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THE AMERICANS WITH DISABILITIES ACT:  
PERSPECTIVES ON REASONABLE ACCOMMODATION

by

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#### ABSTRACT

Using the present federal guidelines delineating organizational requirements under the Americans with Disabilities Act (ADA), this study examines the influence of work experience, personal attitudes, and employment law knowledge on perceptions of reasonable accommodation. Findings indicate that attitudes toward individuals with disabilities are most highly associated with perceptions of the essentialness of different categories of reasonable accommodation. Suggestions for future research are discussed.

KEY WORDS: Americans with Disabilities Act (ADA), Reasonable Accommodation, hospitality industry.

#### INTRODUCTION

On July 26, 1990 President George Bush signed into law the most far reaching law to date that bars discrimination against the disabled, the Americans with Disabilities Act (ADA). The act will affect 4.5 million private sector employers, state and local governments and private businesses, and 43 million Americans with disabilities (Frierson, 1990). The need for this legislation is evident. Sixty-seven percent of disabled Americans are unemployed. As a result, the federal government currently spends approximately \$170 billion dollars on programs and benefits for the disabled. According to a 1986 Lewis-Harris poll, eighty-two percent of all disabled people would give up their government benefits in favor of full time employment. Furthermore, the disabled are the nation's largest minority group.

Since the first discussions of this legislation in Congress, and the final passage of the law, major contributions have been made to the body of literature concerning the ADA, particularly in the areas of how the Act will be interpreted by the courts (Kelly & Alberts, 1990; Postol & Kadue, 1991), how it may affect different types of businesses (Berkery, 1990; Cocheo, 1990), and how best to approach the

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inclusion of disabled employees into the workplace (Meisinger, 1990; Pati & Stubblefield, 1990; Rothwell, 1991). However, because the Act does not actually take effect until July 1992, research has yet to be published on employer perceptions of the effects it may have on their businesses and how they approach its requirements, partic-

ularly in the area of reasonable accommodation.

Hospitality has been an industry that has taken a high level of interest in the drafting of the ADA and for obvious reasons. Not only will the law significantly affect its responsibilities to present and potential employees covered under Title I of the law, it will also require tremendous modifications to its facilities and operations within the public accommodations portion of the Act. It is, therefore, a logical sector in which to assess perceptions about reasonable accommodation, and the variables that influence an employer's inclination to engage in such activities.

The purpose of this study was to investigate the important (essential) components of reasonable accommodations for managers in the hospitality industry, and the factors that influence managers' beliefs about reasonable accommodation.

#### THE ADA AND REASONABLE ACCOMMODATION

Under Section 102(5)(A) of the ADA an employer discriminates if it fails to make reasonable accommodations to an applicant or employee with known physical or mental limitations who is otherwise qualified for a position, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer's business. There exists no actual definition of "reasonable accommodation" under the ADA. Those writing about the ADA and federal guidelines interpreting it generally rely on the regulations and case law stemming from the Rehabilitation Act of 1973 when formulating examples of "reasonable accommodation" under the ADA (Creaseman & Butler, 1991). Included are:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.
2. Adopting part-time or modified work schedules.
3. Reassignment to vacant positions.
4. Acquisition or modification of equipment and devices.
5. Adjustment or modification of examinations, training materials or policies.
6. Provision of qualified readers, interpreters, or similar accommodations. (S.933, SEC 101(9)(A) and (B))

While this list includes the generally accepted and con-

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spicuous examples of reasonable accommodation, congressional discussions note that the employer may not fulfill its duty to accommodation simply by providing the resources or activities appearing on such a list. To be reasonable, the accommodation must provide a meaningful equal employment opportunity, i.e. an opportunity to attain the same level of performance as is available to non-disabled employees having similar skills and abilities, and in a manner that is effective for the disabled employee (S.Rept. 101-116 @ 35).

Though it is suggested that appropriate methods to accommodate disabled individuals be made by both the employer and the applicant/employee, ultimately it is within the purview of the employer to implement accommodation using expense and ease as criteria as long as equal employment opportunity is provided (S.Rept. 101-116 @ 35; H.Rept. 101-485 Part 3 @ 40).

#### RESEARCH QUESTIONS AND HYPOTHESES

As mentioned earlier, the literature to date has been extensive in terms of presenting to interested management and legal audiences the content of the ADA and its expected requirements for reasonable accommodations. Little has been published concerning the perceptions of managers who will be involved in the implementation of the ADA requirements. Since managers will play a pivotal role within each organization in determining how to satisfy the requirement of reasonable accommodation, this research examined managers' perceptions of the essential components of reasonable accommodation, and investigated influences on these perceptions. To first identify an operational definition of reasonable accommodation, a review of the relevant literature was conducted. This literature included articles published in legal reviews discussing the ADA's potential interpretation based on similarly situated cases under the Rehabilitation Act, general management articles directed toward its application in a work setting, federal guidelines issued to interpret the law, and summaries prepared by legal organizations, again directed to managers. Though interpretations differ slightly from source to source, it appears that reasonable accommodation falls under three distinct categories: (1) Facility Modification, (2) Equipment and Devices, and (3) Human Resource Management Functions. The study's first hypothesis therefore proposes that;

H1: Managers will have three distinct conceptualizations of "reasonable accommodation";

1. Accommodations related to changes and alterations of their facilities that influence employee access

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in the workplace.

2. Accommodations related to the provision of equipment and devices necessary for an employee to function adequately in the job.
3. Accommodations related to the human resource management function that influence employee job performance.

Twenty-two specific questionnaire items were developed to assess perceptions of what constitutes "reasonable accommodation" for these three dimensions. These items are de-

scribed below in the methods section of this paper.

In addition to assessing managers' perceptions of what constitutes reasonable accommodation, we examined factors that may influence these perceptions. For instance, having a negative view of the disabled may predispose managers to disregard the needs of the disabled. This idea is supported by the research of Wolfensberger (1987) who found that the real causes of continuing discrimination against people with disabilities are the negative images held of them and the devalued social roles society allows them to fill. Ending such discrimination will require a change in those roles, including those in the workplace. Based on Wolfensberger's work, we propose that acceptance of the need for reasonable accommodation will be influenced by attitudes concerning the employability of the disabled, general work experience in the hospitality industry, and previous work experience with disabled persons since such experience may influence perceptions of the feasibility of accommodation.

Previous research has also shown that managers' perceptions of their rights to engage in certain human resource activities, i.e. hiring and retention, of individuals with AIDS are strongly associated with their knowledge of employment law as well as general attitudes toward such individuals (Murrmann, 1989). The study therefore proposes that perceptions of reasonable accommodation may also be influenced by the manager's knowledge of personnel management policies, practices, and employment law relevant to discrimination and accommodation.

The following hypotheses were proposed:

H2: The essential nature of accommodation will be positively related to employment attitudes toward disabled individuals.

H3: The essential nature of accommodation will be positively

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related to length of experience in the industry.

H4: The essential nature of accommodation will be positively related to experience in working with and managing disabled employees.

H5: The essential nature of accommodation will be positively related to an individual's current knowledge of employment law.

#### METHODOLOGY

##### Sample

Data was collected through surveys administered to undergraduate and graduate students enrolled in a hospital-

ity program at a major regional university. Students within this program are required, as part of the curriculum, to work a minimum of 600 hours in hospitality positions. The sample was limited to those individuals who reported management experience, i.e. positions in management in either food-service or lodging, of at least six months or longer within the past five years. This resulted in a sample size for this study of 209 persons.

#### Survey Questions

Background information - Respondents were asked for a variety of information including race, age, gender and year in school.

Work Experience - Two different measures of work experience were used for the study: industry work experience, and experience working with or supervising employees with disabilities. Industry work experience was measured through total years of experience in hospitality. Respondents were also asked to report whether they had had such experiences with 1) physical disabled employees, 2) mentally disabled employees, and 3) employees with serious illnesses such as cancer or epilepsy. Data was collected using a yes-no response scheme for the three disability categories under both supervisory and co-worker experiences. A total disability score was then calculated based on responses, with final scores ranging between 0, indicating no experience to 6, indicating experience in all six areas.

Knowledge - Knowledge was hypothesized to influence individuals views on reasonable accommodation. Employment law knowledge was assessed using a 10-item, 5-point Likert scale on employment practices governed by federal laws including Title 7 of the Civil Rights Act, the Age Discrimination in

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Employment Act, the Immigration Reform and Control Act, and the Fair Labor Standards Act. Accompanying this scale were items on employment practices traditionally seen as part of management rights such as the right of the employer to determine the work to be performed by employees. This measure was developed for previous research (Murrmann, 1989) on AIDS and shown to have an internal reliability (alpha) of .77.

Employment Attitudes toward the Disabled - To measure employment attitudes toward the disabled, a fifteen items scale was developed based on earlier work in the area of AIDS. Items were structured to measure beliefs about whether employers should have the right to engage in negative employment actions against individuals with disabilities or respond positively toward applicants or employees with such disabilities within the context of customer preference. Three items specifically related to physical handicaps, four to mental handicaps, and three to disabilities

related to serious illnesses. The remaining five items pertained to HIV/AIDS. A Cronbach alpha of .82 was calculated for the scale. Responses to the items were collected on a 5-point Likert scale ranging from strongly agree to strongly disagree.

Reasonable Accommodation - To operationalize the essential components of reasonable accommodations under the ADA, 22 items representing management activities constituting reasonable accommodation management were constructed using the current literature on the ADA, preliminary federal guidelines in the area, and prior court cases under the Rehabilitation Act of 1976. This list was reviewed by several experts in the area of the ADA and further reduced to 19 items. Four items were eliminated because of their perceived overlap with others. Data on each item was collected using a 5-point Likert scale on which respondents were asked to indicate whether the accommodation was viewed as being 1 - essential to 5 - unreasonable.

### RESULTS

Data collected on the 19 items were factor analyzed using an orthogonal factor rotation, VARIMAX procedure. A final factor number of three was specified in the procedure for verifying the initial assumptions for reasonable accommodations. Table 1 presents the results of the analysis. As expected, items specifically related to the provision of equipment and devices necessary for an employee to function adequately in the job including braille devices, electronic visual aids, mechanical page turners, and adaptive hardware loaded on Factor 1. Factor 2 included those items related

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to changes and alterations of the firm's facilities that may influence employee access in the workplace. Included in this group were alterations to work stations and areas such as widening aisles, ramps, and the modification of elevator panels. Items loading highly on the third and final factor related specifically to human resource policies, practices, and activities that influence employee job performance. Items pertaining to job restructuring, work scheduling, re-assignment, and changes and/or accommodations associated with employment policies appeared on this factor. The grouping of items correspond to the initial guidelines interpreting the ADA, confirming the study's first hypothesis.

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Table 1: Reasonable Accommodation  
Factor Analysis (Orthogonal VARIMAX Procedure)

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| Item | Factor 1 | Factor 2 | Factor 3 |
|------|----------|----------|----------|
|------|----------|----------|----------|

---

|            |          |          |          |
|------------|----------|----------|----------|
| 1          | 0.68713  | 0.13956  | -0.10399 |
| 2          | 0.66594  | 0.05043  | 0.01279  |
| 3          | 0.63764  | -0.05893 | 0.02308  |
| 4          | 0.61240  | 0.14229  | 0.11718  |
| 5          | 0.49053  | -0.06529 | 0.19741  |
| 6          | 0.43795  | 0.35034  | 0.09892  |
| 7          | 0.40759  | 0.19774  | -0.09067 |
| 8          | 0.12994  | 0.71097  | -0.00844 |
| 9          | 0.13713  | 0.67522  | -0.03915 |
| 10         | 0.40614  | 0.58865  | 0.02825  |
| 11         | -0.01484 | 0.56430  | 0.29136  |
| 12         | -0.15946 | 0.48974  | 0.14546  |
| 13         | 0.26775  | 0.41879  | 0.10907  |
| 14         | 0.17326  | 0.02254  | 0.73212  |
| 15         | 0.17466  | -0.10280 | 0.64264  |
| 16         | -0.05379 | 0.26055  | 0.58610  |
| 17         | -0.04192 | 0.03333  | 0.58109  |
| 18         | -0.07553 | 0.29509  | 0.52326  |
| 19         | 0.26044  | 0.19886  | 0.40658  |
| Eigenvalue | 4.1121   | 2.0881   | 1.6267   |
| Difference | 2.0240   | 0.4615   | 0.2964   |
| Proportion | 0.1869   | 0.0949   | 0.0739   |
| Cumulative | 0.1869   | 0.2818   | 0.3558   |
| Variance   |          |          |          |
| Explained  | 4.1121   | 2.0881   | 1.6266   |

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Table 2 presents a ranking of the study's extracted dimensions of reasonable accommodation based on their essential nature as seen by the respondents. Though no a priori hypotheses were made about what types of reasonable accommodations would be viewed as most essential within this group, one might predict that the more costly the accommodation was viewed by a individual, the more unnecessary it would be. The premise has its underlying rationale from the method which the courts have interpreted the concept of undue hardship under the Rehabilitation Act, and how that concept is carried over into the ADA. One reason the researchers did not formulate this hypothesis was because of the sample group used in the study. While all individuals within the group have had management experience, the length of time in the industry is probably not sufficient to expose them to this law. Moreover, full time, experienced managers in the industry may not have an adequate knowledge base since, except for large hospitality organizations holding federal contracts, few others are covered by this particular piece of legislation. Even so, since profit margins are historically very narrow in the industry, cost should still be seen as a significant factor in determining reasonableness. The results of the factor analysis show however, that while accommodation related to the human resource management func-



tion is seen as significantly more essential when compared to other types of accommodations, respondents viewed more costly facility modifications as more essential than the provision of equipment and devices. A second determinant to accommodation could be ease of accommodation. It could be hypothesized that the ease which accommodations are fulfilled might dictate their necessity. Again, however, this does not appear to be the case. While activities such as work scheduling and reassignment, and instituting HRM policy changes are more easily attained than redesigning and modifying work facilities, it would appear that the latter task is far more difficult than the provision of equipment and devices to handicapped employees. The placing of facility modification over equipment and devices may be due to the relative familiarity that individuals have with accommodations. Clearly access ramps are far more common than such items as electronic visual aids. Moreover, modifications to the structure of an establishment could be viewed as an accommodation more useful to a wider range of both disabled and non-disabled employees in the industry and, therefore, more reasonable.

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Table 2: Reasonable Accommodation  
Descriptive Statistics

| Factor   | N   | Mean | Std Dev | Minimum | Maximum |
|----------|-----|------|---------|---------|---------|
| Factor 1 | 208 | 3.24 | 0.72    | 1.71    | 5.00    |
| Factor 2 | 204 | 2.73 | 0.75    | 1.17    | 5.00    |
| Factor 3 | 207 | 2.58 | 0.76    | 1.00    | 5.00    |

---

Factor 1= Accommodations related to the provision  
of equipment and devices

Factor 2= Accommodations related to changes and  
alterations of facilities

Factor 3= Accommodations related to the HRM function

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To investigate the influence of work experience, knowledge and employment attitudes toward disabled workers on accommodations, Pearson Product Moment correlation tests were performed for each independent variable. The results, shown in Table 3, suggest that while some of the variables of interest in the study may be influential in formulating a

manager's belief concerning what is an essential accommodation, others are not.

Table 3: Relationship of Reasonable Accommodation with Work Specific Attributes

| Variable                         | N   | Mean | Std Dev | Accommodations              |                                    |                  |
|----------------------------------|-----|------|---------|-----------------------------|------------------------------------|------------------|
|                                  |     |      |         | Equip-<br>ment &<br>Devices | Modifica-<br>tion of<br>Facilities | HRM<br>Functions |
| Attitudes toward<br>the Disabled | 205 | 3.17 | 1.71    | 0.35*                       | 0.41**                             | -0.40**          |
| Work Experience                  | 206 | 1.20 | 2.21    | 0.12                        | 0.13                               | 0.14             |
| Work Experience<br>with Disabled | 205 | 1.61 | 2.13    | 0.18                        | 0.19                               | 0.26*            |

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|                             |     |      |      |       |        |       |
|-----------------------------|-----|------|------|-------|--------|-------|
| Employment Law<br>Knowledge | 208 | 3.61 | 0.88 | 0.24* | 0.29** | 0.21* |
|-----------------------------|-----|------|------|-------|--------|-------|

\* p<.01  
\*\* p<.001

The data show no relationship between total work experience and accommodations, and a very weak but significant relationship between experience in working with and supervising disabled employees, and accommodation in human resource management functions. Therefore, hypothesis three was not confirmed, and hypothesis four was only partially confirmed. This suggests several conclusions. One might be that because of their experiences, presuming that they were positive, they feel that handicapped individuals can reasonably function without special equipment and other changes in the organization. If this is the case, then the meaning of "essential" and "necessary" within the context of the study has been inappropriately defined. A counter argument is that these experiences have been negative in nature, and have in fact negatively biased their answers. Unfortunately, this information was not collected. The absence of a relationship between experience and accommodation, however, is more likely caused by the sample itself. Though all students included in the sample group indicated management experience, the average for the group was low (M=1.20), as was their average level of experience with actually working with disabled individuals.

Therefore, though the findings of the study suggest that experience is not related to accommodation, additional research should be done on hospitality managers with and without such experience to verify the relationship between these two variables.

When data from the response group on their relevant knowledge of employment law was compared with beliefs concerning accommodation, those indicating correct knowledge of regulations as they relate to employment activities were more likely to view accommodation related to equipment and special devices, Human Resource Management functions, and facility modification as more necessary than individuals demonstrating poorer knowledge of employment law. Though all appear to be weak, facility modification demonstrated the strongest relationship with knowledge. The findings, therefore, support hypothesis five.

Beliefs concerning individuals with handicaps have the strongest relationship to accommodation of the variables in-

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vestigated in the study. In general, those individuals expressing more positive views about individuals with mental physical, and serious illness disabilities viewed accommodations as more essential than those with more negative views. These attitudes appear to be most strongly related to the essentialness of facility modification, followed by human resource management functions and equipment and devices. Individuals possessing positive attitudes toward the disabled are likely to view the installation of ramps in work areas, and the modification of work areas and stations as essential activities for organizations. As discussed earlier, this may not be due to the relative cost of such improvements, but possibly to the familiarity that individuals have at present with them. The findings, therefore, support hypothesis two.

#### CONCLUSIONS

In describing the Projects with Industry (PWI) partnership involving the International Association of Machinists and Aerospace Workers and corporate managements, Guy Stubblefield, the executive director of IAM CARES points out that a key to integrating disabled individuals into the workforce is employers looking beyond disabilities. This study suggests that the beliefs and attitudes that managers hold about the disabled, both those with obvious and not so obvious disabilities, affect their ability to do so. Such views, however, appear to be moderated by work experience with the disabled. But in reality, management may not be able to sit back and wait for work experience to acclimate their managers to the disabled, since managers' beliefs may in fact constitute a barrier to their acquisition of such experience. In the past, such unwillingness resulted in the

loss of otherwise qualified and productive employees. As of 1992, such unwillingness will ultimately result in legal action under the ADA. Therefore, corporations should take care in monitoring the activities of supervisors and managers who will play a crucial role, particularly in the area of human resource management, in the accommodations they make or refuse to make for disabled applicants and employees.

It should be noted that this study is exploratory in nature and limited by its sample, hospitality students from one regional university. It is imperative that further research be done to more fully understand the nature of reasonable accommodation and the factors influencing its essentialness for hospitality managers. Such a study conducted with experienced hospitality managers is necessary in understanding the relationship between previous interactions

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with disabled employees and their affects on attitudes. Traditional motivation theory states that attitudes concerning a group are the primary motivator of behavior toward that group. Given this, one must question the affect of regulation of behavior through laws such as the ADA without a change in managers' attitudes about the disabled. Changing such attitudes may be accomplished through increased "regulated" exposure to the disabled in the work setting. However, since attitudes are formed by the beliefs an individual holds about a group, the study suggests that managers learn more about the law that governs accommodation of the disabled. Knowledge about the law, the disabled, and how they can be accommodated should accelerate the process of reasonable accommodation in organizations. Further research in the area is needed to clarify these relationships.

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