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**Comparison of Employment Disability Discrimination  
Claims Across U.S. Equal Opportunity Commission and  
Fair Employment Practice Agencies Nationally**

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## Introduction

- **Project Overview**

Three-year field-initiated research project funded by the National Institute on Disability and Rehabilitation Research (NIDRR) entitled *Using the U.S.EEOC Employment Discrimination Charge Data System for Research and Dissemination Purposes* (Grant No. H133G040265)

- **Data Source - EEOC Charge Data System**

- EEOC's computerized data system which includes detailed information on every charge the EEOC receives, as well as those which are dual-filed with FEPAs
- Analyses include both EEOC and FEPA offices claims filed from 1993-2003

- **Study Purpose**

Examine trends in employment discrimination charges related to the ADA and other laws

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## Presentation Purpose

- Describe how the EEOC's Charge Data System (CDS) can be used to explore differences between the filing of discrimination claims at EEOC offices and state FEPA offices
- Inform an understanding of where specific issues in employment disability discrimination continue, by examining the disability employment discrimination charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) and Fair Employment Practice Agencies (FEPAs) within states
- Discuss the implications for DBTAC information dissemination, technical assistance, and training

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## Presentation Overview

- Why an interest in EEOC and FEPA claims?
- Trends over time in EEOC and FEPA ADA-related charges
- Comparison to trends in other employment discrimination legislation
- State-specific differences in the proportion of disability employment discrimination filings between EEOC and FEPA
- Top five ADA issues and bases in EEOC and FEPA filings
- Why state specific differences may be of importance
- Implications for DBTAC information dissemination, technical assistance, and training

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## Why an Interest in EEOC and FEPA ADA-Related Charges?

- EEOC charges filed represent half of all ADA charges
- FEPA offices' proportion of charges filed have increased over the ten years to almost half
- Distinct differences in proportion of ADA filings between offices, on a state-by-state basis
- These trends are not true for other employment discrimination laws
- Implications for technical assistance and educational purposes regarding guidance on where state-specific disability employment discrimination protections are

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FEPA offices' proportion of charges filed have increased over the ten years to almost half of all ADA-related charges



ADA-related charges filed in EEOC and FEPA offices, annually, by office, 1993-2003

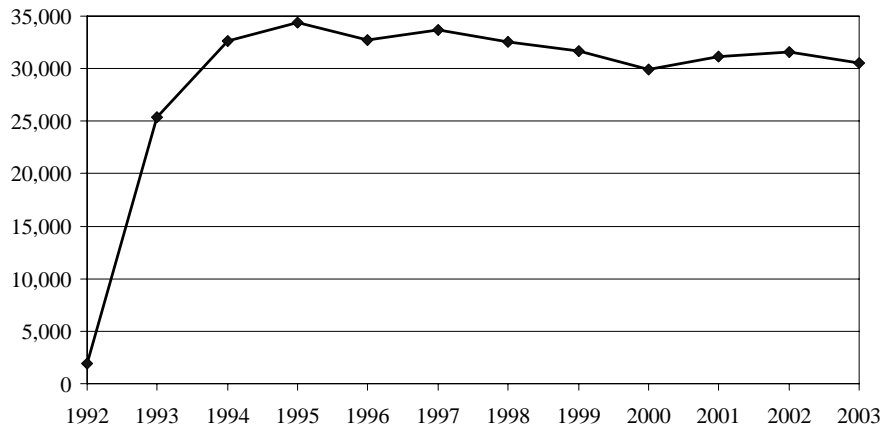
Year	Number of ADA-related charges			Percentage
	Total	EEOC	FEPA	EEOC
Total	328,001	176,758	151,243	53.9
1993	24,266	14,233	10,033	58.7
1994	31,322	17,563	13,759	56.1
1995	32,940	18,563	14,377	56.4
1996	31,225	16,990	14,235	54.4
1997	32,018	17,144	14,874	53.5
1998	30,934	16,820	14,114	54.4
1999	29,976	16,224	13,752	54.1
2000	28,260	15,022	13,238	53.2
2001	28,879	15,145	13,734	52.4
2002	29,602	14,930	14,672	50.4
2003	28,579	14,124	14,455	49.4

Source: Calculations by Cornell University, Employment and Disability Institute, using the EEOC IMS files, 1993-2003.

<sup>1</sup> ADA-related charges include charges based on the ADA alone and in combination with other statutes. The number of charges reflects the number of individual charge filings. 8



### ADA-Related Charges—Overtime

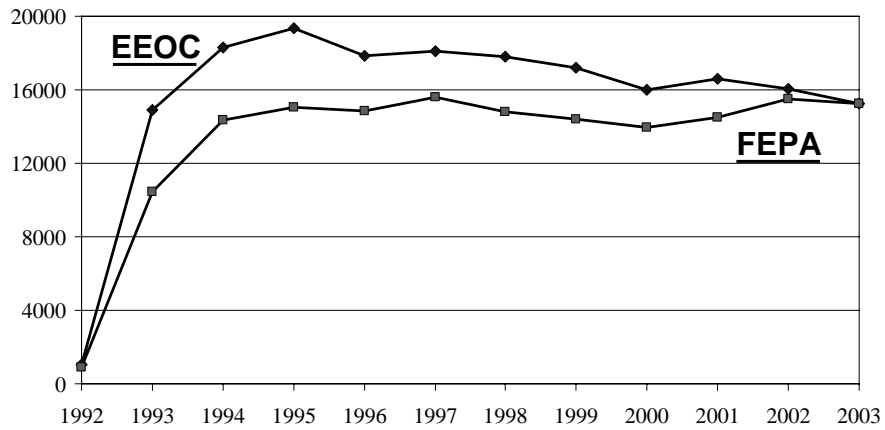


Note: Charges in which the ADA is cited (other statutes may have been cited as well).

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### ADA-Related Charges—EEOC or FEPA

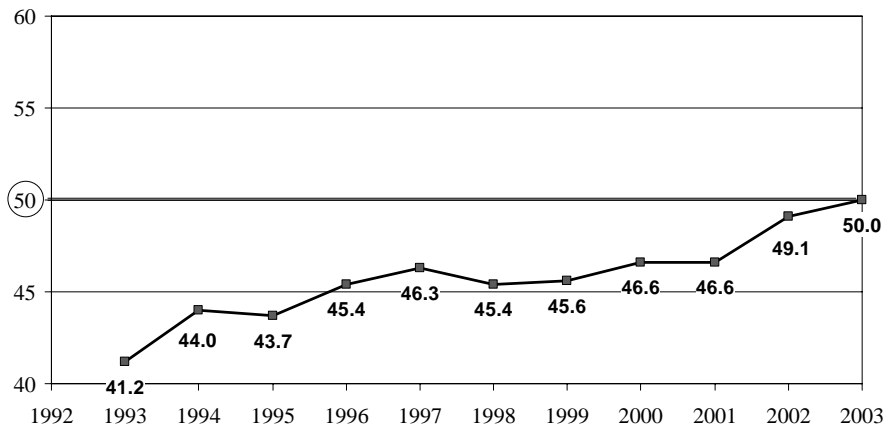


Note: Charges in which the ADA is cited (other statutes may have been cited as well).

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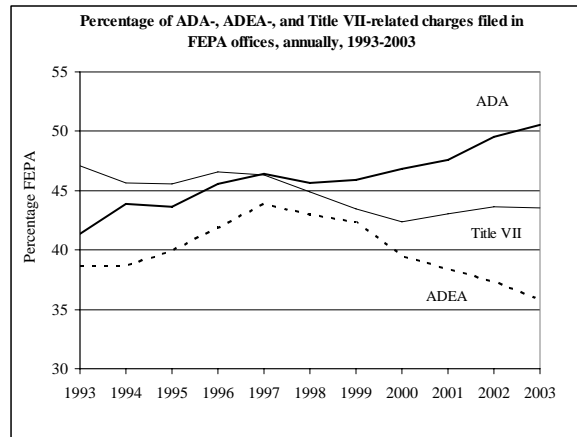
### ADA-Related Charges—Percentage FEPA



Note: Charges in which the ADA is cited (other statutes may have been cited as well). <sup>11</sup>



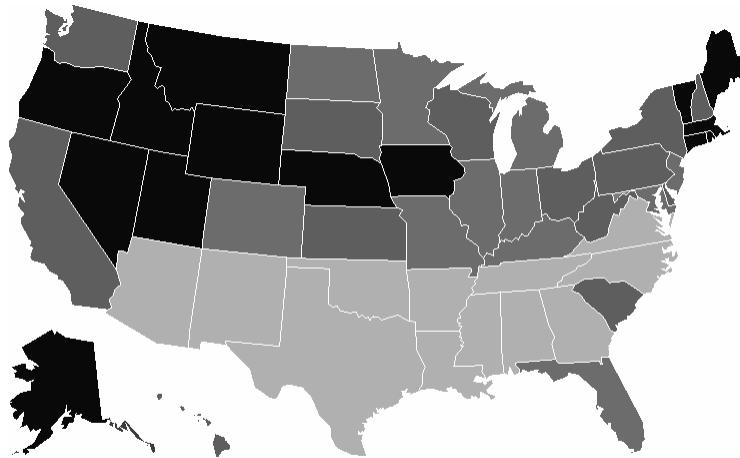
These trends are not occurring in other  
employment discrimination-related  
claims filings



State-specific differences in where ADA claims are filed are significant



### ADA-Related Charges—Percentage FEPA



< 25%
  25-49%
  50-74%
  75% +



### ADA-Related Charges—Percentage FEPA

Name	%FEPA	Name	%FEPA	Name	%FEPA	Name	%FEPA
Maine	96.3	Delaware	73.9	New Jersey	49.5	Texas	22.4
Nebraska	96.3	Kansas	72.9	Missouri	44.5	New Mexico	20.1
Mass.	94.4	Wisconsin	67.4	Illinois	43.5	Arizona	17.6
Iowa	94.3	South Dakota	65.4	Michigan	42.7	Oklahoma	16.5
Montana	94.2	West Virginia	62.5	Maryland	42.2	Tennessee	15.1
Rhode Island	93.7	South Carolina	62.3	Colorado	39.8	Virginia	14.7
Utah	92.9	Ohio	61.8	North Dakota	37.5	Georgia	11.1
Connecticut	92.4	New Hampshire	58.6	Minnesota	35.5	North Carolina	6.0
Idaho	89.0	New York	56.9	Kentucky	33.5	Arkansas	1.1
Wyoming	85.6	Pennsylvania	55.7	District of Col.	29.7	Mississippi	0.9
Oregon	85.5	Washington	55.3	Florida	29.4	Louisiana	0.6
Alaska	83.5	Hawaii	55.0	Indiana	27.9	Alabama	0.5
Nevada	79.1	California	52.7				
Vermont	78.9						

Note: Charges in which the ADA is cited (other statutes may have been cited as well).





Top five ADA-related issues and bases across EEOC and FEPA-filed charges



**ADA-Related Charges (1993-2003)**  
**Top 5 Issues**

Issue	Total Charges	EEOC Charges	FEPA Charges	Percent EEOC
1 Discharge	179,073	95,732	83,341	53.5
2 Reasonable Accom.	79,986	53,960	26,026	67.5
3 Terms/Conditions	62,056	24,764	37,292	39.9
4 Harassment	37,494	22,645	14,849	60.5
5 Hiring	28,075	15,425	12,650	54.9

Note: Charges in which the ADA is cited. Charges can have more than one issue.



**ADA-Related Charges (1995-2003)**  
**Top 6 Bases**

Basis	Total Charges	EEOC Charges	FEPA Charges	Percent EEOC
1 Other Disability	73,741	31,818	41,923	43.1
2 Structural Back Impairment	36,342	19,163	17,179	52.7
3 Regarded As Disabled	27,279	18,575	8,704	68.1
4 Nonparalytic Orthopedic Impairment	24,152	14,928	9,224	61.8
5 Depression	18,264	11,660	6,604	63.8
6 Other Psychiatric Disorders	10,562	4,197	6,365	39.7

Note: Charges in which the ADA is cited. Charges can have more than one basis.



**Implications for DBTACs**

- Knowledge of state-specific disability nondiscrimination legislation
- Knowledge of the respective state employment discrimination claims offices
- Knowledge of how higher court rulings may impact where greater protections occur
- Implications for technical assistance, information dissemination, and training



## For Further Information

- EEOC web site -  
<http://www.eeoc.gov/stats/enforcement.html>
- Cornell University Employment and Disability Institute (EDI) – [www.edi.cornell.edu](http://www.edi.cornell.edu)
- Cornell University Law School -  
<http://www.lawschool.cornell.edu/>