

THE EVERYDAY ADA: A LOOK AT THE IMPACT OF THE ADA ON OUR EMPLOYMENT

DAVID BALDRIDGE

I am pleased to talk to you about the ADA. In my research, my goal is equal opportunity in employment as part of full inclusion at the workplace for people with disabilities. Most importantly for me, is making careers fulfilling for people who are deaf or hard of hearing. I became deaf at about 25 years of age and had the experience of having to struggle to find my place in the world. I felt greatly challenged by the new work situations that I faced as my hearing eroded over time. For me personally, it's been really important not to give up on having what I thought was the perfect career, the perfect job for myself. This is true for most of us.

For the next hour, I want to share research findings, and also draw from your personal experiences. My first question to you is, "How has the ADA impacted your work experiences?" I would like to hear both how the ADA has helped you and perhaps created new challenges.

AUDIENCE MEMBER: I had the experience of being an employee who was hard of hearing and then became profoundly deaf. The ADA provided me with the support that I needed to get accommodations such as TTYs and interpreters. However, when it came to personal accommodation, the cooperation of the people I worked with, there was no protection. This year, I ended up leaving a job that I had for 18 years because my supervisor refused to accommodate me when there was not an interpreter present.

AUDIENCE MEMBER: I have been very fortunate. The employer I have now has always been willing to accommodate me. However, I have always felt it was way too expensive for them to afford to pay an interpreter when I needed one. So I did the best I could without an interpreter, but they give me everything else. They gave me a TTY, they would write to me, they were willing to help me in every way. It was very good. But I always felt I could not ask for an interpreter except for special occasions, like a workshop or something like that. So it was very difficult.

DAVID BALDRIDGE: What's interesting in our research is that so far I have interviewed almost 2000 different people and there are 2000 very different stories to tell. But we hear many of the same things again and again. Eleven years ago the law changed. But what we hear from people's experiences is that it is not so much the law but the everyday behavioral changes that have been important. That is, what we do, what our co-workers do, what our boss does. Everyday we make decisions about what accommodations we should ask for. What we should not ask for, who we should work with, who we should not work with. In turn our bosses and coworkers make decisions about how to respond both in their actions and inaction. Those thousands of decisions we make everyday are very small in and of themselves, but these decisions add up and impact how effective the ADA is as a law.

When the ADA came into affect, we expected the employment rate to go up among all people with disabilities, but that hasn't happened. Overall employment actually went down slightly. For people with very severe disabilities, it has edged up. This group, however, is a small portion of the overall disabled

population and overall employment levels for people with disabilities has declined since enactment of the ADA.

Our initial screening survey contained a large segment of people who are profoundly deaf and a much smaller segment of people who are hard of hearing. This is not representative—the reason being that, as people become more profoundly deaf they are more apt to join an organization like ALDA. People who are slightly hard of hearing often don't have a strong identification with people who are deaf and hard of hearing so it's hard to get in touch with these people. So the numbers we see here (referring to power point slides) are not necessarily representative of the entire population. But they are a good starting point. Also we see more women as women are more apt to fill out surveys than men are. We see a large number of these people employed full time, but also people who are self-employed or work part-time and students. In terms of work, I was curious where people worked and found that many worked in business organizations with a large group in education institutions and in government agencies. What's different here in comparison with our hearing counterparts is that most of us work for not for profits (referring to power point slides).

I asked people to quantify job satisfaction and was delighted by the news. Most people are satisfied or somewhat satisfied. In terms of comparison, this population was maybe about 65% satisfied, very satisfied, and very close to the 75 to 80% which one finds in the hearing population (referring to power point slides).

In terms of accommodation, I also asked how satisfied people were with their accommodations. Most people were generally able to get the accommodation that they needed, but then I wondered how satisfied people were with the current level of support. Again most people are satisfied. So everything is sort of positive until I hit the last question (referring to power point slides).

And that question was: If you did not have a hearing impairment, would you have a better job? The vast majority of people agreed either strongly or partially. So I am curious, what does that mean? How could their jobs be better?

AUDIENCE MEMBER: I have applied for many jobs. I had learned my skills over 18 years. Any time I applied for a higher job, despite great references I have never been hired. They are not going to jump up and down and say, I will take the deaf girl.

DAVID BALDRIDGE: I want to point out here; this is something that people notice between a pre-ADA environment and a post-ADA environment. For those who worked in the a pre-ADA environment, they may have had the experience of “Oh, we don't hire deaf people here.” Now, after the ADA, employers were less apt to say something like that because they are worried about legal ramifications. They may still feel the same way but you are more apt to hear something like: “Oh, you are over qualified, or under qualified.” This is also true with accommodations. The boss may want to say “no,” but due to fear of legal ramifications find a way to duck the issue or find a way to refuse a request without sticking his/her neck out with a clear refusal.

AUDIENCE MEMBER: I am satisfied with my job, but I know I would have an even better job if I didn't have a hearing impairment because then I could, for example, make more phone calls. There is a difference between my responsibilities and the responsibilities of other people. Some of the things I cannot do I would not enjoy, but you get paid better for such responsibilities.

AUDIENCE MEMBER: I work for the government and we already had the Rehabilitation Act prior to the ADA, but it seems like it doesn't really matter because what you are really dealing with are people's attitudes in everyday life. People assume if someone is deaf they need extra help – and they often do need extra, accommodations. It's a little more trouble. You may not be included. You can't make people call you on the

telephone using a TTY or the relay. So things kind of accumulate over time and you may not advance further along in your career.

DAVID BALDRIDGE: I try to explain that the TTY and relay work well enough when I am in the power seat. For example, trying to buy something or hire someone and the more money involved, the more willing others are to exert effort and bridge the barrier created by using a new device such as a TTY and relay service. However, when the table is turned and I am trying to find a job or sell something myself, the other person does not need anything from me and they are less willing to expend the effort. I would be apt to starve as a salesman regardless of my skills.

So accommodations help, but are certainly just one part of the puzzle. I think that's part of what people are experiencing and responding to by indicating that they are satisfied with the jobs—indeed given how hard it is for a person with a disability to find a job truly grateful. They are happy just to have jobs, but if they had normal hearing it would be a lot easier and they would go further faster.

In other words, accommodations are essential but insufficient in themselves. They can potentially level the playing field. They can potentially help make us equals in the workplace. At the same time, we see that we do not necessarily have the accommodations we need.

For example, I once had a hearing participant in a workshop suggest that I was ungrateful because my employer bought a TTY, yet I was not satisfied. In my response I tried to patiently explain that having a TTY on my desk does absolutely nothing, it only helps if others are willing to use it. To make the extra effort to call me using a TTY and relay and learn to use it as an effective alternative to a regular telephone. This too, the effort, learning and adjustment, are accommodations. If I ask someone to slow down while speaking, that is an accommodation. These are vital factors. These small accommodations are really what drive the success of the ADA. So I tried to get the sense of that type of accommodation and learn what is needed, as well as get more of a sense of what and why we are comfortable asking for in the second survey.

So let's talk about these small very important everyday, not big expensive, accommodations. What specifically do you need people to do?

AUDIENCE MEMBER: I attended a workshop with co-workers called "Deaf and Hearing Working Together." The boss that we all loved had recently left. I was the only one in the department that did not know he was searching for another job. And during the workshop my co-workers turned around to me and said, "The only reason you didn't know because you weren't in the room when we were talking about it." When they hired my new boss that I could not lip read, they gave me interpreters. I had all the ADA accommodations I needed. My boss refused to write for me. She refused to use e-mail. She refused to use a computer. She refused to believe that I could not read her lips. I requested that the district bring in a deaf advocate, a job coach, whatever, to work with us so that she could learn to communicate with me and they refused to do that. Instead my boss chose to disparage my skills. She convinced the superintendent that I did not have the skills to do the job that I had been doing for 17 years to avoid having to address an accommodation issue.

DAVID BALDRIDGE: Specifically, you needed trust from your co-workers. If you tell them you can't speech read them, you need them to believe you. You need your co-workers to be proactive in seeking you out to include you.

Other common things we hear from people is the need for their co-workers to speak slowly. We need them to speak more smoothly. We need them to sign and talk, if they can, to help even the load, so to speak.

An important aspect of everyday accommodations is being willing to ask for them. We, at times may be reluctant in this respect, but there are different ways to approach this. For example, when leaving a phone message, if I don't know the person I will not leave my TTY number or relay number, as I know from personal experience that the odds are against them calling me back. Instead I leave my secretary's number. So that is an example of me not asking for an accommodation. Similarly, I have learned that some co-workers are worth the investment of teaching them how to communicate with me. Other co-workers I have just given up on. That too is an example of not asking for accommodation.

The real issue here is compliance. So when we ask for things, we learn that if we know from past experience, if we ask and ask again, and a person doesn't give us what we need in terms of accommodation, it gets more frustrating. It seems less worthwhile to ask again the next time. So one reason people learn not to ask for what they need is because they think compliance is unlikely.

I am sure by now it is apparent that there is a major difference in the accommodation environment in learning institutions versus what you might see in an organization. I suppose that's why we see a lot of people working in educational institutions, myself included. In educational institutions, we tend to take it upon ourselves to make sure that students have the accommodations that they need. In work organizations, people are much more apt to have to seek those things out themselves. So we need to support people not only in getting the equipment they need, but also to help to support them so that they are able to become their own advocates in making that equipment work for them.

Embarrassment can also be a barrier. I know if I ask for a CART system for a meeting, I damn well better be there for that meeting. If a co-worker is five minutes late it might go unnoticed but if I request an interpreter of CART my tardiness is very apt to be noticed and seen as wasting money. So sometimes the accommodations make us more visible to other people. Most people, a large chunk of the population, would prefer not to wear a hearing aid and have trouble communicating rather than wear one and make their situation more visible to people.

When you ask people about what accommodation they need, they tend to fall under three broad categories. In a representative sample of 12,000 people that I did, about 36 percent of the accommodations were assistance from other people that have little or no cost. Things such as asking people to repeat what they say, or to speak more slowly or perhaps a change in seating (referring to power point slides).

The second group is much smaller. This includes professional services and averaged about 34%. Those services cost many organizations. They also are ongoing expenses. So most organizations feel a little more comfortable spending \$1,000 or more for people to have a wheel chair ramp than they do hiring interpreters because that's an ongoing expense. They don't know how that expense is going to add up in the future. One-time expenses are easier to get comfortable with and to budget for (referring to power point slides).

The professional services and assistance are also a great burden to us. When we need them we must keep asking again and again and again. We sometimes are unwilling to do that.

The last category is for equipment and totals 30%, for things such as TTY's and amplifiers. In terms of the ADA, the equipment part seems to happen more or less as intended. It's more the services and the assistance we need from our co-workers and boss that create barriers for people.

When you ask people about why they ask for accommodation or don't ask for an accommodation, some key words come up. The most common was effectiveness. We ask for things that will be effective for us. We don't ask for things we think might not be effective. Part of that is pretty easy to understand. If you don't know sign language well, then the sign language interpreter may not help you much. The most subtle part of

that would be what I would call the usefulness part. So the thinking behind this is something like if I am in a meeting, or if in my case I am teaching a class, I have to have an interpreter of some type. If I go to a meeting for my small department where I am one of perhaps eight or ten people, I need an interpreter. I feel good about asking for it. Now when I worked at the University of Connecticut, if they had a huge event I might or might not go.

Cost is another important word. So you ask if you know it is pretty inexpensive. I didn't ask for this because it was too expensive. Now what's interesting or not is when you follow that up. Sometimes it means we ask our bosses and our bosses say no. Other times as people just decide themselves that's too expensive and that they don't feel comfortable asking for it.

Then there is personal cost which means you have to assess its cost to you. Will your boss be upset if you ask for CART for example? Will your co-workers be willing to slow down enough so that the CART system is effective, or will they be frustrated with us? Those are personal costs that people pay.

Similar to that is what we prefer to as norm appropriateness. I don't know if people will be hostile to me. That influences whether people ask for accommodations or not.

Last one is ease of use. The easy part to understand would be to use the TTY again. It could help, but you need people to be willing to use it. Some of the listening systems are easy to use. Some are harder to use.

The national study was trying to look at attributes in accommodation: that is things we can actually measure about accommodation itself; such as cost. We know that the more expensive an accommodation is, the less apt people are to ask for it. The interesting question is that if something is expensive, does that mean that I think my boss won't comply with it? Some people say yes, but they also said that the more expensive something is, the more apt co-workers are to be jealous. With \$5,000 year, for example, being spent on interpreters they may wonder why they can't have a new computer. So sometimes the more expensive something is, the more apt you are to incur personal cost and also the less normative appropriateness you experience. So it's like peer pressure, so to speak.

The other thing that's interesting is when you look at attributes of the accommodation, you only find weak relationships to the decisions people make. The decisions are driven by what each of us think, our assessment of whether our boss will comply. Our assessment of whether people will support us. This drives people's decisions.

40% of people say they don't ask for an accommodation once a week because they feel there is not an effective accommodation for what they need. 17.6% said on a weekly basis they don't ask for an accommodation because they think it will be a personal cost if they do. If you take that on a quarterly basis, that totals almost 30%. On an annual basis, almost 40% say they don't ask for accommodation because they are worried about bearing personal costs. So that's a breakdown of people's reasoning for not asking for accommodations.

The two most important things that drive people's decisions are the assessments about compliance, and the assessments about normative appropriateness. What's interesting about that is while this is happening in our minds, the influence comes from our bosses and our co-workers. So you have people who need accommodations guessing about how their boss is going to react. Guessing about how their co-workers react. Based on that, making decisions about whether they should ask for accommodation or not. Everything boils down to the individual experiences: us communicating with the people we work with.

So, for accommodations, I think the main point is that the things we do everyday are going to drive the success of the ADA. If you are a person who feels comfortable asking for things, you do it not only for

yourself, but you help pave the way for other people to do the same. So everyday advocacy, asking for accommodations we need, is really the important part of driving success for the ADA.

A lot of us feel guilty about admitting that we feel guilty if we ask for an accommodation, but it's true. It's hard to ask again and again for things that make you feel different from others. Also, I have learned that when people try to manage their careers, they either stay in jobs that they have or increase their level of accommodation. Some people get very, very good at asking for what they need. They get good at teaching other people what to do. They get good at convincing other people to give them what they need.

Another strategy people use is they change jobs. So if you can't get the accommodations you need, some people switch to a job where they need fewer accommodations.

Or, the third strategy we generally see is people who change the work environment. So, for example, I stopped teaching at the University of Connecticut and I started teaching at Rochester Institute of Technology. RIT is a wonderful place to be if you are deaf. So now I am working in an environment that is at least partially a deaf environment. We find people that have other deaf colleagues and co-workers often have an advantage.

So those strategies are ones we see people taking. They get good at getting the accommodations they need or they find a job where they don't need as many accommodations. Or they find an environment where it's more supportive and easier to ask for the things that they need. Over time, I hope that we have even better advice to offer one another about how to have successful careers. So, I leave you with a request, and that is that you never ever, ever sell yourself short. All of us have tremendous amount of ability within us. I know how difficult it is to be able to express those abilities sometimes, but please don't give up and please remind me not to give up when I weaken.

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