was one rule that would apply equally to everyone and that everyone knew what it was."* (Employee with disability)

*"I don't think there's enough information on self disclosure that I've been made aware of available to me to know how to approach [finding an accommodation]."* (Employee with disability)

**Employee performance problems may be the first sign of disability.** At times, an employee's performance problem is the first sign of disability to the manager. Hiring managers suggest that an honest discussion between the employee and manager about the nature of disability and one's accommodation needs can avoid disciplinary action.

> *"[Disclosure] usually comes up in a poor evaluation – once you get that 'meet' or the' below' or the 'REP' going – that usually does it."* (Hiring manager)

> *"When we see performance issues – this is usually how it all starts…and its aging populations where it's physical, mental or whatever and it's not always evident to us. Typically I tell employees 'you have to be your own advocate- there's only so much we can do, I can't move you to a less stressful job, I can't give you a pass on your evaluation, but if you have a disability, if it's something wrong with your eyesight or heart or stress or high blood pressure… you're the one who has to push the issue'."* (Hiring manager)

**ADA Coordinators report that arranging for reasonable accommodation is the most time consuming part of their job and the procedures involved may jeopardize confidentiality.** ADA Coordinators are involved in the discussion about accommodation needs with employees and managers and are often the ones to request a purchase for equipment or assistive technology. ADA Coordinators agree that arranging for accommodations is time consuming and the procedures – especially obtaining signatures from hiring managers and the finance department -- can jeopardize confidentiality.

> *"When I buy something, you have got to get at least three signatures on the [form] so in order for me to purchase something, I have to get three signatures. Confidentiality is gone."* (ADA Coordinator)

## Recruiting, Hiring and Promoting Employees with Disabilities

We asked all participants to describe efforts within their agencies to recruit, hire, promote and retain workers with disabilities, as well as to describe barriers to hiring and promoting employees with disabilities. Perspectives on these efforts varied widely.

**While ADA Coordinators and employees generally felt that there were minimal, if any, specific efforts to recruit employees with disabilities, hiring managers working at disability serving agencies identified specific recruitment practices at their agencies**. In addition, these hiring managers noted that hiring employees with disabilities was consistent with the overall mission of their agencies.

> *"We do have recruiters that go out into the field and sometimes they attend job fairs. If they do have someone who our ADA Coordinator [has] identified as having a disability…when a job comes up that they'd be interested in, they put their application in automatically as part of the process.*" (Hiring manager*)*

*"We actively recruit…peer specialists. So we actively recruit where the specification of the job is that you have the [lived] experience [of disability]."* (Hiring manager)

*"We go into [community mental health programs] and we talk with the groups there."* (Hiring manager)

*"The nature [of my agency] is involved in helping people return to work, so our culture, our values all line up with hiring people with disabilities. …We have hired a lot of people with disabilities… So all of us managers have a lot of experience in this arena.*" (Hiring manager)

Some participants suggested that agencies interested in creating a more diverse workforce should contact disability serving agencies whose client base and ties with local community organizations, such as independent living centers, can provide a potentially rich employee pool.

**Inaccuracies in job posting can be a barrier to applying for certain Executive Branch positions for people with disabilities**.  ADA Coordinators noted that even if someone meets all qualifications for a position, s/he might still be discouraged from applying for a position.

"*Some of our [job] postings… still contain language [that] acts as a barrier to application … one of the things that automatically get populated … is a valid MA driver's license… required for the position.  Now sometimes this is true… but often times this is not true."* (ADA Coordinator)

Another potential barrier is a civil service exam requirement, which can be a barrier for people with disabilities who do not do well on written tests.

**All participants agree that qualified candidates with disabilities may not be hired.**  Some ADA Coordinators reported that although they are supposed to see the list of applicants who self-identify during the application process and flag them to be interviewed; oftentimes they learn about an applicant with a disability who was not interviewed after the position has been filled by a non-disabled applicant.  Employees with disabilities also noted that hiring teams are not diverse and almost never include anyone with a disability.

Employees suggested that the resume screening process at the Human Resources Division is flawed and that qualified employees with disabilities are not routinely referred to multiple agencies where there might be open positions.

"*People prescreening at HRD are determining some people qualified and others not qualified, so you'd think if they were qualified for a job in one office, they would be qualified [for the same job] in another office, but that is not the case*". (Employee with disability)

ADA Coordinators suggest that hiring managers may be reluctant to hire individuals with disabilities due to anticipated difficulties in managing the workflow within their unit, or the potential added expenditures for accommodations.

> "*Many times the hiring managers are afraid of hiring someone that is disabled because they perceive that it's going to be more work and more time out of work more things they have to change – so they're kind of apprehensive.*" (ADA Coordinator)

> "*If…the hiring manager has to come up with the ten thousand dollars to that workstation, that's ten thousand dollars less of landscaping or whatever… he doesn't get ten more thousand dollars from the state just to be hiring somebody with a disability.*" (ADA Coordinator)

> "*My manager goes 'why would you take this person on?' Given all you have to do, now the person may be able to do the work, but there is a good component of all our jobs that is relating to other people. We don't work in a vacuum…so I would be discouraged from taking on someone if I was to be the only support for this new employee with learning disabilities or social deficiencies, yet [they are] clearly capable of doing the actual nuts and bolts of the job.*" (Hiring manager)

Some hiring managers shared the perception that employees with disabilities may not perform their jobs as well as other co-workers, making managers less likely to hire others with disabilities.

> "*Our one employee [with a disability] is probably…more at the bottom as far as the quality of his work, so…our experience with disabilities hasn't really been a positive.*" (Hiring manager)

**Virtually all employees with disabilities agreed that disability and age can negatively impact one's chances for promotion.** There was a strong sense among employees that discrimination is widespread and that being identified as an individual with a disability means that one will be passed over for promotion. Only a few said that they were promoted after the onset of their disability.

Employees described facing both age and/or disability discrimination when it comes to promotion. Some described being repeatedly denied or overlooked for promotion, and felt that younger co-workers were more likely to be promoted.

> "*I did not get promoted for a job where a person I trained did after I came back from [several] rounds of chemotherapy.*" (Employee with disability)

> "*I've been up for promotion eight times and been denied eight times. The last time was summer of '08 and that one just kind of took the wind right out of my sails.*" (Employee with disability)

> "*When you apply for a promotion, it almost seems like once you get the ADA Coordinator involved it's almost like a scarlet letter. And I think they look at you like 'he doesn't look like he has a disability, maybe he's just trying to get this job.' So as soon as*

*the ADA Coordinator gets involved, you can see a difference, and it's not to your benefit self-identify."* (Employee with disability)

Some employees with disabilities expressed the sentiment that they are "captive" in their jobs because they rely heavily on benefits afforded by the jobs, especially health insurance. Employees also noted a general lack of opportunity for promotion within state government and that this can foster mediocrity.

*"I don't dare leave the system…they won't do anything for me, I'm 60 years old, and I need my health insurance.  'I'm going to try to do the work as best I can, but that is not a good attitude to have. And people all around me have it…and in a sense, we've given up in some way."* (Employee with disability)

*"If you don't do a very good job, you get your 2.7%. If you do the work of someone several grades above you, you get your 2.7%."* (Employee with disability)

"*There's inertia against promotions [in state government] in general"* (Employee with disability)

The perceptions of employees with disabilities were in stark contrast to the perspectives of some hiring managers who thought that disability increased the likelihood of promotion.

*"If you're an outstanding employee and you happen to have a visible disability in [my agency], you're going to get promoted. I guarantee you that. It's sort of a symbolic – it's like what we do."* (Hiring manager)

**Above all, employees with disabilities spoke of wanting to be valued for their talents and contributions to the workplace.**  The reason why people stay on their jobs is a complicated interplay of personal, interpersonal, financial and organizational factors. Despite adversity some employees seem to have encountered on the job, most spoke of genuinely liking their jobs and co-workers, feeling that their jobs utilizes their skills and gives them opportunity to grow professionally, and gives them immense personal satisfaction.

## Agency culture

We asked participants to discuss the overall culture within their agencies, and the extent to which agency culture can fosters and/or hinders diversity, tolerance and inclusion of employees with disabilities in the workplace. The sentiment that culture affects one's willingness to self-identify was widely shared among focus group participants.  Agencies seem to vary considerably in their efforts to include and accept individuals with disabilities.

Just as trust in an ADA coordinator was identified as an important element of a decision to self-identify, **agency leadership was seen as a crucial aspects of the culture that the impact the experiences of employees with disabilities.**

> *"Some agencies are very open to embracing persons with disabilities. Some agencies are not; simply because of how they're made up…you're not going to change that particular culture."* (ADA Coordinator)

Some agencies have strong commitment at the senior leadership level related to employing people with disabilities.

> *"As the process of reinventing ourselves and marketing … the idea of diversity as it relates to equal opportunity, [the Commissioner's] big push … is 'Listen, when you start marketing diversity, I want to see disabled representation… because those are the folks who always get left out'. "* (ADA Coordinator)

Additionally, in an effort to make the workplace a more accepting environment, some senior leaders actively solicit input from affinity groups within the agency.

> "*We have a number of groups… made up of individuals from all the area offices and there's one for people of color… there's another one for disability. Those groups meet at the central office level on a monthly by monthly basis…what it has done is that information gets channeled to the directors from the Commissioner… hopefully there's some action taken…so that's been something that each of those groups has felt has been very, very powerful."* (Hiring manager)

However, we also heard concerns that some managers have very outdated attitudes toward disability.

> *"My boss made some very… derogatory and disrespectful comment about my hearing loss in a room full of people… They're all his subordinates. I said 'that comment makes me very uncomfortable. It's not my fault I have a hearing disability'…when I went to his boss to complain it was 'did anyone else hear him say that'?"* (Employee with a disability)

**In general, ADA Coordinators and hiring mangers feel that disability-serving agencies have a more accepting culture towards disability. However, employees who work at those agencies did not unanimously share this view**. Some of the employees who shared their stories about age and disability discrimination with respect to accommodation and promotion came from disability serving agencies.

**As one aspect of agency culture, the size of an agency can impact the decision to self-identify.** As previously noted, trust in an ADA Coordinator is essential for self-identification, and Coordinators acknowledge that it is easier to get to know people and build personal trust at a smaller agency. However, when multiple agencies, regardless of size, share one ADA Coordinator, building that trust may not be easy. As a result of consolidation efforts at the Executive Branch, the ADA Coordinator's position may not be separate and independent from the Civil Rights Officer or positions within the Human Resources department. This is especially true for smaller agencies that centralized all functions related to civil rights, diversity, disability

and human resources. Under such circumstances, the line of reporting for the ADA Coordinator can pose a risk to keeping disability information confidential within the organization.

**Self-advocacy can negatively impact a person with a disability**.  There is a genuine concern among employees of being stigmatized and marginalized by managers and co-workers especially when an employee with a disability advocates for himself/herself.

> *"It feels like if you disclose or identify – whatever way you acknowledge your disability – that you in a sense have to become a professional advocate, you have to become a pseudo lawyer, a doctor, a specialist in labor relations. In fact, if you do gain that knowledge, then that becomes your job. You lose your identity as a professional…and you become 'the disabled'.*" (Employee with disability)

> "*Once you advocate for something you need, you get labeled as not a team player. So you're not going to get promoted.  That's the level you're staying at. That's the way they see it."* (Employee with disability)

> *"When you start advocating, you become the enemy of your agency"* (Employee with disability)

## Summary of Findings

Focus group participants raised many issues that were consistent across the three informant groups, which support the validity of the data generated from the groups.  It is the hope that these findings and the set of recommendations following will aid the Executive Branch as moves forward in its efforts to become a model employer of individuals with disabilities.

*Self-Identification*

In general, employees with disabilities lack awareness that self-identification is a distinct and separate process from disclosure and the request for reasonable accommodation. They are also unaware of whom to contact to self-identify and how to request accommodation.

ADA Coordinators clearly play a vital role in the self-identification process. The size of an agency, availability of the ADA Coordinator to employees and the multiple roles some Coordinators play within an organization can affect confidentiality of information and therefore trust in the ADA Coordinator. Trust was identified as the most important consideration for an individual with a disability to self-identify.

While additional system-wide efforts to foster trust, confidentiality and create a culture of diversity, acceptance and inclusion of individuals with disabilities at the Executive Branch would reasonably be expected to lead to more people coming forward to self-identify, it is likely that there will always be employees who, for a variety of reasons, will not self-identify. Self-

identification information should always be interpreted with a caveat that it will never reflect a completely accurate count of employees with disabilities within the Executive Branch.

### Reasonable Accommodation

ADA Coordinators and hiring managers generally agree that agencies have the capacity to provide reasonable accommodations, as long as they involves basic modifications to the work place or equipment (e.g. special chairs, keyboards) that fits within the agency's budget. However, providing other types of accommodations is not without challenges. Agencies often lack resources to provide more complex and expensive equipment. Centralized resources need to be established for the purpose of buying reasonable accommodation equipment for all agencies of the Executive Branch so that employees with disabilities receive needed accommodation in a timely manner. In addition, some agencies lack an understanding of the types of accommodations that might be appropriate for people with non-apparent disabilities. Moreover, flexible work schedules, telecommuting and similar types of accommodations can present a challenge because many employees within an agency, not just those with disabilities, might desire these types of work modifications.

Many employees with disabilities do not know how to disclose and request reasonable accommodation. Additionally, disclosure for the purpose of requesting a reasonable accommodation is not without risk. Disclosure is a de facto identification of disability. Many times co-workers view reasonable accommodation as preferential treatment by managers and become resentful of co-workers with disabilities.

### Recruiting, Hiring and Promoting Employees with Disabilities

We consistently heard across focus groups that people are generally not aware of any systemic recruitment and hiring efforts for people with disabilities. The exceptions are disability-serving agencies whose mission is consistent with reaching out to their consumer base and disability serving community organizations and recruit individuals with disabilities to fill job openings.

Within the Executive Branch, the hiring systems in place do not seem to ensure that qualified applicants with disabilities are consistently interviewed for posted jobs. In addition, virtually all employees with disabilities agreed that disclosure of disability negatively impacts one's chances for promotion. Employees also emphasized that they want to be valued for their skills, talent and contribution to the workplace and not treated as "the disabled."

### Agency Culture

Agency leadership is a crucial aspect of the culture that impacts the experience of employees with disabilities. Current efforts underway by the Disability Task Force to promote an environment that is respectful and inclusive, and where employees trust the confidentiality of self-identification and other information related to disability, and were employees have the resources and support they need to succeed as workers, will help the Executive Branch move forward in its goal to become a model employer of people with disabilities.

In the current environment, many employees with disabilities feel they have to advocate for themselves, and there is a sentiment that self-advocacy can lead to being stigmatized and marginalized by co-workers and managers alike. Employees with disabilities within the Executive Branch might benefit independent and impartial advocates who by the nature of their positions are free from potential conflict of interest. Those advocating for employees with disabilities could be ADA Coordinators if an independent ADA Office was established and positioned in a way such that Coordinators would not have reporting responsibilities to the agencies they serve.

**A note on interpretation of data from focus groups**

As with all research methods, focus group methods have inherent biases and limitations. When interpreting the findings from this study, it is important to keep in mind that the individuals who contacted us to volunteer for the focus groups are likely different from those who did not volunteer. While it is not possible to know the ways in which volunteers may differ from non-volunteers, it is possible, for example, that employees with disabilities who volunteered may have been less satisfied with their experiences as Executive Branch employees compared to those with disabilities who did not volunteer. The participants in this study represented a small convenience sample; therefore results are generalizable only to the participants and context that we studied, and not the larger population. Finally, these findings reflect our synthesis of participants' descriptions of their subjective interpretations, impressions and experiences, and are not presented as fact.

# Recommendations

We asked each focus group to provide suggestions on what the Executive Branch can do to make the workplace a more accepting and inclusive environment where individuals understand the difference between self-identification and disclosure, the advantages to both, and also feel safe to self-identify or otherwise disclose their disability. Focus group participants made recommendations in the following areas: Training and Education; Information Sharing, Communication and Marketing; and Role and Responsibilities of the ADA Coordinators.

### *Training and Education*

There was unanimous agreement among participants that regular mandatory training is needed for all employees of the Executive Branch to better understand: 1) disability and affirmative action and its implications and 2) employee rights under the ADA. As was commonly mentioned across focus groups, the processes of self-identification and requesting reasonable accommodation was not clear to managers and employees with disabilities.

- Training on self-identification and reasonable accommodation for all employees can be integrated into orientation information and existing trainings.

- Training for managers also needs to be expanded to provide more information about how to respond to accommodation requests while maintaining confidentiality and respect for their employees.  Recommended trainings could also address disability stereotypes, stigma, accommodations and maintaining expectations, and work place culture.

In addition to training, ADA Coordinators would like access to important publications such as the *Disability Compliance Bulletin* and other education material to keep pace with the latest regulations regarding the ADA; have access to their agency's general counsel and have opportunities to network with other ADA Coordinators to share information and problem-solve challenging cases.

## *Information Sharing, Communication and Marketing*

A consistent request from all participant groups was that information about Affirmative Action and the ADA be widely distributed.
- Suggestions included the use of an easy-to-navigate website with "*Frequently Asked Questions"* about self-identification, requesting reasonable accommodation and other ADA-related issues. According to participants, existing information is difficult to locate and, if it is available, is difficult to understand.

- Employees also expressed interest in learning about the ways the Executive Branch uses self-identification and disclosure information.

- Employees recommended a user-friendly *Employee Handbook on the ADA* to be given to every new hire and a list of names and contact information of ADA Coordinators by agency.

Participants encouraged interagency communication and networking opportunities. Participants in the focus groups reported they appreciated the opportunity to talk with their peers about these issues.
- All participant groups provided recommendations that highlighted the importance of interagency cooperation including building effective relationships that support cross fertilization of ideas between agencies.

- Agencies that have more experience in supporting employees with disabilities should take a leadership role in providing technical support to other state agencies.

- Employees with disabilities suggested creating inter- or intra-agency affinity groups that would operate with action items as well as offering support for people interested in disability issues.

- Development of on-site mentoring and/or job counseling programs to provide individualized support to employees who may need additional assistance with work-related issues was also suggested.  This recommendation was viewed as helpful to

employees with disabilities as well as other employees, such as younger workers, who many need support in adjusting to the expectations of the workplace.

- Participants recommended a more streamlined approach to tracking used reasonable accommodation equipment and assistive technology. It was suggested that there be a centralized place for state agencies to exchange assistive technology or equipment that is no longer needed by an employee.

- A centralized pool of money for accommodations was also suggested so that agencies do not have to incur additional costs sometimes associated with providing certain types of accommodation.

Participants supported the importance of data collection about employees with disabilities in the workforce.

- Participants recommend that HRD track and disseminate information about the number or percentage of employees who self-identify and of those who hold managerial positions within the Executive Branch. Sharing disability statistics across job level spectrums would promote transparency, serve as a benchmark and encourage those who have not self-identified to come forward.

- Understanding the number of managers who self-identify with a disability was important to employees since it would communicate the opportunity for promotion for employees with disabilities.

- Participants also recommended data tracking of reasonable accommodation requests as a potential proxy for the number of employees with disabilities. Accommodation requests could be collected anonymously such as the number, nature of requests, and reasons for the denial of requests.

## *Role and Responsibilities of the ADA Coordinator*

Employees need to trust the ADA Coordinator to self-identify. As a response to issues of confidentiality of information, conflict of interest and impartiality of the ADA Coordinator mentioned throughout the report, focus group participants recommended that an independent ADA Office be created and positioned above all agencies within the Executive Branch. Under such circumstances ADA Coordinators would not have reporting responsibilities to the agencies they serve. Furthermore, agencies could rely on the ADA Coordinators as an impartial resource for technical assistance in providing reasonable accommodation to employees.

# Conclusion

The results of this study represent an important snapshot of the many contemporary issues facing the Commonwealth's workforce. While participants identified several areas where the Commonwealth has been responsive to the needs of its employees with disabilities, there are a number of areas for continued development. The results from this study suggest that the issues facing people with disabilities successful employment in the Commonwealth transect age and agency and present some unique challenges. Additionally, the results from this study suggest that the Commonwealth has an opportunity to take a leadership role among states by implementing policies and procedures to better facilitate more effective function of state agencies through supporting the success of employees with disabilities in state government.

# Appendix I

## Focus Group Guiding Questions

### *ADA Coordinators*

1) Tell us about your job as an ADA Coordinator at the Executive Branch
   - How did you become an ADA coordinator?
   - Did you volunteer or was this role assigned to you?
   - Tell us the pros and cons of your job. Do you feel supported in your role as an ADA coordinator?
2) In your view, how well do supervisors understand the self-identification process?
   - Do you feel you can bring ADA concerns to the attention of the agency head? Please give examples.
3) Have you assisted individuals to self-identify their disability?
   - How did it go?
   - What is your impression of how it works at your agency?
   - Do you encourage people to self-identify? If not, why not?
   - What would you change to make the process of self-identification easier?
   - Does your agency require medical documentation of disability? If so, at what point?
   - Do you or your agency have questions about when to ask for medical documentation of disability?
4) What are the pros and cons of self-identification?
5) What in your view would support or encourage people to self-identify? What would you change or improve about the self-identification process?
6) Do you need any additional training to fulfill your role as an ADA Coordinator?
7) Is there anything else you would like to tell us?

### *Hiring Managers*

1) Tell us about your perspective on people self-identifying disability
   - Is the culture in your work setting (e.g. agency or department) conducive to self-identification? How so?
   - Are you aware of examples of appropriate/inappropriate disclosure of disability within your work setting? Can you tell us about these examples (without specifically identifying individuals)?
   - In your view, what are the barriers –if any– to confidential self-identification of disability?
   - What can be done to make it easier for people with disabilities to self-identify in the workplace?
2) Tell us your experiences (what works well and what are the barriers and issues) related to

- Recruiting
- Hiring
- Promoting
- Providing professional development and enrichment opportunities for (e.g. training, workshop, webinar to enhance your skills, etc) for people with disabilities

3) Do you need any additional training related to managing people with disabilities?
4) Is there anything else you would like to tell us?

## *Employees with disabilities*

1) How understandable are the forms and the processes of self-identification?
2) Did you self-identify your disability during or after the hiring process?
   - If so, what was your experience with the self-identification process?
   - Why did you self-identify?
   - How hard or easy was it?
   - Did you feel that confidentiality was preserved? Were you treated with dignity and respect?
   -  What went well and what could be improved?
   - In hindsight, are you pleased you did it? What are the pros and cons?
3) If you have not self-identified your disability, what are the reasons? What might have caused you to choose differently?
4) Please tell us about the "culture" in your work setting (attitudes of managers and co-workers) about disability.
5) Do you feel that your disability has played any role in your chances/experiences of promotion or otherwise "getting ahead" in your work setting? How so?
6) Do you feel you need any additional training on the self-identification process?
7) Is there anything else you would like to tell us?