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## Reasonable accommodation requests: fair evaluation and the role of decision makers

Mona Hawkins

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Pepperdine University  
Graduate School of Education and Psychology

REASONABLE ACCOMMODATION REQUESTS: FAIR EVALUATION AND THE ROLE  
OF DECISION MAKERS

A dissertation submitted in partial satisfaction  
of the requirements for the degree of  
Doctor of Education in Organizational Leadership

by

Mona Hawkins

April, 2023

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This dissertation, written by

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under the guidance of a Faculty Committee and approved by its members, has been submitted to and accepted by the Graduate Faculty in partial fulfillment of the requirements for the degree of

DOCTOR OF EDUCATION

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## TABLE OF CONTENTS

	Page
LIST OF TABLES .....	vii
LIST OF FIGURES .....	viii
DEDICATION .....	ix
ACKNOWLEDGEMENT .....	xi
VITA .....	xiii
ABSTRACT.....	xiv
Chapter 1: Introduction .....	1
Background .....	1
Statement of the Problem.....	2
Employers Responsibility .....	4
Policy Goal.....	5
Ethical Egoism .....	5
Decision-Making.....	6
Discrimination Disability Harms .....	7
Purpose Statement.....	13
Research Questions .....	14
Significance of the Study .....	14
Assumptions of the Study .....	17
Limitations of the Study.....	17
Defining the Terms .....	18
Chapter Summary .....	19
Chapter 2: Literature Review .....	20
Ableism .....	20
Smith-Sears Veterans Rehabilitation Act of 1918 .....	21
Smith-Fess Act of 1920 .....	22
The Equal Employment Opportunity Act of 1972.....	22
The Rehabilitation Act of 1973.....	23
The Americans with Disabilities Act of 1990.....	25
Title VII and Civil Rights Act of 1991 .....	28
The Americans with Disabilities Act Amendments of 2008 .....	29
Rosa's Law 2010 .....	30
Lawsuits .....	30
Additional Protection for Federal Employees.....	33

Merit System Protection Board.....	33
U. S. Office of Special Counsel .....	35
Absence Without Leave .....	36
Systemic Workplace Barriers .....	36
Workplace Reasonable Accommodations .....	37
Disparate Impact (Unintentional Discrimination) .....	38
Disparate Treatment (Intentional Discrimination).....	39
Employers Best Practices.....	40
Remedies .....	40
More Plaintiffs Are Filing ADA Claims.....	42
The National EEOC ADA Research Project .....	43
Behavior Functions in Decision-Making .....	46
Theoretical Framework .....	51
Chapter Summary .....	69
 Chapter 3: Methodology and Research Design .....	 71
Introduction.....	71
Restatement of Research Questions.....	71
Nature of the Study .....	72
Methodology .....	73
Research Design.....	76
Protection of Human Subjects .....	80
Data Collection .....	82
Interview Techniques.....	82
Statement of Personal Bias .....	88
Bracketing and Epoche .....	89
Data Analysis .....	89
Inter-rater Reliability and Validity.....	91
Chapter Summary .....	92
 Chapter 4: Findings.....	 94
Introduction.....	94
Participants.....	96
Data Collection .....	97
Data Analysis .....	98
Inter-Rater Review Process.....	100
Data Display.....	101
Chapter Summary .....	132
 Chapter 5: Conclusions and Recommendations .....	 135
Summary of the Study .....	136
Implications of the Study .....	148

Application.....	148
Hawkins Reasonable Accommodation Requests Training Model.....	149
Study Conclusion.....	151
Recommendations for Future Research .....	152
Final Thoughts .....	153
REFERENCES .....	155
APPENDIX A: CITI HSR Certificate .....	187
APPENDIX B: IRB Approval Form .....	188
APPENDIX C: Recruitment Script.....	189
APPENDIX D: Informed Consent Form .....	190
APPENDIX E: Peer Reviewer Form .....	194

## LIST OF TABLES

	Page
Table 1. Corresponding Interview Questions and the Research Questions .....	89
Table 2. Research Questions and Corresponding Interview Questions (Revised) .....	90
Table 3. Dates of Participant Interviews Table.....	102
Table 4. Inter-rater Coding Table Edit Recommendations .....	103
Table 5. Total Themes For Four Research Questions.....	133



## LIST OF FIGURES

	Page
Figure 1. IQ1 Bar Chart with Thematic Results .....	104
Figure 2. IQ2 Bar Chart with Thematic Results .....	108
Figure 3. IQ3 Bar Chart with Thematic Results .....	111
Figure 4. IQ4 Bar Chart with Thematic Results .....	115
Figure 5. IQ5 Bar Chart with Thematic Results .....	117
Figure 6. IQ6 Bar Chart with Thematic Results .....	120
Figure 7. IQ7 Bar Chart with Thematic Results .....	123
Figure 8. IQ8 Bar Chart with Thematic Results .....	125
Figure 9. IQ9 Bar Chart with Thematic Results .....	128
Figure 10. IQ10 Bar Chart with Thematic Results .....	130
Figure 11. Hawkins Reasonable Accommodation Requests Training Model .....	149

## DEDICATION

To my husband, my ride-or-die, and the best Dad our three sons could ever have. You are a leader. Because of you, I get to do everything I do in my career and school. You've never once doubted me and never said the word No. You've always said, "Bae, go for it." Marrying young, purchasing our first home young, then having son number one, our lives changed forever. We were now responsible for another human being setting us in motion to provide, protect and serve. Five years later, the twins were born, and wow, a family of five instantly. We both then said we have a long road ahead of us and have work to do that must be done. Now, we can sit back and say we did well by setting an example for the boys. Family is everything; marriage works when we love and support one another. Life is not perfect. Your strength, love, and support mean the world to me. I thank you; I love you.

To my uncle, our father's only sibling, a former Design Engineer, set me in motion at a young age. He often visited our elementary and middle schools of myself, my twin, and our other sister, only one year older, the babies of the bunch. No matter the problem in English and Math, he would sit there until we got it right. I will never forget how proud he was when he learned I became a GATE student, the smartest girl in 3rd grade, when I had no idea what GATE was. I knew I could grasp subjects quicker than most of my classmates, assisting them. Looking back, I was a leader then. I took the GATE label to high school and college, used it to my advantage, and never looked back. I thank him for being my leader. I am in this program because of him. Rest in peace.

Parentless by the age of 30. Mom passed away one day after my and my twin's 21st birthday, leaving me wondering how I would continue to navigate the world. Dad passed away when my twin and I were 30 years old. Mom, her firm yet sweet, lovely personality, and dad,

holding on to the two of them and their memories is how I continue to navigate in the world today. We were daddy's girls. Dad was cool and calm. The closeness we shared and daily telephone calls were better than all others, both loving and supportive. I am in this program because of you two. I am here because of you. Rest in peace.

My twin, losing her in November 2018, was the saddest day of my life. We were ever so close. I lost a part of myself and instantly, I felt lonely. As a result, I spent a year of counseling due to sadness and loneliness. I came out of counseling and enrolled in Pepperdine. This program, although rigorous, has been my strength, and I continue to navigate the world. Rest in peace my dear twin.

I am Pepperdine. I never once thought about another university besides Pepperdine to obtain my doctoral degree. After inquiring about the doctoral program, I was sent the package by mail in the year 2000, yes, an application package that contained a blue folder to complete and mail. I held on to the package for years, never letting go that I wanted to attend. We had three little ones, the oldest began to play park sports, and I had to swing into action as a team mom while hubby coached. From there on, the twins became active. I put my degree pursuit aside but never lost sight of my goal. Here I am. What I didn't know was I would have a university family and cohorts that would surround me and vice versa. My chair and committee are amazing and tough, yet their goal is to see us all complete the program. I thank and appreciate you all. One chair committee member I refer to as the best coach ever, the other chair committee I refer to as the soft-spoken one yet, one who always told me how we get to the finish line is by focusing on one chapter at a time and assisting me with outlining Chapters 1–3 during our one on one time. I refer to the last chair committee member as the guru, the mastermind, the chief, and the intellectual guide from afar. Thank you. To every disabled worker, know that you matter.

## ACKNOWLEDGEMENT

Act as if what you do makes a difference. It does.

—William James

I profoundly hope this dissertation will support organizations to welcome, embrace and inspire both temporary and permanently disabled employees. Organizations have come far, but there is much more work to be done. If my research can be a node to a connecting point for greater services, I will be poised.

To my husband, once again, thank you. To my three heartbeats, my love bugs, my sons, beginning with Montessori School thru your high school in addition to all the committees, career days, and school site council I was a member of then through your college years, I did it all for you. Thank you for trusting me. Thank you for allowing me to be your leader. Sure I stayed in front of you, and when you didn't get it right, you turned it around and got it right. Having access to the FERPA beginning in your freshman college year was a godsend. I had access. As I watch you three continue to soar in the journey of life, I am now your biggest fan, your cheerleader. I love you.

To my new daughter-in-love, October 2022, beautiful, sweet, and kind the very first day I met her then later, as we got to know one another, I saw that she's ambitious too. Twin B, Dad, and I couldn't be luckier and more proud. I love you. To my dear sweet mother-in-love, you certainly made it easy for me as your daughter-in-love. You have never changed since the day I met you as a teenager. You are a true matriarch. I love you. To my besties, I had to miss some events and girl time; however, you understood my journey. I love you. Thank you. To two of my previous co-workers, I met when I relocated to Washington D.C., I knew no one. The two of them made work life easier. Having a conversation with them separately one day, attending

Pepperdine came up again in conversations. They both said go for it. These two are the ones who gave me the required references Pepperdine requested in 2019. Thank you.

## VITA

**Education**

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## ABSTRACT

The purpose of this qualitative study was to examine fair evaluations and the role of the decision-makers in the reasonable accommodation process. In many instances, fair evaluations in the reasonable accommodation process which disabled employees experienced, were challenging and looked upon as perceived discrimination in decision-making process. A review of the literature identified further clarification and insight into educating decision-makers about the disability laws, and then altering their behavior in granting reasonable accommodations. The literature progressed with discussions surrounding why every qualified disabled employee should be accommodated as long as the reasonable accommodation is not an undue hardship to the agency. Finally, the review identified how federal agencies could best support disabled employees by reassigning the role of the decision-maker into a support role and allowing an independent agency to decide the reasonable accommodations request for a fair evaluation. Through semi-structured interviews with the decision-makers and advisors, who were all experts in the field on Section 501 of the Rehabilitation Act of 1973 (Chamusco, 2017), the data was collected, analyzed and then coded to reveal significant themes representing the best strategies for disabled employees to receive reasonable accommodations. In addition to themes, the researcher provided a model for educating and training employers to implement the strategy and tactics suggested by removing the challenges disabled employees face in the reasonable accommodation requests and decision-making process as the starting point in eliminating discrimination.

*Keywords:* disabled employee, reasonable accommodation, fair evaluations, decision-makers

## **Chapter 1: Introduction**

### **Background**

Anti-discrimination laws of the United States mandated that employees were assured the due right in the workplace, which should be non-discriminatory (Jolls, 2000). The right to a non-discriminatory workplace was deemed as a negative right, and continues to be, which means that the law forces employers to abstain from various specifications. For instance, the law forbids employers from making decisions relevant to hiring, firing, salaries, and promotions on the basis of the worker's position as a protected member of the group (Baldwin & Johnson, 2006). Employers must pay attention to ensure nondiscrimination occurs in the workplace. For example, there is a dire need for organizations to take efficient steps to stop employees from developing an unfriendly work environment for co-workers working within the organization based on the protected statuses of those employees. Accommodation requires employers to adjust their employees' place of work to let otherwise competent employees do their jobs even with membership in a protected group (Weinberg et al., 2019).

The law treats modesty or rationality as an objective and economic standard. It is possible to bring reasonable accommodation without incurring higher costs than what the employing organization can bear (Barnes & Burke, 2006). The reasonable person standard does such a calculation objective as per the law. Workplace accommodation, disability accommodation, in particular, has gathered sufficient scholarly attention (Albiston, 2010; Engel & Munger, 2003; Grossman, 2004; Heyer, 2008; Jolls, 2000; Koppelman, 2006; Krieger, 2003).

Laws are the principal methods that promote fairness and equal opportunities in the workplace (Koppelman, 2006). Anti-discrimination law requires reasonable accommodations for employees who are in a condition to do a job. An employer has an authority to accommodate the



issues of workers; however, employers must reasonably accommodate those individuals who can ensure that they are a protected class member (Senn, 2020; Weinberg et al., 2019).

Title VII of the Civil Rights Act of 1964 (also known as Title VII), is the federal statute which requires employers to make certain reasonable accommodations, is The Americans with Disabilities Act (ADA, 1990) and the Rehabilitation Act (1973). The law ensures fortification to physically and mentally handicapped persons, which substantially decrease a vital life activity (ADA, 1990). The laws only demand an employer to ensure reasonable accommodation to a needy individual without creating any problem in the functioning of the employer's business (Albiston & Nielson, 2012; Weinberg et al., 2019).

### **Statement of the Problem**

The ADA as well as the Americans with Disabilities Amendments Act (ADAAA) of 2008 instructs organizations to give reasonable accommodations or assistance to deserving and competent persons in the shape of workplace alterations. This enables them to achieve important roles of their professions until the stage that accommodation should not cause unwarranted or severe hardship to the structure and functioning of the organization (Carpenter & Paetzold, 2013). Such accommodations are crucial to employees with impairments, as accommodations are very crucial in deciding the fact that either an individual with impairment achieves or maintains the job or is pressured to quit the job and stay unemployed (Befort, 2010).

The ADAAA was an added third prong of disability qualification (ADA, 1990; Befort, 2010). While scholars have not come up with a definition that is universally agreed upon as a final definition, the delineations propose some limitations on ability. How an individual defines disability relies on where one locates the main reason of that specific limitation. Thus, disability's definition can be put into either one of the two intellectual categories: (a) the medical

framework of disability, which is the cause of limitation, and (b) the social framework of disability; environment and surrounding of an individual (Areheart, 2008; Leonard, 2005; Samah, 2007).

Throughout most of American history, the medical model has dominated regarding disability. The medical model considers disability as an inborn issue or an individual's tragedy that hampers the functioning of the body, preventing an individual's equal participation in society (Barry, 2010). The medical model finds its traces back in the Civil War pension system, which associated disability with the inability and maintained physicians as the doorkeepers of these disabilities, not employers (Blanck, 2009).

The social model of disability acknowledges that anyone can be prey to discrimination which is based on debility. That being the case, individuals should be protected, and impairment is not an issue with the person. This model defined disability as the individual's perception and reaction to the person, and they should have the moral courage to decrease such exclusions. Persons with disabilities (PWD) are standard, and ordinary humans are stuck in a bodily and societal downside because of their impairments. Disability is no less than a civil rights problem, and it is the responsibility of societies to end the hurdles in the way and add those individuals who are excluded into society (Scotch, 2000).

Accommodations, as well as reasonable accommodations, mainly do not disturb or intimidate the already existing structures of the society. A reasonable accommodation is considered as an alteration or adaptation which assures access to the existing perks and privileges in the society (Weber, 2015). The ADAAA cited three components which are contingent on reasonable accommodation:

- same opportunity available to a person in the process of application,

- to provide an equal and feasible environment to the impaired individual to do the important tasks which job demands of them, and
- give the same platform to disabled person so that he/she could draw equal perks, benefits and privileges as the normal person have in the employment (ADA, 1990; Karlan & Rutherglen, 1996).

Several factors likely influence decisions regarding reasonable accommodations requests, but not a single comprises any legal reason to reject the request (Carpenter & Paetzold, 2013).

### **Employers Responsibility**

Society, as well as employers, hold discriminatory behavior towards individuals with disabilities (NCDJ Style Guide, n.d.). As a consequence of the 2008 alterations to the ADA, far more complainants' ADA instances get through summary judgment (Porter, 2014). The duty of employers is concentrated on preventative law and is led by statutory restraints. While on the other hand, the legal move of the employees revolves around reactive rule with two likely reasons which oppose one another (Kagan, 2020).

Employers must make sure all workers understand that a reasonable accommodation neither decreases the completed work nor enhances the awards received by the accommodated worker, suggesting the continuous demand for managers' transparency regarding the overall purpose and the requirement for reasonable accommodations (Carpenter & Paetzold, 2013). Employers should ensure that orientations for new and existing employees receive continuing training communicating the legal necessity for reasonable accommodations that includes pertinent guidelines on the different forms that accommodations could possibly take and the objective and advantages of giving reasonable accommodations for persons with an impairment.

An additional avenue may be to offer incentives on the basis of groups to bolster the importance of collaboration and togetherness with workers who are accommodated.

### **Policy Goal**

Congress ratified Title I of the ADA to ensure safety for disabled persons in the workplace. With its 2008 modification, the ADA should be presenting unparalleled opportunities for jobs in cohesive competitive employment and the latest structure for equality. The objective of ADA is to safeguard workers and applicants from biased and unjust discrimination. Under the domain of ADA, employees hold two potent and mighty causes of action: one for conventional types of discrimination and second for a worker's unsuccessful ability to finalize reasonable accommodations. In addition, legal scholars propose that the prong assists in ensuring statutory safety of the disabled and other persons in the workplace. Nonetheless, these statutory safeties only propose forms of legal option, which means that disabled persons may only avail themselves of the safeties of the ADA upon the filing of a complaint against the employer. This perspective is reactionary and not progressive and innovative because it pays attention to either an employer has breached the ADA or not. In lieu of this, the ADA needs to focus on ensuring statutory safety without going through the process of litigation and law. Without this crucial change, ADA safeguarded employees may persist in suffering discrimination or face the absence of reasonable accommodations and only have to silently face the employer's violation.

### **Ethical Egoism**

Individuals that represent a doubtful perspective and ethical egoism with regard to declining moral norms and placing their belief that morality finally is made on the basis of personal stances (Forsyth, 1980; Forsyth et al., 2008). The moral instability, which was previously evident and related to relativism that is formed from the wellbeing of others, is not

always considered, resulting in the lower stage of ethical leadership. For instance, the leader might perceive that they cater to the interest of special or selected employees. Hence, they believe that it is suitable to decline those less special people whose well-being is of minimal importance. The altogether capability of the person who leads to make fair, ethical, and balanced decisions will be decreased. According to the philosopher (Rolston, 1988), if moral philosophers have acknowledged anything, they admit that ethical egoism must always do what's in enlightened individual interest and is incoherent as well as immoral (Waldman et al., 2017).

### **Decision-Making**

The decision-making denial of request could keep talented individuals away from doing their jobs, and this could put the organization at risk of litigation; hence, examining the elements which affect responses to accommodation is important for disabled workers and the overall leadership of the organization. Reasonableness is dealt with as an objective and economic quality. It is possible to achieve reasonable accommodation without incurring costs that are above than the recruiting organization can absorb. Such a calculation is made objective by the reasonable individual as per the law; hence, it shouldn't be different for hiring organizations to accommodate disabled workers the same as the way organizations accommodate and hire people with religious differences and pregnancy (Carpenter & Paetzold, 2013; Stone & Colella, 1996).

The ADA of 1990 could not have the needed impact (Acemoglu & Angrist, 1998; DeLeire, 1997; Lee, 1998). The unaccommodating continues to be a significant hindrance in the way of people with disabilities to gain equal job opportunities (Braddock & Bachelder, 1994). Nonetheless, the absence of awareness of ADA and resistance by the employers are two potential reasons for under accommodations. (Florey, 1999; McLaughlin & Gray, 1998). This dissertation addressed the challenges employees face from decision-makers when requesting reasonable

accommodation when their accommodation is denied. This study sought to find the strategies decision-makers used when denying a reasonable accommodation request.

Normal people have started making personal judgments about the persons who are in need of accommodation, and these circumstances of making such types of personal judgments elaborate the inequality that exists in the workplace (Weinberg & Nielson, 2017). When employers do not worry about such inequalities in the workplace, judgments will be taken for granted and become operative in the system. One important point of focus for policymakers and experts of human resources management (HRM) is to underline the way the same accommodation is seen differently by the evaluator at the time they are being directed, as per the law, to prevent discrimination. The perception about any group as disabled or less abled among employers, co-workers, and in public is developed by the discrepancies which are entrenched in the hierarchies of the workplace, or to be straight forward. It is deemed as a disturbance or a burden when someone appeals to do alterations to such workplace environments (Weinberg et al., 2019).

### **Discrimination Disability Harms**

The ADA permits the complainant to recover for intentional as well as unintentional discrimination on the basis of impairment. According to ADA or Rehabilitation Act, when employers unfavorably deal with capable persons considering them as disabled, the discrimination arises and faces discrimination harm. Federal employment discrimination draws its focus to the protections of negative actions of employment, considering it exemplary discrimination harm. Such protections remained unsuccessful in ending the discrepancies in the workplace environment, causing involuntarily employment termination or the employee filing claims to the Equal Employment Opportunity Commission (EEOC) presenting to the court

discriminatory intent, disparate individual treatment, and status causation (Roberts, 2016). The responsibility or enacting laws which prevent and illegalize the unfairness on the basis of applicant's caste, race, color, sex (i.e., transgender, prenatal period, or other sexual orientation), impairment, age, and genetic information (U.S. Equal Employment Opportunity Commission [EEOC], n.d.-b).

The EEOC is also in charge of looking into the discrimination complaints against employers, as per the law. Its main job is to do an impartial and fair probe into the case and assess the allegations and deduce efficient and good findings (EEOC, n.d.-b). Federal organizations are being guided and led by the EEOC in the matter of the same job opportunity programs. The EEOC investigates compliances as per its regulations and provides technical support and facilitation to the concerned parties regarding the complaint's judgments and protocols. It also does the function of monitoring and evaluating the government's agency's positive program pertinent to employment and also forms and disseminates material relevant to federal education and finally, responsible for conducting training to the stakeholders (U.S. Equal Employment Opportunity Commission [EEOC], n.d.-a). The EEOC also guides and provides support to the authorities associated with the litigation or law and judges who hear and give their judgments on the complaints of EEO and examine the cases from federal agencies related to EEO complaints.

### ***Individual Disparate Treatment***

Title VII's prohibition of disparate-treatment discrimination is largely in accordance along with the goal of labor of limiting owner discretion, yet its contribution is very little. When an employer starts to deal with the workers unequally based on religion, origin, sex, race, creed, or color, the employer is considered to do disparate-treatment discrimination (Shapiro, 2013;

*Teamsters v. United States*, 1977).

At the beginning of the implementation of ADA, the ADA's accommodation conditions heralded quick discontinuation with the prior employment-discrimination rules. It emerged to be the same as the various components of Title VII (Jolls & Prescott, 2004; Shapiro, 2013). Title VII tacitly advocates individualized treatment and prohibits to pass judgments that are generalized or disallows generalizations about various social groups to which the workers belong, as a result, draws the focus of employers towards more important and helpful attributes. The ADA also asserts that no institution should be allowed to have a discriminatory policy against a capable person based on his/her impairment (ADA, 1990). Discrimination is defined in regulations or law as restricting, dividing, or judging an applicant, worker, or individual, which negatively impacts the opportunities of the worker due to its impairment and disability. Discriminatory intentions are very vital in ordering or authorizing such conduct (*Teamsters v. United States*, 1977). Title VII's prohibition of incongruent dealing on the basis of race and other attributes. Such things play their part in stopping employers' inclination of judgment by advocating and encouraging individualized treatment (Suk, 2007). A qualified person is defined by ADA as a person or worker who can do the mandatory jobs of their position in the organization irrespective of reasonable accommodation (Shapiro, 2013).

### ***Status Causation***

In Title VII's words, this loss of status causation emerges if a person or worker suffers workplace harm (Ackerman, 2014). Workers are harmed when an employer decides to apply harm based on the person's status. The discriminatory rule or regulation must succeed in the disapproval of employment-related perks. Anti-discrimination law is deemed as a law that expects or associates a relationship between misconduct between the defendant and the person



who initiates the case. Employees are not in a position to allege discrimination if the denial of benefits results from other reasons. Therefore, legislation regarding employment discrimination pinpoints and focuses on harms that are particularly employment-related the individual face due to the dealing of employers. Due to the nature of the direct action, negative employment acts as anti-discrimination give loss to appeal to causation (Roberts, 2016). There is internal status causation in such cases of deliberate discrimination, then entry of protected status into the casual network is made possible by the decision making of employers.

According to Zatz (2017), in the causational statuses, discriminatory motives matter although it exists mostly with in person non-accommodations. The fourth component, causation, is the elemental standard that exists in the back of the harm principle must be the result of the conduct; the link between action and harm. Causation is deemed as an elemental standard after the harm principle. The causational centrality provides an individual color to the harm principle. Similarly, the harm principle advocates a standard of individual accountability by demanding an association between the action and resultant harm, and causation chooses examples of conduct that is harmful. Like non-accommodation, the causational status that emerges not from the employer's intentional treatment could be recognized by disparate impact (Zatz, 2017). Employers indicate that accommodations that are provided to disabled workers generally cost nothing or very little but that they are commonly beneficial and worth the investment in the purpose of preserving experienced staff, enhancing productivity, and improving organizational culture as well as the environment. Only a tiny percentage of employers in various broad employer surveys expressed worries about the expense of accommodations as just a factor for not recruiting disabled workers (Unger et al., 2002).

Another possible financial issue is the danger of being sued there under ADA or other anti-discrimination legislation; however, this is rarely cited as an impediment to hiring disabled people. Fear of lawsuit was reported as a primary and major obstacle by 4% of employers in one survey (Dixon et al., 2003); however, it was relatively low as compared to other most often cited barriers to hiring individuals with disabilities. Only 39.5% of working-age disabled persons aged 21 to 64 are employed, relative to 79.7% of those who are not disabled (Erickson et al., 2010). This employment disparity has a substantial influence on individuals with disabilities' social and economic situation, with 25.3% of working-age disabled persons living in poverty, compared to 9.6% of those who are not disabled (Erickson et al., 2010).

Despite the findings of a few other research, particularly those inquiring employers about more stigmatized kinds of disability (Diksa & Rogers, 1996), most employer surveys tend to portray satisfactorily accommodated employees in a more or less friendly workplace. If such findings are taken at face value, then we are left to ask why the job situation for working-age persons with disabilities remains so poor two decades after the ADA was enacted (Kaye, 2010). Employer perceptions and employment discrimination, on the other hand, are frequently cited by workers and job applicants with impairments as hurdles to obtaining or maintaining employment. Despite the fact that the average rate of unemployment is significant, the job market for those with disabilities is particularly gloomy, as they face several types of barriers in their way of struggling to get employment. This shows that employees or workers, who seek jobs, deem the impairment as a big barrier in their way of getting employment.

One argument is that employer surveys do not capture genuine employer views and experiences, mainly because employers weren't being totally honest or just because those employers with favorable experiences and perceptions participated in the survey. The former

might be due to social desirability bias (Edwards, 1953), as in this type of bias, respondents effectively express what they perceive the interviewer needs to listen instead of just expressing their genuine feelings, which are socially undesirable and potentially illegal (Hernandez, 2000). The latter interpretation, which states that employers who possess negative attitudes are not represented in the survey process and samples, could be due to their refusal to participate or the fact that, in surveys whose sample is drawn from businesses interested in trying to hire or accommodating disabled people (Unger & Kregel, 2003), such employers are not included in the sampling frame. Negative attitudes about or bad experiences with workers with disabilities are unlikely to be detected in studies concentrating on businesses with a track record of successful accommodation. Hence, there is a barrier of sampling as well in grasping the complete and clear picture regarding the issue and topic of disabled people, because if there is any sort of biases found in the survey sampling, it could be very difficult to get the true image.

Decision-making is a fundamental part of daily life, and concerns of self-determination and independence are particularly significant for people with intellectual and physical impairments. Persons with impairments are defined by restrictions in their cognitive or bodily functioning and adaptive attitudes, which includes various categories of skills that develop before an individual reaches the age of 18. Even though people with impairments are defined by certain limits, they are assumed to suffer considerable decision-making difficulties as a result of their handicap. Shifting away from this broad generalization, Article 12, which specifically covers the concerns of recognition on an equal footing before the law of the United Nations (UN) Convention on the Rights of Persons with Disabilities (also known as the Convention), focuses on the concerns of making the decision for disabled people.

Similarly, alongside all barriers faced by persons with disability, critical legal facilities also need to be provided to the impaired or disabled. Diesfeld et al. (2008) stated that because so many handicapped individuals lack adequate access to critical legal facilities, it is necessary to determine their preferences. Thus, it is evident that people with disabilities must be timely and efficiently provided with adequate legal counseling so that they should not face any hurdles and discrimination. Meanwhile, to safeguard the legal rights of handicapped individuals through free legal services, there is a persistent need for personalized and systematic advocacy platforms and legislation. The California System has been working on providing services, and disabled persons' discrimination centers have operated under the support of the community legal centers in New South Wales, Australia (Gething, 1997). Therefore, it is worth noting that the legal aspect is imperative because discrimination would happen if there is a lack of legal counseling.

### **Purpose Statement**

This study served as a guide with strategies that may assist the decision-making process in fair evaluations in the reasonable accommodation requests process. Perceptions as well as attitudes are not static and may alter on the basis of respondent's roles are organized around a set of dimension attributes such as (a) leadership, (b) organizing and planning, and (c) decision making (Sackett & Tuzinski, 2001). For instance, persons in several roles in the organization may have different notions about the explanations and attributes of disabilities; this also impacts the thinking, attitudes, and rulings concerning accommodation requests (Hunt & Hunt, 2004). Previous scholars' work was considered to develop recommendations for the advanced topic. Hence, the study examined the challenges employees faced when reasonable accommodation requests were denied. Additionally, this study sought to understand the findings from the

narrative of the requestor asking for reasonable accommodation requests in the evaluation through the following ways.

- How factors involving the requestor, the employee-recognized disability, the accommodation, and fairness opinions influence intentions to give accommodations.
- The significance of supporting training for all employees in regards to reasonable accommodations.
- Persons who have a vital role in the workplace of a qualified employee with a disability may be inspired by their perceptions and individual biases.
- Investigate the connection between ethical egoism and the ethical decision-making of management.

### **Research Questions**

This following research questions were asked in this study:

- RQ1: What strategies are used once a reasonable accommodation request is denied?
- RQ2: What challenges do employees face when a reasonable accommodation request is denied?
- RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?
- RQ4: What may employees experience after being denied reasonable accommodation in regard to compensation and adjustments?

### **Significance of the Study**

The literature discussed the impact of employer attributes on the process of accommodation, comprising of knowledge, attitudes, and involvement with disabilities (Banks et al., 2006; Corrigan et al., 2008; Diksa & Rogers, 1996; Hand & Tryssenaar, 2006).

Despite the guidance acquired from the present research, accommodation decision-making process models need further clarification and insight. Employers must be familiar with the law to get help from impairment legislation to have practical effects. In the light of several other studies and findings, it is obvious that in-depth insight related to legislation on disability alters the behavior which permits accommodation.

Existing vignette research has intended to employ only a tiny quantity of vignettes per participant (Carpenter & Paetzold, 2013; Koser et al., 1999), which restricted the tendency to differentiate within as well as the among-person impact on the grant accommodation appeals. Comprehending this procedure of decision-making is imperative for organizations striving for a positive corporate trend and tradition around disability and individuals who are less able searching accommodations. A person tasked with deciding on the accommodation request must take into consideration whether the condition displays a real disability or not, whether the appealed alteration turns out to be helpful or not, and finally, whether the cost incurred will be reasonable or not. Various other elements may impact the procedure of decision making alongside the solely legal aspects relevant to entitlements, such as (a) the empathy displayed by employers towards the worker, (b) attitudes about the individuals with disabilities, (c) experience, and (d) the knowledge of impairment legislation.

The accommodation granting decision can be gauged from multiple angles. These multiple perspectives comprise an economic, emotional, legal, and political point of view (Stone & Colella, 1996). Non-legal factors can also impact the decision-making process of an individual as well, such as (a) their feelings of empathy towards their workers, (b) political elements, and (c) the larger organizational consequences in case of the given decision is made (Colella, 2001; Florey & Harrison, 2000). From a legal dimension, decision-makers mainly decide either the

employee has a permissible legal impairment or not and whether the appeal for accommodation is rational by equalizing the forecasted cost of implementing an appealed accommodation with the expected advantage to productivity. If the accommodation does not cause any difficulty or problem to an organization, it is deemed as a reasonable accommodation (Carpenter & Paetzold, 2013; Florey & Harrison, 2000). According to various studies, it is inferred that result of an accommodation request is being impacted by a variety of employee and accommodation attributes. Costs incurred in the accommodation and the intensity to which it effectively boosts performance are considered crucial qualities of appeal for accommodation (Florey & Harrison, 2000).

The study also proposes that member of staff ease with appealing accommodations is a vital element in impacting either an appeal is in the first place or not (Baldrige & Veiga, 2001; Bruyère et al., 2010; Schur et al., 2014). Investigators have also dug into a variety of worker attributes, comprising (a) type of disability, (b) severity of disability (Carpenter & Paetzold, 2013), and (c) either the disability is perceived to be voluntary or not (Miller & Werner, 2005). For instance, Carpenter and Paetzold (2013) employed a study centered on the vignette and showed that disabilities have different severities and came up with the findings that explored that companies regarding disability as voluntary were at less odds to provide accommodations as opposed to those who consider disability as a genetic.

This study examined the necessity for organizations to construct recommendations for how policymakers should leniently judge reasonable accommodation appeals for workers by disallowing ego-based decision-making. Ethical egoism asserts that one must first benefit oneself, which is imperative. According to Plato (1943), doing something which one wants or gives an advantage to him/her is actually self-interest. *Egoism* is pertinent to business ethics in

evaluating how individuals in organizations act and deciding what kind of public policy is suitable and applicable for business (Debeljak & Krkac, 2008).

### **Assumptions of the Study**

This study presumes that there are different leadership best practices among persons requesting a reasonable accommodation. The assumptions surrounding this study are the sample of respondents is disabled employees, denied reasonable accommodation requests, and federal agencies and their decision-makers failed to comply with Section 501 of the Rehabilitation Act. The Act is a federal civil rights law that prohibits federal agencies from discriminating against job applicants and employees based on their disabilities. The Act also requires agencies to engage in affirmative action for individuals with disabilities. The Act applies only to federal employees, unlike the ADA, which prohibits private businesses with 15 or more employees from discriminating; however, the ADA does not require nor prohibits affirmative action.

### **Limitations of the Study**

There were some limitations of this study which are given as follows:

- The researcher's biases as a government worker may affect the interview process of coding the explanation of data.
- The study is limited to employees that have been denied a reasonable accommodation.
- This study does not take into consideration the wide range of factors that influence all federal government agencies.
- This study is limited to federal government agencies' management and decision-making processes.



## Defining the Terms

The objective of defining the terms is to provide context and clarification on how specific terms were utilized and applied. Some terms frequently appeared throughout the study. For this study, terms mentioned as under are defined for the sake of easy understanding and reader's reference:

- *The Civil Rights Act (1991)*: the most extensive civil rights act to pass Congress since 1964 (EEOC, n.d.-a).
- *Decision-making*: the action or process of making decisions (Bromiley & Rau, 2011).
- *Disparate Treatment*: Inequality against persons on the basis of protected attributes under Title VII of the United States Civil Rights Act (Zatz, 2017).
- *Ethical egoism*: One must benefit oneself first and foremost (Sidgwick, 1874).
- An Individual's perception of self-esteem, as well as self-importance, is called ego (Machan, 2013).
- *Egoism*: A situation of behaving in tight accordance with desires of individual, wishes, and prime interests regarding self-preservation, or personal-interest fulfillment, or satisfaction of preference (Debeljak & Krkac, 2008).
- *The Americans with Disabilities Act (ADA)*: Law that is defined as a civil rights rule which prevents discrimination on the basis of disability (ADA, 1990).
- *The Americans with Disabilities Amendments Act of 2008 (ADAAA)*: The Congress act, functional January 1, 2009, that altered the Americans with Disabilities Act of 1990 and various disability nondiscrimination rules federally in the United States (ADAAA, 2008).
- *Undue Hardship*: troublesome, expensive, and extensive accommodation to any agency/organization (Schoen, 2014).

## Chapter Summary

Theory of disparate impact liability originates from and developments of a combined account of job discrimination rule. Disparate impact asserts to pinpoint the same distinctive disadvantage as disparate dealing and non-accommodations as well as hostile workplace harm due to individual's disability. Causational status permits us to relocate disparate treatment as the yardstick for discrimination emphatically and defiantly (Feldman, 2021). Much of the time, struggle to weaken the power of discriminatory motive remains attacked to its process defect model. This pattern comprises dealing disparate impact as a symbolic shortcut to sort out subtle disparate dealing, as a means to approach subconscious or indirect disparate treatment, or as a tacit enlargement of the statuses that are protected and therewith an enlargement of which decision-making procedure comprises disparate treatment. By fore fronting the losses of discrimination and portraying such things in personal harm, the precise answers to difficult, concrete, and critical inquiries can also be given by the account of disparate-impact liability, particularly when focusing and intra-group discrepancy issues rises. Disparate impact doctrine continuously moves toward larger degrees of individuality, contingent upon evidentiary constraints. When it is difficult to sort out a particular act that is a reason for the discrepancy in a tiny population by examining disparities in a large population influenced by procedures of decision making, more required information may be obtained. The attention on causational status makes sense in this format, extending prior prima facie cases to other dimensions of disparate impact liability which was discussed further and was the basis for this study (Zatz, 2017).

## Chapter 2: Literature Review

### Ableism

Bogart and Dunn (2019) argue that *ableism* is defined as social oppression, stereotyping, unfairness, and prejudice towards PWDs. Ableism is dealt in disability and actualized and though as a set of ideas and exercises that become the reason for marginalization of less able persons and treats them as a weak condition of human beings (Campbell, 2001). Ableism could be overt as well as unintentional, entailing hostile as well as compassionate responses and exercises which compromise the involvement and equality of individuals who are less able; for instance, due to the perceptions of contempt, envy, and sense of resentful admiration, hostile behavior and interconnection could happen, this in turn, actively harbor hostile behavior like aggression (Bogart & Dunn, 2019; Dirth & Branscombe, 2017).

The disabled are a unique minority group either one is born in or united any time later on (Bogart et al., 2019). Thus, discrimination against PWDs has negative consequences on their health as well as overall betterment (Pascoe & Smart-Richman, 2009; Schmitt et al., 2014). As stated by the social framework on disability (Oliver, 1983; Shakespeare, 1996), as opposed to the individual and medical modal, disability obtains directly from the surrounding, social, and behavioral hindrances (Brisenden, 1986) that draws the issue on peoples' bodies as well as minds. As disability is defined as a societal issue obtained from social hindrances instead of the personal problem and it puts the burden of responsibility on society (Olkin & Pledger, 2003). Therefore, PWDs may face a great deal of stigma without the proper context for their place in society.

Stigmas may be widely explained as a societal degradation on the basis of dishonoring identity or disparities. It functions as an intention to devalue an individual and perceive them as being not human, advocates discrimination, and decreases an individual's life opportunities

(Bogart & Dunn, 2019; Goffman, 2006). Where stigma, prejudicial attitudes, and stereotyping result in discrimination, they violate ADA and ADAAA laws. Organizations and individuals have a legal duty under the statutes not to discriminate against an individual with impairment and to eliminate discrimination before it happens by creating positive rules on the basis of policy comprising of structural changes to ensure inclusive cohesion at the workplace, approachability to the surrounding, and legislations which should be anti-discrimination (Nario-Redmond, 2020).

### **Smith-Sears Veterans Rehabilitation Act of 1918**

Congressional interest in the rehabilitation needs of the disabled dates back to World War I (Deane, 1975). More on-the-job harms occurred in the early 1900s as the United States transformed from an agricultural economy to a manufacturing and industry-based economy. Soldiers who fought in World War I was more likely to suffer from disabilities. It wasn't adequate for states and nonprofit organizations singly to provide employment services to people with disabilities. Thus, a nationwide, public vocational rehabilitation program was constructed. Senator M. Hoke Smith and Representative William Joseph Sears championed the Smith-Sears Veterans Rehabilitation Act, known as the Soldiers (Veterans) Rehabilitation Act. Thus, Congress passed the Act in June 1918 (Learning Disabilities Association of America, n.d.).

The Act allowed disabled veterans discharged from the US military and naval forces to receive vocational rehabilitation and return to civilian employment. The bill included \$1.8 million in funding for equipment, training, buildings, and instructor and supervisor salaries. The appropriated funds also covered tuition and travel expenditures, covering placement and superintendence of individuals who finished treatment programs, contrasting the federal government's response to previous wars with no attempt to assist veterans in joining back the workplace. However, the Act did not support all individuals with disabilities (Chamusco, 2017).

### **Smith-Fess Act of 1920**

On June 2, 1920, Woodrow Wilson penned the Smith-Fess Act, also identified as the National Civilian Vocational Rehabilitation Act, the foundation for the rehabilitation system. This Act was established to address the rehabilitation needs of non-military persons with physical disabilities (Ingraham et al., 1996; Wehman & Moon, 1988). By extending funded vocational rehabilitation services to all disabled citizens, not just veterans, the Act moved away from the medical model and paved the way for future rehabilitative legislation (Chamusco, 2017). Changes to the Vocational Rehabilitation law took place in 1943, 1954, and 1965. The amendments slowly stretched services to individuals with cognitive impairment and additional chronic disabling circumstances and enhanced federal funding. The Soldier's Rehabilitation Act of 1918 and the Smith-Fess Act of 1920 haven't described the requirements of personnel who would provide the compulsory vocational rehabilitation services (Peterson et al., 2006; Wallace, 2011). June 2020 marked the Act's 100th anniversary year (Learning Disabilities Association of America, n.d.).

### **The Equal Employment Opportunity Act of 1972**

Title VII of the 1964 Civil Rights Act (CRA) illegalized discrimination and developed the equivalent EEOC to oversee compliance with Title VII and impose its statutes (Brown, 1982; Chay, 1998; Donohue & Heckman, 1991; Jaynes & Williams, 1989; Leonard, 2005). Congress amended Title VII, the 1972 (EEOA). President Nixon signed it into law on March 24, 1972. Before the changes of 1972, the EEOC's role was limited to probing complaints and acting as a conciliator among the parties involved. In terms of enforcement, the EEOC could only advise the Department of Justice to take legal action. If the EEOC was unable to influence an acceptable conciliation agreement with the employers, the 1972 amendments gave the EEOC the authority

to file civil lawsuits on behalf of employees. The EEOC's enforcement power was dramatically increased as a result of the change (Beller, 1978, 1982; Chay, 1998).

Title VII initially did not require employers to provide reasonable accommodations. The 1964 Civil Rights Act supported only employers with more than 25 workers, and the alteration of 1972 reduced the coverage threshold to fifteen employees. Additionally, unprotected local and state governments were now covered by Title VII in the past. However, the EEOC had to refer cases concerning these organizations to the Department of Justice. In addition, the amendments added an additional section stating that the federal government was not allowed to discriminate. The amendments provided the U. S. Civil Service Commission, a former government agency created to select employees on merit (United States Civil Service Commission, 2021), power of imposition over federal institutions' recruitment approaches (Beller, 1978, 1982; Bryan, 1967; Flake, 2020). The U. S. Civil Service Commission was dissolved in 1979 under the Civil Service Reform Act of 1978. The Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB) are the next-in-line agencies (United States Civil Service Commission, 2021).

### **The Rehabilitation Act of 1973**

The Rehabilitation Act of 1973 forbids federally funded initiatives from discriminating against otherwise qualified persons with disabilities. When it was finally approved in 1973, the Act was a watershed moment in American history, but it was far from certain that it would become law. Despite strong Senate support, President Richard Nixon vetoed the bill two times, and the Act's enforcement regulations were not issued until 1977. Among the enumerated purposes of the Rehabilitation Act was Congress' want to give vocational rehabilitation services

for the aid of disabled people and introduce and expand services to groups of disabled people who had previously been underserved (Chamusco, 2017).

Four parts of the Rehabilitation law, in particular, are related to influencing those ends:

- Sections 501, as well as 505, forbids discrimination against disabled workers who work for the federal government; only apply to service; and build a federal interagency committee whose function is to monitor compliance with the EEOC's guidelines for the recruitment, appointment, and improvement of people with disabilities.
- Section 501 - necessitates the implementation of favorable action plans for the recruitment, placement, and improvement of disabled people by federal agencies (U.S. Equal Employment Opportunity Commission [EEOC], n.d.-c).
- Section 503 - requires that any agreement with the United States worth \$10,000 or above provide a provision demanding affirmative action to hire qualified people with disabilities (Chamusco, 2017).

The Labor Department later provided directives to explain the application of Section 503 further. The definition's part says any individual who

- has a bodily or cognitive disability that significantly restricts one or more of their main life activities,
- has evidence of such disability, or
- is considered as possessing such an issue is referred to as a disabled person (Larson, 1986).

The reason for this section is that a disabled individual is substantially restricted if they are likely to have difficulty finding, keeping, or progressing in employment due to their disability. Section

504 of the Rehabilitation Act is and has been the most well-known and influential provision for disabled individuals.

During the Act's committee hearings, the majority of Congress's attention was focused on budgetary concerns about Section 504, which would form the ADA's backbone. The Act was not the first effort by Congress to ensure rights for people with disabilities and among some of many federal impairment discrimination laws in effect today that for the first time link disability to main life activities (Chamusco, 2017).

### **The Americans with Disabilities Act of 1990**

The ADA of 1990 described the term disability as

- present and recorded,
- the historical documentation of disability, and
- that which is considered as disabled (Draper et al., 2014).

The third prong applies to employers' viewpoint, significantly exaggerated perceptions of an impairment, which raises it to disability status in the context of employment discrimination (Title I of the ADA). Misconceptions like these can lead to unfair and illegal personnel practices in fields, including hiring, firing, reasonable accommodation, harassment, and employment terms and conditions. These activities of employers are, in sum, considered as issues (Draper et al., 2014).

Most consider as allegations are not based on simple existence or absence of real impairment. Not substantial rather fundamental impairment is deemed more common, the severity of which could be overstated by the employer to the point where the employee's ability to properly execute the job's key responsibilities is questioned. The ADA became a landmark piece of law that showed the legislative acquisition of the social model of disability. The law



comprises and suggests the history of unjust dealing and discrimination against disabled individuals in its findings. Struggling, working, risk-taking, losing, collaborating, and overcoming barriers are all part of life for persons with impairments. Working ability is an important aspect of the American experience (Draper et al., 2014).

The ADA was drafted to ensure that individuals with disabilities have a job in the United States, passed by Congress data that about 43,000,000 Americans possess one or more bodily or cognitive disabilities (Kagan, 2020). President George H.W. Bush converted the act to the law on July 26, 1990. Unlike other well-known civil rights statutes, the ADA was enacted well before public perception had transformed, rather than in reaction to external pressures (Ziegler, 2019).

The main objective of the Act was to develop a vivid and extensive national mandate and fill the remaining gaps which were not filled by parts of 503 and 504 of the Rehabilitation Act of 1973, such as:

- prohibiting discrimination prejudicial discrimination beside people with disabilities (Shapiro-Lacks, 2021), and
- rectifying discrimination, and disadvantages individuals with disabilities face socially, vocationally, economically, and educationally (Ziegler, 2019).

The Act is divided into five titles: (a) employment discrimination, (b) discrimination on the part of public and government agencies, (c) public accommodations, (d) telecommunications facilities, and (e) miscellaneous provisions. Individuals looking for redress for discrimination on the basis of disability in public as well as private organizations had a reason for action in nationwide courts, which didn't exist before. The word handicap, which was prominently included in Section 504, followed a similar path to the term retarded, and began to lose popularity with the disabled community in the mid-1980s due to negative preconceptions. The

term was replaced by disability, and while both terms are sometimes used interchangeably, they have different meanings. 106 A disability is a personal condition, whereas a handicap is a limitation or disadvantage that limits one's capacity to perform, sometimes as a result of society. Individuals with disabilities may no longer be labeled as handicapped (Rutherglen, 2015; Ziegler, 2019).

Employment Title 1, disability-based discrimination against employers, will be the focus of this study. Employers are required under Title I to make reasonable accommodations for disabled workers and applicants. The law defines discrimination as failing to provide reasonable adjustments for a recognized physical or mental handicap of an otherwise qualified disabled applicant or employee. Changes in the physical environment, such as making amenities more accessible, are part of reasonable accommodation. It also includes employment flexibility enhancements such as reorganization, part-time or modified working time, or reassignment to an open position (ADA, 1990).

The EEOC is in charge of implementing Title 1 of (ADA, 1990). If the EEOC discovers evidence of a violation of Title I of the ADA, it will first try to reach an agreement with the employer. If it is found to be unsuccessful, it will either launch a federal lawsuit or end the case, giving the individual who lodged the charge 90 days to bring a lawsuit. Unlike other anti-discrimination laws, the ADA does not allow punitive or compensatory damages to be given to the accuser if the employer can show that a reasonable attempt was made to offer a reasonable accommodation.

The enactment of the ADA remained controversial. Some policymakers were of the view that the courts have not correctly interpreted Congressional motive and hence have weakened the deliberate power of the law to decrease discrimination. Many ADA reasonable accommodation

cases, for example, are terminated as non-merit resolutions because there is insufficient proof of an ADA violation or because the charge does not fulfill other technical standards. The ADAAA of 2008 tried to demonstrate Congress' intent to create more strong tools for resolving workplace discrimination against persons with disabilities (McMahon, 2008).

### **Title VII and Civil Rights Act of 1991**

Employment discrimination centered on race, sect, sex, nationality, or color is forbidden under Title VII of the Civil Rights Act of 1964 (Piar, 2001). Title VII petitions have been a fixture of the federal judiciary and a popular way of referring to both true and alleged workplace discrimination in the decades after 1964. When it was first enacted, Title VII only allowed declarative, injunctive, and other equitable remedies (mostly back and front pay) to discriminating plaintiffs (Anderson, 1995). This remedy structure was similar to those found in previous and subsequent federal workplace discrimination acts, which usually excluded compensatory or punitive damages elements (Rutherglen, 2015).

The Civil Rights Act of 1991 improved Title VII's remedial process (Temple, 1992). The expanded damages provisions of the 1991 Act were intended to recompensate sufferers of job discrimination for embarrassment, suffering, bodily distress, medical expenditures, or various non-economic and economic injuries. They were also aimed to penalize as well as prevent employers that behaved with reckless or malice disregard for an aggrieved employee's or applicant's legally protected rights. By enacting these necessities, Congress intended to reaffirm that anti-discrimination is as vital as the principle prohibiting attacks and other intentional damages to people and ensuring that victims of intentional discrimination receive compensation commensurate with the harms they have suffered (Daniels, 2020).

The amendments of 1991 were considered as an enactment mechanism: The House Report says that the extra remedies are important to encourage people to serve as private attorneys general in implementing Title VII (Hart, 2008). The Act made jury trials available in instances seeking punitive and compensatory damages to safeguard the rights of parties interested in such claims under the Seventh Amendment. Under the 1991 Act, punitive and compensatory damages are capped on a sliding scale that varies from \$50,000 to \$300,000, relying on the status of the employer (Temple, 1992).

### **The Americans with Disabilities Act Amendments of 2008**

Congress implemented the ADAAA of 2008 in September 2008, with the intended goal of easing the eligibility requirements for the protections afforded by the ADA. With the ADAAA, Congress reaffirmed its intent that the ADA gave a vivid and extensive nationwide mandate to end discrimination against handicapped people. In the employment context, the ADA forbids employers from discriminating concerning recruitment, firing, promotion, pay, training processes, and other employment conditions or benefits against qualified workers.

A person is deemed disabled under the ADA if they have the following:

- they have a mental or physical disability that significantly restricts one or more main life activities,
- has a history of such an impairment, or
- is thought to have such a disability.

The ADAAA retained this three-pronged definitional framework but significantly broadened the scope of the third prong, commonly considered to be regarded as disability definition. While the ADA requires that a person acquires the condition of impairment if the individual demonstrates that they have been exposed to an action forbidden under the Act because of a real or

anticipated bodily or mental impairment, whether the impairment restricts or not is thought to restrict a principal life activity, according to the ADAAA (Findley et al., 2017).

### **Rosa's Law 2010**

This Law was the first significant legislation to take action on the stigma related to the labels associated with disabled persons. Rosa's Law is considered to be linked with the amendments which have been witnessed since the early 1990s. Rosa's Law amended sections of the Rehabilitation Act of 1973 passed by the Senate and converted into law later on by President Obama on October 05, 2009. Rosa Marcelino, a little girl with Down Syndrome, and her family launched a campaign to ban the use of the R-word in state and federal law, which resulted in the amendment (Ziegler, 2019). Rosa's Law was created to guarantee that legislative wording reflects the underlying policy legislation, such as the ADA. The act states that persons with disabilities should be granted the equal opportunity and access to society. In a number of federal health, education, and labor regulations, the term mental retardation was substituted by intellectual impairment. Many states restricted the term's usage in their laws and regulations once the Law was implemented.

### **Lawsuits**

Employees can submit a complaint of discrimination if they think they are being discriminated against at the workplace because of their color, religion, ethnicity, sex (comprising of pregnancy, gender orientation), nationality, age (40 and above), impairment, or genetic information. A complaint of discrimination is a signed declaration claiming that an employer, union, or labor organization has discriminated against employees. The employee requests that the EEOC take corrective action.

The burden of proof in cases brought under the ADA is shifted to the employee, who must first prove prima facie evidence of discrimination. An employee should show

- a handicap,
- that the worker was otherwise qualified for the position, and
- that the worker was discriminated against because of the disability to establish a prima-facie case of ADA discrimination.

Once a worker has established prima-facie evidence of discrimination, the employer had to exhibit that their acts are for a reasonable, nondiscriminatory basis (Martin & Brownback, 2020)

Except for the Equal Pay Act of 1963, all of the statutes enforced by the EEOC require a person to submit a discrimination complaint before filing a lawsuit against one's employer. To protect the identity of the offended person, a person, company, or organization may submit a charge on behalf of another employee. Employees have a limited period of time to bring an allegation of discrimination under anti-discrimination statutes. An employee has 180 days from the day of the discrimination to submit a charge. The EEOC is required by law to notify the employer when a charge is made against the agency (EEOC, n.d.-d). The EEOC considers a variety of factors as (a) the quality of the testimony, (b) the problems in the case, and (c) the lawsuit's potential influence on the EEOC's efforts to prevent employment discrimination, while following both the:

- mission: to eliminate unlawful workplace discrimination and promote equal opportunity for everyone in the workplace; and
- vision: workplaces that are respectful and inclusive, with balanced employment opportunities for everyone.

Suppose there is an employee in a governmental organization or job candidate who considers the federal organization has discriminated against one of the workers. The employee has been given the right to express an objection in that scenario but must first go through the administrative reporting process. Every federal agency is obliged to provide contact information for the agency's EEO office. Anti-discrimination laws are in place in many states and municipal jurisdictions, and authorities such as Fair Employment Practices Agencies (FEPAs) enforce them. If federal statutes apply, a charge filed with a FEPA will be automatically filed with the EEOC (n.d.-b). The burden of proof in cases brought under the ADA is shifted to the employee, who must first prove prima-facie evidence of discrimination. An employee must indicate (a) an impairment, (b) that the worker was otherwise qualified to perform the job, and (c) that the worker, on the basis of disability, discriminated to verify a prima-facie matter of ADA discrimination. Once a worker has established prima-facie evidence of discrimination, the employer must show that its acts are for a reasonable, nondiscriminatory basis (Martin & Brownback, 2020).

Cases go through an administrative process before a discrimination case may go to the merits of a reasonable accommodation claim. An ADA claim follows the same procedure as Title VII of the Civil Rights Act of 1964 discrimination claim. The employee must submit a charge with the EEOC, which the EEOC will then investigate. The EEOC may take litigation on the employee's behalf after its investigation, but it will first try to settle the allegation through mediation. If the EEOC is unable to reach an acceptable conciliation agreement with the employer after 30 days, the Commission may pursue a civil lawsuit against the company (Anderson, 2015).

## **Additional Protection for Federal Employees**

Other regulations enforced by the United States Merit Systems Protection Board (MSPB) and the United States Office of Special Counsel (OSC, n.d.-b) safeguard federal workers and applicants against unlawful practices. Employees with a right to take, instruct others to take, suggest, or approve personnel acts are barred from discriminating centered on disability, racial group, color, religion, sex, nationality, age, relationship position, or political leanings, according to Section 2302(b) of Title 5 of the U.S. Code (U.S. Merit Systems Protection Board, n.d.-a; U.S. Office of Personnel Management, n.d.-a).

## **Merit System Protection Board**

MSPB is an autonomous, quasi-judicial institution of the executive branch that works to protect the federal merit systems where,

- the mission is to safeguard the rules of the merit system and encourage an efficient federal workforce free of restricted personnel practices, and
- the vision is a federal workforce that is highly skilled, diversified, and well-managed, delivering exceptional service to the American public. quality, fairness, punctuality, and transparency are among MSBP's organizational principles (U.S. Merit Systems Protection Board, n.d.-a).

MSPB performs its legislative responsibilities and power by sanctioning individual employee pleas and able to conduct merit systems studies, as well as protecting Federal merit systems from other prohibited personnel practices by adjudicating employee appeals under 1201.3, Appellate Jurisdiction (Code of Federal Regulations, n.d.). The scope of this research was as follows:

- Adverse actions and firings (terminations of work following the end of a probationary or other early service period) would improve the service's efficiency.



- A justiciable agency action was affected, wholly or partially, due to discrimination because of race, color, sect, sex, nationality, impairment, age, genetic data, or retribution, according to a mixed case petition filed straight with the MSPB. On a mixed case petition, there is no entitlement to a hearing in front of an EEOC Commission administrative Justice (EEOC, n.d.-e).
- All workers and job applicants should be treated fairly and equally in all domains of personnel planning, regardless of political leanings, race, color, religious practice, nationality, gender, married or not, age, or impairment, and with due respect for their confidentiality and constitutional rights under the merit systems principal, 5 U.S. Code § 2301, which echoes the goal of Title VII of the Civil Rights Act of 1964, and related laws prohibiting employment discrimination.

The second principle is protected by the MSPB by adjudicating appeals within its authority. The employee has the option of conducting discovery and requesting a hearing. The Board will look into whether the disciplinary action was imposed because of unlawful discrimination, revenge, or for reasons that do not advance the Federal service's efficiency. The Board may award punitive damages to an employee who has proved deliberate discrimination.

Regarding cases, those including action or else appealable to the MSPB (e.g., removal/fired employment) and charges of discrimination, the MSPB and the EEOC have authority overlap. The EEOC is in charge of imposing all national EEO legislation, as well as coordinating and leading the federal government's campaign to eliminate office discrimination. The MSPB must consider whether it has powers to evaluate personnel activities, such as anti-discrimination statutes, under the personnel acts it oversees. In some instances, the employee may submit an EEO case or an MSPB petition on a priority basis. Irrespective of whether an

agency makes the decision, both agencies may review the matter in the end. Assume the employee initially files an EEO complaint. In that situation, the employee may file an appeal with the board after obtaining a final agency ruling on the EEO petition, or one hundred and eight days thereafter submitting the complaint if no decisive ruling is obtained. The employee can appeal the Board's decision on the discrimination matter to the EEOC's Office of Federal Operations if the complainant files an MSPB complaint first (U.S. Merit Systems Protection Board, n.d.-b).

### **U. S. Office of Special Counsel**

The Office of Special Counsel (OSC) is a federal investigation and prosecuting office that is completely autonomous. The OSC's main goal is to defend the merit system by shielding government workers and applicants from unethical hiring practices (U.S. Office of Personnel Management, n.d.-b). PPPs are prohibited from working in the federal government. PPPs breach the merit system through workplace retaliation, illegal hiring practices, discrimination, or a failure to follow the rules, laws, or policies that directly affect merit system values. The OSC has the jurisdiction to investigate and punish 14PPP breaches. Exam discrimination will be investigated in this study.

According to 5 U.S.C. § 2302(b)(1), Prohibited Personnel Practices, agency officials may not discriminate against an applicant or employee-centered on sex, color, nationality, age, race, religion, disability (or handicapping condition), marital status, or political association. This PPP combines numerous anti-discrimination regulations into one package. While the OSC is empowered to examine discrimination charges based on race, color, religion, sex, nationality, age, or disabilities (or handicap condition), agencies and the EEOC already have mechanisms to review such complaints. As a result, OSC normally defers complaints claiming discrimination on

these grounds to the EEO procedure to avoid replicating those investigation processes. However, the OSC may review discrimination complaints on these grounds at its discretion, particularly if claims of discrimination or other PPPs are made.

### **Absence Without Leave**

Covered acts might include a common but seemingly insignificant aspect of management decisions. Putting an employee on leave without pay (AWOL) is a personnel action since it involves a decision about pay or benefits (Schein, 2018). To take actions, demotion, or removal for misconduct, the agency must show that the action was for such cause as promoting the service's efficiency. Also referred to as nexus, the agency must establish a connection between the employee's conduct or performance and the agency's work (U.S. Merit Systems Protection Board, n.d.-b).

### **Systemic Workplace Barriers**

Employers continue to regard persons with impairments as unsuitable and incapable of doing their jobs (Maroto & Pettincchio, 2014). One-third of persons with disabilities indicate that stigma and bad perceptions of employers toward disabled people are important hurdles (Bureau of Labor Statistics, 2013; Erickson et al., 2014). Managers and administrators frequently misperceptions that persons with impairments are incapable of maintaining positions (Peck & Kirkbride, 2001). As a result, persons with disabilities are underrepresented in professional growth and progression, particularly in leadership roles (Roulstone & Williams, 2014; Wilson-Kovacs et al., 2008). Persons with disabilities may be affected by the general values that influence specific organizational activities. Management and coworkers viewed workplace accommodations, a systemic workplace hurdle, or flexible work schedules as unfair or preferred

in certain cases and were less inclined to assist disabled employees (Schur et al., 2005; Sundar et al., 2018).

### **Workplace Reasonable Accommodations**

The ADA bans discrimination against PWDs and mandates that eligible PWDs be provided with adequate employment or workplace accommodations (ADA, 1990). As defined by the ADA, accommodations are any changes or alterations made to a job, the workplace environment, or how things are normally done to enable a qualified disabled person to attain equal employment opportunities (Dong et al., 2016).

Costs and types of accommodations supplied by businesses, according to national research, are cheap and often require one-time expenditures of equipment or software, as well as changes or adjustments to work schedules (Hendricks et al., 2005; Schartz et al., 2006).

Workplace accommodations improve the easiness with which PWDs can do their tasks, which not only levels the field but also enhances the chance of employment, job retention, and career development for PWDs (Baldrige & Veiga, 2001; McNulty, 2007).

Despite the advantages of accommodations, under-accommodation, under-requesting, and under-utilization remain common in the workplace. Despite the fact that the precise cost of work accommodation is unknown in several nations, studies of companies in the United States have revealed that 59% of workplace accommodations are free. On the other hand, those with a cost had an average one-time outlay of \$500. An accommodation is reasonable if the worker becomes eligible for it and the requested accommodation does not place an unreasonable burden on the company (Carpenter & Paetzold, 2013; Florey & Harrison, 2000).

According to research, when considering whether or not to make accommodations, businesses often do a cost-benefit analysis for legal or financial reasons (Baldrige & Veiga,

2001; Lee, 1996; Schartz et al., 2006). Employers were more willing to give cheaper and less disturbing adjustments, according to Jackson et al. (2000), and empathy for employees requesting work accommodations had a substantial impact on granting behavior. When empathy is a strong predictor, it's possible that influencing decision-makers views is just as crucial as getting a clear policy. Employers must be aware of the law for disability laws to have an impact on practical life. According to various studies, A good awareness of applicable disability laws was linked to employer conformity with disability law and accommodation providing behavior. Additionally, Brohan et al. (2010) and Jackson et al. (2000) discovered that having a good awareness of applicable disability regulations was linked to employer compliance and accommodating behavior. Generally, person's knowing legislation leads to consistent decisions.

Generally, there are many different perspectives about persons with impairments (Gething & Wheeler, 1992). Several variables, including perceptions about workers with disabilities, desire to aid disabled workers, and overall anxiety levels when working with employees with disabilities, are particularly significant in the workplace. The decision-making process must be necessary for federal authorities to want a good culture surrounding individuals with disabilities seeking accommodations. The beliefs that influence specific organizational activities can impact people with disabilities (Schur et al., 2005). Agency norms, for instance, can delicately demoralize task-related help-seeking (Kulkarni, 2012; Kulkarni & Lengnick-Hall, 2011), appeals for accommodations (Baldrige & Veiga, 2006; Colella, 2001; Colella et al., 2004), or signal tolerance for discrimination towards people with disabilities.

### **Disparate Impact (Unintentional Discrimination)**

The laws imposed by the United States government clarify that a firm cannot discriminate against employees based on race or ethnicity. Congress formalized accountability

for situations when an employer adopts a specific employment practice that has a discriminatory effect as a neutral work policy or criterion that accidentally but disproportionately impacts the disabled in the Civil Rights Act of 1991. Disparate impact discrimination occurs when an employer's act, although neutral, leaves one group in a weakened position compared to other groups. Unintentional discrimination resulting from employment methods that disproportionately affect the persons of a protected class is a disparate impact. Supreme Court acknowledged disparate effect discrimination in *Griggs v. Duke Power*, 1970 (Elzwirg et al., 2017).

### **Disparate Treatment (Intentional Discrimination)**

Disparate treatment is a form of purposeful discrimination that is both unethical and economically inefficient (Elzwirg et al., 2017). Workplace maltreatment is characterized as behavior that is threatening, malicious, manipulating, repetitive, and directed at workers who are thought to be weaker (Lutgen-Sandvik, 2003). This treatment is unwanted, uninvited, and ubiquitous (Olson-Buchanan & Boswell, 2008). The disparate treatment triggers emotional and sensitive injury. If aimed at disabled people, it can intensify symptoms, raise functional restrictions, impair job satisfaction, and lead to co-occurring disabling disorders (Koch & Rumrill, 2017).

Scholars who specialized in studying disability in the workplace discussed the notion of identified undisguised discrimination toward employees with disabilities as workplace abuse. Thus, microaggressions are subtle, yet pernicious types of workplace unfairness that disabled employees face (Snyder et al., 2010; Bruyère et al., 2010; M. C. McMahon & B. T. McMahon, 2016). Workplace incivility is low-level deviant conduct that breaches workplace standards for mutual benefit with uncertain intent to hurt the employee (Andersson & Pearson, 1999). Microaggressions are harmful and pervasive kinds of workplace abuse on the basis of disability

and further traits (e.g., gender, racism, sexual orientation, and age). Individuals with impairments are also subjected to microaggressions (Gonzales et al., 2015; Keller & Galgay, 2010; Olkin et al., 2019).

### **Employers Best Practices**

Failure to accommodate claims is generally treated as a subset of ADA discrimination claims. Once employees have appropriately raised the issue with the employer, this activates the employer to engage in the engaging process to resolve the request. Management must perform a customized evaluation of the requirement for accommodation rather than relying on generalizations about the impairment in the issue. After requesting accommodation, the ADAAA mandates that employer as well as employee participation in positive faith in the engaging process to ensure if the accommodation is feasible (Schoen, 2014).

However, consistent with the requirement that the employee makes an initial accommodation request, there is no trigger for the interactive process if there is no request for an accommodation. Although the courts agree that the interactive process requirement is not triggered until an employee has adequately raised the need for accommodation with the employer, the amount of clarity necessary in the initial inquiry to initiate the interactive process appears to be a point of contention (Schoen, 2014).

### **Remedies**

The firm owner will be found responsible under the ADA if reasonable accommodation of the impairment was possible and not implemented and if the owner acted with no discriminatory intent. The courts and board of judges focus is not on whether the employer did act with or without discriminatory intent but on whether the discriminatory result could have been resisted through reasonable accommodation (Joggerst, 2014).

Most workplace discrimination claims filed by disabled workers address job preservation rather than job recruitment. According to M. C. McMahon and B. T. McMahon (2016), constructive discharge termination, failure to properly accommodate, terms and grounds of employment, and disabled intimidation harassment accounted for 76 % of all allegations. Congress created responsibility for situations where an employer employs a particular employment technique, and it has a discriminatory impact in the Civil Rights Act of 1991 (Rosenthal, 2013).

In discrimination law, the motive standard has an effect on both liability and remedy. Liability for employment race discrimination, religion, sex, or ethnic origin under Title VII can be proven by demonstrating animus or stereotyping or by demonstrating a different impact that is not addressed by showing business necessity. Disparate impact is opposite to law. The Civil Rights Act of 1991, which prohibits discrimination in government-funded activities race based on national origin, or religion, is promulgated. However, only intentional discrimination arises from a public claim to enforce the law. The Age Discrimination in Employment Act's (ADEA, 1967) liability differential impact creates a sense of responsibility, but there is an absolute defense for employer acts based on reasonable criteria other than age. When a defendant acts with intent, he or she would be found responsible for racial discrimination in employment and other dealings under the equal rights laws. Money, in the shape of payment and back taxes, as well as order for hire, reinstatement, promotion, and change to seniority status, may be granted for any and all violation of Title VII, including disparate impact and intentional liability. If the plaintiff shows intentional discrimination, then both compensatory and punitive damages may be imposed (Weber, 2015). Nonetheless, Congress limited money damages to cases of unlawful intentional discrimination and unequal treatment (Senn, 2020).



A disparate treatment claim's elements are (a) an adverse employment action; (b) discriminatory intent; and (c) causation, or a linkage between intent and employment action: (a) calls for an evaluation of the decision-makers' mental states and their motives or intent; (b) the employer usually controls most of the relevant evidence; and (c) human behavior, and thus employment decisions, are usually motivated by many different factors (Simson, 2019).

Additionally, wages and relief (i.e., hire new or reinstatement; Senn, 2020). Congress changes both Title VII as well as the ADA to offer litigants additional possibilities by enabling them to recover compensatory damages for the first time. From the other side, Congress limited compensation damages to cases of unlawful intentional discrimination and disparate treatment.

### **More Plaintiffs Are Filing ADA Claims**

Disability was the basis for further than 35% of EEOC claims in California in 2017. The number of cases filed based on protected features such as race, sex, tone, religion, ethnic origin, or age has overtaken the number of claims submitted depending on other covered characteristics such as race, sex, color, religion, ethnic origin, or age. According to the other recent study, the employer failed to engage properly in 59% of arbitrated claims found in the plaintiffs' favor. Moreover, when businesses believe the active procedure has just been triggered and debate reasonable adjustments with the employee, plaintiffs proceed to file ADA claims (Kagan, 2020). This rise in ADA claims illustrates how valuable it was to workers, employers, police agencies, and the legal economy to modify the ADA. Employees will also have a better probability of gaining reasonable adjustments in the workplace if the trigger for the interactive process is clarified. Employers will also be alerted directly that an employee asks for reasonable accommodation. Employees should be able to seek out accommodations without danger of being seen as a liability. This approach promotes judicial economy by ensuring that the employees

obtain reasonable accommodations without having to file a lawsuit. Instead of minor misunderstandings, enforcement organizations such as the EEOC would be more able to enforce severe ADA violations (Kagan, 2020). Current statutory provisions only provide legal options, which means that people with disabilities might still benefit from ADA's protections if they file a suit against such an employer. Since it emphasizes whether an employer already has violated the ADA, this approach is backward-looking instead of forward-looking. Alternatively, the ADA should focus on ensuring legal protection without the need to go to court. Without this critical adjustment, ADA-protected workers may continue to experience discrimination or an absence of reasonable accommodations, only to be justified after an employer disobeys. The rise in ADA claims quickly detects this statutory flaw. According to Kagan (2020), ADA's goal is not just to make things right for previously wronged employees; it's to protect disabled employees without having to go to court.

### **The National EEOC ADA Research Project**

According to B. T. McMahon et al. (2005), as authors of the National EEOC ADA Research Project (NEARP), explained the development and scope of the project, which arose from a collaboration agreement among the EEOC and Virginia Commonwealth University. NEARP is a massive data-mining project that depends on the EEOC's master database to track employment discrimination investigations. NEARP researchers seek to (a) create disability or industry-specific profile of workplace discrimination, (b) investigate the contentious problems regarding workplace discrimination, (c) record the interface of impairment with other demographic factors, evaluate existing stigma theories, and (d) forecast EEOC investigatory results (B. T. McMahon et al., 2016).

A group of researchers from across the country banded together. The researchers petitioned the EEOC for accessibility to secondary level statistics to allow a thorough assessment of every claimed ADA Title I discrimination. The outcome was an Interagency Personnel Agreement between a mid-Atlantic state and the EEOC, which marked the start of the NEARP (M. C. McMahon & B. T. McMahon, 2016). Following the EEOC's procedures for filing a charge of workplace discrimination under the ADA is required is stringent and complaint-driven. Without a grievance by a charging party, or a person who lodges a complaint, the EEOC cannot audit or prosecute discriminatory action against an employer with more than 15 workers. The goal of the ADA Title I is anti-discrimination rather than affirmative action, which is unusual for a civil rights bill.

To put it another way, the ADA Title I demands that all employees' actions be irrelevant to the presence or outcomes of disability. NEARP's principals have offered tens of thousands of businesses, rehabilitation specialists, and consumers extended days of training on efficient ADA implementation (M. C. McMahon & B. T. McMahon, 2016). NEARP collaborated with academics and graduate students from all over the country to conduct an extensive data mining effort focusing on the EEOC's master data set, which tracks the investigation, filing, and resolution of workplace discrimination complaints. In the NEARP database, only closed accusations are recorded. NEARP depends on EEOC investigations and adopts EEOC resolution codes to categorize results as either merit benefiting the Charging Groups or non-merit benefitting the employers. Disability-specific job discrimination profiles have not been generated by NEARP investigators (M. C. McMahon & B. T. McMahon, 2016). In 2015, NEARP researchers agreed that high-impact results thus far have entailed an in-depth assessment of the five most common issues:

- Discharge: Permanent involuntary termination of job status—32%.
- Reasonable Accommodation: Failing to offer reasonable accommodation to a qualified person with a disability's recognized physical/mental limits—18%.
- Terms and Conditions: Rejection or inequitable implementation of regulations relevant to typical working situations, the workplace nature, and work rights cannot be lowered to a monetary value. This comprises of (a) assignment to uncomfortable work stations or failing to deliver necessary equipment or supplies; (b) inequity in shift assignments or vacation choices; or (c) restrictions on how one dresses or appears—9.3%.
- Harassment: Similar to Intimidation, however, this problem refers to hostility in non-work circumstances or settings—8.1%.
- Hiring Employer: reluctance or failure to engage an individual as an employee—4.9%.
- Constructive Discharge: a term that refers to resignation when employees are compelled to quit or resign due to discriminatory limitations, restraints, or unpleasant working circumstances imposed by their employer—2.4%.
- Intimidation: When a person is being coerced, ridiculed, troubling, tormented, or bothered. For instance, (a) condoning, permitting, or making the use of gags, a doodle of epitaphs; (b) different performance values or excessive supervision; (c) assignment to more challenging, unfriendly, tedious, or unsafe jobs; (d) menaces or oral abuse; or (e) harsher disciplinary steps such as vocal warnings, suspension, reprimands fines—1.3% (M. C. McMahon & B. T. McMahon, 2016).

## **Behavior Functions in Decision-Making**

The traditional social psychology concept is that behavior is influenced by both the situation and the individual (Lewin, 1939; Rusbult & Van Lange, 2003). Both situational and individual characteristics influence employee decisions. Workers are highly reliant on the company they are working for. In the context of their interaction, interdependencies might be understood in terms of motives, needs, and thoughts (Rusbult & Van Lange, 2003). Individuals' perceptions and responses in social interactions are influenced by interpersonal expectations (Holmes, 2002; McClintock & Liebrand, 1988). As a result, depending on how managers view a problem, they are likely to take a different approach to it. Individual variations in ethical value orientations, consequentialism, and moral awareness among managers in a particular context might explain responses to a problem that could result in detrimental effects.

### ***Ethical Value Orientation***

Conscious moral thinking is not a required prerequisite to moral behavior. Ethical value orientation is a set of values expressing a person's relative value to a behavioral model linked with moral excellence (Reynolds, 2006; Trevino et al. 2006). According to the idea that values are cognitive schemas or prototypes that influence conduct, ethical value orientation necessitates cognition (Reynolds, 2006). According to social cognitive theory, individuals build schemas or mental maps that allow them to access important sections of memory and enable faster cognitive processing while making judgments (Fiske & Taylor, 1991). Walker and Hennig (2004) argue that naturalistic conceptions of moral standards are more likely to be a component of ordinary moral functioning, which is also related to the social-cognitive perspective. The importance of ethical standards may assist us to comprehend decision-making in many settings, leading to a greater knowledge of management value attunement.

Management decisions influences employee relationships. According to Jones (1991), A moral issue is one where an individual is free to behave in a way that damages others. When deciding on a course of action, people depend on situational signals, significance, and power to obtain the proper schema (Fiske & Taylor, 1991). Depending on how they see a problem, decision-makers are at the changes of taking a different approach to it. Individual variations in decision-makers' ethical value orientations, moral familiarity, and consequentialism in a specific scenario might explain methods to an issue that could lead to harmful consequences (Verbos & Miller, 2015). Moral rationality is a crucial viewpoint that dominates an honest investigation of behavioral ethics (Trevino et al., 2006; Walker & Hennig, 2004). It distinguishes between ethical and unethical actions in particular. Decision-makers confront classic moral problems that balance self-interest or business interest against the right action.

### ***Just Value Orientation***

Just value orientation (JVO) doesn't at all necessitate any deontological theory or explanation. When there is a risk of damage to employees, procedural justice can happen by providing employees a voice in investigating and resolving the problem. Walker and Hennig's (2004) naturalistic viewpoint is reflected in JVO, which includes both the cognitive features of a more independent approach to ethics, compatible with Kohlberg's (1981) concept of a high degree of moral development, and the underlying values indicated in formalism, such as being trustworthy, honest, and conscientious (Brady & Wheeler, 1996). When faced with ethical dilemmas, a person with a high JVO approaches a rules-based schema regarding right and wrong. JVO collaboration would derive from either a legal need to provide a safe workplace for employees or a true ethical guideline that would be implemented autonomously to treat employees equitably. As both are founded on justice ethics and universal moral standards, JVO

is related to formalism (Brady & Wheeler 1996; Reynolds & Ceranic, 2007). JVO does not pay much value to emotions, Two-way communication, and relationships. Rather, it stresses objectivity when enforcing ethical or legal rules. Formalism has been linked to procedural justice sensitivity (Schminke et al., 1997), which should also be linked to JVO. Relational value orientation (RVO), unlike JVO, acknowledges the importance of social ties in ethical judgments. Relational values in Aristotelian ethical principles, stakeholder theory, communitarian theory, and an ethic of care stood in opposition to the autonomous moral actor in business ethics, according to (Liedtka, 1999). The combination of standards that form RVO is found in a naturalistic perspective to care as a form of moral quality (Walker & Hennig, 2004), feminist ethics, and ethics of care (Borgerson, 2007; Gilligan, 1982; Held, 2006). RVO values the self-concerning of other people and does not necessitate self-sacrifice or altruism (Verbos & Miller, 2015).

### ***Resistance To Change***

Resistance, or struggle, is a term that refers to an event which occurs at every stage of a person's public life and in a variety of settings, comprising of workplace (Chi et al., 2020). The viewpoint resistance to change (RTC) is the foundation of the behavioral theory of user resistance (Dent & Goldberg, 1999). According to the Status Quo Bias (SQB) perspective, individual decision-makers are prejudiced toward preserving the status quo- doing nothing or sticking to one's current or prior choice. By elaborating why people make lop-sided decisions to persist with an old status instead of a shift to a new action, this perspective categorizes the SQB perspective into three main categories: (a) logical decision making, (b) mental misperceptions, and (c) psychological commitment (Samuelson & Zeckhauser, 1988).

Rational decision-making involves the relative benefits and costs of change before deciding on new action. SQB cannot be completely explained by rational decision-making, and it might also be due to cognitive distortions resulting from loss aversion. People consider latent costs to be bigger than latent rewards when determining whether or not to change the status quo (Polites & Shackled, 2012; Samuelson & Zeckhauser, 1988).

### ***Psychological Commitment***

Social psychologists have propounded similar explanations to explain why people's attitudes are hard to change. They suggest that resistance is positively linked to attitude centrality (Rokeach, 1960) and rises with position involvement (Freedman, 1964), conviction (Gerard, 1965), ego involvement, and commitment. Decisions that help fix or freeze behavior (Gerard, 1965), acts that promise or tie the individual to a behavior, and perceptions that reflect such behaviors are all considered definitions of commitment.

Psychological commitment describes the tendency to resist changing one's preferences. In reaction to contradictory knowledge or experience, psychological pressure is at its maximum level when

- the person is driven by a requirement to preserve steady links between fondness and salient parts of mental structures, and
- self-images and key values are related to the preference, resulting in a state of position involvement (Crosby & Taylor, 1983).

Because decision-makers do not want to relinquish control when moving to an unfamiliar system or weird working approach, hidden costs, social standards, and endeavors to control result in psychological commitment and can lead to SQB (Samuelson & Zeckhauser, 1988).



### ***Toxic Leadership***

According to Whicker (1996), the concept of toxic leader was never utilized till its first emergence in 1996. dark leadership, which incorporates characteristics such as abusive and destructive, and the concept of toxic leadership are connected (Samier & Schmidt, 2010), being harsh and unjust (Pelletier, 2010), aversive (Bligh et al., 2007), and narcissistic (Maccoby, 2000) in their leadership style. Dark leadership and toxic leadership are two terms that are used interchangeably to represent the same leadership issues or behaviors.

Toxic leaders give control by using power to complicate an agency's framework. Toxic leaders enhance their egos and pay no attention to anyone other but themselves (Akca, 2017). The toxic leadership format harms both agencies and employees. Employees are badly affected by a toxic leader's toxic attitude. Toxic leaders intentionally adopt disturbing and unfavorable attitudes toward employees; they exhibit a hostile attitude. Thinning of toxic leadership style brings about worker deviant behavior and damages employees. For this reason, toxic leadership negatively impacts employees substantially, leading to discriminatory and biased behavior against their employees (Model, 2020). Hence, Toxic leaders are creating problems by misusing power and serving themselves.

### ***Organizational Commitment***

Polite behavior, which all employees develop as viable to the ongoing social engagement (Watts, 2003), an essential factor of the working environment, affects employees' workplace outcomes (Abuzaid, 2018; Ahmad & Gao, 2018). In human psychology and organizational behavior, the description of civility is in the course of good manners, politeness, respect, and complete response to the other's rights, which smooth ways for sustainable competitive advantage (Lee et al., 2011).

When an organization develops and promotes a civil working environment, employees experience more confidence and value in association, leading to organizational commitment. Organizational commitment is directly associated with employees' attachment to the organization (Wombacher & Felfe, 2017). Being civil or *civility* in an organization means arrangements of respect, honesty, trust, and careful behavior with others at the workplace (Abdallah et al., 2014).

Civility is a significant trait of organizational commitment. Civility generates excellent and harmonious relationships between individuals that affect employees' psychology, and they feel pleasant and respected, which in turn creates and maintains their engagement at work (Duggan, 2014, 2017). When valued and respected, employees vigorously distribute more responsibility, concentration, and commitment to their job responsibilities, promoting organizational commitment (Smittick et al., 2018).

### **Theoretical Framework**

The theoretical framework related to this study included disparate impact theory, decision-making theory, and ethical egoism theory. Each approach is used to frame the discussion and findings of this study. The literature review explored the most common and relevant ideas associated with disability discrimination, reasonable accommodation request denials, disability harm, and decision-making. Another area of exploration is *identity politics*, a form of activism that emerged from the 1960s Black Civil Rights and Women's Liberation movements. Both political movements and anti-authoritarian culture inquired confrontational yet relevant questions about identity, inequality, repression, and injustice in Western and male-dominated societies. During the 1980s, the movement grew in popularity as a way to offer other excluded groups, such as those defined by sexuality and ethnicity, a voice and empowerment.

Nonetheless, disability organizations have been particularly sluggish to enter the realm of identity politics (Ingham, 2018).

The disability movement was initially fiercely criticized by crucial figures of disability studies (Devlin & Pothier, 2006; Oliver, 1996; Shakespeare, 2005; Tremain, 2001) as one that risked ignoring people's subjective experience in favor of a legal, based on rights approach. Queer perspectives have emboldened the move and have witnessed the relatively novel emergence of critical disability theory (CDT; Hosking, 2008), which views questions of power and context in relation to disability as critical components of confronting oppression and marginalization from the perspective of the embodied experience. On the other hand, critical theory sprang out of Marx's critiques of liberal capitalism, as well as advancements in critical legal studies deriving from more recognized identity jurisprudence such as feminism and racism. CDT is an evolving theoretical framework for investigating and understanding disability issues. Critical disability theory-based disability jurisprudence is rooted in the legal realism tradition and draws on the fundamental legal studies movement. Disability theory's main goal is to examine impairment as a cultural, historical, comparative, social, and political phenomena (Hall, 2019).

CDT pursues a variant of the social model formed on the basis that:

- disability is a social concept, not an unavoidable direct result of impairment,
- disability is best described as a complex link between individual response to impairment, impairment, and the social world, and
- the social harm experienced by people with disabilities is resulted by the physical, organizational, and attitudinal (collectively, the social) setting, which fails to provide them with the resources they need (Hosking, 2008).

Being classified as a handicapped person, according to CDT, is critical to knowing oneself, one social position, including its potential and limits, and one's understanding of the world. CDT accepts and celebrates the existence of difference and views equality as a component of variety. CDT views legal rights as an essential instrument for advancing disabled people's equality demands and promoting their unification into all sectors of society. Any systemic response to disability that aims to make impairment invisible is fundamentally ineffective at preserving disabled people's rights to full participation in their communities and workplaces (Hosking, 2008).

### ***Disparate Impact Theory***

The U.S. Supreme Court unanimously approved of disparate impact theory. DIP has long been viewed as one of the most important and controversial developments in anti-discrimination law (Selmi, 2006). The disparate impact theory imposes liability on defendants regardless of whether they intended to discriminate (Taylor, 2018). Discrimination is broadly recognized yet hasn't changed. It's becoming less ubiquitous as well as less overt (Selmi, 2018). The disparate impact theory is a Title VII employment discrimination concept that allows persons of a protected category to file a discrimination claim based on a seemingly neutral regulation which harms the individual as a whole. Some argue that the disparate effect hypothesis should be applied more frequently in employment discrimination law (Finlay, 2012).

According to the disparate impact theory, companies are not ready to modify their practices in response to a disparate impact allegation than they are in response to an intentional discrimination claim. Companies seem to respond more rapidly to charges of purposeful discrimination, especially when such claims demonstrate overt discrimination and the notion of

what stereotyping persists in impacting thinking and behavior, according to the study conducted by Selmi (2018).

### ***Ethical Egoism Theory (EET)***

Egoism is a mortal ethical theory that claims that good is centered on self-interest (Encyclopedia Britannica, 2017). Individuals must choose a path of action that favors others over their own satisfaction when making decisions (MacLagan, 1954). As per Comte (1858), individuals must serve other interests, one of the pioneers of sociology, and they should do so before moving their own interests. Individuals are obligated to exist for others by putting their own interests aside for the sake of others (Campbell, 2006). According to the notion, progressing one's own benefits would be avoided, starved, and self-affection must be abandoned. Individuals can only promote the interests of society if they act altruistically since moral behavior would not be feasible if society was not established on altruism (Comte, 1858).

The only moral theory of the egoism practical approach is that it outrightly opposes self-sacrifice (Bragues, 2005). According to A. Smith (1759), business people's selfish behavior will unrecognize to them to serve a larger community's interests toward the fair distribution of wealth (Sen, 1999; Schouten & Remme, 2006). Additionally, Bowen (1953) discussed the notion of some ethical egoists who claimed that in order to behave ethically, one must focus on one's long-term self-benefit; they argue that this is compatible with aiming for society's long-term interests.

Success is determined by how managers handle the requirements of others, according to economist Bowen (1953), and elaborated by stakeholder theorists (Freeman, 1999; Freeman & Philips, 2002; Philips et al., 2003; Werhane & Freeman, 1999). Stakeholder theory strives to define and produce value, link capitalism with ethics, and uncover optimal management strategies that optimize agencies' purpose accomplishments (Werhane & Freeman, 1999).

Organizations are primarily concerned with achieving mission objectives; therefore, it becomes troublesome if one person is regarded more highly than others (Philips et al., 2003). Managerial decision-making constraints aren't totally rational and have constrained rationality (Simon, 1955). It is immoral for management to deny the rights of the disabled (Tashman & Raelin, 2013) through abusing organizational authority (Wells & Graafland, 2012).

The ethical egoism philosophical framework contends that when organizations focus on their missions (Overall, 2016), without realizing it, people are advancing the interests of community or society in general, which is seen as ethical. To be viewed as ethical, organizations should create a balance between the needs of others and their own (Bowen, 1953; Freeman, 1984) and not give a chance to people who misrepresent their stance to influence the actions of others who are perceived as immoral.

### ***Duty Framework***

Non-consequentialist theories are concerned with a person's motives to make ethical judgments about particular actions. Moral action is taken from duty because we must act (Firenze, 2013). According to Johnson and Cureton (2021) Kant stated that rules or laws paired with some restraint or reward of our decisions, whether from external pressure by others, are called duties. For instance, Title VII is the law, and the EEOC enforces disability discrimination with legal authority. Thus, if we do something because it is our civic duty or our duty, our motivation is to revere the code, which helps make it our duty.

The duty framework benefits from establishing a set of norms that apply to everyone in a specific scenario; if an act is ethically right or duty is essential, it will apply to everyone in that setting. This even-handedness encourages everybody to be considered with respect and dignity. The Duty Framework also emphasizes the importance of observing moral standards or doing

one's duty irrespective of what happens, allowing one to act ethically even if the consequence is negative. When there is a sense of responsibility, the duty framework functions well. We must evaluate why a responsibility or obligation requires or prohibits certain actions; nonetheless, it has restrictions. It may look cold and impersonal since it may necessitate actions known to cause harm. Imposing the notion of duty on everyone cannot be so easy, irrespective of the personal condition (Firenze, 2013).

### ***A Model of Reasonable Accommodation Requests and Legal Education***

Evaluations and the success of reasonable accommodation requests necessitate legal education intending to keep worker assistance program practitioners up to date on the altering legal and regulatory environment and disseminate this information and practices to minimize legal and regulatory liability. Beyond the ADA, the agency's general counsel should collaborate on producing and implementing legal education to decision-makers (LaVan et al., 2016). The initial component of the employee support program's fundamental technology is weaving together levels of education: Consultation, training, and support for organization leadership, supervisors, and union representatives trying to manage employees and improve the work environment (Roman & Blum, 1988).

Because education is not the primary intervention so, a multi-pronged strategy is suggested. The multi-pronged approach must be implemented at all levels of the firm (Czabala et al., 2011; Goetzel et al., 2002). The multi-prong argues that workplace wellness initiatives frequently fail to address disability. There are several kinds of work environment interventions (Furlan et al., 2012); they can be grouped on the basis of four work-relevant outcomes: (a) prevention of sickness absence or work disability, (b) management of sickness absence or work

disability, (c) job functioning (on-the-job health-related performance), and (d) repetition of sickness absence or work disability.

### ***Model of Older Workers***

The proportion of participants in the labor force or disabled person begins at 4% of those aged between 16 and 34, and this figure goes up to 7% of people aged between 45 and 54, while increasing to 10% between the ages of 55 to 64-year-olds. After disabilities, incidents in the workforce increase sharply to over 15% of those aged 65 to 74 and 28% to those over 75. Today, compared to the parents, older employees stay in the workforce for a longer time (Bosworth & Burtless, 2010).

These changes necessitate a greater focus on workforce challenges and workforce development planning in public policy and employee development initiatives. Because the commonness of disability rises with age, an older workforce will also bring a higher occurrence of disability to the labor force, necessitating more changes such as accessible workplaces, ergonomics universal design, and unprecedented levels of a reasonable accommodation to maintain older employees prolific in execution the vital roles of their jobs (Heidkamp et al., 2010). Job changes in terms of flexible schedules, equipment, workstations, and the manner in which job functions are conducted will become commonplace. The delegation of less important work duties to other workers will undoubtedly rise as well. All current evidence indicates that the costs of such accommodations are completely reasonable, and employer affirmation is shifting from tolerance of accommodations to comprehension that each accommodation is an opportunity for transformation, which frequently leads to cost savings and increased productivity for all.

### ***Model of Economic Employment Opportunity Commission***



Discrimination in the workplace based on disability has been researched in a variety of sectors, comprising sociology, human resource, and rehab psychology (Christman & Slaten, 1991; Gouvier et al., 2003; Rose & Brief, 1979). Across disability categories, charges of termination and an absence of reasonable accommodations are the most common (Graham et al., 2019). The EEOC only includes charges that it has received, investigated, and closed. Out of 529,220 cases of disability discrimination, reasonable accommodations rank second in the United States with 98,599 claims involving personnel actions. As EEOC investigators follow their agency's procedures, data is collected consistently and routine (EEOC, 2009). The whole IMS for the 19.5-year research period (July 27, 1992 to December 31, 2011) has been released on a zip CD, including over 3 million claims at the time.

### ***Model of Merit Systems Protection Board***

Most workplace discrimination is connected to job reservation or work quality rather than job acquisition. When accusations of discrimination are brought in appeals, the MSPB decides and hears the complaints. EEO complaints stemming from organization personnel actions are presented before the court for all federal workers, for instance, cases such as reasonable accommodation (18%) and discharge and constructive discharge (35%) are presented. NEARP has published issues of cases pertaining to harassment and pestering (B. T. McMahon et al., 2005; Shaw et al., 2012a, 2012b), reasonable accommodation (Roessler et al., 2007; West et al., 2008), and firing (Hurley, 2010; Roessler et al., 2010a; Rumrill & Fitzgerald, 2010).

### ***Ethical Decision-Making Theory Models***

Frameworks describe how intellectual practices such as reason and intuition, as well as affective processes as emotion, function within the brain (Greene et al., 2001; Reynolds, 2006; Salvador & Folger, 2009), resulting in moral judgment and behavior in people. These theoretical

models often describe the ethical decision-making (EDM) process as a sequence of the temporal and serial process, starting with early awareness or identification of an ethical problem and progressing through a moral judgment, desire to act, and behavior in the end (Rest, 1984, 1986).

Some have claimed that EDM should focus on the issue itself instead of concentrating on the bad or good apples, such as personality traits, or the bad barrels, such as organizational setting (Bartlett, 2003; Jones, 1991; Kish-Gephart et al., 2010; Weber, 1996). The issue-contingent model, according to (Jones, 1991), propelled EDM in this direction. The problem variable in the I-EDM model would have three components: (a) issue complexity, (b) moral intensity issue, and (c) importance of the issue. One early issue with the moral intensity construction is that the moral intensity aspects might be included in the moral judgment stage (Herndon, 1996). Leaving aside the issue of concern, Jones's (1991) moral intensity features can be considered relatively restricted in a normative perspective. Only good or negative outcomes, social standards, and the agent's proximity or closeness to those impacted were evaluated by Jones as factors in moral intensity.

The moral strength of an issue in the I-EDM model would contain Jones's (1991) criteria as well as extra deontological (i.e., duty-based) and fairness aspects (May & Pauli, 2002; J. M. McMahon & Harvey, 2007; Singer, 1996). Suppose an individual is confronted with a scenario that requires breaching norms, regulations, or promises—acting in an unfaithful or dishonest manner—breaching the moral rights of others. In that case, the moral intensity is predicted to rise. Where injury was not engaged as part of the moral intensity concept, other ethical viewpoints must be examined, such as law-breaking or fairness (Butterfield et al., 2000). Higher moral intensity is likely to lead to greater ethical awareness (May & Pauli, 2002).

Another aspect of consideration for the I-EDM model is the problem importance. The perceived personal pertinence or significance of an ethical problem to an individual is characterized as issue importance (Robin et al., 1996). If the crucial problem is not considered, ethical considerations of the problem could be undermined wholly, which could result in the absence of moral awareness. Another aspect of a problem that appears to have been overlooked by the EDM theoretical approach is how complicated an issue may be.

The third aspect, considered as issue complexity, is described as problems that the decision-maker believes are difficult to grasp or address. Warren and Smith-Crowe (2008) defined issue complexity as the sort of moral judgment that may be made based on reason rather than intuition. The intuitionists aren't searching for judgments from people on new, and they have a lot of alternatives. Issue complexity includes the perceived intensity of dispute amidst competing for moral values or several stakeholder claims. When a decision-maker has never experienced an identical scenario previously or is confronted with a wide variety of options, issues might be seen as more complicated.

Other factors contributing to issue complexity include the number of intricate facts involved or the number of factual expectations that must be made because of a lack of relevant evidence. Such knowledge may be required to fully comprehend the repercussions of a particular situation, such as the possibility of future injury to self or others. In a similar line, it has been proposed that having relevant information on the subject is connected to one's ability to participate in an effortful mental process (Street et al., 2001). As a result, irrespective of vitality or intensity, the perceived complexity of the problem or dilemma may compel one to avoid addressing and resolving the problem completely, resulting in moral paralysis, choosing to refuse a reasonable employee accommodation, for example, maybe a complicated and tricky choice

with repercussions for numerous parties (De George, 2010), which may impede a decision on the morally proper course of action.

### ***Effects of the Medical Model of Disability***

Disabled persons frequently describe feeling marginalized, devalued, forced, or viewed as if they were completely disabled due to the mainstream medical view of disability. When persons having disabilities are challenged with pitying mindsets or skepticism as they tell anything positive about life with their circumstances, they frequently express displeasure (Goering, 2015).

Most people with disabilities are disadvantaged not due to their physique but because of how unpleasantly they are treated in the world, as reflected by institutional norms, physical characteristics, and cultural attitudes which exclude or degrade them. The disability process can be an exhausting process on top of having an impairment. Spending a significant part of each day dealing with a physical world that is historically designed to exclude disabled people is even more tiring than dealing with other people's preconceptions and misconceptions about me.

### ***The Social Model of Disability***

Disability activists and academics have proposed a social model of disability in contrast to the standard medical paradigm of disability (Oliver, 2018). This approach is based on a clear difference between disfigurement and disability. Impairment is categorized as a non-standard bodily state in the social model, defined as lacking part or all of a leg, or having a malfunctioning limb, organ, or function of the body. Consequently, the possessor's impairment assessment might be positive or negative (Silvers, 1998). Rather than a deficiency or a problem, individuals who lost their eyesight since birth generally see this as a neutral condition of being. For instance, an individual by the name of Kent, a blind person, had to learn to engage with the real world from

the outset and did not want to see anything far more than he wanted a pair of wings, building his existence on the belief that absence of eyesight is a neutral trait. Impairment is, in reality, nothing but a characterization of the actual body, even in the case of acquired impairment (Oliver, 2018).

By comparison, a more interesting fact about disability is defined as a setback caused by activity restrictions produced by a modern social structure that takes very little account of persons with physical impairments and consequently precludes them from participating in the main of social activities (Oliver, 2018). Making and emphasizing this difference serves to illustrate to what extent, if not all, of what is weakening for individuals with an impaired physique is due to physical and/or institutional actions and societal foundations that could possibly be changed (e.g., global designs for communications vs. display of data through auditory means, ramps vs. stairs, extendable accommodations for various modes of doing works vs. limited explanations of job requirements, etc.). Persons with certain disabilities may be in the minority (Sillers, 1998). However, individuals are not usually made unable to work or maintain social interactions as a result of this condition. They require a more welcoming environment in which to engage.

### ***Recognizing Impairment Effects without Sanctioning Disabling Practices***

For a long time, talks or dialogue of the negative repercussions of impairment were mostly avoided in disability rights discourse, owing to concerns that accepting such facts would jeopardize the crucial task of combating disability oppression and unequal treatment. The disability rights movement has achieved some progress, but it is still weak and incomplete. People with disabilities may be hesitant to openly admit any issues they have due to the high prevalence and profundity of confidence in the medical model. Morris (1996) was of the view

that for several people, disability feels like a very risky thing to say, such as disability puts disabled persons susceptible to non-disabled persons turning around and stating, there you go again then realizing their life is miserable due to disease or impairment. As a result, worries regarding the adverse aspects of disability are occasionally discussed quietly among persons with disabilities but are rarely expressed in public.

### ***Discrimination***

There are some examples of discrimination in other countries. For instance, New Zealand declared, in 2005, the country's determination to overhaul legal counsel by commissioning research in Auckland on the preferences of handicapped persons. According to the Legal Services Agency, because so many handicapped persons in New Zealand lack adequate access to critical legal facilities, it is necessary to determine their preferences (Diesfeld et al., 2008). Perlin's (2003) idea of sanism in the cognitive health perspective acknowledges this biased attitude. People with mental illnesses, according to sanists, are incapable of caring for themselves or choosing for themselves. People with intellectual disabilities may be subjected to the same attitudes also.

According to Perlin (2003), sanism may be seen in the concept and practice of mental health law: While referring to the word sanist meaning, prejudice based on irrationality with the same nature and character as other irrational biases that contribute to and as evidenced by current social mindsets of, sexism, ethnic intolerance, racism, and homophobia. Sanism is mostly unnoticed and well accepted in society and is supported and extended by the utilization of ostensibly common sense and heuristic thinking in a subconscious response to occurrences in both daily lives as well as the judicial system. It is imperative to address the gap in conceptualizing and theorizing ableism, impairment, and disability in organizational research of

difference upgrading the epistemological project's consideration to dismiss the assumption of the neutral work setup to include how ableness non-disability normative presumptions contribute to both theorization and constructing organizations representing the desire to integrate disability as a useful category in theoretical explanations of organizations, as well as an investigation of how organizing processes mirror the norms associated with able-bodied persons. An under-researched subject that contributes to the field is investigating how non-disability or ableism beliefs infiltrate organizing practices and are maintained as an organizing standard, despite the notion that organizing is neutral.

### ***International Model for Disability Law Services***

Personalized and systemic advocating and impact legislation are used in the United States to safeguard the legal rights of handicapped individuals through free legal services supplied by state and federally supported organizations (Bakker, 2007). The California system, for instance, was established in 1978 and is run by employees at hospitals, regional centers, four regional offices, and two self-advocacy offices. Since 1994, four state-wide disabled person discrimination centers have operated under the auspices of the community legal centers in New South Wales, Australia (Gething, 1997). The autonomous, non-profit agencies also offer systemic advocacy and community education and advice, referrals, and aid on a variety of concerns about civil and criminal domains the Disability Discrimination Legal Centre. Intellectual Disability Rights Services, a more specialized organization in New South Wales, was founded in 1986, which provides legal information and advice to individuals with mental disability and their friends. These services include free legal counseling from a solicitor via a toll-free number and a 24 hour phone line. The ARCH Disability Law Center was founded in 1980 in Ontario, Canada, known today as the ARCH Disability Law Center. The team consists of

law students and workers and operates as a non-profit philanthropist/volunteer organization sponsored by legal assistance.

Disability law centers in law schools provide an important service, emphasizing disability in many cases. Free legal counsel and coaching of future disability attorneys are among the perks (Diesfeld, 1996). The University of San Diego Mental Health Clinic, for example, was founded in 1971 with funds from the university and school of law. Students under supervision give legal guidance on a variety of mental well-being topics. Tutorials and case review sessions are part of the weekly class. Students attend administrative and review hearings on behalf of clients, investigate accusations of abuse and rights breaches and keep track of rules regulating mental health care at the University of San Diego Mental Health Clinic.

Meanwhile, In England, the Kent Law Clinic, Mental Health, and Learning Disability center were founded in 1992 on a similar premise (Diesfeld, 1994). Individual and organizational level advocacy, case management, and community education discussions are all done by supervised students at the clinic. Attending seminars and delivering legal advocacy earns them academic credit. Even though the office is located on campus, guidance activities are also held at community organizations. The Lanterman Whittier Special Education Law Clinic at Whittier Law School in California began offering a specialty service in 2001. Under the guidance of fellows, staff attorneys, and volunteers, students provide counsel, research, and public education.

### ***Legal Issues Faced by Disabled People***

The previous literature study summary demonstrates the breadth and intricacy of handicapped individuals' legal challenges (Diesfeld et al., 2008). Although handicapped and non-disabled persons face many of the same problems, nationwide research looked at the necessities of disabled persons as a portion, putting them in the category of having the most difficulty



addressing legal concerns which seems the most thorough research of all disabled people's legal requirements in New Zealand to date. Importantly, handicapped individuals have legal requirements distinct from those of other groups, and they have a particularly difficult time addressing specific difficulties involving statutory claims in health facilities and education.

***Philosophical Framework for Legal Services.***

The occurrence of cruelty can be described as a mix of cultural norms and power dynamics (Priestley, 1998). North American thinkers have maintained that language, attitudes, and cognitive constructs shape understandings of disability, using the social constructivist method. Disability is a cultural marker influenced by social perceptions, customs, and beliefs that impact how social sections view their connections with the world. Adverse attitudes held by organizations or persons may take on a sixth sense quality, allowing discriminatory behaviors to be justified. The idea of ableism, which maintains the exclusion of those with physical and mental impairments from participation and opportunity within society's structures and activities, reflects this bias. Ableism is viewed as a type of prejudice based on the belief that having able-bodied is the norm for humans. People prefer being able to be disabled from this perspective; the second relates to disease, inability, and dependency. The three disparities are typically unquestioned and unconscious, but they become embedded in a non-disabled person's ideas, language, and actions (Diesfeld et al., 2008). When all these become the norm, able-bodied individuals are considered privileged, while handicapped persons are disadvantaged. For example, many individuals believe that majority law centers support all community members, comprising handicapped persons. This assumption that having a policy of open-door successfully removes any discrimination claims undermines the realities of handicapped person's lives. Disabled persons are not always treated well in this culture.

The social model of disability enables us to comprehend how employers' and professional bodies' activities disable accountants (Oliver, 2013). From the socialization literature, Duff and Ferguson (2012) identified four major elements pertinent to their research of impaired accountants. Stereotyping and popular discourse, the client discourse, the stress on appearance and image, and the time commitment and inflexible structure of the accounting profession are among the subjects explored. The themes may also be found in the writers' major observations based on their empirical research. One instance is that accounting businesses seem to perceive that disability impairs handicapped accountants' technical skills. Another issue is that, despite regulations mandating companies to provide reasonable accommodations such as flexible hours or telework for handicapped employees, businesses are hesitant to recruit those who need them (Shakespeare, 2006).

### ***An Overview of Workplace Discrimination and Disability***

There are no significantly larger challenges facing technical rehabilitation as opposed to the significant rise in authorized unemployment and underemployment, as well as the large fall in labor force involvement by Americans with disabilities (AWDs) as a result of the Great Recession, which occurred 22 years after the ADA was passed (B. T. McMahon, 2008). This fact can be witnessed in a very compelling way:

- A declared level of unemployment of 14.2% for handicapped people vs. 9% for normal people—higher than that of other protected groups of people.
- Average time span of unemployment for handicapped people was 25 weeks, compared to 21 weeks for normal people.

- Higher rates of underemployment, with 7.8% non-voluntary part-time employees for AWDs compared to 5.5% for normal people; and 11.5% experiencing wage reductions, i.e., full-time earnings.
- A significant decrease in the percentage of the American workers who identify as with disability (reduced 9% in relative importance from 3.44% to 3.14%) and,
- Higher degrees of education and employment experience protected most employees from economic catastrophe, but not for AWDs (M. C, McMahon & B. T. McMahon, 2016).

### ***Disability Management and Awareness Among Employees About Their Rights***

Disability management can be defined as an active process of limiting the impact of a disability due to accident, sickness, or disease on a person's ability to compete in the workplace (Shrey et al., 2006). Disability management programs have three main goals, as proposed by (Davis, 2005):

- accidents or disability prevention,
- implementation of coordinated incentives to come back to the workplace, and
- activities to reduce the impact of disability or sickness hazards in the workplace through early intervention.

Other than disability management, there is also a need to make people aware or educated about the rights in the workplace. The Whistle Protection Enhancement Act of 2012 (Consumer Product Safety Commission, n.d.) demands a wide outreach campaign to teach employees about whistleblower rights in the federal domain, in addition to improving whistleblower protections in the federal sector. Agency heads should assure that agency employees are made aware of their whistleblower fundamental rights and other forbidden personnel practices there under amended

Prohibited Personnel Practices as well as how to legitimately make a protected announcement of classified material to the Special relevant body, an Inspector General, Congress, or other assigned agency official entitled to access classified information under the amended 5 U.S.C. §2302(c), Prohibited Personnel Practices. Additionally, Section 117 mandates that each agency appoint a Whistleblower Protection Ombudsman to teach workers on retaliation prohibitions, as well as rights and remedies for protected revelations. The Ombudsman, on the other hand, would not function as the whistleblower's legal representation, agent, or advocate.

Personal level differences are connected to work-related dispositions in general, but personal disparities depend on the particular mentality of interest. Safety attitudes differ from more often researched workplace attitudes such as work satisfaction in that they represent cognitions and assessments of actions that may have an influence on others' well-being through the focus person's conduct.

## **Chapter Summary**

The ADA is not for bright-line rules that indicate specific accommodations can never be reasonable. Congress created the law to promote that individuals should be judged based on their actual abilities, not generalized ideas about what they can and cannot do (Ziegler, 2019).

Disability discrimination claims have shifted towards whether an employer complied with its obligations previously from the threshold issue of coverage under the ADA. Agencies must prepare themselves to showcase that they attained good attempts to accommodate their workers. The interactive process should be the heart of every agency's disability policy, not just a policy (Dwoskin & Squire, 2013). Disability discrimination claims are expected to continue to increase dramatically as ADA enforcement has become a priority for the EEOC. Many more disability discrimination claims will survive summary judgment.

Chapter 3 focused on research and design inclusive of purposive sampling. The research questions previously discussed in Chapter 1 formed the study, the interview protocol, reliability, validity, epoché (bracketing), data analysis, and the phenomenological approach to a qualitative study. The study defined the population, and the inclusion and exclusion criteria were provided. The consideration of human subjects was addressed through the IRB protocol. This qualitative phenomenological study was premised on determining strategies used when reasonable accommodation requests are denied and what employees may experience in regards to compensation.

## **Chapter 3: Methodology and Research Design**

### **Introduction**

This chapter discussed the research design and methodology used to conduct this study and the re-statement of the research questions aimed to explore strategies used when a reasonable request is denied, and the challenges employees face when a reasonable accommodation request is denied and determine strategies and practices. This study has also emphasized how the management decision-making process is defined, measured, and tracked regarding reasonable accommodation requests and what employees may experience after a reasonable accommodation request is denied. The methodology section explains why a phenomenological design was utilized and provides the traits of a qualitative study ensuring an effective qualitative research design (Creswell, 2013). The research design had three sections. The participant's section details the unit of analysis, the population, the sample, and the steps for selecting study participants. The human subjects steps included the Institutional Review Board (IRB) approval process and protection of the human subjects. The data collection steps involved gathering data, contacting the participants, and providing the methodology used to analyze, code, and validate the data. The methodology and research design created a structure to confirm an efficient consensual qualitative research design to check the inner attitudes, beliefs, and experiences that are instantly detectable (Hill & Knox, 2021).

### **Restatement of Research Questions**

The following research questions were asked in this study:

- RQ1: What strategies are used once a reasonable accommodation request is denied?
- RQ2: What challenges do employees face when a reasonable accommodation request is denied?

- RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?
- RQ4: What may employees experience after being denied reasonable accommodation in regard to compensation and adjustments?

### **Nature of the Study**

Qualitative in approach, this phenomenological study informed the research questions posed and constructivist in nature. The study applied a qualitative approach to explore the research questions. Creswell (2013) defined qualitative research as “[a research method that] begins with assumptions and the use of interpretive or theoretical frameworks that inform the study of research problems addressing the meaning individuals or groups attribute to a human or social problem” (p. 44). Thus, understanding how decision-makers define, measure, and track success with reasonable accommodation denial requests by attempting to minimize interfering with a participant’s natural setting is imperative for this study.

Johnson and Christensen (2004) stated that while qualitative research helps to better understand the essence of many subjects and their perspectives, three weaknesses have been identified in qualitative research that includes:

- large participant pools make it difficult to test theories and hypothesize,
- knowledge produced may not be generalizable to other people or other settings, and
- the results are more receptive to the researcher’s personal biases traits.

For this study, the qualitative approach relied upon four research questions, 10 corresponding interview questions, a semi-structured interview protocol, and was conducted via Zoom on a one-on-one basis between the researcher and the study participants.

### ***Strengths***

This form of inquiry allows collecting raw research data and creating a descriptive image of the phenomenon under study (Lewis, 2015). By attempting to minimize interfering with a participant's natural setting, the researcher can acquire a distinctive perspective in obtaining the beliefs or other forces at work, which may not be observed in a quantitative investigation (Lewis, 2015). Understanding what participants do or feel in their natural context can make interventions effective and compassionate (Korstjens & Moser, 2017).

### ***Weaknesses***

The weakness of qualitative research sometimes excludes contextual sensitivities and focuses more on meanings and experiences. The phenomenological approach, for instance, attempts to expose, interpret, and recognize the participant's experience (Wilson, 2014; Tuohy et al., 2013). In addition, qualitative research can be regarded as:

- smaller sample size raises the issue of generalizability to the whole population of the research (Harry & Lipsky, 2014),
- the analyses of the cases take a considerable amount of time, and one can generalize the results to the larger population in only a very limited way (Flick, 2011),
- being as concerned mostly with the process not outcomes,
- the researcher is the primary instrument for data collection and analysis, and
- involves fieldwork (Eisner, 2017).

### **Methodology**

Qualitative research adds value to the research through structured and rigorous research designs. I chose CQR because it is secure and aligns well with most structured qualitative methods, one qualitative research design. CQR is a robust qualitative method that continues to



gain popularity (Chui et al., 2012). The consensus procedure is vital to the CQR method. The method assumes that complicated issues involve numerous perspectives and levels of consciousness (Hill et al., 1997). According to C. Marshall and G. Rossman (1989), the supposition is that numerous views raise our estimation of the truth and are expected to be from the researcher's biases. In this study, the researcher evaluated fifteen federal agencies to analyze their programs, decision-making, and best practices to assess current and past employees' reasonable accommodation requests and address the harm associated with denial requests. The participant selection for this research study included disability programs directors and federal employees, both current and past.

The sites and participants were chosen to support the exploratory nature of the investigation. The methodology explores nuances and patterns unique to smaller samples of individuals or situations (Levitt et al., 2018). The must-be mechanisms of CQR are the use of interviews that must have open-ended questions in a semi-structured way of collecting the data, which can allow the collection of data that must be consistent across all respondents plus an in-depth observation of individual experiences.

### ***Structured Process of CQR***

The CQR methodology is used in this research to examine the phenomenon of federal employees' reasonable accommodation requests. Numerous key methodological elements are vital to the CQR data analysis procedure. CQR is grounded upon the assumption that several perspectives are more impactful than a singular perspective to understand complex issues and minimize the researcher's biases (Barden & Cashwell, 2014). For the above reason, to reach a single consensus, relying on shared respect shared power, and mutual involvement is fundamental to the process (Hill et al., 1997, 2005). CQR depends on co-reviewers to obtain

multiple perspectives to enhance the objectivity and to deliver complementary viewpoints, which must not get influenced by group thinking in the study and evaluate every stage of examination and give feedback on the grounds of their expertise (Depner et al., 2017; Hill et al., 1997).

Co-reviewers are more desirable for subjects that require specific knowledge or training (Williams et al., 1998). According to organizational psychologist West (2004), co-reviewers must have a shared goal or vision to obtain rich data that honor the participants' experiences. Co-reviewers must feel a commitment to the team in agreeing to the meeting times establishing and maintaining trust in the research group. The difference in power among co-reviewers may influence the team process (Hill, 2012) when co-reviewers are composed of faculty members with more social power than the researcher; therefore, the researcher may be reluctant to voice her opinion. In this study, co-reviewers worked together and created an open environment.

### ***Appropriateness of CQR Methodology***

The study aims to investigate strategies used when denying a reasonable accommodation request. In addition, the study analyzed what challenges and experiences employees face when a reasonable accommodation request is denied and how decision-makers define, measure, and track reasonable accommodation requests regarding valid, reasonable accommodation denials. CQR suits well in qualitative research, and it contributes to features in common with other qualitative methods. It is also in harmony per all elements that Bogdan and Biklen (1992) noted. The research was striven to gain rich and deep insight into the phenomenon's circumstances (Hill et al., 2005; Ponterotto, 2005). A consensual approach attempts to identify inner experiences, attitudes, beliefs, and trauma, all of which are not readily observable of study participants (Hill & Knox, 2021; Gali & Hason, 2009). The approach was selected because researchers can interview people to find in-depth information that cannot easily be found using traditional experimental

and quantitative methods (Hill & Knox, 2021). The inner experiences of the Director of Office of Equal Rights (OER) concurring with decisions makers to deny employees' reasonable accommodation requests were the phenomenon under inquiry for this study.

### **Research Design**

The consensual qualitative study attempted to nominate the best choice-making approaches by federal agencies to surmount challenges employees face when a reasonable accommodation request is denied. An inductive qualitative research design was used. CQR is an inductive strategy exemplified by interview questions (open-ended), confidence in words over numbers, the significance of context, combination of several opinions and small samples, and the mutual agreement of the research team (Hill, 2012). It is most fitted to the research, which needs thorough explanations about attitudes, convictions, and inner experiences.

The approach for inductiveness, known as *inductive reasoning*, begins with the theories and observations in the directions till the end of the research process (Goddard & Melville, 2004). The inductive approach is apparent in numerous qualitative data assessments such as phenomenology (van Manen, 1990). According to Miles and Huberman (1994) and Pope et al. (2000), the inductive approach is like the common pattern of qualitative data analysis. Inductive approaches are meant to facilitate an insight of meaning in complex data by developing summary themes or classifications from the raw data. Inductive approaches are evident in many qualitative data analyses. According to Backett and Davison (1995) and Stolee et al. (1999), researchers will describe their approach unambiguously as inductive even though many use the approach by not giving it an explicit label (Jain & Ogden, 1999; Marshall, 1999).

For the current research work, a general inductive approach is utilized. The general inductive approach is available in many data analysis qualitative research works (Bryman &

Burgess, 1994; Dey, 1993), but without any explicit labeling provided to the analysis strategy. The scholar started with a study area and accepted the theory to arise from the data (Strauss & Corbin, 1998).

### ***Analysis Unit***

This study explored whether decision-makers in federal agencies' egoism drives their decision to deny reasonable accommodation requests. The unit of analysis will be one Director of OER that works or has previously worked with the same title in a federal agency.

### ***Population***

The population is comprised of all Directors of OER that concurred with the decision-maker in any final decision to deny an accommodation. According to Glass and Holyoak (1986) and Wells and Loftus (1984), recent experience is essential when choosing the respondents. The more unique the experience, the more likely respondents are not to recall the experience but to fill in the blanks in memory to fit with how they select to recall the events. The United States government has approximately 2.1 million full-time civilian employees (Jennings & Nagel, 2022). The United States Postal Service is a quasi-governmental agency and functioned as a tax-supported agency mandated to be revenue-neutral; therefore, it is not included in the civilian numbers (Governing, 2013). Four agencies selected for the study are led by a secretary appointed by the President of the United States. The secretaries are cabinet members in the executive branch of government. The secretaries also recommended the President on any subject required for each member's official duties (The Cabinet, n.d.). The Cabinet secretaries have a large number of employees, such as the Department of Defense (DOD), with 750,000 full-time employees (FTEs; Department of Defense, n.d.); Veterans Administration (VA), 412,892 FTE's (U.S. Department of Veterans' Affairs, n.d.); Department of Justice (DOJ), 115,000 FTEs

(Office of Special Council, n.d.); and Housing and Urban Development (HUD), with 6,837 employees (Housing and Urban Development, 2021). Additionally, the National Credit Union Association (NCUA), has 1,186 FTEs and is an independent federal agency with a three-member board that oversees the organization. The President appoints all board members (National Credit Union Administration, 2020). The Federal Housing Finance Authority has at least 693 FTEs (Federal Housing Finance Agency, 2021) and is also an independent agency with the Director appointed by the president to oversee the agency.

### ***Recruitment***

The researcher identified the study participants through the EEOC, Federal Agency EEO Directors, Federal Employee Profile, and LinkedIn to develop a list of EEO directors who concurred with any final decision to deny an accommodation, where a deciding official has determined that providing a particular accommodation would create an undue hardship for the agency. Thus, the study participants were located from these arenas, and contacted via email or LinkedIn messaging so they were recruited and able to participate in the study.

### ***Sample Size***

The study sample considered 15 Directors of OER employed at federal agencies. A qualitative research approach was chosen for this study to define a sample as representative of the desired population to be studied as purposive sampling was utilized to obtain the study sample. According to Creswell (2013), in phenomenological studies, the researcher can explore the lived experiences of three of the fifteen participants. Moreover, according to Hill et al. (1997), sample sizes can range from 15–20 participants. In this study, the sample size included 15 study participants. The selection criteria were reviewed by an inter-rater panel and accepted by the chairpersons and members of the dissertation committee.

### ***Purposive Sampling***

The study participants were selected using a homogenous strategy using a purposeful sampling method. According to Hill et al. (1997), scholars should choose randomly from uniform population contributors who are well-informed and hopefully have had the latest experience about the phenomenon under inquiry with 8–15 participants and describe the participants in-depth (Patton, 2002). The logical and sound purpose of sampling is to choose cases rich in information for in-depth study. Purposeful sampling generates understandings and in-depth insights rather than empirical generalities (Patton, 2002; Suri, 2011). Also, purposeful sampling needs access to key informers in the arena who can help identify evidence-rich cases (Suri, 2011).

### ***Participation Selection***

This study developed detailed criteria for eligible participants to be recruited. A master list was created. The researcher refined the sampling frame, set the inclusion and exclusion standards, and established provisions of maximum variation not to exceed 25. The dissertation board examined and approved the procedure of creating the master list.

### ***Sampling Frame***

The master list or sampling frame was vital for the respondents' selection process. The EEOC federal agency EEO directors are listed on EEOC's website. An Excel document consisting of all respondents was created to form a master list in this study. The researcher contacted all participants on the master list made available to the public by emailing the research study. If the contacts attempt was unsuccessful, the researcher requested a mutual connection by email, LinkedIn, or The Civil Employee's Resource.

**Criteria of Inclusion.** The ideal participants of this study characterize the following:

- Federal Agency's EEO Directors and Assistant Directors, GS-14/15 and SESs,
- serve in a leadership role in decision-making on reasonable accommodations validity,
- employees with a valid present, past, or temporary disability between 2019-2022,
- identified submission of a reasonable accommodation request,
- can be found on LinkedIn,
- can be found on Federal Pay--The Civil Employee Resource, and
- lives in the United States of America.

**Criteria of Exclusion.** Individuals were barred from participating in the research based on the following criteria:

- decision-makers that denied employees reasonable accommodation requests, and
- federal employees who were denied a reasonable accommodation request.

**Purposive Sampling Maximum Variation.** During purposive sampling, the researcher used knowledge and expertise to identify and select the prospective participants studied (Creswell, 2013). Moreover, purposive sampling was valuable as it facilitated garnering insights and experiences produced from an informed sample for problem-solving. It was crucial to include experiences, practices, views, and practices that were the foundation that led to reasonable accommodation requests denials. In addition, participants for this study were determined by applying a strategy of maximum variation to ensure the 15 respondents reflected maximum saturation to provide rich data. For example, the participants reflected diversity in the discipline of the Civil Rights Act under Section 501 of the Rehabilitation Act of 1973.

### **Protection of Human Subjects**

The research used interviews to collect data involving human subjects; therefore, the researcher protected the study contributors' dignity, welfare, rights, and well-being. The National

Research Act (Pub. L. 93-348) was signed on July 12, 1974, creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The ethical principles were observed in the Belmont report:

- respect for individuals: care for a person demands that subjects enter the research with adequate information and voluntarily,
- goodwill: do not harm and minimize the possible harms to cover acts of charity and kindness, and
- to treat all participants equally.

The United States Code of Federal Regulations (Department of Health and Human Services, 2005) section on the protection of human subjects says that the review boards and researchers must make sure enough provisions to safeguard and protect the secrecy and confidentiality of the participants. In order to adhere to the strict regulations of confidentiality, the researcher referred to each participant numerically when quoting them. For example, the first participant interviewed is referred to as Participant P1 and the use of the informed consent form will help in minimizing the risks of participants being exposed. The results of the study follow in the next section. The researcher adhered to all IRB rules of the U.S. Code of Federal Regulation (CFR) sections and Pepperdine University, which requires the following:

- Before initiating any research project seeking to obtain data from human participants, the investigator received written approval from Pepperdine IRB.
- Notified consent was taken from each participant.
- All the respondents were exposed to minimal risk (social, physical, psychological) thought the process.
- All participants were destroyed after the completion of the oral dissertation defense.



## **Data Collection**

The data collection will be done in the participants' natural setting instead of the participants' employment at a mutually agreed date and time. Data collection for this study began after full IRB approval on May 20, 2022, and concluded on August 31, 2022. The qualitative research aimed to preserve the truthfulness of data management and data collection approaches utilizing interviews and observations (Patton, 2002). The goal established a bond of trust, field notes, open-ended questions, and less structured styles. According to Creswell (2013), interview data compilation ought to be centered on the data sources in the qualitative study questions (Miles & Huberman, 1994).

The researcher created a master list of potential participants that met the criteria, ensuring maximum variation. Confirmed contributors were given informed consent forms for approval to read and sign before the interviews. After the discussion, a copy of their signed consent form was sent via email. All interviews were semi-structured for one hour, allowing for follow-up questions or concerns, and referred to as participants 1–15 for risk exposure purposes. All interviews were recorded, password-protected video telephoned through a cloud-based peer-to-peer software platform (i.e., Zoom, Microsoft Team Meetings), and transcribed for data analysis. The researcher's audio and transcribed files to a password-protected hard drive.

## **Interview Techniques**

Semi-structured interview methods were used. First, they are suitable for exploring the opinions and perceptions of participants about complicated and every so often vulnerable issues and enable exploring for more info and elucidation of answers. Secondly, the participants' personal histories impeded the use of a standardized interview schedule (Barriball & White,

1994). The semi-structured interview method gives interviewers diversity in choice in the wording of each question and probing (Hutchinson & Skodol-Wilson, 1992).

Probing can be a helpful mode for guaranteeing the consistency of the data, allows clarifying relevant concerns, interests, and concerns put up by the participants (Hutchinson & Skodol-Wilson, 1992), and helps contributors remember info for inquiries involving memory (L. Smith, 1992). The semi-structured interview method provides prospects to explore the problem (Nay-Brock, 1984; Treece & Treece, 1986), can prompt valuable and ample information (Austin, 1981; Bailey, 1987; Gordon, 1975), and permits the questioner to investigate and refine discrepancies within contributors' accounts.

### ***Unstructured Interview Techniques***

Unstructured interview techniques carry potential risks when the topic is sensitive. One of the risks may be that there might be a break in secrecy or privacy, with potential concerns of a legal matter as contributors are requested to tell their stories about topics of their job-life (Corbin & Morse, 2003). In unstructured interview questions, respondents are given enough control during the whole interview (Cassell, 1980). The participants decide where to get to the narrative, the order in which subjects are introduced, what topics to incorporate or ignore, and the amount of detail; therefore, interviews are not encouraging sessions (Hutchinson et al., 1994).

### ***Interview Protocol***

According to Altheide and Johnson (1994), qualitative research is wide and short-cuts disciplines subject matters and fields that utilize various means to collect data (Creswell, 2013). The researcher recorded info from interviews by making handwritten notes, videotaping, or audiotaping. Although the interview was taped, the researcher took notes if the recording equipment failed. The researcher planned for the transcription of the recording once the

interviews were completed. Six focus areas guided the interviews and were described by Creswell (2013) as the critical components in helping structure the interview protocol and process:

1. The date, time, and place of the interview. The researcher and participant.
2. Introductions for the participant so nothing is overlooked, and all interviews were handled consistently.
3. The researcher probed by asking one general question about work-life and well-being to relax the participant without being specific of a personal nature.
4. The interview questions were peer-reviewed, asked in a friendly way, and delivered warmly.
5. The researcher spaced between questions to record responses, probing further the initial inquiry to gain clarity or further insight into answers given for all the open-ended questions, allowing the participant time to elaborate.
6. In closing, the researcher expressed gratitude to the participants and thanked them for their valuable time. The researcher developed a log to keep a record of documents collected for analysis for this study.

### ***Relationship Between Research and Interview Questions***

The subsequent table shows the association between the interview questions and the research questions asked of each participant and directly linked to the four research questions. The study used 10 open-ended questions, influenced by the research questions and informed by the previous literature works. Each question was designed to allow the participants to reflect on their opinions and experiences after their reasonable accommodation request was denied (Table 1).

**Validity of the Study.** Validity represented the truthfulness of the findings (Altheide & Johnson, 1994). Validity addressed whether the data collected exactly reflect the phenomena under inquiry or not (Hammersley, 1987). Given the firm confidence in subjectivity in qualitative methods, the researcher demonstrated the procedures that can be trusted. The researcher attended to the method's trustworthiness by monitoring the data collection and analysis process (Hill et al., 1997).

***Prima-Facie and Content Validity.*** Prima-facie is the first appearance but subjects to further evidence or information (Legal Information Institute, n.d.). An example of this would be to use the term prima facie valid. For this research and interview question, *prima facie* refers to the first thought of items noted and serve as a subjective assessment for suitability and further examination.

***Peer-Review Validity.*** To demonstrate the pertinence of the results to practice, the researcher showed what impact the results would have on practice. Lincoln and Guba (1985) indicated that the readers more accurately than the researcher determine the applicability. The role of the researcher is to provide enough information so that readers can ascertain the usefulness of our findings. The researcher clearly described the sample and identified the context information about the team members that will foreground the analyses.

***Expert Review Validity.*** The CQR procedure depends on peer disagreement and discussion until they reach a shared interpretation of data. Results are more robust and more believable if they have been replicated. To determine if the study was adequate, the researcher had one data set re-analyzed by a team member with different expectations and biases to determine if the same findings could be obtained. Secondly, a new data collection using similar interview or questionnaire protocols was analyzed by the same team member to determine if

similar findings could be obtained. According to Stones (1985), we would expect a high degree of consistency in meaning across teams, given the same data and process. The data would draw similar suppositions even though different words were used.

**Table 1**

*Corresponding Interview Questions and the Research Questions*

<b>Research Questions</b>	<b>Corresponding Interview Questions</b>
RQ1: What strategies are used once a reasonable accommodation request is denied?	IQ1: What strategies do you use when a reasonable accommodation request is denied by deciding officials? IQ2: How do you select the strategies used when a reasonable accommodation request is denied?
RQ 2: What are employees' common challenges when reasonable accommodation requests or disability services are denied?	IQ3: What are some of the challenges employees face when requesting a reasonable accommodation?
RQ3: How do decision-makers define, measure, and track reasonable accommodation requests regarding valid, reasonable accommodation?	IQ4: How do you track valid, reasonable accommodation requests? IQ5: What changes would you make to measure integrating all valid, reasonable accommodation requests are granted? IQ6: What advice would you give the agency in decision-making of a reasonable request?
RQ4: What may employees experience after being denied reasonable accommodation in regards to compensation and adjustments?	Tell me more? IQ7: What do employees experience when requesting a reasonable accommodation adjustment? IQ8: What remedies do employees receive when their reasonable accommodation is denied in regard to compensation?

Research Questions	Corresponding Interview Questions
	IQ9: How do you define a reasonable accommodation? IQ10: Do you have anything else you like to add to the reasonable accommodation subject?

*Note.* The above table has corresponding interview question and 4 research questions. Also, the panel of expert reviewers and two peer-reviewers reviewed the interview questions.

**Table 2**

*Research Questions and Corresponding Interview Questions (Revised)*

Research Questions	Corresponding Interview Questions
RQ1: What strategies are used once a reasonable accommodation request is denied?	IQ1: How do you overcome the personal challenges you mentioned IQ2: How does your organization support reasonable accommodation requests? IQ3: How did you overcome the organizational challenges mentioned?
RQ 2: What are employees' common challenges when reasonable accommodation requests or disability services are denied?	IQ4: What organizational challenges do you have to overcome with deciding officials when they deny an employee's reasonable accommodation request? IQ5: What does the process entail?
RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?	IQ6: How do you measure success with regards to reasonable accommodation requests? IQ7: How do you track success regarding a valid, reasonable accommodation?
RQ4: What may employees experience after being denied reasonable accommodation regarding compensation and adjustments	IQ8: What options do employees have when their reasonable accommodation request is denied? IQ9: What does the process entail?

Research Questions	Corresponding Interview Questions
	IQ10: Do you have anything else you like to add to the reasonable accommodation subject?

*Note.* This table recognizes corresponding interview questions and 4 research questions with amendments centered on the feed-back from an expert reviewer and peer reviewers. Consequent changes are made to the phrasing and order of queries/questions contained by the interview protocol.

***Reliability of the Study.*** Reliability is the stability of the findings (Altheide & Johnson, 1994). Reliability focuses on the data reproducibility produced by the instruments of the research involved (Hammersley, 1987). The researcher used testimonial validity in consensual research by gathering input from participants so the researcher can feel more confident she has adequate conclusions (Hill et al., 1997). Stiles (1993) and Lincoln and Guba (1985) emphasized the significance of having the data analyses reviewed by the participants to see if the interpretations described the participants' experience.

### **Statement of Personal Bias**

In qualitative research, scholars must recognize the occurrence of biases they may have in their research work (Leedy & Ormrod, 2010) due to not only being employed at a federal agency but also:

- being a decision-maker in approval or denial of reasonable accommodation requests;  
and
- the researcher had previously experienced being denied a temporarily reasonable accommodation. The researcher acknowledged her background may influence her ability to convert and interpret data from the interviews.

## **Bracketing and Epoche**

The researcher examined more than one case study to describe phenomena that generally apply to just one individual. In addition, the researcher chose a homogeneous sample to have the idea about the sample being in discussion to select respondents randomly from those who are present and available so that there would be no sampling bias. Even though the researcher tried to choose the sample thoroughly, the researcher cannot claim that their data represents the target population since it is impossible to prove representativeness with this methodology (Hill et al., 1997).

The researcher determined whether the results represented the sample as checked for the consistency of the findings or if additional cases changed the findings. As mentioned before, the researcher has collected data on 15 cases, did the initial analyses on three cases, also added new cases one at a time, and checked whether the new cases changed the result or not. If the results with the addition of new cases are stable, then the researcher can have preliminary confidence in the representativeness and stability of the finding to the sample. The researcher showed that the findings were consistent when they added new cases to validate the representativeness of the results to the sample (Hill et al., 1997).

## **Data Analysis**

The data analysis allows researchers to rigorously explore the research questions and pursue ideas if adjustments to the sampling approach, interview schedule, and data analysis is needed during the study (Klem et al., 2022). Qualitative research explores a phenomenon using a theoretical framework to define a problem based on an individual's lived experiences in the real world (Creswell, 2013). After the conclusion of the participant interviews, this qualitative, phenomenological study required coding of the data to take place. The researcher examined the



data gathered from the interviews, analyzed the results, and inductively coded the participant responses with the goal of interpreting the data in such a way as to answer the questions put forth by the study.

In addition, the researcher took notes during each interview in order to reflect on each interview experience. The researcher used Zoom audio transcripts cloud recording and a personal notebook detailing biased thoughts, personal observations, and experiences regarding participants' experiences. The researcher could create an uncluttered mental space to engage with the participants more fully and authentically and analyze their responses. The audio recordings collected from the interviews were then transcribed onto a google document by the researcher for ease of reading. The researcher then read each transcription multiple times, making comments in the margins to begin preliminary coding. Each response given by a participant was reviewed by the researcher and compared against other participant responses with the goal of finding similarities between the responses. As similarities were identified, the responses were grouped into codes.

The researcher then gathered the codes into larger overarching themes that served as an umbrella for similar codes. The themes within each interview question were then tallied to analyze their prevalence and given descriptive names that encompassed each code's intricacies. For this phenomenological study, a qualitative design and inquiry were used to collect raw data based on each participant's real-life experience and relied on the first cycle, the second cycle, and third cycle coding processes to categorize data from the interview responses that were organized into similar themes, the researcher using thematic analysis familiarizing herself with the data by thoroughly reading all transcripts (Braun & Clarke, 2006).

**Coding.** The utilization coding procedure can be both inductive and deductive. The inductive coding procedures mean the codes are derived from the data based on words or phrases used by the participants. The deductive procedure is decided before the analysis begins and then applied to the words and phrases used by the participants. The data is collapsed into categories and placed into a data-management software to adjunct the research process. The analysis is not done by the software but rather the software will serve as a filing system for qualitative data and subthemes that summarize key features of the data, (Clarke & Braun, 2017) then collapsed into themes presenting the key findings of the analysis, referred to as codes or nodes. Furthermore, coding organizes similarly coded data into themes that are shared characteristics.

### **Inter-rater Reliability and Validity**

In qualitative research, the richness and strengths of the findings are determined by the inter-coder validity process (Creswell, 2013). To establish the inter-rater or inter-coder process and increase the external validity of the results, these steps were used for the data analysis process:

- Step 1: The researcher reviewed and coded the three interviews to transcribe, code, and develop common patterns, themes, and characteristics.
- Step 2: The researcher shared the coding results with two co- reviewers. After the co-reviewers reviewed the researcher's analysis and had conversations regarding outcomes on suggested modifications, modifications were made. However, the dissertation committee served as the final decision-makers.
- Step 3: The researcher coded the raw data research data of the remaining 12 interviews.

- Step 4: After concluding the coding process, the researcher communicated the results with the co-reviewers. Steps 2 and 3 recurred until an agreement was achieved and the coding analysis was completed.

### **Chapter Summary**

A phenomenal qualitative research study was utilized in this research work to check/investigate reasonable accommodation request denials. Phenomenology is considered a powerful research strategy suitable for exploring thought-provoking and challenging problems in reasonable accommodation request denials (Neubauer et al., 2019). Phenomenology is well-defined as a methodology to research which seeks to illustrate the essence of a phenomenon by studying/exploring it from the angle of ones who already experienced concurring with decision-makers to deny reasonable accommodations where a decision-maker has determined that providing an accommodation would create an undue hardship to the agency. Fifteen participants were deliberately targeted, recognized, and chosen. The interview approach was video/audio through a cloud-based peer-to-peer software platform (i.e., Zoom; Team Meetings) semi-structured with open-ended questions. After reviewing the previous studies, the interview questions and ten research questions were framed. The researcher-maintained compliance with IRB protocol thought the study. The interview notes and transcripts were uploaded to Excel to organize the data. The research enlisted co-reviewers who analyzed data, coded themes, and engaged in the consistency process.

Furthermore, research questions informed this study in the qualitative approach to methodology. They began with what and why which are inductive. Finally, conducting a qualitative study can be just as rigorous as a quantitative study, yet, the criteria for judging are less standardized. For example, there are no statistical procedures for determining the correct

sample size to employ relative to the distribution of the data; however, a quality study will include valid and reliable data collection (Patton, 2015). Chapter 4 details the findings of the study.

## **Chapter 4: Findings**

### **Introduction**

Alleged discriminatory formal EEO complaints based on conditions that substantially limit a person's physical activities in life, have increased in the federal sector every year since 2014. For instance, In 2019, there were 1,852 complaints, and in 2020, there were 1,862 formal EEO complaints (EEOC, 2022). This was due to reasonable accommodation disabilities denials, which ranked number two out of the five issues alleged in disability-based complaints. Since there has been an increase in formal EEO complaints, it is essential to identify the barriers facing employees when reasonable accommodation requests are denied by educating deciding officials on Section 501 of the Rehabilitation Act of 1973. The law protects qualified federal employees with disabilities.

This study sought out neutral parties between the employee and the deciding official (SES, manager, supervisor) in the reasonable accommodation process as participants. The unbiased parties were federal sector employee leaders occupying positions at their agencies as EEO Directors, EEOC Directors, DPM Directors of Civil Rights, Directors, OER, Chief Diversity Officers, and Branch Chiefs ranging in GS pay-scale, GS-14, GS-15 and SES. These leaders provided their guidance as well as technical assistance. Additionally, they served as a resource for information on disability issues affecting agencies, assisting managers in determining the essential duties of the position, identifying barriers, and providing possible modifications that allowed employees with disabilities to perform essential duties. Also, the participants of this study were asked for specific recommendations on the changes they would integrate so that all valid reasonable accommodations requests were granted. To accomplish this task, this study answered the following four research questions:

- RQ1: What strategies are used once a reasonable accommodation request is denied?

- RQ2: What challenges do employees face when a reasonable accommodation request is denied?
- RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?
- RQ4: What may employees experience after being denied reasonable accommodation in regard to compensation and adjustments?

The semi-structured interview questions which corresponded with the research questions were formulated to better understand the deciding official's lack of education in the reasonable accommodation process, stereotypes of deciding officials toward the disabled, as well as their biases. Thus, the interview process allowed participants to share their perceptions of the issues and their lived experience. The sincerity of the participants' experiences aided in the coding and analysis of the data. The following questions were asked of the interviewees:

- IQ1: What strategies do you use when a reasonable accommodation request is denied by the deciding official?
- IQ 2: How do you select the strategies used when a reasonable accommodation request is denied?
- IQ3: What are some of the challenges employees face when requesting a reasonable accommodation?
- IQ4: How do you track valid, reasonable accommodation requests?
- IQ5: What changes would you make to measure integrating all valid, reasonable accommodation requests are granted?
- IQ6: What advice would you give the agency in the decision-making process of a reasonable accommodation request?

Tell me more?

- IQ7: What do employees experience when requesting a reasonable accommodation adjustment?
- IQ8: What remedies do employees receive when their reasonable accommodation is denied in regards to compensation?
- IQ9: How do you define a reasonable accommodation?
- IQ10: Do you have anything else you would like to add?

Participants were asked to explain or clarify unclear answers so their responses were captured as accurately as possible. This chapter outlined the findings from the responses as themes which were found through the data analysis and coding process. The themes uncovered the experiences the participants had in educating the deciding official on Section 504 of the Rehabilitation Act to protect the agency by minimizing disability discrimination complaints. Additionally, this chapter discussed the methods used to collect the data and the inter-rater review process used to reach a consensus on the themes established from coding the participants' answers.

## **Participants**

A total of 15 participants who were federal leaders in the field of EEO, particularly Section 504 of the Rehabilitation Act were interviewed. The participants were able to share their lived experiences in detail during their interviews, providing the data necessary to answer the research questions. For the most part, the participants spent a significant portion of their careers working within the federal government, with a minimum of 10 years in the EEO field.

Selecting the participants involved contacting each person via the U.S. EEOC, the Federal Agency's EEO Directors, and via LinkedIn (<https://www.linkedin.com>) to find federal agency EEO Directors and Disability Program Managers. Upon locating them, email requests

were sent to over 155 potential participants, and over 30 responded. Once the connections with the potential participants were made, a follow-up email was sent to thank them for their time and consideration. From the 30 responses, the EEO leaders indicated they were interested in participating in the study. After applying the criteria of inclusion and exclusion, the list of potential participants was reduced to approximately 20 participants for the study. When attempting to schedule the meetings with the participants, 16 of the 20 were able to confirm their availability for interviews. The number of potential participants satisfied the maximum variation calculation.

A sample size of 15 participants were identified as the point at which saturation was expected to be reached in capturing the themes (Creswell, 2013). The themes were identifiable in response to the 10 interview questions. After the 11th interview, it was decided that saturation was reached as no significant new themes materialized from the last four interviews. Additionally, incorporating the interviews with Participants 12 and 13 produced only one unique theme. Combining the data from interviews with Participants 14 and 15 produced no new themes.

## **Data Collection**

The researcher completed their CITI Human Subjects Training certificate on May 10, 2021 (see Appendix A). After applying to the IRB for permission to conduct the study, approval was given on May 16, 2022 (see Appendix B). After receiving approval, the researcher sent messages via LinkedIn using the IRB approved recruitment email to find and recruit participants for the study (see Appendix C). As previously discussed, after receiving responses from over 30 participants, the number of participants who met the criteria of inclusion dropped to 15 participants. Each participant was sent the informed consent form which shared information



about the study and the interview protocol list which had the 10 interview questions (see Appendix D). The researcher scheduled the interviews with each participant and coordinated the interview time and date with either the participant or their executive assistant for completion. The first interview was conducted and completed on May 20, 2022, with the final interview completed on July 29, 2022. Table 3 showed the dates of all interviews listed. To break the ice and create engagement, each interview started with an icebreaker and participants were given the opportunity to ask additional questions about the process, and the study being conducted. The icebreaker lasted between 5–15 minutes. Once the interview process began, all participants were informed that the session would be recorded and asked for permission before beginning the recording process. Each interview ranged in length between 38–50 minutes. The interview time was based on the level of detail provided by each participant, and the stories used to support the answers being given. If there was a need to clarify the participant's answers, a probing question was asked. All interviews were recorded, transcribed, analyzed, and coded to develop the important themes that were shared in this chapter. Additionally, all interviews were conducted via the Zoom video platform during eastern standard time as most of the participants were located in the Eastern Coast of the U.S.

### **Data Analysis**

After all interviews were completed, the researcher transcribed the recordings to extract keywords that were important to analyze the data. The transcriptions were analyzed to create a coding scheme which was the basis for examining all output. During the data collection and analysis phase, the researcher practiced bracketing and epoche to refrain from creating judgement about the phenomenon which could affect the interpretation and analysis of the coded data. Thus, the researcher approached the data with a different perspective (Wertz, 2005). The

bracketing and epoche process seeks to understand the phenomenon through experiences and the essence, including variations of the investigated phenomenon (Moustakas, 1994).

The researcher listened to the recordings several times, and followed along with the transcriptions each time to highlight and identify the keywords in the transcriptions which would become the thematic results of the analysis. A set of frequency bar charts were created to summarize the themes and the count of participants stating those keywords. The output results were documented, color-coded, and used in the inter-rater review phase.

**Table 3**

*Dates of Participant Interviews Table*

<b>Participant</b>	<b>Interview Date</b>
P1	May 20, 2022
P2	June 08, 2022
P3	June 10, 2022
P4	July 05, 2022
P5	July 06, 2022
P6	July 06, 2022
P7	July 06, 2022
P8	July 08, 2022
P9	July 21, 2022
P10	July 22, 2022
P11	August 16, 2022
P12	August 17, 2022
P13	August 19, 2022

<b>Participant</b>	<b>Interview Date</b>
P14	August 29, 2022
P15	August 31, 2022

### **Inter-Rater Review Process**

After conducting the first three interviews, the key responses were coded and analyzed to determine similarity resulting in themes based on comparable responses. The responses were grouped into themes for each interview question and color-coded based on the questions using Microsoft Excel. These color-coded themes were then shared with two other doctoral candidates for review and feedback. The feedback received from the two peers was reviewed and discussed for clarification. Table 4 depicted the four modifications that were suggested through the inter-rater review process.

**Table 4**

*Inter-rater Coding Table Edit Recommendations*

<b>Items</b>	<b>Inter-rater Recommendations</b>	<b>Modification Applied</b>
Number of themes	Condense number of themes	Reduced number of themes to no more than 5
Clarifying the tracking system as a code	Consider using "data tracking management system"	Selected the term "Data management tracking system" established as a code
Revised research question 4	"is there"	"Do you have"

Items	Inter-rater Recommendations	Modification Applied
Clarify COVID initial as a code	Recommend the use of COVID-19	Change theme to COVID-19

### Data Display

All participants were referred to as Participant 1 (P1), Participant 2 (P2), and so on, up to and including Participant 15 (P15). The bar charts showed visual representations of the data extracted from the coding. The themes were organized in the order of each interview question and grouped sequentially with the research questions. The participants' key phrases created similar themes shown in each bar chart. Each interview question resulted in multiple themes, and each theme's description was reflected in bar charts associated with the questions. As each participant's interview was transcribed directly by the researcher, the keywords used derived the common themes. The following questions discussed the descriptions provided by the participants, as well as the meaning behind the participants' perceptions and answers to provide greater reliability to each theme. Every effort was made to eliminate the researcher's input and biases.

As the interviews moved forward, the ongoing analysis of the data conducted by the researcher revealed the common themes across the first 11 participants and were repeated in the interviews of Participants 12, 13, 14, and 15. The only additional themes added in the remaining interviews were 12% disabled employees and 2% targeted disabled employees—which all federal agencies must maintain in their workforce in response to interview questions (IQ10).

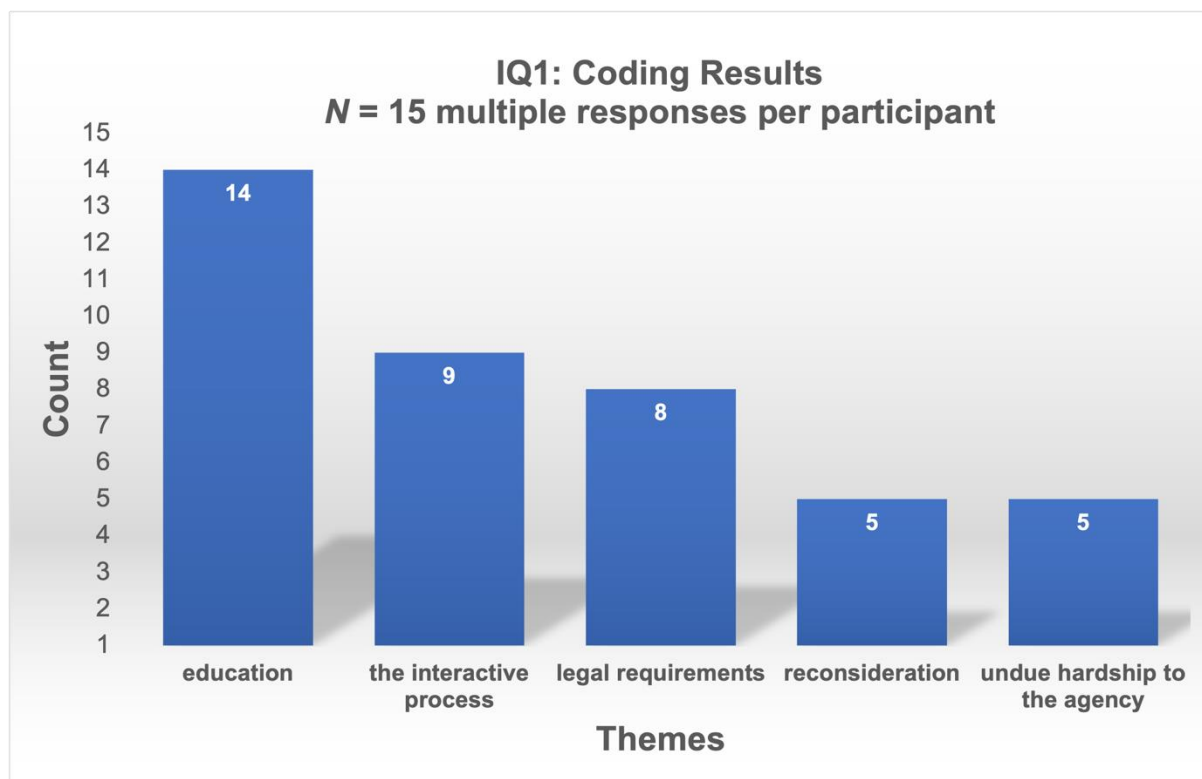
***Research Question 1***

RQ1 asked, What strategies were used once a reasonable accommodation request was denied? To answer this question, two interview questions were employed:

- IQ1: What strategies do you use when a reasonable accommodation request is denied by deciding officials?
- IQ2: How do you select the strategies used when a reasonable accommodation request is denied?

Participants' answers for these two interview questions were coded into themes that answered RQ1.

**Interview Question 1.** IQ1 asked, What strategies do you use when a reasonable accommodation request is denied by deciding officials? This question yielded five themes: (a) education, (b) the interactive process, (c) legal requirements, (d) reconsideration, and (e) undue hardship to the agency (see Figure 1).

**Figure 1***IQ1 Bar Chart with Thematic Results*

**Education.** Fourteen participants (93%) indicated that deciding officials' lack of education in the reasonable accommodation process was the number one indicator of denials. Participants stated deciding officials require more education in understanding the reasonable accommodation process and Section 501 of the Rehabilitation Act 1973. Only 10 of the 14 participants described their agencies' written policies and procedures governing reasonable accommodation requests. Despite this, deciding officials still lack education in the reasonable accommodation requests processes, subjecting employees to denial of their reasonable accommodation requests and creating barriers and misconceptions. Three of the 14 participants indicated that deciding officials are not experts and do not know the ins and outs of reasonable accommodation processes. For instance, P1, P4, and P5, indicated that consultation with

deciding officials is required before the denial of reasonable accommodation requests; nevertheless, the ultimate decision is of the deciding official. The participants' roles required them to remain neutral in the decision-making process. P1 indicated when reviewing reasonable accommodation requests, after deciding officials have denied reasonable accommodation requests, the review is not to give it a decision, but to make sure the decision is in accordance with the law. P6 continued, "We have to make deciding officials understand that this is the employees' rights. Reasonable accommodation is a tool to enable them to do their job." According to (LaVan et al., 2016) beyond the ADA law, agency's should collaborate on producing and implementing education to decision-makers.

***The Interactive Process.*** Nine participants (60%) stated the interactive process as another strategy. Participants P7, P10, and P11 indicated that after reasonable accommodation requests are denied, the interactive process begins with identifying the deciding officials, the employee, and the disability program managers. P5 indicated the interactive process begins after reasonable accommodation requests are denied:

We use what's called shuttle diplomacy, which is to look at the solution the agency believes will work for the person requesting the accommodation, and then go back to deciding officials and find out what the roadblocks are and try to find our way around the roadblocks.

Additionally, P8 indicated the interactive process begins after reasonable accommodation requests are denied. According to (Kagan, 2020), employees will also have a better probability of gaining reasonable adjustments in the workplace if the trigger for the interactive process is clarified. The agency and the deciding official will seek advice from its cadre of attorneys in the human resources division to clear up common misconceptions because managers have the wrong idea about reasonable accommodations, and deciding officials fight reasonable accommodations

request when they don't know. Four participants indicated deciding officials seldom use the interactive process.

***Legal Requirements.*** Eight participants (53%) answered the third theme, which described using the legal requirements as a strategy after deciding officials denied reasonable accommodation requests. Of the eight responses, six participants, P2, P3, P4, P7, P8, and P10, indicated their agency is required to notify employees they have a right to file an EEO complaint under 29 CFR 16, 14, the rules and regulations for federal sector EEO complaint processing. However, the participants stated that agencies do not follow up with deciding officials or employees to see if the legal requirement was completed. P3 said, “Deciding officials are to advise employees once their reasonable accommodation has been denied that an appellate authority will review their denied reasonable requests; however, the participants do not follow up ensuring the process was completed.” P10 indicated that all reasonable accommodation requests denied must be presented to the agency’s general counsel. According to Roman and Blum (1988), support of the agency’s leadership, supervisors and union representatives must weave together to improve the work environment in supporting a model of reasonable accommodation requests and the legal education.

***Reconsideration.*** The fourth theme indicated by participants was the process called reconsideration. Five participants (33%) answered this theme. The reconsideration process takes place after deciding officials deny employees reasonable accommodations requests. P1 said, “When first-line deciding official denies reasonable accommodation requests, the denials are presented to the reasonable accommodation disability management office deciding officials for reconsideration. No agency attorneys are involved in the reconsideration process.” P10 indicated



that denied reasonable accommodation requests by deciding officials have to be presented to their Office of General Counsel for reconsideration. P3 said,

We do the analysis. We look at the position description and based on the central functions of the job, helps us determine whether it can be approved or denied, then decide whether this is a qualified person with a disability or an unqualified person with a disability in the reconsideration process.

According to Findley et al. (2017), a person is deemed disabled under the ADA if

- they have a mental or physical disability that significantly restricts one or more main life activities,
- has a history of such an impairment, or
- is thought to have such a disability.

***Undue Hardship to the Agency.*** The fifth and final theme was answered by five participants (33%) stating why deciding officials deny reasonable accommodations, and this was due to the denial being an undue hardship to the agency. P1 made the point,

Once reasonable requests are denied, denied requests must be justified. The denial would either remove one of the essential functions of the position or pose an undue hardship to the agency, not the department. No agency attorneys are involved in the process.

In addition, P4 said,

Deciding officials must talk to me first, and certainly while it is the deciding official's decision to deny reasonable accommodation requests, my job is to make sure the agency is making the best decisions possible. A line manager, or even a mid-level manager, may not understand the agency's resources at its disposal. I need to be convinced before we are going to issue a final denial as an undue hardship to the agency.

According to (Schoen, 2014), undue hardship is defined as any troublesome, expensive, and extensive accommodation to any agency/organization. P10 indicated deciding officials must not confuse the term an undue hardship to the agency with an undue hardship to their department. P7 indicated once employees' reasonable accommodation requests are denied, if employees are

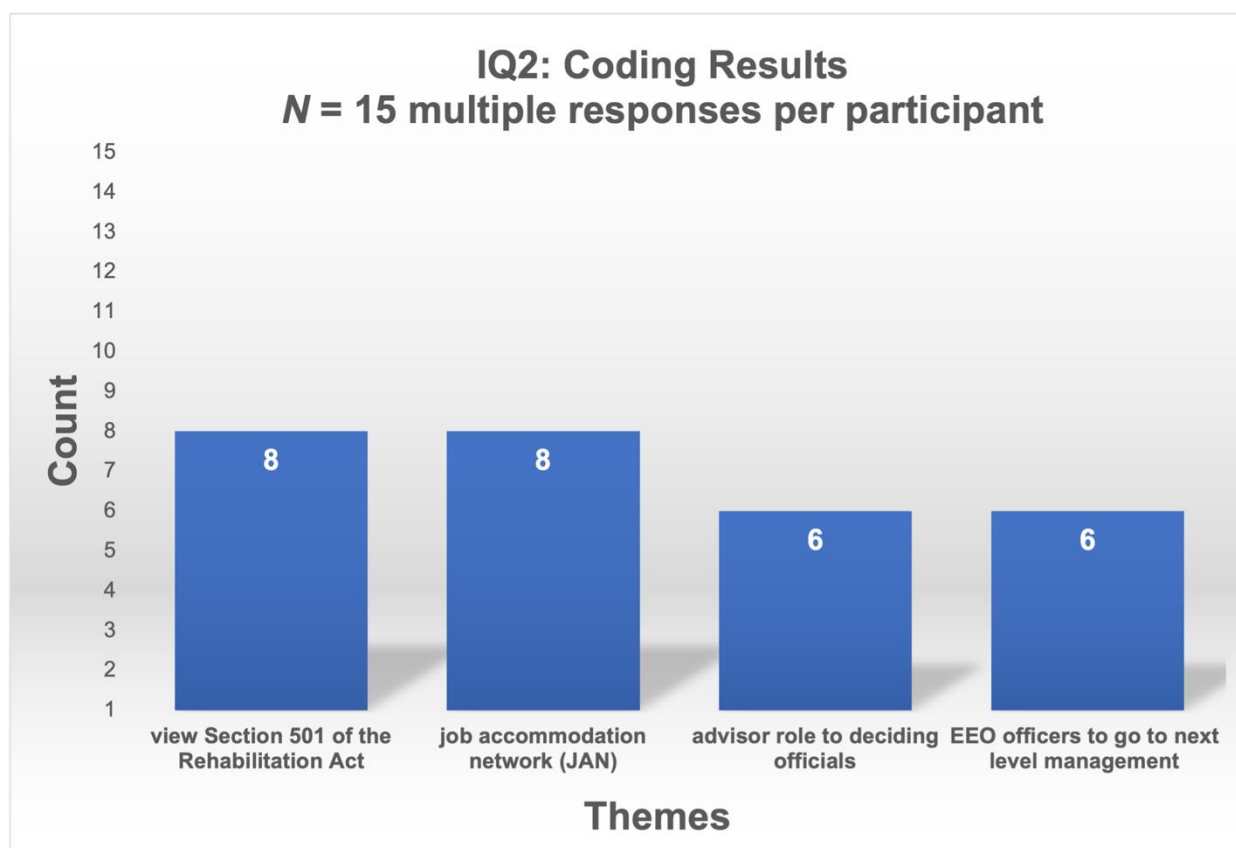
asking for something that is considered an undue hardship to the agency, the process is handled centrally, not specifically by the individual office. P7 stated,

I may step in, but I try not to because when reasonable accommodation requests are denied for undue hardship to the agency, it needs to come to the next level. I send those to that next level to make a decision.

**Interview Question 2:** IQ2 asked, How do you select the strategies used when a reasonable accommodation request is denied? The interview question yielded four themes: (a) view Section 501 of the Rehabilitation Act, (b) job accommodation network (JAN), (c) advisor role to deciding officials, and (d) EEO officers to go to next level management (see Figure 2).

**Figure 2**

*IQ2 Bar Chart with Thematic Results*



***View Section 501 of the Rehabilitation Act of 1973.*** The first theme that emerged for IQ2 was viewing Section 501 of the Rehabilitation Act, which included labels, such as the ADA and the American Disability Amendments of 2008 with tips on case law. In answering this question, eight participants (53%) noted the importance of adhering to Section 501 of the Rehabilitation Act of 1973 when reviewing denied reasonable accommodation requests. P9 said, “Whether or not we see liability in the decision, the deciding official can still decide to deny reasonable accommodation requests.”

***Job Accommodation Network.*** The JAN was mentioned as the second theme by eight participants (53%). The JAN encompassed answers, such as the last strategy available after reasonable accommodation requests are denied, for instance, a job reassignment. This theme was just as strong as the previous theme because this was an important aspect of strategizing the reasonable accommodation requests so employees would not be denied in the decision making process. The eight participants mentioned the importance of the JAN, a searchable online accommodation resource for employees with disabilities. For instance, P1 said,

When the JAN has put in a recommendation after the agency has consulted with them, this is something we really should adhere to. The type of job recommendations given is best suited for disabled employees for them to be able to perform their job duties. Any deviations from the job recommendations given by the JAN and reasonable accommodation requests are still denied by the deciding official subjects the agency to liability. Job recommendations given to the agency and employees through The Job Accommodation Network-Jan has been upheld in case law. The JAN recommendations also remove the ambiguity and personality that deciding officials may have in decision-making.

***Advisor Role to Deciding Officials.*** Being in an advisor role to deciding officials was the third theme which emerged in the research. This theme included mentions that advisors do not approve reasonable accommodations requests after deciding officials decided to deny them. Six participants (40%) said they do not make any decisions for the deciding officials. P2

explained, “Our role is to be advisors. Our role is to make sure deciding officials understand their decisions when they have denied reasonable accommodation requests.” P13 noted, “The best way to the best practices is we sit down with deciding officials and have that discussion and come up with something that works, and that is reasonable; however, the ultimate decision is theirs.”

***EEO Officers to go to Next Level Management.*** The fifth theme which emerged from six participants (40%) was that EEO officers remained neutral in deciding officials' decisions to deny reasonable accommodation requests. However, EEO officers can escalate denial requests to deciding officials' upper-level deciding officials. P5 explained,

We work in a team with someone from civil rights, chief council's office who advise on civil rights rather than someone in that office that might represent the agency in an adverse action and someone from human resources and discuss legal implications. If we need to be persuasive with deciding officials, we go to the next hire layer of management.

According to Bogart and Dunn (2019), ableism deals with disability through as a set of ideas and exercises that become the reason for marginalization of less able persons, leading to the treatment of these individuals as weak.

### ***Summary of RQ1***

The focus of RQ1 was to elucidate what strategies are used when a reasonable accommodation is denied by a deciding official. Participants noted they only serve as advisors or consultants to the deciding officials, and the decision-making process is that of the deciding officials. Participants shared that the reasonable accommodation request processes can be successful if deciding officials follow the process. The participants noted deciding officials require education or training on Section 501 of the Rehabilitation Act of 1973, and when to activate the interactive process during the reasonable accommodation request process.

Additionally they must be able to distinguish when a reasonable accommodation request is an

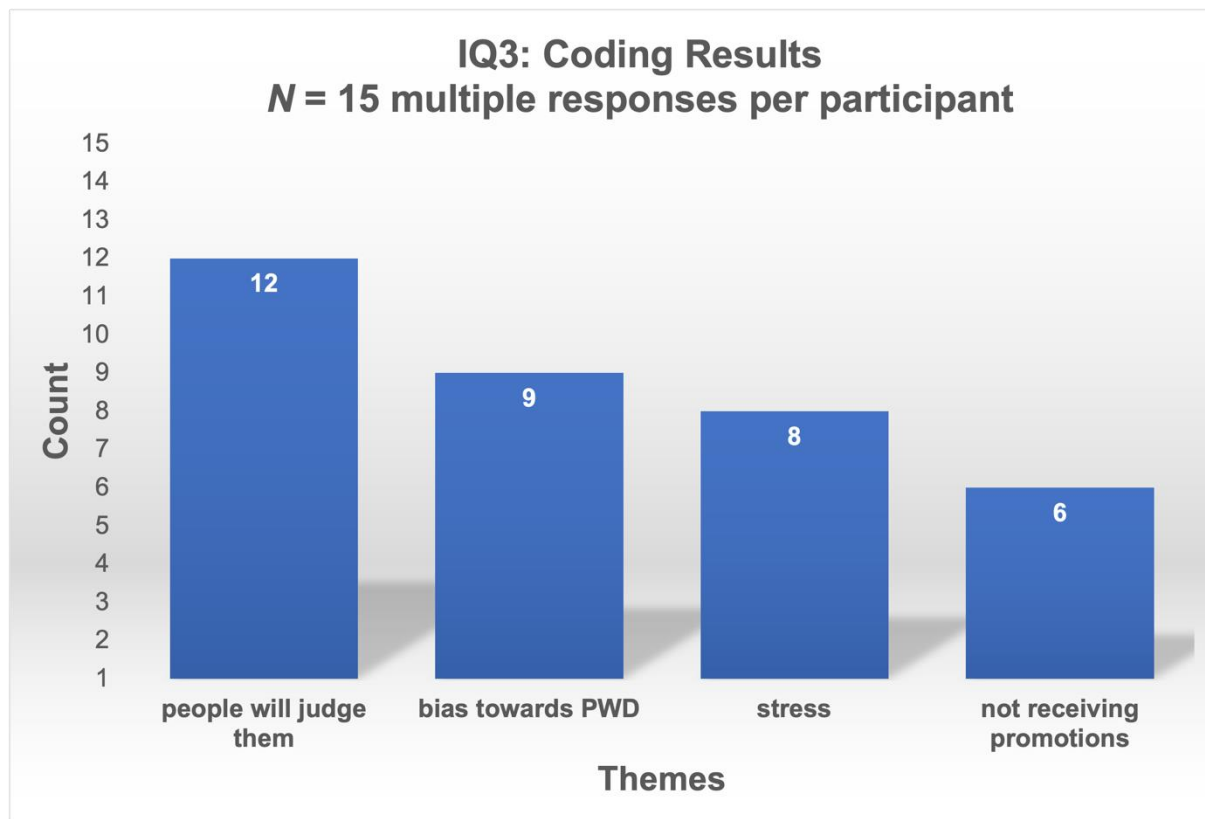
undue hardship to the agency, not the program area. When deciding officials deny reasonable accommodation requests, employees can request reconsideration. In addition, deciding officials must follow the legal requirement by notifying employees of their denied reasonable accommodation requests. Deciding officials also have an option during the reasonable accommodation request process, such as searching online through the JAN. The JAN will provide them with job recommendations for disabled employees.

### ***Research Question 2***

RQ2 asked, What are some of the challenges employees face when requesting a reasonable accommodation? One interview question was compiled in order to gather data for this research question.

- IQ3: What are some of the challenges employees face when requesting a reasonable accommodation?

**Interview Question 3.** IQ3 asked, What are some of the challenges employees face when requesting a reasonable accommodation? IQ3 yielded four themes: (a) people will judge them, (b) bias towards PWD, (c) stress, and (d) not receiving promotions due to their disability (see Figure 3).

**Figure 3***IQ3 Bar Chart with Thematic Results*

***People Will Judge Them.*** The first interview question concerned some of the challenges employees face when requesting a reasonable accommodation. The first theme, people will judge them, was noted by 12 participants (80%). The themes encompassed prejudice, management placing obstacles in the reasonable accommodation requests process, not wanting to disclose they have a disability and fear the answer will be no after requesting a reasonable accommodation. P1 noted, “We want to help employees understand and recognize when they are exhibiting behavior from deciding officials such as judging employees with disabilities.” P4 explained,

Training employees in the reasonable accommodation process too could help them not feel like they are being judged, which is not mandatory. We probably need to do a better

job educating employees in the reasonable accommodations requests processes since it could help them not feel like they are being judged.

According to (Ziegler, 2019), Congress created the ADA law promote that individuals should be judged based on their actual abilities, not generalized ideas about what they can and cannot do.

***Bias Toward Persons with Disabilities.*** The second theme answered by nine participants (60%) was whether deciding officials were biased toward persons with disabilities. The participants acknowledged that employees with disabilities do face challenges toward bias. P5 noted, “The biggest government's failure to eliminate bias towards employees with disabilities is still a challenge.” P8 said,

When you add in reasonable accommodation requests bias, there are still a lot of bureaucratic hurdles to jump over, deciding officials still pondering if employees meet that definition of a person with a disability, who's qualified to do the job if they have an accommodation.

According to Samuelson and Zeckhauser (1988), the Status Quo Bias (SQB) perspective, individual decision-makers are prejudiced toward preserving the status quo- doing nothing or sticking to one's current or prior choice. P11 explained, “If somebody is prejudiced or biased against you for having a disability, it's the same as not giving you something because you're a woman.”

***Stress.*** Employees experiencing stress when requesting reasonable accommodations was the third theme that emerged in the study. Eight participants (53%) gave answers relating to this theme, which included worrying about how long the process takes to receive a decision, retaliation, and whether they will lose their jobs if the decision is denied. P13 noted,

It becomes a challenge when deciding official places, an obstacle in the employees condition, or they decide to not think outside the box, then put themselves in a place where they want to become the medical physician will delay the decision-making process.

According to Lewin (1939), and Rusbult and Van Lange (2003), the traditional social psychology concept is that behavior is influenced by both the situation and the individual. Both situational and individual characteristics influence employee decisions.

***Not Receiving Promotions.*** The fourth and final theme in the first interview question was focused on employees not receiving promotions after they requested reasonable accommodations. Six participants noted the importance of this theme, fearing that their promotion opportunities would decline once their disability had been disclosed or if counseled by the deciding official it could eventually lead to termination. P6 said, “A lot of employees get referred to us, through unfortunately conduct and performance issues.” P6 goes on to say, “Sometimes employees will reach out to us. Sometimes they won't, putting them on a plan to terminate them if they do not reach out.” P6 ended with, “Some employees do not like disclosing their disability, fearing their chances of not being promoted.” P1 made an important point, “We encourage employees, even if they're at our executive level, if they have a disability, disclose it and request a reasonable accommodation if they need one. Executive level employees set the tone for the agencies.” According to Hosking (2008), Any systemic response to disability that aims to make impairment invisible is fundamentally ineffective at preserving disabled people's rights to full participation in their communities and workplaces.

### ***Summary of RQ2***

RQ 2 asked, What challenges do employees face when a reasonable accommodation request is denied? This research question was focused on answering some of the challenges employees faced with requesting a reasonable accommodation. Participants noted a fear of being terminated and other obstacles they will face after the denied request were all factors that employee experience when attempting to stay employed. Furthermore, people will judge them,



biases toward people with disabilities, stress, and not receiving promotions were all challenges employees experienced when their reasonable request is denied.

### ***Research Question 3***

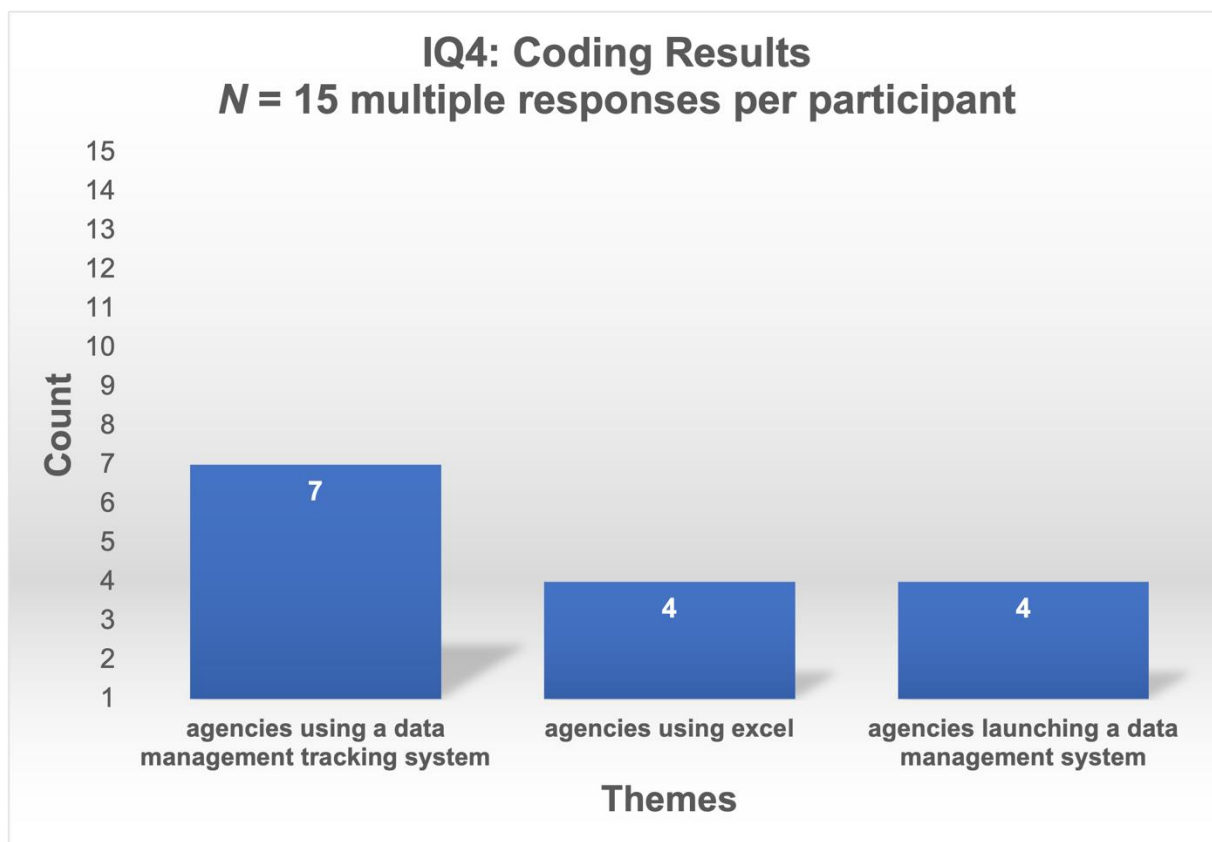
RQ3 asked participants, How do you track valid, reasonable accommodation requests?

The research question employed three interview questions:

- IQ4: How do you track valid, reasonable accommodation requests?
- IQ5: What changes would you make to measure integrating all valid, reasonable accommodation requests are granted?
- IQ6: What advice would you give the agency in the decision-making of a reasonable request?

**Interview Question 4.** How do you track valid, reasonable accommodation requests?

Themes included: (a) agencies using a data management tracking system, (b) agencies using excel, and (c) agencies launching a data management system (see Figure 4).

**Figure 4***IQ4 Bar Chart with Thematic Results*

***Agencies Using a Data Management Tracking System.*** The first theme to emerge from IQ4 was about federal agencies using a data management tracking system as their record-keeping method to track valid reasonable accommodations requests. Labels under this theme included proof employees requested reasonable accommodations, end-to-end tracking, and the EEOC’s requirements that all federal agencies must have a system of recordkeeping of reasonable accommodations requests. Seven participants (47%) noted there was major difficulty in mandating all federal agencies to use the same record-keeping system to track reasonable accommodations requests. P4 said, “Not all agencies use the same record-keeping system, but we all have to have one, and the EEOC has to see it, recognize it, and approve it.” P6 noted, “We

have a data management tracking system called Intel track, which I think a lot of federal agencies use. It's not the best.”

***Agencies Using Excel.*** The second theme which emerged from the thematic analysis was agencies using Excel as their record-keeping system. This theme encompassed the inefficiencies of tracking reasonable requests manually within their agencies when using Excel. Four participants (27%) noted that when using Excel, they had to follow up with deciding officials during the process. P3 noted, “We periodically check back with deciding officials to ensure they follow the process. The reasonable accommodation is only effective as to eliminate the barriers.” P7 importantly noted, “We want employees to have access to their reasonable accommodation requests timeline and go in and submit it on their own. So whenever you submit a request, employees can follow. Using Excel doesn’t give employees these options.” According to Maroto and Pettincchio (2014), removing systemic workplace barriers in organization activities indicate bad perceptions towards disabled persons.

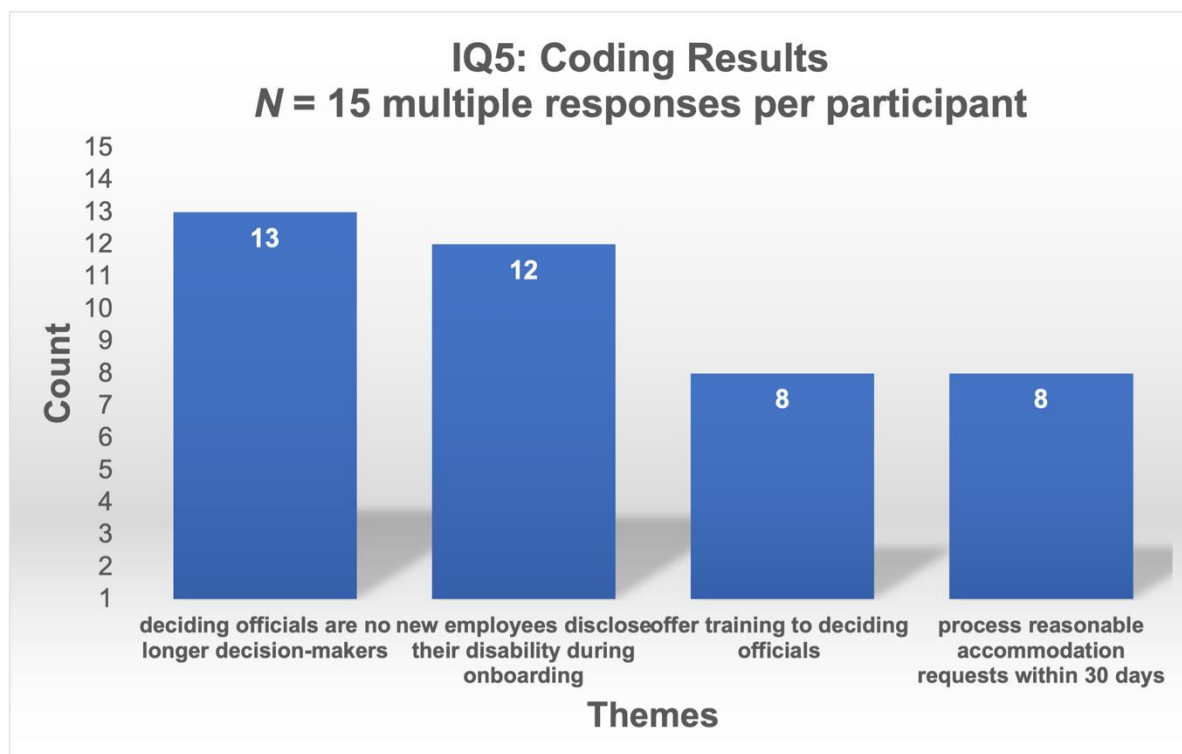
***Agencies Launching a Data Management Tracking System.*** The final theme for IQ4 was agencies that will be launching a data management tracking system. Four participants (27%) noted this important fact. While agencies have traditionally been using tracking systems, they have been using Microsoft Excel as their tracking system which is not a data management tracking system. A key issue in using Excel is manual work for the agencies, which they recognize as it is labor intensive. Thus, elements from this theme showed the importance of launching such a system to track reasonable accommodations requests and minimize the processing time to 30 days or less. P1 noted, “The data management tracking system our agency chose, in collaboration with a contractor, will provide the end-to-end tracking process dashboard when you have an action due at a certain time in decision-making.” P9 noted,

We use an Excel spreadsheet and fill it in. The EEOC does not require a data tracking management system. However, agencies have to be able to provide data to the EEOC about the number of reasonable accommodation requests and the dispositions. The departmental officer civil rights took that over because many of the subagencies within our department are small enough that until we exceed 1000, we're not required to report directly. We report through the department, and they roll that number up into a single large number which is why our agency is launching a data management tracking system.

**Interview Question 5.** IQ5 asked, What changes would you make to measure integrating all valid, reasonable accommodation requests are granted? Four themes emerged from the interview question that included: (a) deciding officials are no longer decision-makers, (b) new employees disclose their disability during onboarding, (c) offer training to deciding officials, and (d) process reasonable accommodation requests within 30 days (see Figure 5).

**Figure 5**

*IQ5 Bar Chart with Thematic Results*



***Deciding Officials Are No Longer Decision-Makers.*** The first theme that emerged in IQ5 was deciding officials were to no longer be the decision-makers when employees request

reasonable accommodations. Codes under this theme encompassed checks and balances, ADA Laws, bias, and fairness. Thirteen participants (87%) lauded agencies are staffed with Disability Officers, Reasonable Accommodation Disabilities Officers, EEO Directors, Civil Rights Directors, and agency Counsel; if not, they should have the authority to approve reasonable accommodation requests. P15 noted, “When it comes to reasonable accommodation requests, employees within the agencies should no longer have to consult with deciding officials. Once employees submit reasonable accommodation requests, decision-making takes place by a neutral party outside the employee's program offices.”

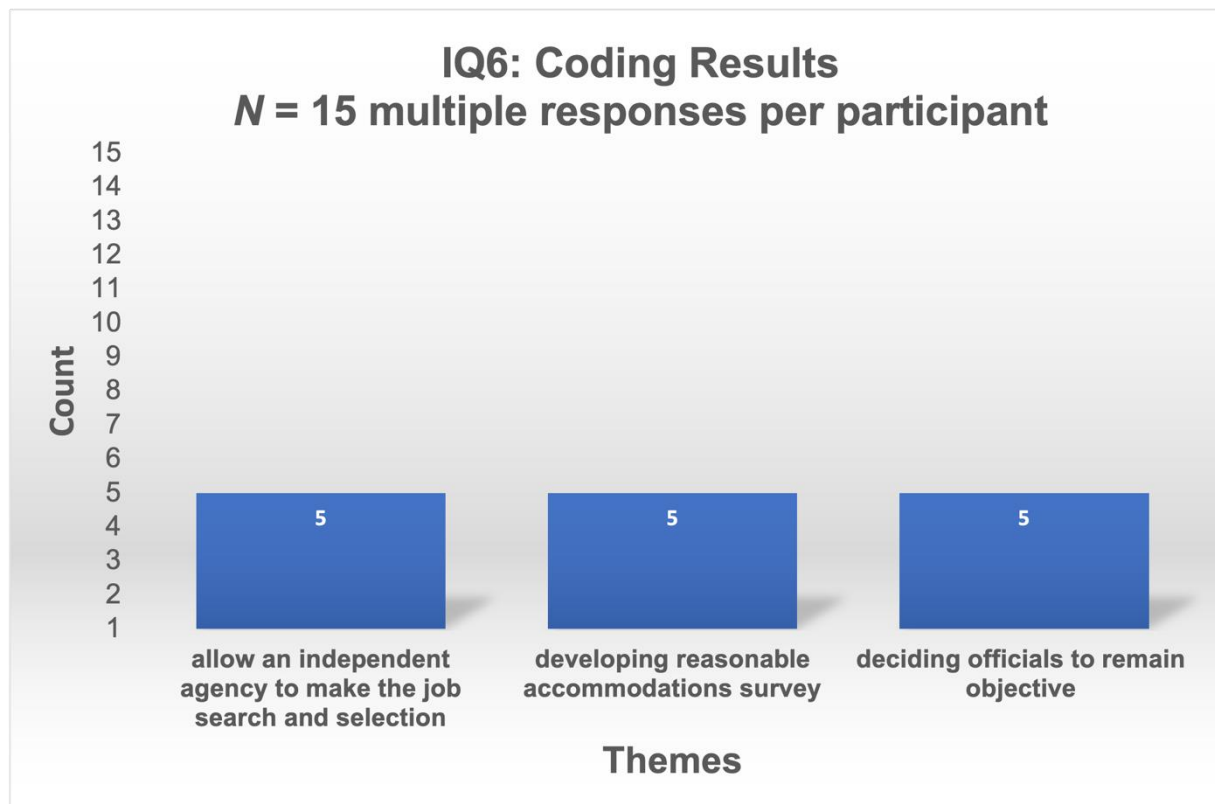
***New Employees Disclose Their Disability During Onboarding.*** The second theme which emerged was that new employees were to disclose their disability condition during the onboarding process encompassed the importance of identifying employees with a disability condition. Codes under this theme encompassed awareness and employee training. Twelve participants (80%) spoke about awareness. P10 stated, “We should request employees to present their disability conditions during onboarding to a reasonable accommodation coordinator to begin processing reasonable accommodation requests.” P9 said, “The whole idea of the interactive process is one in which we must find where the happy medium exists. During onboarding is one, and we could do a bunch of stuff better to handle reasonable accommodation requests.” This is consistent with Schoen (2014), who noted that the agency’s best practices begin when management performs a customized evaluation for the disabled employee.

***Offer Training to Deciding Officials.*** Using agencies' resources to offer training to deciding officials specifically on reasonable accommodation requests and processing was the third theme. Codes under this theme encompassed training, awareness, policies and procedures. 8 participants spoke of the importance of deciding official understanding of the reasonable

accommodation request process. P4 said, “All employees must receive training every other year in EEO complaint procedures in the federal government. We should probably have a requirement that deciding officials receive training on the reasonable accommodation request process.” P8 expressed, “If deciding officials had consistent, regular, and thorough training, they would already know the process.”

***Process Reasonable Accommodation Requests Within 30 Days.*** The final theme for IQ5 was that agencies should be able to process reasonable accommodation requests within 30 days, provided they have all the necessary documentation. This theme emerged from eight participants (53%) and the thematic analysis under this theme encompassed shortening the process, avoiding unnecessary steps, and following medical professionals' diagnoses. P3 expressed, “Ideally, we would like to approve reasonable accommodation requests in 30 days; however, deciding officials must stay on top of the process.” P6 expressed, “We try to process reasonable accommodation requests within 30 days. Since we do everything manually, the process takes longer.”

**Interview Question 6.** IQ6 asked participants, What advice would you give the agency in decision-making of a reasonable accommodation request? Three major themes emerged from the interview question: (a) allow an independent agency to make the job search and selection, (b) developing reasonable accommodations survey, and (c) deciding officials to remain objective (see Figure 6).

**Figure 6***IQ6 Bar Chart with Thematic Results*

***Allow an Independent Agency to Conduct Job Searches and Selection.*** The first theme that emerged from the interview question was allowing an independent agency to conduct job search and selection. This theme had one component, decision-making. Five of the participants (33%) spoke of their agency's roles after reasonable accommodation requests have been denied, a job re-assignment is offered, and the deciding officials role in searching for jobs for those employees. P4 importantly expressed, "The job search should be government-wide. There should be an independent agency responsible for job searching and selecting, not the agency employees work for and lessons agencies violating the No Fear Act." According to Brady and Wheeler (1996), when there is a risk of damage to the disabled employee, value orientation features a more independent approach to ethics.

***Developing Reasonable Accommodation Surveys.*** The second theme that emerged from IQ6 was that agencies should strive to develop reasonable accommodation surveys. The theme components included satisfaction surveys, belonging surveys, and exits surveys. Five participants (33%) mentioned that reliable measurement for decision-making for reasonable accommodations requests is critical. P9 expressed, “If agencies develop reasonable accommodation surveys, senior leaders can provide feedback to deciding officials about employees' feelings about their reasonable accommodation accommodations requests process.” Per Schminke et al. (1997), decisions must acknowledge the importance of ethical judgments when enforcing ethical or legal rules.

***Deciding Officials to Remain Objective.*** The third and final theme that emerged was that deciding officials were to remain objective in the decision-making process of reasonable accommodation requests. Five participants (33%) answered this theme. The components that emerged from this theme were staying from ambiguity and following the reasonable accommodation process. P12 noted, “In decision making of a reasonable accommodation is that deciding officials remain objective. Deciding officials must make the decision based on the needs of the agency and employees.” P3 expressed, “If deciding officials follow the process and follow it step by step, they will successfully maneuver in granting reasonable accommodations”. As Chi et al. (2020) stated, resistance is a term that defines an event comprising of the workplace. The viewpoint resistance to change (RTC) is the foundation of the behavioral theory of user resistance (Dent & Goldberg, 1999). According to the SQB perspective, individual decision-makers are prejudiced toward preserving the status quo- doing nothing or sticking to one's current or prior choice.



### ***Summary of RQ3***

RQ3 asked, How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation? Participants noted some agencies use a data tracking management system, some agencies are launching a data management tracking system, and some agencies use Excel in terms of measuring and tracking reasonable accommodation requests. Additionally, asking new employees to disclose their disabilities during the onboarding process and developing reasonable accommodations survey helped to define, measure and track success in ensuring requests would be granted. Participants further discussed changes they would make in granting all valid reasonable accommodations requests.

### ***Research Question 4***

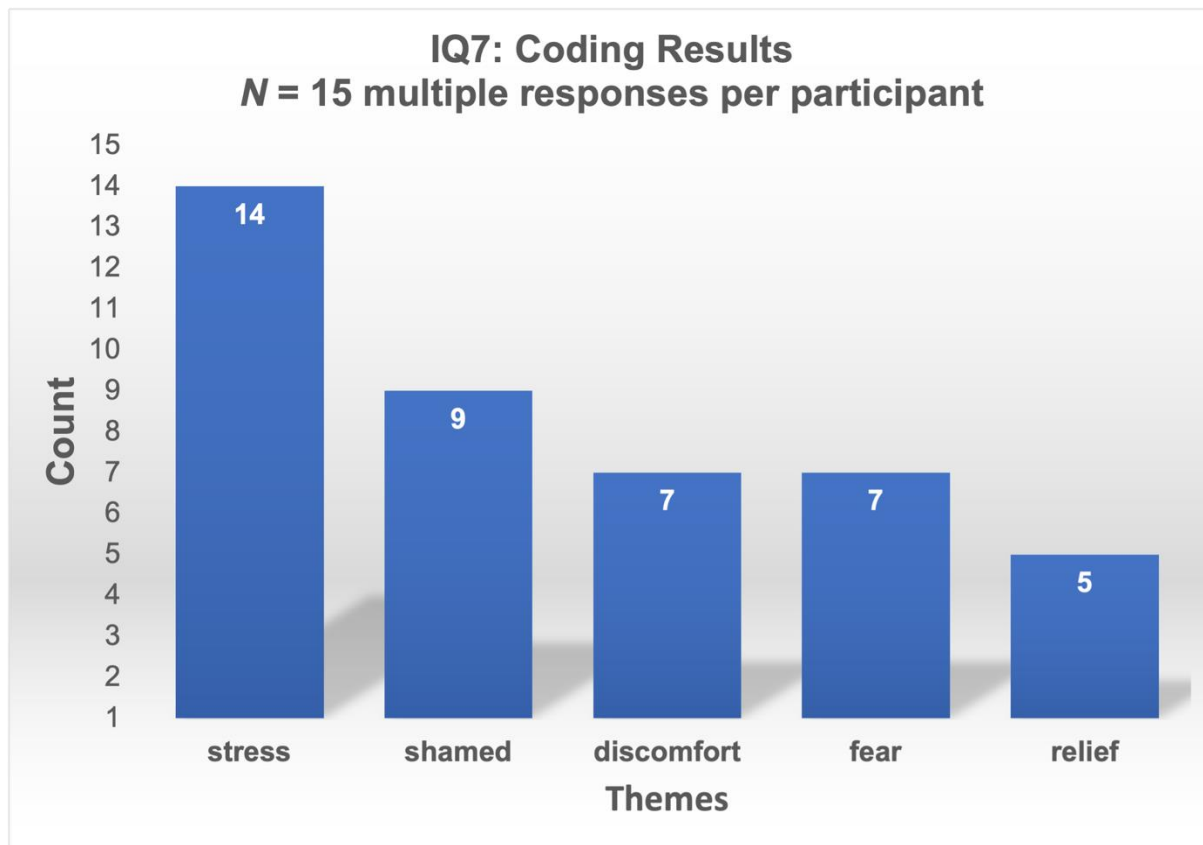
RQ4 asked, What may employees experience after being denied reasonable accommodation in regards to compensation and adjustments? To answer RQ4, there were four interview questions that aided in providing the answer:

- IQ7 What do employees experience when requesting a reasonable accommodation adjustment?
- IQ8: What remedies do employees receive when their reasonable accommodation is denied in regards to compensation?
- IQ9: How do you define a reasonable accommodation?
- IQ10: Do you have anything else you would like to add to the reasonable accommodation request subject?

**Interview Question 7.** IQ7 asked, Tell me, what do employees experience when requesting a reasonable accommodation adjustment? This question yielded five themes: (a) stress, (b) relief, (c) shamed, and (d) discomfort (see Figure 7).

**Figure 7**

*IQ7 Bar Chart with Thematic Results*



**Stress.** The first theme that emerged was employees experiencing stress. The theme components of this interview question were telework, being placed on administrative leave, and challenge. Fourteen participants (93%) noted that the lengthy reasonable accommodation process is challenging for employees. P11 expressed, “When the agency acts slow, the employee will get stressed and frustrated. If the agency denies the request, the employees will feel that the agency failed to accommodate them, so they're going to file an EEO complaint.”

***Shamed.*** The second theme from the interview question was employees feel a sense of shame, or feeling ashamed. This theme included elements like not wanting others to know of their disabilities, other employees' assumptions of persons with disabilities, and feeling left out. Nine of the participants (60%) discussed elements within this theme as reasons why persons with disabilities fail to request reasonable accommodations. P5 expressed, “Employees have shame in asking, so it's the stigma part that exists too. Employees will say, I'll let you know if I need something if I need a reasonable accommodation.” Bogart and Dunn (2019) stated that ableism was defined as social oppression, stereotyping, unfairness, and prejudice toward persons with disabilities.

***Discomfort.*** The third theme that appeared was employees feeling discomfort at work, which included mentions of only wanting to complete their job tasks alone and not in small or large groups. Seven of the participants (47%) noted that employee isolation often leads to job performance issues. P5 noted, “If the agency is not employee focused, deciding officials miss opportunities in engagement with employees and their undisclosed disabilities.”

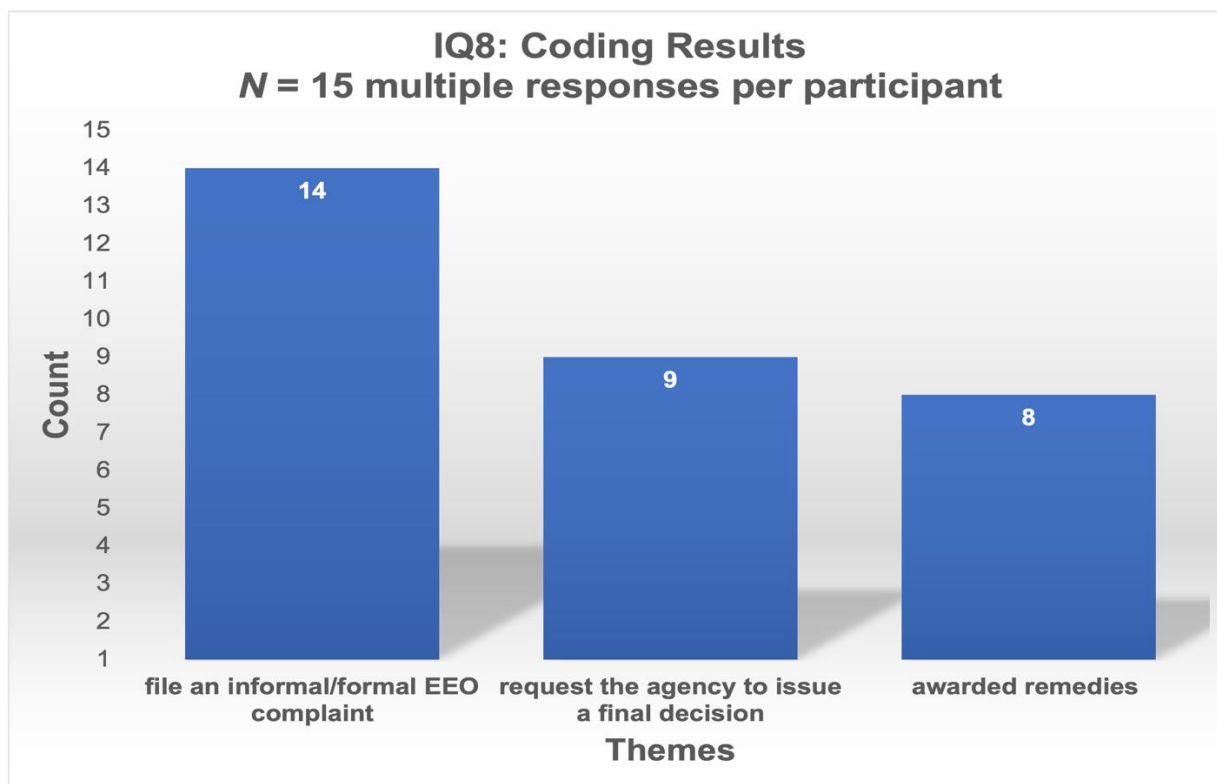
***Fear.*** The fourth theme that surfaced was fear, which included mentions of retaliation, being forced to retire, and job termination. Seven of the participants (47%) expressed that deciding officials, who do not have an open, inclusive environment in their program department, have employees who are reluctant to disclose their disabilities. P6 noted, “The challenge is more that they don't know, they don't know what to ask for. They don't know if they should; they're afraid of being identified as someone with a disability.” P7 noted, “We provide them also with resources like the job accommodation network. It's out of the Department of Labor [through the website]. The employee can search under accommodation and search, SOAR.”

**Relief.** The final theme emerging from the interview question was relief, which included keywords, such as finally approved, telework, and happy. Five of the participants (33%) mentioned the reasonable accommodation requests processes are inadequate. P11, importantly noted, “It’s not always that employees have a good experience. Agency doctors can’t take longer. I have to remind people, we have a timeframe on this, and you are not allowed to mess up our timeframe.”

**Interview Question 8.** IQ8 asked, Tell me, what remedies do employees receive when their reasonable accommodation is denied in regards to compensation? IQ8 yielded three distinct themes: (a) file an informal/formal EEO complaint, (b) request the agency to issue a final decision, and (c) awarded remedies (see Figure 8).

**Figure 8**

*IQ8 Bar Chart with Thematic Results*



***File an Informal/Formal EEO Complaint.*** The first theme that emerged was that employees could file both an informal and a formal EEO complaint. The theme included elements like seeking recourse, due process, and rectifying the wrong in the agency's decision-making process in denying reasonable accommodation requests. Fourteen of the participants (93%) discussed elements within this theme as reasons why many agencies' reasonable accommodation processes are unsuccessful. P11 expressed, "If they take us to court and they win, there are no hurt feelings. Then we did wrong, and we'll pay up." Based on the EEOC, employees can submit a discrimination complaint if they think they are being discriminated against at the workplace because of their color, religion, ethnicity, sex (comprising of pregnancy, gender orientation), nationality, age (40 and above), impairment, or genetic information. A complaint is a signed declaration asserting that an employer, labor organization, or labor organization has discriminated against employees.

***Request the Agency to Issue a Final Decision.*** The second theme, which surfaced was that employees could request the agency to issue a final decision after a formal complaint has been filed. Keywords included this being less cost-effective to the employee and having a faster turnaround time for decisions. Nine of the participants (60%) noted that employees having this option has caused challenges with the agency's final decision; therefore, the employees request hearings with an administrative judge to decide on the complaint. P2 noted, "When employees request an agency action, our department takes a second look at a higher level to see whether the employee should or should not have had an accommodation request denied."

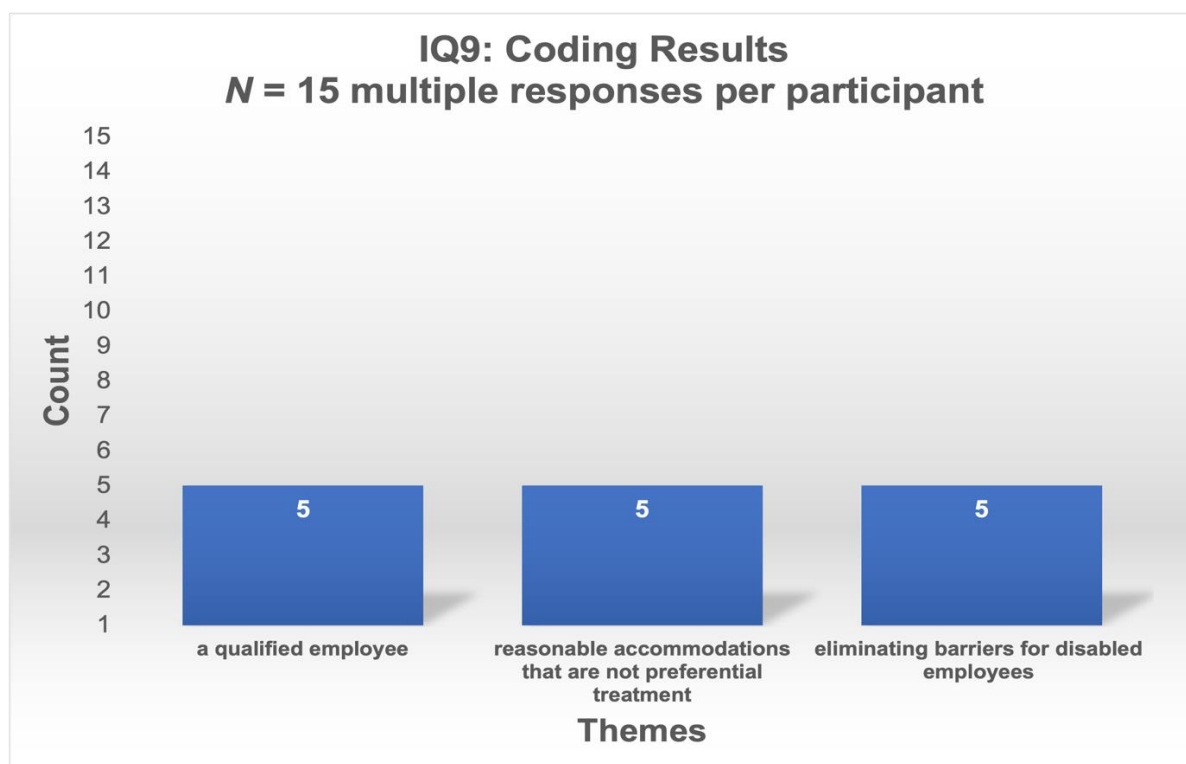
***Remedies.*** The final theme to arise was remedies, including mentions of employees discriminated against and total relief. Eight of the participants (53%) discussed remedies that are awarded for making the employee whole again. P7 noted that employees could receive

reinstatement, back pay, front pay, and thrift savings plan back pay. P5 expressed, “Remedies put the employee in the position that they would've been, but for the need, for the accommodation. An example is an employee who had a lower than they believed deserved performance rating. Receiving remedies helps morale too.” Daniels (2020) stated that by enacting these necessities for remedies, Congress intended to reaffirm that anti-discrimination is as vital as the principle prohibiting attacks and other intentional damages to people and ensuring that victims of intentional discrimination receive compensation commensurate with the harms they have suffered.

**Interview Question 9.** IQ9 asked, How do you define a reasonable accommodation? IQ9 yielded three themes: (a) a qualified employee, (b) reasonable accommodations that are not preferential treatment, and (c) eliminating barriers for disabled employees (see Figure 9).

**Figure 9**

*IQ9 Bar Chart with Thematic Results*



***A Qualified Employee.*** Being a qualified employee was the theme for IQ9, with keywords from five participants (33%), such as limitations defined by the ADA laws, evidence-based solutions, and having the benefits and enjoyment of employment as a disabled employee. The participants discussed employees that have physical or mental limitations. P8 expressly noted:

We define it the way we're required to by law. A reasonable accommodation is any change to a policy, procedure, or equipment that an employee may be entitled to on a legal basis when they meet that definition of a person qualified person with a disability under the Rehabilitation Act, under section 501.

The law defines Section 501 of the Rehabilitation Act of 1973 with the following: prohibits federal agencies, the U.S. and the Postal Rate Commission, from discriminating against qualified individuals with disabilities (Rehabilitation Act of 1973).

***Reasonable Accommodations Are Not Preferential Treatment.*** The second theme that emerged was that reasonable accommodations are not preferential treatment, which showed non-disabled employees' biases towards persons with disabilities and favoritism. Five of the participants (33%) noted disabled employees are successful in doing their job after being granted reasonable accommodations. P8 noted,

The point of reasonable accommodation is to allow an employee to be as successful as they possibly can be, regardless of whatever disability they may have. There are so many kinds of technology and so many different things now that we can offer that there's no reason for a reasonable accommodation not to happen.

Furlan et al. (2012) stated that education alone is not the primary intervention. However, a multi-strategy is suggested. The multi-prong argues that workplace wellness initiatives frequently fail to address disability.

***Eliminating Barriers For Disabled Employees.*** The third and final theme for IQ9 was eliminating barriers for disabled employees in the workplace. Of the participants, five (33%)

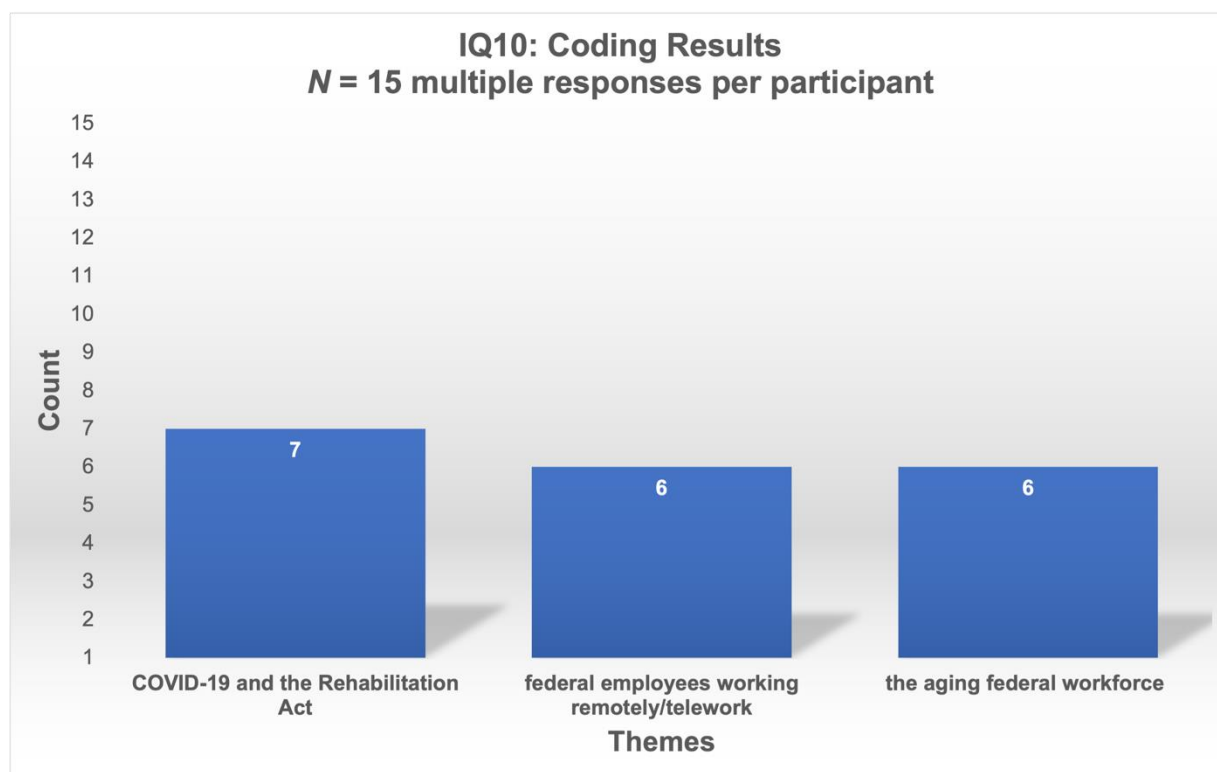
cited workplace barriers, and decision-making as continuously challenging for disabled employees. P3 noted,

A reasonable combination is removing all agency barriers and giving employees with disabilities, the ability for them to be able to enjoy, whether they're an employee or an applicant, and to be able to exercise the benefits of that particular agency, eliminating all of the limitations of their disability. Employees must be able to do the job with or without the accommodation, and that reasonable accommodation is not preferential treatment.

According to Nario-Redmond (2020) stigma, prejudicial attitudes, and stereotyping result in discrimination they violate ADA and ADAAA laws. Organizations and individuals have a legal duty under the statutes not to discriminate against an individual with impairment and to eliminate discrimination before it happens by creating favorable rules based on policy comprising of structural changes to ensure inclusive cohesion at the workplace, which should be anti-discrimination.

**Interview Question 10.** Do you have anything else you like to add to the reasonable accommodation request topic? The question elucidated three themes: (a) COVID-19 and the Rehabilitation Act, (b) federal employees working remotely/telework, and (d) the aging federal workforce (see Figure 10).



**Figure 10***IQ9 Bar Chart with Thematic Results*

***COVID-19 and the Rehabilitation Act.*** The first theme coded for IQ10 was what agencies must know about the impact of COVID-19 and the Rehabilitation Act. Keywords stated by seven of the participants (47%), were the following: agencies that will have to do a better job of approving reasonable accommodations in the workplace, how COVID-19 has changed the workplace, and education or training that deciding officials must adhere to in following EEO laws. The participants discussed this theme in terms of educating or training deciding officials.

P2 noted,

If we are going to encourage people with disabilities to work for the federal government during this time of the great resignation and with the unknown after the last two years of what are we going to see in the coming years with the effects of long COVID-19 affirmative is having we're going to have to do a better job of accommodating people in the workplace.

***Federal Employees Working Remotely/Teleworking.*** The second theme that appeared in the analysis of IQ10 was federal employees working remotely or teleworking. Six of the participants (40%) noted Gen Z's, and Millennials prefer working from home and the agencies hold a resistance to employees working from home. P10 stated,

As we merge into the 21st century with the unknowns that have come on shore due to COVID, where there are some uncertainties, and lessons learned that the federal and non-federal employers would go back and re-look that, perhaps just maybe we can do more from home than we had thought we could do in a virtual environment. If we educate and remove the resistance to technology and bring in those individuals who have a more technological savvy mind for the 21st century, if they adopt those individuals earlier, there would be less problems in the agency, and less conflict within an agency. There would be less issues within the agency, and less cases at the EEOC within an agency. Stress levels we experience and see today will be lessened as well.

P3 noted, "COVID-19 has Affected the workplace. The agency still has to deal with these myths and stereotypes from deciding officials. Deciding officials, one myth is if employees are working remotely/teleworking they don't need reasonable accommodations."

***The Aging Federal Workforce.*** The third and final theme to emerge from IQ10 was the aging federal workforce which was answered by six participants (40%). This theme included keywords, such as baby boomers and the agency's age demographics. P7 noted,

As the workforce continues and people are working longer, at some point, all of us may benefit from a reasonable accommodation as we age. We develop DISA medical issues and disabilities, and you never know, and you need to understand reasonable accommodations are available to you too.

According to Heidkamp et al. (2010), changes necessitate a greater focus on workforce challenges and workforce development planning in public policy and employee development initiatives. Because the commonness of disability rises with age, an older workforce will also bring a higher occurrence of disability to the labor force, necessitating more changes such as accessible workplaces, ergonomics universal design, and unprecedented levels of a reasonable accommodation to maintain older employees prolific in execution the vital roles of their jobs.

### ***Summary of RQ4***

RQ4 wanted to determine what many employees experienced after being denied a reasonable accommodation. Participants noted shame, biases, fear, discomfort, and possible job termination are troubled feelings employees face. Participants indicated that employees that file EEO complaints or wait on the agency to issue a final action after they perceive discrimination is a lengthy burdensome on employees. However, if they prevail, employees receive remedial relief. Participants also defined a reasonable accommodation according to the ADA laws that protect employees with disabilities.

### **Chapter Summary**

The focus of this chapter was to gain a deeper understanding of the critical factors likely to influence the decision-making process regarding reasonable accommodations requests, and whether the decision-making process was a fair evaluation. To achieve this goal, 15 participants were asked 10 semi-structured interview questions that fell under the following four research questions.

- RQ1: What strategies are used once a reasonable accommodation request is denied?
- RQ2: What challenges do employees face when a reasonable accommodation request is denied?
- RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?
- RQ4: What may employees experience after being denied a reasonable accommodation in regard to compensation and adjustments?

After the 15 participants were interviewed, the interviews were transcribed, analyzed and coded by the researcher, and peer-reviewed by two Pepperdine University doctoral students who were

familiar with the qualitative phenomenological process. A total of 39 themes were discovered that helped answer the four research questions (see Table 5). Chapter 5 provided a discussion of each research question based on the themes and answers from the participants, and literature, with likely implications of the study, recommendations for possible future research, and all-inclusive conclusions to the study.

**Table 5**

*Total Themes For Four Research Questions*

<b>RQ1 Strategies</b>	<b>RQ2 Challenges</b>	<b>RQ3 Measuring Success</b>	<b>RQ4 Employees Experience</b>
Education Interactive Process Reconsideration Follow the policies Agency General Counsel Review ADA Laws Remain neutral Undue Hardship to the Agency Go to the next level of management	People will judge Bias Long waits for a decision Retaliation Not receiving promotions Teach management about reasonable accommodation requests regulations Favoritism Obstacles	Data Tracking System Decisions made within 30 days Eliminate Biases Senior Leaders sets the tone Deciding officials specifically be trained in the reasonable accommodation process Types of reasonable accommodation requests Eliminate barriers A qualified person with a disability	Stress Relief Shamed Discomfort Fear Compensation Retirement Re-assigned Barriers Termination COVID-19 Employees do not have a good experience with the reasonable accommodation request process

<b>RQ1 Strategies</b>	<b>RQ2 Challenges</b>	<b>RQ3 Measuring Success</b>	<b>RQ4 Employees Experience</b>
		<p>Change in employee work</p> <p>Reasonable accommodation needs for employees to perform their job</p>	

*Note.* This table summarized the themes derived through the data analysis process for each RQ.

## **Chapter 5: Conclusions and Recommendations**

Fair evaluations and decision-makers roles are vital when qualified disabled employees request reasonable accommodations (Maroto & Pettincchio, 2014). It is valuable to examine how to efficiently and effectively accommodate disabled employees qualified to perform their job functions and enjoy a harassment-free workplace without retaliation and adverse action against employees engaging in a protected activity such as reasonable accommodation. Forty-six countries have anti-discrimination or disability-specific laws. Countries that do not have the opportunity to become a member of the United States Department of Economic and Social Affairs Disability promote their purposes among people of the world with disabilities. Therefore, requiring data management tracking is vital for recordkeeping in addition to allowing an independent agency to conduct job searches and selection in the decision-making process lessens systemic workplace barriers (Schur et al., 2005; Sundar et al., 2018). Systemic work barriers in decision-making decrease knowledge of management attunement and ethical judgments where there is a risk of damage to employees and deciding officials' resistance to change, creating toxic leadership and ethical egoism without organizational commitment (Abuzaid, 2018; Ahmad & Gao, 2018; Bragues, 2005; Chi et al., 2020; Jones, 1991; Walker & Hennig, 2004; Whicker, 1996).

This study anticipated reviewing the roles and strategies used by EEO directors and Disability Program Managers in the federal sector workforce and the programs they designed within their agencies to aid deciding officials in decision-making (Schoen, 2014). The all-encompassing goal of the study was aimed at federal agencies' best practices in granting reasonable accommodations requests. The research gathered in this study can be implemented within federal agencies, local government agencies, and private organizations attempting to

increase the number of approved reasonable accommodation requests by educating and training first-line supervisors and deciding officials in the decision-making process on the ADA laws on the effects of COVID-19, teleworking, reasonable accommodations policies and procedures (Joggerst, 2014; Kagan, 2020). Federal agencies can use as a guideline principles of the NEARP. NEARP formally tracked closed EEO cases of employment workplace discrimination using the EEOC's master database (M.C. McMahon & B. T. McMahon, 2016). This chapter offered a summary of the study, a restatement of the purpose behind the study, the researcher's recommendations regarding further research, and the final implications drawn for the study.

### **Summary of the Study**

This qualitative, phenomenological research study aimed to elucidate the challenges qualified disabled employees endure when requesting reasonable accommodations. This research gathered and presented the literature review. The study employed four all-encompassing research questions, including 10 opened-ended interview questions, to illustrate the study's results. In order to achieve maximum variation, participants were selected from across the federal sector for the study. Participants were identified by searching the EEOC website to locate federal agencies' EEO directors, federal agency EEO departments, and LinkedIn with extensive knowledge of rules that govern the 501 Rehabilitation Act of 1973. All federal employees were grade levels GS-14, GS-15, and Senior Executive Service. A total of 15 participants were chosen for interviews. The participants needed to be available for a virtual on-camera interview via Zoom at their convenience, eastern standard time.

A total of 15 interviews completed the data collection for this study that consisted of 10 open-ended questions designed to expound on the fair evaluation and the role of decision-makers in reasonable accommodation requests. The interview questions were validated by peer-view

with two Pepperdine University doctoral students familiar with phenomenological, qualitative study procedures. All participants were provided with an informed consent form and a copy of the interview questions prior to the interview. The researcher recorded all participants with their permission and later transcribed them into an Excel spreadsheet. All transcriptions were reviewed, analyzed, and coded for common themes. After coding had concluded, the researcher gathered the themes for each interview question into color-coded boxes to serve as a visual summary of the data collected and results. Each color represented an interview question, with each column on the excel spreadsheet representing a theme within the interview question.

### ***Discussion of Findings***

This study sought to examine the fair evaluation and the role of decision-makers in reasonable accommodation requests. In order to accomplish this goal, four research questions were employed:

- RQ1: What strategies are used once a reasonable accommodation request is denied?
- RQ2: What challenges do employees face when a reasonable accommodation request is denied?
- RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests regarding valid, reasonable accommodation?
- RQ4: What may employees experience after being denied reasonable accommodation in regard to compensation and adjustments?

A total of 39 themes and connections were drawn between the research questions, and the results for each research question was reviewed extensively in this chapter.

**Results for RQ1.** RQ1 sought to understand what strategies were used once a reasonable accommodation was denied. A total of nine themes emerged over the course of two interview



questions. IQ1 found that deciding officials could best support disabled employees through education and training. Participants explained when to activate the interactive process, complete legal requirements on notification to disabled employees, seek reconsideration options after the denial and identify when a reasonable accommodation request is an undue hardship to the agency, not the department. In answering IQ2, it was discovered how strategies were selected and used when a reasonable accommodation request was denied. Participants noted to adhere to Section 501 of the Rehabilitation Act of 1973, allowing the JAN to search and select job positions, being an advisor to deciding officials after reasonable accommodation requests are denied by deciding officials, and the EEO officers escalating to next-level deciding-officials. All were critical success factors for approved reasonable accommodation requests.

***Discussion of RQ1.*** The data collected for RQ1 revealed clearing up common misconceptions that deciding officials have regarding reasonable accommodations requests. They fight with the process because they lack education and training. Participants indicated that providing deciding officials with specific training and resources to increase the number of approved reasonable accommodation requests is paramount, as is the interactive process of understanding the disabled employees' reasonable accommodation request needs. Constructing deciding officials' knowledge and understanding of the reasonable accommodations request process as well as their social exclusion, or as Daly and Silver (2008) define the term, social exclusion owes its expansion and edict to policymaking and the exclusion of discrimination, or the unequal treatment of disabled persons.

Following up with deciding officials on completing the legal requirements after the reasonable accommodations request is denied, is also essential as confusion can arise when the lack of instructions are disorderly. The reconsideration process can be lengthy and complicated

for reasonable accommodations requests when the agency's legal counsels are not required to be involved in the decision-making process. However, the reconsideration process is essential to ensure the outcome is fair, free from biases (Bentley et al., 2021), and of the neutral syndrome. Neutral syndrome, as defined by Leroi et al. (2020), should not be taken as evidence for the absence of selection without the information being distributed by others.

Denying reasonable accommodation requests due to undue hardship to the agency, is a common strategy for denial. It is proved mischaracterization when deciding officials justify an undue hardship to the department without removing one of the essential functions of the position. Deciding officials who gain knowledge of the agency's resources at their disposal, and handle the process centrally or in multi-section departments (Corrigan et al., 2008), experienced and adhered to Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act of 1973, n.d.).

Section 501 of the Rehabilitation Act of 1973 is a federal law that applies to federal sector employment, which prohibits employment discrimination against federal employees. Deciding officials learning Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act of 1973, n.d.) minimizes the agency's risk of systemic and structural discrimination and promotes social inclusion in the workplace (Corrigan et al., 2004).

This study found that it is important to encourage the federal government to work the JAN more often to search and select job opportunities for disabled employees who no longer can perform an essential function of their current job, yet can perform an essential function in another job, removing ambiguity. Moreover, research has shown a direct correlation between bias and ambiguity, where people miss information because they avoid options and select an option that best suits them (Lin et al., 2019).

Having EEO officers and disability program managers serve only as advisors to the deciding officials without them not being able to approve a denied reasonable accommodation request by the deciding officials can provide significant challenges in the reasonable accommodation request processing. The inability of not being the final decision maker, but having expertise in Section 501 of the Rehabilitation Act of 1973, access to the agency's legal Counsel, and their employment Grade Levels of GS-14, GS-15, or SES. puts the disabled employee at risk for discrimination.

**Results for RQ2.** RQ2 sought to examine the challenges employees faced when a reasonable accommodation request was denied. A total of four themes emerged over the course of one interview question. Participants explained employees' feelings about their challenges, the obstacles they endured during the reasonable accommodation process, and after their reasonable request was denied. Participants noted that employees believe people judge them, have biases towards persons with disabilities, experience stress, and feel they will not receive promotions.

**Discussion of RQ2.** The importance of federal agencies ensures that disabled employees feel a sense of belonging, and a fair evaluation during the decision-making process eliminating systemic workplace barriers (Bureau of Labor Statistics, 2013; Erickson et al., 2014). A disabled employee's feelings after their reasonable accommodation requests were denied can be perceived as a lack of fairness and a superficial characteristic by the agency. Feelings that people will judge them were common mentions in the interview when asked about challenges facing employees after their reasonable accommodation requests were denied (Samuelson & Zeckhauser, 1988). The decision-making process cannot be understated by possessing and cultivating a government-wide climate that encourages fair evaluations not influenced by deciding officials' behavior (Lewin, 1939; Rusbult & Van Lange, 2003). Government-wide, federal agencies must have a

supportive and interactive environment where disabled employees can find a sense of place, not a scenery that causes disabled employees to experience being judged after their reasonable accommodation request has been denied. The federal government also benefits from reasonable accommodations requests, such as eliminating the training of new employees, increasing organizational morale, and enhancing productivity.

Participants frequently mentioned that employees with disabilities face challenges toward disability biases. In addition to deciding officials contemplating the definition of a person with disabilities, there are still issues of a gap in specific training. Having gaps in the reasonable accommodation process can lead to denying employees reasonable accommodation requests has been the federal government's biggest failure. In an attempt to bridge the gap, few federal agencies offer training specifically on the reasonable accommodation request process. The specific type of training is not required by the federal agencies, such as the EEOC, and there is a lack of clarity in deciding the official's interpretation of the ADA laws and Section 501 of the Rehabilitation Act. Not realizing their legal obligations to approve accommodation requests from employees with disabilities makes it difficult to bridge the gap (Wylonis et al., 2017).

Participants noted that the stress employees experience from the lengthy reasonable accommodation process, and receiving the denied requests, adds more stress to the idea of retaliation. The idea of the possible termination of employment is challenging, placing more challenges in the employee's condition. When employees do not receive support in the workplace, it is a significant facilitator in unsuccessful reasonable accommodation requests (Chow et al., 2015).

Due to the stigma and discrimination surrounding disabled employees, including senior executives, employees are reluctant to disclose their disabilities, fearing not receiving

promotions. One reason this fear is that prior to their disability being disclosed, work performance drops to unsuccessful, then documented in the employee's electronic official personnel folder. Encouraging all employees to come forth with their disabilities, providing specific education training, making policy clear to employees, and deciding officials help the agencies strive toward a more inclusive workplace (Price et al., 2017).

**Results for RQ3.** RQ3 examined how decision-makers define, measure, and track success for reasonable accommodation requests regarding valid, reasonable accommodation. A total of 10 themes emerged over the course of three interview questions. The first interview question assessed how valid reasonable accommodation requests are tracked. Participants noted that some agencies use a data management tracking system in collaboration with a federal contractor; some use Excel until they launch their data management tracking system. However, the EEOC does not require agencies to use a particular tracking system as long as the agencies have a system of record to track reasonable accommodation requests. The second interview question examined what changes decision makers would make to measure and integrate all valid, reasonable accommodation requests so they are granted. Participants noted the deciding officials should no longer be the decision makers. All new employees are to disclose their disability condition during the onboarding process and offer training to deciding officials specifically on reasonable accommodation requests and processing. Processing reasonable requests within 30 days were all used as measurements, trackers, and success of reasonable accommodation requests approvals. The third interview question analyzed the advice the participants gave regarding the agency in the decision making of a reasonable accommodation request. Participants noted the importance of job searches and selections through the JAN should be completed by an independent agency or federal contractor for overall success in job placements.

The participants explained that developing reasonable accommodation surveys for disabled employees who go through the reasonable accommodation process will allow the agency to base decisions on objective information and the deciding officials to remain objective in the decision-making process by following the reasonable accommodation request process.

***Discussion of RQ3.*** All federal agencies benefit by using a data tracking management system as their system of record to track valid reasonable accommodation requests. Not having a data management tracking system greatly diminishes the gains of employees not being able to check their reasonable accommodation requests status. The systems can capture real-time data, reduce the propagation of errors, and reduce the burden of time it takes to process a reasonable accommodation request (Strudwick et al., 2022). The participant's discussion of the importance was that the EEOC does not require the agencies to have a data tracking management system; just a system of record is why some agencies use Excel. The EEOC can best support the agencies with a data management tracking system to monitor and develop future policies, procedures, and research in decision-making (Schwartz, 2016).

A common measurement of reasonable accommodations requests were that the deciding officials would no longer be the decision-makers, as mentioned by the participants. Participants noted that agencies employ EEO directors, Civil Rights directors, and the agency's counsel with the expertise of Section 501 of the Rehabilitation Act of 1973 who can be the decision-makers. EEO directors, Civil Rights directors, and the agency's counsel are all neutral parties and incredibly important to reasonable accommodation request approval success by ensuring compliance with Section 501 of the Rehabilitation Act of 1973 and the prevention of ableism (Bogart & Dunn, 2019; Dirth & Branscombe, 2017).

New employees disclosing their disability condition and requesting reasonable accommodations during the onboarding is essential for identifying employees with disabilities. Participants noted the importance of the employees disclosing their disabilities and requesting a reasonable accommodation to begin the interactive process. The interactive process is negotiating reasonable workplace accommodations, an effective tool for retaining employees (Hossain, 2021).

In addition to specific training and educating deciding officials specifically on reasonable accommodation request processing, awareness, consistency, and policies and procedures, participants noted that reasonable accommodation requests' success was critical. Exhibiting specific training and education for decision-makers will minimize employee complaints and lawsuits of prima facie evidence of discrimination (Martin & Brownback, 2020). Although all employees are required to complete training biennially in EEO-complaints processing, there is no required specific training on the reasonable accommodation request process for employees either. Employees should be directed to understand their rights, and the deciding officials should be mandated to understand their roles and responsibilities of best practices, which could lessen the consequences of discrimination toward persons with disabilities (Telwatte et al., 2017).

Processing reasonable accommodation requests within 30 days when all the employee's documentation has been received and avoiding unnecessary steps in manually processed data were noteworthy mentions from the participants. Manually processed data is labor intensive, and the cost and effort needed are obstacles to developing and deploying automated systems for analysis which place additional burdens on the employees and deciding officials and all operators responsible during the process.

**Results for RQ4.** RQ4 asked what may employees experience after being denied reasonable accommodation in regard to compensation and adjustments. A total of 17 themes emerged over the course of three interview questions. The first interview's analysis discovered what employees experience when requesting a reasonable accommodation. Participants expressly noted employees feel the agency failed to accommodate them, leaving them feeling stressed, frustrated, and possibly being placed on administrative leave. Additionally, participants noted employees feel shame, discomfort, fear, and finally, relief if the reasonable accommodation is approved.

The second interview question sought to examine the remedies employees receive when their reasonable accommodation is denied in regards to compensation. Participants noted employees have options to file an informal or formal EEO complaint against the agency and request the agency to issue a final decision and remedies. Remedies are paid if discrimination is found by the agency or ordered by an administrative law judge punishing the agency, such as compensatory and punitive damages. Remedies are awarded for making the employees whole again before discrimination occurs.

The third interview question sought to examine how the participants defined a reasonable accommodation. Participants answered the premier theme as an employee entitled to on a legal basis when they meet that definition of a person qualified person with a disability under the Rehabilitation Act, under section 501. A reasonable accommodation is not preferential treatment, but merely allows an employee to be as successful as they possibly can be, regardless of whatever disability they may have; however, the challenge remains in agencies removing barriers. The fourth and final interview question asked do you have anything else you would like to add to the reasonable accommodation request subject? Participants noted COVID-19 had



changed the workplace as more federal employees work remotely and the unknown effects of COVID-19. Employees can also develop disabilities while working remotely and education and training are critical in granting reasonable accommodation requests by adhering to section 501 of the Rehabilitation Act of 1973.

***Discussion of RQ4.*** Participants noted that employees denied reasonable accommodations requests should not cause employees to stress about the possibility of being placed on administrative leave. Experience the feeling of shame to request a reasonable accommodation. Experience discomfort in isolation of wanting only to perform their job duties alone. Experience fear of not wanting to disclose their disabilities due to feeling their work environment is nonexclusive are barriers to requesting reasonable accommodations due to the term disability and lack of proper education (Lindsay et al., 2018). Education on the reasonable accommodation process for fair evaluations is crucial (Price et al., 2017). Education is a practical strategy that can prepare the deciding officials to succeed in real-life reasonable accommodation requests. Without a useful strategy, the agencies will continue to increase their liabilities if discrimination is found; however, more significantly, employees feel relief from having a good reasonable accommodation request experience (Telwatte et al., 2017).

Deciding officials must also understand their undesirable role in denying reasonable accommodation requests. Participants expressed that employees feel discrimination has occurred once reasonable accommodations requests are denied, and the filing begins with counseling. The lengthy legal process starts if the complaint is not resolved through counseling between the agency and the employee. Employees can file an informal or formal complaint or request the agency to issue a final decision to seek remedies to rectify the agency's wrongdoings. The legal process of agencies processing EEO complaints is adopted under regulations within the EEOC,

specifically, 29 C.F.R. Part 1614. If the agency's action is unfavorable to the employee, then an administrative law judge will preside over the case and decide. On average, processing complaints can take up to 171 to 343 days or more in either employee's choice of proceedings, which can be both challenging and costly for the employee in terms of time and expenses, while also costing the federal government millions of dollars to investigate discrimination cases. Suppose the employee prevails and discrimination is found. In that case, remedies for disability discrimination may include punitive and compensatory damages amounts. Additionally, another remedy would be for the law to place discriminated employees in nearly the same position the employee had before the discrimination occurred.

Defining what a reasonable accommodation looked like among participants was quite vast. Participants noted a person must be qualified with physical or mental limitations, and enjoy employment as a disabled employee, defined by the ADA laws and evidenced-based solutions. Under Title I of the ADA, the law defines *reasonable accommodation* as an employee's adjustment or modification to a job for workers or applicants to have equal opportunities in performing their job duties similarly to a person without disabilities. It is necessary for the deciding official's advisors to encourage collaboration across the federal employment sector with the idea of cultivating an environment with an all-inclusive definition of reasonable accommodation and by taking an agile approach to management by removing roadblocks to fair evaluations in the reasonable accommodation request process. Agile is defined as moving quickly in setting goals to achieve success in reasonable accommodation requests minimizing the agency's risk of discrimination towards employees with disabilities.

## **Implications of the Study**

This study sought to examine the fair evaluation in the reasonable accommodation request process. The potential implications of this study was to identify the role of decision-makers. First, decision-makers in federal agencies already have an abundance of directives, regulations, policies, and procedures that govern reasonable accommodations. However, this study can be used to further educate and support decision-makers by providing specific education, training, and centralizing resource. Additionally, the study can help to develop a work culture of coherence and unification across federal agencies and program areas, in addition to providing mechanisms of support, to decision-makers, while adopting the World Health Organization's framework on disability inclusion.

Secondly, as we merge into the 21<sup>st</sup> century with the uncertainties COVID-19 has presented, more employees are teleworking or working remotely. Teleworking does not lessen or prevent a disability. Organizations that lack education in the reasonable accommodation process or seeing an increase in reasonable accommodation requests where it was absent prior to COVID-19 could utilize this study to educate, train and create a work culture that is inclusive and supportive of disabled employees in fair evaluations. Lastly, fair evaluations in decision-making and the role of decision-makers elucidated in this study provided an essential understanding of employees' challenges when a reasonable accommodation request is denied. Establishing a landscape where disabled employees feel supported, welcome, and can succeed is an honorable undertaking for the federal government to become a model employer.

## **Application**

The outcome of this study serves as a guide for education and training techniques that organizations' decision-makers can leverage. The study identified strategies that are used and

how the strategies are selected when a reasonable accommodation request is denied. The strategies outlined were discovered by interviewing federal career leaders with career experience in Section 501 of the Rehabilitation Act of 1973. The results identified the need for federal agencies to develop a reasonable accommodation requests process guide and educate and train decoding officials on the process.

### **Hawkins Reasonable Accommodation Requests Training Model**

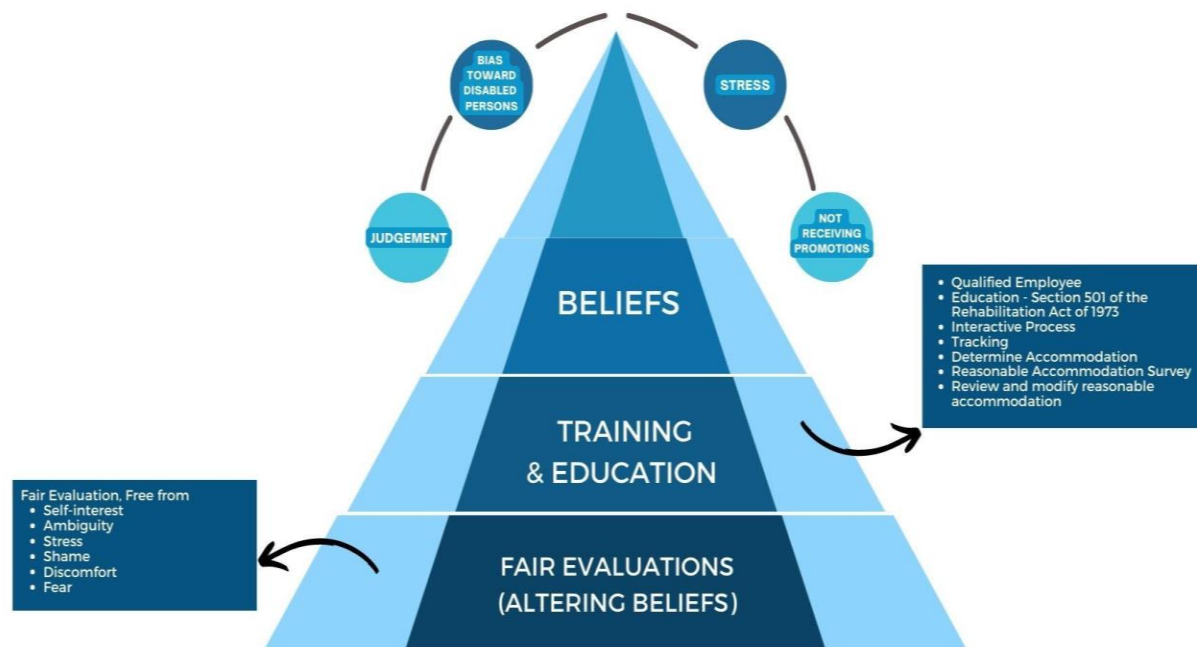
The Hawkins Reasonable Accommodation Requests Training Model provides the foundation for developing reasonable accommodation requests training material (see Figure 14). The first layer, which is called beliefs, presents the set of challenges that participants referred to in many ways. The belief that people will judge them, or have bias towards persons with disabilities, facing stress and not receiving promotions or other facets of stigma paint a disheartening picture of the federal government workforce culture as a microcosm in decision-making resulting in resistance to change.

The second layer of the model, known as training and education, in the reasonable accommodation request model for decision-makers is the layer that is strategic and tactical planning to lay out short and long-term goals. Questions such as, what things decision-makers must know, what things decision-makers must do, and how decision-makers will implement the plans to a robust reasonable accommodation requests process is part of this layer. The second layer includes seven strategies and tactics: (a) qualified employee, (b) education on Section 501 of the Rehabilitation Act of 1973, (c) interactive process, (d) tracking, (e) determine accommodation, (f) reasonable accommodation surveys, and (g) review and modify reasonable accommodation. A firm plan that thoroughly addresses each of these elements of a successful reasonable accommodation process would be discussed during the training component.

The third layer of the model is the fair evaluations, free from self-interest, ambiguity, stress, shame, discomfort, and fear. This layer alters the belief system of those who are the decision-makers so they can provide reasonable accommodations. P10, an SES participant in this study, sounded the alarm that the tangible factors in an employment action in denying a reasonable accommodation are equal to the intangible factors in the agency failing to accommodate the employee.

**Figure 11**

*Hawkins Reasonable Accommodation Requests Training Model*



The application of this model suggests that instead of the decision-makers being part of the reasonable accommodations process, an independent agency would be allowed to implement the training to help them determine the final decision for reasonable accommodations requests, such as the JAN. Allowing an independent agency to make the decision on whether to accommodate an employee or not removes the ambiguity between the employee and the deciding official.

## Study Conclusion

The study sought to broaden the understanding of fair evaluation and the role of the decision-maker in the reasonable accommodation requests process. Having gone through the challenging and long-awaited reasonable accommodation request process in the federal sector, the researcher was passionate to learn more about how to alleviate employees' challenges. To better understand the issue, 15 participants were interviewed, consisting of federal sector EEO leaders with at least 10 years of experience. Some participants were advisors to the deciding officials in the reasonable accommodation request process. The interview consisted of 10 open-ended interview questions, which were recorded, transcribed, coded, analyzed, peer-reviewed for validity, and established into themes to aid in answering the study results.

The participant interviews indicated that the reasonable accommodation request process can best support employees requesting reasonable accommodations in several ways. First, providing specific resources for the deciding officials, such as required education and training in the interactive process, the legal requirements, the reconsideration process, and when the disability is an undue hardship to the agency, not the program. In addition to specific resources, and most importantly, Section 501 of the Rehabilitation Act of 1973 be adhered to without any deviations. Remove the deciding officials' role as the decision-maker and allow the JAN to search and select the employees' reasonable accommodation eliminating ambiguity between the employee and the deciding official. Federal agencies must possess a welcoming culture of persons with disabilities requesting reasonable accommodations without the employee feeling they will be judged, stressed, shamed, discomforted, and fear not receiving promotions due to their disability. However, they only feel relief after the reasonable accommodation process is completed, and they have received their accommodation. The EEOC only requires agencies to

use a system of record to track reasonable accommodation requests. The reasonable accommodation process can also be best supported if the EEOC requires federal agencies to use a data management tracking system. The data management tracking system will allow checks and balances and timely decision-making with the goal of 30 days. Implementing these strategies and recommendations in tracking reasonable accommodation requests can significantly increase the number of approved reasonable accommodation requests.

### **Recommendations for Future Research**

While this study sought to examine the fair evaluation and decision-makers' role in reasonable accommodation requests, the research expounded on areas where further research could be conducted. Much of the literature on persons with disabilities in the workplace, the anti-discrimination laws, in addition to the amendments to the anti-discrimination statutes, assume that disabled employees who request reasonable accommodations suffer harm from discrimination in the workplace. As of this study, disabled employees being discriminated against in the workplace continues to rise, federal disabled job applicants also suffer harm from discrimination. Because this study focused on the reasonable accommodation requests process and the role of the decision-makers in the federal employment sector, research concerning global practices could be of interest.

- A study conducted that examines reasonable accommodation request success globally that have rehabilitation laws where reasonable accommodations can be requested.
- A study conducted that examines employee and decision-makers factors in requesting reasonable accommodations for overcoming challenges globally.
- A study conducted that examines hiring rehabilitation counselors in the workplace for workers with disabilities globally.

- A study conducted that examines the effectiveness of Section 501 of the Rehabilitation Act and other anti-discrimination laws.
- Write a government White Paper as a guide using the Hawkins Reasonable Accommodation Request Training Model to address the reasonable accommodation requests issues and how to solve the problem and distribute the Hawkins Reasonable Accommodation Request Training Model to the EEOC and the OPM.
- A study conducted that examines removing current federal employees denied reasonable accommodation requests complaints out of the EEOC and into the MSPB, reducing the EEOC backlog for quicker adjudication.

### **Final Thoughts**

The study outlined here was conducted to expound the fair evaluations and decision-makers role in reasonable accommodation requests. The study carried a personal interest for the researcher, having gone through the reasonable accommodation request process. With reasonable accommodation requests, denial case numbers increase yearly, along with the increased number of complaints filed with the EEOC. Federal agencies and decision-makers must collaborate by educating decision-makers on the reasonable accommodation process and Section 501 of the Rehabilitation Act of 1973. By providing specifically designed resources to increase the number of reasonable accommodation requests, updating information technology, COVID-19 reasonable accommodation requests awareness, and cultivating an inclusive and welcoming environment for disabled employees before the federal government becomes a model employer.

The question that continues to puzzle me is that with all the regulations published on reasonable accommodations requirements, the ADA Laws and the ADAAAAA amendments that govern reasonable accommodation and the denial of reasonable accommodation disability



requests sit at number eight government-wide in alleged complaints. Somewhere it is difficult not to believe that there are still historical barriers to discrimination towards employees with disabilities.

Of the 15 participants interviewed, none of their agencies have an education requirement for decision-makers on the reasonable accommodation request process. The advisors' roles are inefficient, and the advisors are not the decision-makers. The decision-makers will process the reasonable accommodation requests; however will no longer be the decision-maker, and an independent agency will become the new decision-maker. The agencies use different data management systems to track reasonable accommodation requests. Some agencies track manually, often delaying the decision process and the EEOC's processing time to extract the data from all federal agencies, as all federal agencies are required to report reasonable accommodation requests to the EEOC and surprisingly, retaliation after a reasonable accommodation was denied was not mentioned rather the focus was on education and training.

Formal learning can be a solution provided; the EEOC and the OPM require education training and the agency's culture adaptability, and senior leaders set the tone at the top. I am presenting and submitting to the EEOC and OPM a White Paper describing the issues with the reasonable accommodations request process using the Hawkins Reasonable Accommodation Request Training Model. The model will be used government-wide to eliminate challenges and barriers to the reasonable accommodation request process.

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## APPENDIX A

## CITI HSR Certificate



Completion Date 10-May-2021  
Expiration Date 09-May-2026  
Record ID 36051674

This is to certify that:

**MONA HAWKINS**

Has completed the following CITI Program course:

**GSEP Education Division**  
(Curriculum Group)

**GSEP Education Division - Social-Behavioral-Educational (SBE)**  
(Course Learner Group)

**1 - Basic Course**  
(Stage)

Not valid for renewal of  
certification through CME.

Under requirements set by:

**Pepperdine University**

**CITI**  
Collaborative Institutional Training Initiative

Verify at [www.citiprogram.org/verify/?wa2c2f61a-aeba-4f98-9ef9-71ab7c79b275-36051674](http://www.citiprogram.org/verify/?wa2c2f61a-aeba-4f98-9ef9-71ab7c79b275-36051674)

## APPENDIX B

### IRB Approval Form

Pepperdine University  
24255 Pacific Coast Highway  
Malibu, CA 90263  
TEL: 310-506-4000

#### NOTICE OF APPROVAL FOR HUMAN RESEARCH

Date: May 16, 2022

Protocol Investigator Name: Mona Hawkins

Protocol #: 21-10-1672

Project Title: Reasonable Accommodation Requests: Fair Evaluation and the Role of Decision Makers

School: Graduate School of Education and Psychology

Dear Mona Hawkins:

Thank you for submitting your application for exempt review to Pepperdine University's Institutional Review Board (IRB). We appreciate the work you have done on your proposal. The IRB has reviewed your submitted IRB application and all ancillary materials. Upon review, the IRB has determined that the above entitled project meets the requirements for exemption under the federal regulations 45 CFR 46.101 that govern the protections of human subjects.

Your research must be conducted according to the proposal that was submitted to the IRB. If changes to the approved protocol occur, a revised protocol must be reviewed and approved by the IRB before implementation. For any proposed changes in your research protocol, please submit an amendment to the IRB. Since your study falls under exemption, there is no requirement for continuing IRB review of your project. Please be aware that changes to your protocol may prevent the research from qualifying for exemption from 45 CFR 46.101 and require submission of a new IRB application or other materials to the IRB.

A goal of the IRB is to prevent negative occurrences during any research study. However, despite the best intent, unforeseen circumstances or events may arise during the research. If an unexpected situation or adverse event happens during your investigation, please notify the IRB as soon as possible. We will ask for a complete written explanation of the event and your written response. Other actions also may be required depending on the nature of the event. Details regarding the timeframe in which adverse events must be reported to the IRB and documenting the adverse event can be found in the *Pepperdine University Protection of Human Participants in Research: Policies and Procedures Manual* at [community.pepperdine.edu/irb](http://community.pepperdine.edu/irb).

Please refer to the protocol number denoted above in all communication or correspondence related to your application and this approval. Should you have additional questions or require clarification of the contents of this letter, please contact the IRB Office. On behalf of the IRB, I wish you success in this scholarly pursuit.

Sincerely,

Judy Ho, Ph.D., IRB Chair

cc: Mrs. Katy Carr, Assistant Provost for Research

## APPENDIX C

### Recruitment Script

Dear Participant

My name is Mona Hawkins, and I am a doctoral student in the Graduate School of Education and Psychology at Pepperdine University. As part of fulfilling my degree requirements, I am conducting a qualitative research study examining strategies used by decision makers when a reasonable accommodation has been denied.

I came across your contact information listed on the U.S. EEOC under Federal Agency EEO Directors, federal agency website and/or LinkedIn. Based on your leadership position at your federal agency as an EEO Director you have been carefully selected to participate.

If you agree, participation will be in a zoom interview to discuss the strategies you use when an employee's reasonable accommodation request is denied by a deciding official. The interview is anticipated to take no more than an hour. Participation in this study is voluntary. Your identity as a participant will remain confidential during and after the study. Confidentiality will be maintained using a series of security measures, including password protected email communication using university firewall protections, a password protected zoom meeting, deidentification of data using pseudonyms as well as compartmentalization of the various data elements, keeping all information separate.

If you have questions or would like to participate, please contact me via email.

Thank you for your participation,

Mona Hawkins

Pepperdine University| Graduate School of Education and Psychology

Doctoral Candidate

## APPENDIX D

## Informed Consent Form

**PEPPERDINE UNIVERSITY****(Graduate School of Education and Psychology)****INFORMED CONSENT FOR PARTICIPATION IN RESEARCH ACTIVITIES****IRB #: 21-10-1672****Formal Study Title: Reasonable Accommodation Requests: Fair Evaluation and the Role of Decision Makers****Authorized Study Personnel:**

Principal Investigator: Student, Mona Hawkins

**Key Information:****If you agree to participate in this study, the project will involve:**

- ☒ (Males and Females) between the ages of (18-80)
- ☒ Procedures will include (Contacting participants using the recruitment script, informed consent, data collection via structured interview, transcription of data, analysis of data, documentation of findings)
- ☒ One virtual visit is required
- ☒ This visit will take 60 minutes total
- ☒ There is minimal risk associated with this study
- ☒ You will not be paid any amount of money for your participation
- ☒ You will be provided a copy of this consent form

**Invitation**

You are invited to take part in this research study. The information in this form is meant to help you decide whether or not to participate. If you have any questions, please ask.

**Why are you being asked to be in this research study?**

You are being asked to be in this study because you are a leader in the Title 1 Equal Rights industry. You must be 18 years of age or older to participate.

**What is the reason for doing this research study?**

The purpose of this study is to determine examining strategies used by decision makers when a reasonable accommodation has been denied by a deciding official and agency's EEO's management either concur or not concur and a fair evaluation.

**What will be done during this research study?**

You will be asked to complete a 60 minute semi structured virtual interview. The student will ask you a series of questions aimed at figuring out what strategies are used by leaders in your field. While the research will take approximately 26 to 52 weeks, your interview will only take 60 minutes.

**How will my data be used?**

Your interview responses will be transcribed, analyzed, and aggregated in order to determine the findings to the established research questions.

**What are the possible risks of being in this research study?**

This research presents minimal risk of loss of confidentiality, emotional and/or psychological distress because the interview involves questions about your leadership practices. You may also experience fatigue, boredom, or anxiety as a result.

**What are the possible benefits to you?**

You are not expected to get any benefit from being in this study.

**What are the possible benefits to other people?**

The benefits to society may include better understanding of leadership strategies used within your industry. Other emerging leaders might also benefit from any additional recommendations that are shared through this process.

**What are the alternatives to being in this research study?**

Participation in this study is voluntary. There are no alternatives to participating, other than deciding to not participate.

**What will participating in this research study cost you?**

There is no cost to you to be in this research study.

**Will you be compensated for being in this research study?**

There will be no compensation for participating in this study.

**What should you do if you have a problem during this research study?**

Your welfare is the major concern of every member of the research team. If you have a problem as a direct result of being in this study, you should immediately contact one of the people listed at the beginning of this consent form.

**How will information about you be protected?**

Reasonable steps will be taken to protect your privacy and the confidentiality of your study data. The data will be deidentified and stored electronically through a secure server and will only be seen by the research team during the study and until the study is complete.

The only persons who will have access to your research records are the study personnel, the Institutional Review Board (IRB), and any other person, agency, or sponsor as required by law. The information from this study may be published in scientific journals or presented at scientific meetings but the data will be reported as group or summarized data and your identity will be kept strictly confidential.

**What are your rights as a research subject?**

You may ask any questions concerning this research and have those questions answered before agreeing to participate in or during the study.

*For study related questions, please contact the investigator(s) listed at the beginning of this form.*

For questions concerning your rights or complaints about the research contact the Institutional Review Board (IRB):

Phone: 1(310)568-2305

Email: [gpsirb@pepperdine.edu](mailto:gpsirb@pepperdine.edu)

**What will happen if you decide not to be in this research study or decide to stop participating once you start?**

You can decide not to be in this research study, or you can stop being in this research study (“withdraw”) at any time before, during, or after the research begins for any reason. Deciding not to be in this research study or deciding to withdraw will not affect your relationship with the investigator or with Pepperdine University.

You will not lose any benefits to which you are entitled.

**Documentation of informed consent**

You are voluntarily making a decision whether or not to be in this research study. Signing this form means that (1) you have read and understood this consent form, (2) you have had the consent form explained to you, (3) you have had your questions answered and (4) you have decided to be in the research study. You will be given a copy of this consent form to keep.

**Participant**

**Name:**

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(First, Last: Please Print)

**Participant**

**Signature:**

---

Signature

---

Date

### Interview Protocol

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**There are 10 questions open-ended questions students will ask the participant**

IQ. 1: What strategies do you use when a reasonable accommodation request is denied by deciding officials?

IQ. 2: How do you select the strategies used when a reasonable accommodation request is denied?

IQ. 3: what are some of the challenges employees face when requesting a reasonable accommodation?

IQ. 4: How do you track valid, reasonable accommodation requests?

IQ. 5: What changes would you make to measure integrating all valid, reasonable accommodation requests are granted

IQ. 6: What advice would you give the agency in the decision-making of a reasonable accommodation request?

Tell me.....?

IQ. 7: What do employees experience when requesting a reasonable accommodation adjustment

IQ. 8: What remedies do employees receive when their reasonable accommodation is denied in regard to compensation?

IQ. 9: How do you define a reasonable accommodation?

IQ. 10 : is there anything else you would like to add?



## APPENDIX E

## Peer Reviewer Form

Dear reviewer:

Thank you for agreeing to participate in my research study. The table below is designed to ensure that my research questions for the study are properly addressed with corresponding interview questions.

In the table below, please review each research question and the corresponding interview questions. For each interview question, consider how well the interview question addresses the research question. If the interview question is directly relevant to the research question, please mark "Keep as stated." If the interview question is irrelevant to the research question, please mark "Delete it." Finally, if the interview question can be modified to best fit with the research question, please suggest your modifications in the space provided. You may also recommend additional interview questions you deem necessary.

Once you have completed your analysis, please return the completed form to me via email. Thank you again for your participation.

**Table D1***Peer Review RQ and IQ Table*

Research Question	Corresponding Interview Question
<p>RQ1: What strategies are used once a reasonable accommodation request is denied?</p> <p>IQ. 2: How do you select the strategies used when a reasonable accommodation request is denied?</p>	<p>IQ 1: What strategies do you use when a reasonable accommodation request is denied by deciding officials?</p> <p>a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p>b. The question is irrelevant to research question – <b>Delete it</b></p> <p>c. The question should be <b>modified as suggested</b>:</p> <p>_____</p> <p>_____</p> <p>I recommend adding the following interview questions:</p> <p>_____</p> <p>_____</p> <p>_____</p>

Research Question	Corresponding Interview Question
	<p>IQ. 2: How do you select the strategies used when a reasonable accommodation request is denied?</p> <ul style="list-style-type: none"> <li>a. The question is directly relevant to Research question - <b>Keep as stated</b></li> <li>b. The question is irrelevant to research question – <b>Delete it</b></li> <li>c. The question should be <b>modified as suggested</b>:</li> </ul> <hr/> <hr/> <p>I recommend adding the following interview questions:</p> <hr/> <hr/> <hr/>
RQ2: What are employees' common challenges when reasonable accommodation requests or disability services are denied?	<p>IQ 3: what are some of the challenges employees face when requesting a reasonable accommodation?</p> <ul style="list-style-type: none"> <li>a. The question is directly relevant to Research question - <b>Keep as stated</b></li> <li>b. The question is irrelevant to research question – <b>Delete it</b></li> <li>c. The question should be modified as suggested:</li> </ul> <hr/> <hr/> <p>I recommend adding the following interview questions:</p> <hr/> <hr/> <hr/>
RQ3: How do decision-makers define, measure success, and track reasonable accommodation requests	<p>IQ:4: How do you track valid, reasonable accommodation requests?</p> <ul style="list-style-type: none"> <li>a. The question is directly relevant to Research question - <b>Keep as stated</b></li> </ul>

Research Question	Corresponding Interview Question
regarding valid, reasonable accommodation?	<p data-bbox="626 264 1308 306">b. The question is irrelevant to research question – <b>Delete it</b></p> <p data-bbox="626 338 1308 380">c. The question should be modified as suggested:</p> <p data-bbox="626 401 1308 443">_____</p> <p data-bbox="626 453 1308 495">_____</p> <p data-bbox="626 485 1203 558">I recommend adding the following interview questions:</p> <p data-bbox="626 579 1308 621">_____</p> <p data-bbox="626 621 1308 663">_____</p> <p data-bbox="626 663 1308 705">_____</p> <p data-bbox="626 768 1398 842">IQ 5: What changes would you make to measure integrating all valid, reasonable accommodation requests are granted?</p> <p data-bbox="626 873 1398 915">a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p data-bbox="626 947 1308 989">b. The question is irrelevant to research question – <b>Delete it</b></p> <p data-bbox="626 1020 1308 1062">c. The question should be modified as suggested:</p> <p data-bbox="626 1083 1308 1125">_____</p> <p data-bbox="626 1125 1308 1167">_____</p> <p data-bbox="626 1167 1203 1241">I recommend adding the following interview questions:</p> <p data-bbox="626 1262 1308 1304">_____</p> <p data-bbox="626 1304 1308 1346">_____</p> <p data-bbox="626 1346 1308 1388">_____</p> <p data-bbox="626 1451 1365 1524">IQ6: What advice would you give the agency in decision-making of a reasonable accommodation request?</p> <p data-bbox="626 1556 1398 1598">a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p data-bbox="626 1629 1308 1671">b. The question is irrelevant to research question – <b>Delete it</b></p> <p data-bbox="626 1703 1308 1745">c. The question should be modified as suggested:</p> <p data-bbox="626 1766 1308 1808">_____</p> <p data-bbox="626 1808 1308 1850">_____</p> <p data-bbox="626 1850 1203 1892">I recommend adding the following interview</p>

Research Question	Corresponding Interview Question
<p>RQ4: What may employees experience after being denied reasonable accommodation in regards to compensation and adjustments?</p>	<p>questions:</p> <hr/> <hr/> <hr/> <p>IQ 7: Tell me...What do employees experience when requesting a reasonable accommodation adjustment?</p> <p>a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p>b. The question is irrelevant to research question – <b>Delete it</b></p> <p>c. The question should be modified as suggested:</p> <hr/> <hr/> <p>I recommend adding the following interview questions:</p> <hr/> <hr/> <hr/> <p>IQ 8: Tell me...What remedies do employees receive when their reasonable accommodation is denied in regard to compensation?</p> <p>a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p>b. The question is irrelevant to research question – <b>Delete it</b></p> <p>c. The question should be modified as suggested:</p> <hr/> <hr/> <p>I recommend adding the following interview questions:</p> <hr/> <hr/> <hr/>

Research Question	Corresponding Interview Question
	<p data-bbox="630 331 1341 369">IQ 9: How do you define a reasonable accommodation?</p> <p data-bbox="630 407 1393 445">a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p data-bbox="630 478 1305 550">b. The question is irrelevant to research question – <b>Delete it</b></p> <p data-bbox="630 554 1295 592">c. The question should be modified as suggested:</p> <p data-bbox="630 613 1295 659">_____</p> <p data-bbox="630 659 1295 705">_____</p> <p data-bbox="630 701 1198 772">I recommend adding the following interview questions:</p> <p data-bbox="630 793 1295 819">_____</p> <p data-bbox="630 819 1295 844">_____</p> <p data-bbox="630 844 1295 869">_____</p> <p data-bbox="630 982 1292 1020">IQ 10: Is there anything else you would like to add?</p> <p data-bbox="630 1058 1393 1129">a. The question is directly relevant to Research question - <b>Keep as stated</b></p> <p data-bbox="630 1134 1305 1205">b. The question is irrelevant to research question – <b>Delete it</b></p> <p data-bbox="630 1209 1295 1247">c. The question should be modified as suggested:</p> <p data-bbox="630 1268 1295 1293">_____</p> <p data-bbox="630 1293 1295 1318">_____</p> <p data-bbox="630 1352 1198 1423">I recommend adding the following interview questions:</p> <p data-bbox="630 1444 1295 1470">_____</p> <p data-bbox="630 1470 1295 1495">_____</p> <p data-bbox="630 1495 1295 1520">_____</p>