National EEOC ADA Research Project

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Recent Findings in Hiring Discrimination

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WHAT’S IN THE DATABASE?

369,182 Title I CLOSED allegations over 13.2 yrs
GROWS @ 5% per year
CHARGING PARTY = PERSON WITH DISABILITY
– 45 unique and known impairments
– Race, Gender, Age
RESPONDENT = EMPLOYER
– 20 unique industry groupings (2002 NAICS)
– Number of Employees
– LOCATION (DBTAC or Census Region)
ISSUES: 25 unique types of discriminatory behavior
OUTCOME/RESOLUTION: allegation has/not Merit
FIGURE ONE: FIVE MAJOR VARIABLES OF ANALYSIS

- Claimant
  - Age
  - Sex
  - Disability
  - Record of
  - Race
  - Regarded As
  - Associates of

Place: Region

Employer
- Industry/NAICS
- Size: # Workers

ISSUE

25 Types of Discrimination

Get job
- Qualified Med Exam
- Testing
- Hiring
- Training
- RehApp

Work conditions
- Wages
- Benefits
- Job Classif
- Work Assign
- Seg Facilities
- Promotion
- Demotion
- Discipline
- Suspension
- Harassment
- Terms/Cond

Keep job
- Discharge
- Con Disch
- Invol Retire
- Layoff
- Recall
- Reinstate
- Other

COMPLAINT RESOLUTION
(OUTCOME)
- Favors Individual
- Favors Employer
- Negotiated Settlement
- Withdrawal w/ Benefits
- Reasonable Cause
- Successful Conciliation
- No Success Conciliation
- No Cause
- Administr Closure

Project Priority Now is to Understand Discrimination “Issues”

Reasons for d/c?

HIRING < 4% OF ALL ALLEGATIONS 76% OF ALL ALLEGATIONS
“ISSUES” Publications Underway …

Out of 40 Issues,

5 ISSUES CONSTITUTE 76% OF DATABASE:

In order of importance to EEOC:

1. HIRING:
   » Most Expensive Remedies (especially Back Pay)
   » Most Responsible for Low Labor Market Activity Rate
2. REASONABLE ACCOMMODATION
3. DISCHARGE/CONSTRUCTIVE DISCHARGE
4. HARRASSMENT/INTIMIDATION
5. TERMS/CONDITIONS

TODAY: HIRING DECISION,
LET’S ADD HIRING-RELATED:

- REINSTATEMENT & RECALL: 7579
- PROHIBITED MEDICAL INQUIRY: 2423
- QUALIFICATION STANDARDS: 615
- TESTING: 398
- UNION EXCLUSION or SEGREGATION: 372
- POSTING NOTICES: 193
- APPRENTICESHIP: 56
- ADVERTISING: 45

• TOTAL: 11,681+ 19,528 = 31,029 (still #4)
For Each Issue …

CHARACTERISTICS OF CHARGING PARTIES
- Impairment, Age, Gender, Ethnicity

CHARACTERISTICS OF EMPLOYERS
- Industry, Size, Location

NATURE OF CLOSURE STATUS
- Merit (favors charging party); No-merit (favors employer)

CHAID ANALYSIS: PREDICTORS OF MERIT

TREND ANALYSIS: HOW DOES HIRING CHANGE OVER TIME?

HIERARCHICAL LINEAR MODELING: THEORY BUILDING

*** 4 DONE FOR HIRING AND IN PRESS
*** 2 TO BE COMPLETED FOR HIRING BY 7/08

HIRING DISCRIMINATION:
What we now know

• HIRING is (distant) 4th largest issue: n=19,528
  
  HX1.5=Harassment   HX3=Reas.Accom   Hx7=Firing

• Applicants are disproportionately
  - Younger (16-34)
  - More Caucasians
  - More Males
  - More Visibly Disabled: Physical, Sensory, Neurological

• Employers are disproportionately
  - Smaller (<100)
  - More Discriminatory Industries
    Education            Transportation and Warehousing
    Public Administration Professional, Scientific, and Technical
    Agriculture, Fishing, Forestry and Hunting Construction

• HIGHER MERIT RATE (26% vs. 20.6%)
THANKS AND ..... 

• Your questions or comments please? ......