

Calibrating the Impact of the ADA's Employment Provisions

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I. Introduction

In a March 2002 speech, Justice Sandra Day O'Connor commented to members of the Corporate Counsel Institute that the Supreme Court's 2001–2002 term may be “remembered as the disabilities act term”—that is, as the Americans with Disabilities Act (ADA) term. O'Connor's view, as reflected in a decision she had just written in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, was that the ADA is “an example of what happens when . . . the sponsors are so eager to get something passed that what passes hasn't been as carefully written as a group of law professors might put together.”

The “disabilities act term” produced an array of decisions reviewing the ADA's definition of disability, direct threat defense provisions, and reasonable accommodations requirements. With each decision, the Court rejected what critics call “liberal readings of the law's employment provisions.”

While the Court and legal commentators have grappled over the doctrinal scope of the ADA, there has been a parallel debate in the social sciences on how to calibrate the real-world impact of the ADA's employment provisions. The central question of the debate is how to assess the law's impact on the employment prospects and economic independence of individuals with disabilities.

So far, the research attempting to determine the law's effects has produced inconclusive results. Some studies report that the employment levels of individuals with work disabilities declined in the early 1990s, concluding that the law has failed and is the likely cause of the declines. Other research finds improvements in employment levels since the ADA was passed, but among a select group focusing on individuals' reported functional limitations in daily life activities rather than self-reported work limitation.

A primary difference between the research streams is how the authors define and measure the concept of disability. How researchers identify individuals with disabilities is fundamental to whether their findings are informative as to the causal impact of the ADA. The answer to the question of whether the ADA has affected employment rates requires analysis of the legally defined group the ADA is meant to protect—the “ADA-qualified disabled”—yet no research conducted to date isolates this group.

In this Article, we explore the calibration of the ADA's impact on the employment prospects of qualified persons covered by the law. Part II describes the predominant economic models of labor market behavior and discrimination and discusses how those models have been used to develop predictions regarding the impact of the ADA's employment provisions, and reviews studies purporting to support the prediction that the ADA causes employment declines. Part III discusses reasons why existing research does not allow conclusions that the ADA has caused declines or increases in employment levels, focusing on definitions and measures of disability. Part IV identifies problematic issues in the development of models that assess the ADA's effects and cautions policy makers regarding the limitations of that research.

II. Economic Theory's Predictions Regarding the ADA's Effects

Without the ADA or other protective legislation, economic theory posits that the wages and employment of individuals with disabilities will depend on firms' demand for labor and individuals' willingness to supply their labor to firms. There are a number of potential reasons why disabled individuals will be less likely to be employed and, if employed, will receive lower wages than nondisabled workers. First, individuals with disabilities may not be as productive as those without disabilities, due to premarket decisions not to invest in training, workplace barriers, or a lack of work experience. Second, to the extent that an individual with a disability can be equally productive once workplace barriers have been removed, the elimination of those barriers will cost the individual in the form of lower wages. Third, discrimination against those with disabilities can reduce both the number of job offers and the wages of jobs that are offered.

A. Economic Models of Employment Discrimination

A fundamental purpose of the ADA is to reduce irrational discrimination against qualified individuals with disabilities and thereby enhance their employment opportunities. Employment discrimination may occur prior to or after an individual's entry into the labor market. Individuals with disabilities face premarket discrimination in education and training opportunities. Postmarket discrimination causes qualified individuals with disabilities to receive lower wages and have fewer occupational choices.

Becker has shown that one form of postmarket discrimination originates when employers display a "taste for discrimination." If individuals in majority and minority groups are in fact equally productive, tastes for discrimination manifest themselves in the fact that employers perceive the cost of hiring those in the minority group to be greater than that of those in the majority group. Becker's model predicts that in perfectly competitive markets, tastes for discrimination are minimized in the long run.

The statistical model of discrimination relies on employer decisionmaking in the context of imperfect information. Statistical discrimination occurs when employers use perceptions of the average individual in a group, such as the group of disabled persons, to predict the productivity of all individuals from that group. When the indicators are inaccurate, costly mistakes are made. Market forces alone are unlikely to eliminate this form of discrimination.

B. Theories of Discrimination and the ADA

Apart from the law's requirement that a firm make accommodations for qualified disabled workers, the ADA tracks the economic definition of discrimination, which focuses on the differential treatment of those who are equally productive. Under the ADA, qualified individuals with disabilities are to be treated the same as nondisabled individuals with respect to pay and employment decisions. The ADA defines these qualified individuals as people who are either currently disabled, have a history of disability, or are regarded as being disabled.

The ADA's accommodation requirement mandates that an employer provide benefits to, or take steps in response to, the needs of particular individuals so they are able to perform essential job functions. During the "disabilities act term," in *US Airways v. Barnett*, the Court delineated the mandate of the ADA's accommodation requirement:

"[The ADA] seeks to diminish or to eliminate the stereotypical thought processes, the thoughtless actions, and the hostile reactions that far too often bar those with disabilities from participating fully in the Nation's life, including the workplace. These

objectives demand unprejudiced thought and reasonable responsive reaction on the part of employers and fellow workers alike. They will sometimes require affirmative conduct to promote entry of disabled people into the workforce. They do not, however, demand action beyond the realm of the reasonable.” (535 U.S. at 401)

Thus, the ADA imposes on employers a potential additional cost of hiring or retaining a disabled individual. That employers incur expenses to allow qualified individuals to be productive on the job represents a focal point of economists' criticisms of the ADA and is a central element of public policy debates about the law's employment protections.

C. Predictions of the ADA's Effects

Standard economic models predict that without the ADA, employers will hire disabled individuals to the extent that the costs of doing so are smaller than the benefits. One key to assessing the predicted effects of the ADA is to understand that, unless discrimination is at work, employers will always seek to hire the most productive and “cheapest” disabled individuals (i.e., those requiring the fewest or the least costly accommodations). This prediction relies on the assumption that employers have reasonably accurate information about potential worker productivity and the costs and benefits of accommodations.

The ADA's equal-pay requirement is predicted to force employers to pay individuals with disabilities more than they otherwise would. The ADA's accommodation requirement is expected to force employers to provide accommodations they otherwise would not have provided. The ADA's equal-pay requirement prevents the added expense from being transferred to the employee through a lower wage.

Jolls departs from the standard models in examining the effects of accommodation mandates under different enforcement scenarios, demonstrating that whether qualified ADA-disabled individuals realize employment losses depends on whether restrictions on wage and employment differentials are binding on employers. Where both restrictions are binding, Jolls predicts that the relative wage of qualified disabled individuals will rise or stay the same and that relative employment will rise, in part because nondisabled individuals shoulder some of the costs of the accommodation mandate.

D. Empirical Tests

DeLeire and Acemoglu and Angrist are among researchers using economic theory to derive and test empirically predictions regarding the ADA's effects on the employment of individuals with disabilities. DeLeire employs Survey of Income and Program Participation (SIPP) data from 1986 to 1993 for men aged eighteen to sixty-four. Acemoglu and Angrist use Current Population Survey (CPS) data from 1988 to 1997 for men and women aged twenty-one to fifty-eight.

DeLeire summarizes his findings as indicating that the ADA has led to a 7.2% decrease in the probability of employment of disabled individuals, but no change in relative wages. Acemoglu and Angrist conclude that the ADA has had substantial disemployment effects on disabled men in the twenty-one to fifty-eight age cohort and on disabled women under the age of forty. Both sets of studies attribute these findings to the accommodation costs of the ADA.

Although both sets of studies show decreases in the employment of disabled people, they differ in the timing of when these decreases occurred. DeLeire finds a significant drop in 1990, which he attributes to the passage of the ADA. Acemoglu and Angrist find no significant drops in 1990; instead they discover such a drop in 1992, which they attribute to the ADA because its Title I employment provisions were implemented that year. The disparate findings raise the question of

whether the ADA is playing a role in these results or whether other idiosyncrasies of the models and datasets are at work.

In sum, while Title I of the ADA seeks to eliminate differential treatment of those who are equally productive, the ADA's requirement that employers make reasonable accommodations is a departure from prior legislation. Standard economic models predict that the costs of accommodation will decrease the hiring and wages of people with disabilities. Two studies have reported evidence that the employment of people reporting work disabilities has decreased following passage of the ADA. We turn to a number of problems in researching the employment of people with disabilities, and describe other studies with more favorable results.

III. The Impact of the ADA on Employment

Can the results of the prior empirical tests be taken as proof that the ADA has failed to accomplish its goals? Based on the research to date, we conclude that the answer to that question is no. One major reason for our conclusion is related to the definition and measure of disability employed in prior studies.

A. Disabled Individuals Versus Disabled Individuals Protected by the ADA

The definition of disability and the identification of those in the protected category are critical to research addressing the labor market behavior of disabled individuals. If the purpose of the research is to examine labor demand and supply, use of a measure that asks whether individuals are "disabled" or have a disability that prevents or limits work may be sufficient. However, this approach will not yield valid conclusions if the goal is to assess the effects of the law.

Those covered by ADA Title I are people who have an impairment that substantially limits a major daily life activity and who are "qualified"—that is, they can perform essential job functions with or without accommodation. The ADA does not provide employment protections to all persons with physical or mental limitations. The law divides individuals with impairments into three groups: individuals with substantial limitations who are qualified, individuals with substantial limitations who are not qualified, and individuals with impairments that do not substantially limit a major life activity. The law provides protection only to those in the first group.

Researchers often do not distinguish between these groups. If the SIPP is used, the division is accomplished through the use of a standard survey question asking respondents whether they have a health condition that limits the kind or amount of work they can do. If the CPS is used, the item asks whether individuals "have a health problem or disability which prevents [them] from working or which limits the kind and the amount of work [they] can do."

In general, both items define disability more narrowly than the ADA because they focus on impairments that limit work activity, rather than any major life activity. Additionally, individuals who are not "qualified" for purposes of the ADA may be included within the category of individuals identified as disabled in the CPS and SIPP. Information from the SIPP data for 1997 indicates that more than half (57.5%) of individuals between the ages of sixteen and sixty-four with work disabilities report being prevented from working. Studies that include within the group of disabled individuals those who cannot work at all will understandably be more likely to produce results suggesting that disabled individuals are relatively less likely to be employed.

Hale describes the problems associated with use of the CPS and SIPP data sets for examinations of the employment of individuals with disabilities, suggesting that the CPS in particular cannot be relied on to distinguish those with disabilities from those without them. Kaye also discusses these

problems and proposes alternate measures of the employment rate, noting that the reported decline in the employment rates of persons with disabilities after passage of the ADA is mitigated when one uses these alternative definitions.

B. Work-Related Disability Versus Functional Limitations

Use of measures of functional limitations instead of, or in addition to, measures of work disabilities has been shown to lead to substantially different results. In 1997, 10.5% of individuals between the ages of twenty-one and sixty-four reported a work disability, while 7.7% reported some other type of limitation but no work disability. Of those reporting a work disability, only one-third (34.1%) were employed. By comparison, almost three-quarters (72.6%) of those without a work disability but with some other disabling limitation were employed.

Kruse and Schur demonstrate the usefulness of focusing not only on individuals reporting work disabilities, but also individuals reporting functional limitations with respect to daily life activities. The group defined by Kruse and Schur as those who have severe functional and daily activity limitations but who report the ability to work is probably the group that best captures and isolates ADA-qualified individuals.

Examining their groups over time, Kruse and Schur find evidence of compositional change among those reporting work disabilities: a substantial increase in reports of severe functional and daily activity limitations, a decrease in reports of being able to work, and an increase in the number of disability income recipients. There is therefore a good possibility that the decline in employment among people reporting work disabilities in the early 1990s reflects compositional changes in this population, rather than the implementation of the ADA.

Kruse and Schur report employment trends in the early 1990s that differ dramatically among the disability measures. Consistent with prior studies, their results show a relative employment decline for people reporting work disabilities between 1991 and 1993. In contrast, there were nonsignificant relative employment increases among people reporting any functional and daily activity limitations and among people reporting work limitations but an ability to work. Moreover, relative employment levels improve significantly among those with severe functional and daily activity limitations that do not prevent work—the best measure of the ADA-qualified. These findings raise strong cautions about prior conclusions from evidence based only on the work disability measure.

Importantly, the divergent patterns that Kruse and Schur find continue through the 1990s. Although there is no growth in employment when one examines all who report a work disability, there is significant improvement among those who report an ability to work. In sum, prior conclusions about the relative employment of “disabled” individuals are largely dependent on the type of disability measure used. There is a strong case for comparing results among multiple measures of disability.

C. The ADA and Self-Reported Disability

The ADA may have effects on the probability that individuals report a disability, contributing to compositional changes. Historically, the stigma attached to disability has caused general underreporting of disability, particularly given that public policies toward people with disabilities have been based on a paternalistic model. The rise of the disability rights movement and the passage of the ADA lessened such stigma and increased individuals' willingness to acknowledge disabilities. This may be especially true for those with the most stigmatized disabilities, such as mental impairments, that are associated with the lowest employment rates. Such increased acknowledgment of disability could have the effect of lowering the measured employment rate.

Reports of work disability should lessen over time if employers and advances in technology make workplaces more accessible, so that individuals' impairments are less likely to restrict the work they are able to do. This effect is pronounced for those with less severe disabilities who are more easily accommodated, resulting in a higher concentration of people with severe disabilities in the population reporting a work disability.

In short, if the ADA is effective in eliminating barriers that historically have thwarted attempts of individuals with disabilities to work, over time fewer individuals will identify themselves as limited in their ability to work, and those who do will have more severe disabilities. This would tend to increase the likelihood of obtaining results that suggest the ADA has had a negative—or no—effect on the employment of individuals with disabilities.

D. Other Issues in Measuring Disability

The study of individuals with disabilities encounters numerous complications that do not exist in the study of individuals of different genders or races. Disabled individuals have limitations that differ in nature, severity, and age of onset. An individual's ability to work may vary over time with the episodic nature of particular impairments. Conditions may worsen with time or fluctuate between severe and manageable.

The Court has declared that many work-related impairments require an "individualized assessment." Because symptoms vary widely, assumptions regarding disability status cannot be made solely from impairments that individuals report or perceive they have. Further complicating matters is the fact that the ADA's definition of disability is subject to varied interpretations by courts, policy makers, employers, and persons with disabilities themselves.

Decisions coming in the Court's "disabilities act term" have produced some clarifications. In *Toyota Motor Manufacturing* (2002), the Court determined that an individual is substantially limited in performing manual tasks only if the impairment prevents or severely limits activities that are central to daily life. In *Sutton v. United Air Lines* (1999), the Court decided that factors that mitigate an individual's impairment—such as prosthetic devices, blood pressure medication, or adaptive self-correcting techniques—are to be considered in defining whether that person's impairment is substantially limiting.

The prior research testing a functional-limitation definition of disability does more than demonstrate what a difference a measure can make; it also highlights the potential benefits of using multiple measures of disability. Incorporation of both sorts of measures would allow analysis of the large numbers of individuals reporting work disabilities but no other functional limitations. Finally, additional attention needs to be paid to the effect of the ADA and other environmental conditions on the likelihood that an individual reports herself as disabled, no matter what type of definition is used.

IV. Implications and Future Research

If unacceptably large numbers of qualified individuals with disabilities are without jobs, will a law such as the ADA bring about enhanced employment? Or will such a law make employment more difficult for all individuals with disabilities to find and to keep? The standard economic model suggests that broadening ADA coverage will increase legal challenges and the success rate of ADA litigants, and this would increase employers' "hiring subsidies" and "firing costs" associated with ADA litigation. Expanding the definition of disability will likewise increase the number of individuals to whom employers will have accommodation obligations.

Today, we cannot say whether ADA-qualified individuals continue to face barriers to employment, and, if so, why this may be the case. Is it due to the ADA's accommodation mandate? Is it due to the failure to enforce the ADA's restriction on wage and employment differentials, or to premarket decisions of individuals? Is it due to forces operating separately from the ADA, such as barriers to health insurance, or to economic disincentives in federal benefit entitlement programs? Without knowledge of the "why," informed decisions regarding policy cannot be made.

A. Measurement

Getting to the "why" requires that researchers grapple with issues surrounding the "who"—that is, how "disability" is to be measured and what the characteristics are of individuals captured by the measure selected. In future analyses of the labor force participation or employment status of disabled individuals, it is crucial to examine measures of disability that go beyond the use of "Yes/No" indicators of group membership. Such indicators treat those with disabilities as a homogenous group, even though there is a great range in types and severity of impairments.

Oi describes several aspects of disability that are important in individuals' labor supply decisions: severity, age at onset of disability, anticipated duration of disability, and the disability's effect on expected length of life. Silverstein adds four factors: the macroeconomic status during the reporting period; how other protected classes are faring during the same time period; the race and ethnicity of the population; and the possibility that persons with hidden disabilities, such as those with epilepsy and mental illness, may not self-report.

In addition to examining alternative measures of disability, researchers must incorporate measures of individual productivity, such as education, job training, and work experience. Other studies suggest that the probability of employment in some sectors and types of jobs declined to a greater degree than it did in others. Stapleton, Houtenville, and Goodman explore the possibility that job requirements have changed over time in ways that make it less likely that disabled persons will be able to compete for positions.

B. Technology

The central importance of computers in the workplace has implications for the employment of people with disabilities. Computer technologies help compensate for physical limitations—for example, those without finger dexterity use voice-recognition software to run a computer, and those with severe speech impediments use special software to "speak" through the computer.

Computer skills can open up occupational options where disability is of little or no relevance, while a lack of computer skills can restrict occupational options for people with disabilities. Krueger and Kruse have found that among people with spinal cord injuries, those using computers prior to the injury had more rapid returns to work. Furthermore, among the employed, there was no earnings gap between computer users with and without spinal cord injuries, while nonusers with injuries earned significantly less than nonusers without injuries.

Despite the positive effects of computer use on employment and earnings, people with disabilities are generally less likely to be computer users. Data from the 1999 SIPP show that among full-time workers, almost half (46%) of those without disabilities use computers at work, compared to one third (35%) of those with disabilities. Among working-age people with disabilities who are not employed, nearly half report they are capable of computer use, indicating substantial potential for increased employment given the importance of computer skills in the workplace.

C. Work Arrangements

Apart from telecommuting and other home-based work, other types of nonstandard work arrangements play a role in enhancing employment opportunities for people with disabilities. Contingent work and part-time employment are attractive for people with disabilities who have health problems that make standard full-time work difficult. Existing research shows that about 40% of workers with disabilities are in contingent or part-time jobs, which is twice the rate of workers without disabilities. These jobs pay less and provide fewer benefits than traditional full-time jobs, and many workers with disabilities in nonstandard jobs are impoverished.

Unionization is another job characteristic that has received little attention in disability research. Unions play a crucial role in U.S. workplaces by negotiating terms and conditions of employment, providing a mechanism for worker voice, and helping protect employee rights. Existing data show that workers with disabilities are as likely as other workers to be union members. It is an open question whether workers with disabilities fare better in unionized workplaces (e.g., because unions ensure that employers comply with civil rights laws like the ADA) or in nonunion workplaces (e.g., because seniority systems make it more difficult to reassign workers with disabilities).

Another factor regarding the definition of an ADA-qualified individual was introduced during the Court's "disabilities act term." In *Chevron U.S.A., Inc. v. Echazabal*, the Court upheld the validity of the EEOC's interpretative regulations of the ADA that included an employer defense to the hiring of qualified individuals who pose a direct safety threat to themselves in the workplace. After *Chevron*, employers generally have greater latitude in deciding the degree of risk that an individual with a disability can and should accept in performing a particular job.

D. Attitudes

The continued existence of discriminatory attitudes is acknowledged by many employers: a 2003 employer survey found that 15% of employers said the greatest barrier to people with disabilities finding employment is employer reluctance to hire them, while another 5% cited discrimination or prejudice (and only 7% cited the need for workplace accommodations as the greatest barrier). Even when employers are driven by market and policy forces to behave in a nondiscriminatory way, negative animus from coworkers or customers reduces incentives for individuals with disabilities to enter the labor market. The long-term goal of the ADA is to eliminate such "tastes for discrimination."

Existing research has not examined the effects of the ADA on the incentive of disabled individuals to invest in human capital. Investments in human capital are also a function of negative attitudes and stigma directed toward individuals with disabilities. Becker has noted:

"A novel theoretical development in recent years is the analysis of the consequences of stereotyped reasoning or statistical discrimination. This analysis suggests that the beliefs of employers, teachers, and other influential groups that minority members are less productive can be self-fulfilling, for these beliefs may cause minorities to underinvest in education, training, and work skills, such as punctuality. The underinvestment does make them less productive."

The ADA, through its accommodation and equal pay requirements, seeks to break this vicious cycle by narrowing the productivity gap between the disabled and the nondisabled. Whether the ADA has triggered investment in education could be assessed by comparing years of schooling or job training before and after the law's enactment, particularly among younger people who can expect a greater return from education.

E. Other Labor Supply Decisions

Analysis of labor-supply decisions over time will help to isolate whether changes in nonwork sources of income explain the apparent decline in employment of subgroups of disabled persons. Sources of wealth not tied to employment, such as disability payments or Medicaid health insurance benefits, reduce incentives to work, particularly when attempts to work reduce eligibility for such entitlements. Prominent among these barriers have been economic disincentives reflected in the Social Security Disability Insurance (SSDI) and Supplemental Social Security (SSI) programs.

Specifically, full cash benefits under SSI and SSDI are only available to individuals who cannot engage in “substantial gainful activity.” The importance of disability income in employment trends for people reporting work disabilities is shown by evidence from Bound and Waidmann suggesting that changes in the availability of disability income were central for explaining the growth in the fraction of disabled men and women on disability income and out of work.

Kaye notes that the reported decline in the employment rates of persons with disabilities after passage of the ADA is mitigated when one considers the effect of the early 1990s economic recession and the coinciding rise in working-age adults applying for and receiving federal disability benefits. In sum, disability income and access to health care coverage are important factors in the labor supply decisions of people with disabilities, and need to be taken into account in any research examining disability and employment.

F. Policy Changes

Recent national policy initiatives are aimed at diminishing barriers to work for disabled persons who want to work and are capable of working. The Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 expands the availability of health care coverage for individuals with disabilities. States may allow disabled people to “buy into” Medicaid health insurance programs. TWWIIA also extends Medicare coverage for people returning to work from SSDI, thus attempting to stimulate beneficiaries to return to work without risking the loss of health insurance coverage.

In addition to offering expanded health insurance options, TWWIIA and the Workforce Investment Act (WIA) of 1998 eliminate other work disincentives. WIA establishes “one stop” employment and job training centers to provide accessible services to individuals with differing disabilities. Examination of the impact of TWWIIA and WIA in conjunction with the ADA will better inform policymakers as to the extent to which qualified individuals are entering the labor market or actively seeking work for pay.

Tax policy is also a crucial yet understudied strategy for facilitating workplace accommodations. Section 190 of the Federal Tax Code provides a deduction for costs associated with making facilities accessible and usable by a person with a disability. In 1990, Congress approved the Disabled Access Credit, which establishes a 50% credit for the first \$10,000 of expenses incurred each year by a small business to comply with the ADA. Despite this activity, there are no studies to date assessing whether tax policies are effective in accomplishing their intended purposes.

V. Conclusion

Researchers calibrating the impact of the ADA’s employment provisions face numerous challenges. Three are particularly prominent:

- (1) It is important to use operational definitions or measures of disability that do not deviate substantially from the ADA’s definition of disability and of ADA-qualified individuals.

(2) One must take into account the fact that within the group of ADA-qualified individuals, the effects of impairments are not homogenous, and disability status varies with jobs, the use of mitigating measures, and the degree to which accommodations are required or provided.

(3) One must also recognize that persons with mild impairments self-report themselves as “disabled,” yet are not covered by the ADA’s provisions, while many persons with severe functional limitations may not perceive themselves to be disabled for purposes of the ADA or otherwise.

In the absence of analyses addressing these issues, existing research provides little basis on which policymakers can make informed decisions regarding how the ADA has impacted ADA-qualified individuals. Moreover, to make such informed decisions, policymakers must concern themselves not only with the validity of existing and future studies, but also with the limitations of the theoretical models on which those studies are based.

Economic theory’s predictions regarding the effects of the ADA on ADA-qualified individuals’ employment and wages are based on the view that the market operates to transfer at least some of the employer’s costs onto disabled individuals. However, those models fail to consider that a disabled person who chooses not to enter the labor market receives a form of transfer payment from taxpayers. A rational policymaker will support the enforcement of employer accommodation when the total social benefit (the reduction in transfer payment plus the increase in output) exceeds the total social cost (the wage rate plus the accommodation cost).

This Article identifies some of the changes in the economy and some of the economic, social, and policy incentives and disincentives that help explain employment trends among people with disabilities. We are just beginning to explore the question of whether individuals who report a work disability or functional limitation continue to experience lower employment levels since the ADA was passed. We need to assess who those individuals are, and why they are or are not employed, before informed decisions about the calibration of the ADA can be made.

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