



Diversity and Inclusion in the American Legal Profession: Workplace Accommodations for Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+

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Abstract

Purpose: Workplace accommodations, vital for employees with disabilities, promote diversity and inclusion efforts in organizations. This article examines who requests accommodations and who is more likely to have requests granted. We investigate the roles of individual characteristics and their intersection, including disability, sexual orientation, gender, race/ethnicity, and age. **Methods:** Using data from a national survey of U.S. lawyers, we estimate the odds of requesting accommodations and having the requests approved. We also estimate differences in odds according to individual characteristics, adjusting for control variables. **Results:** Personal identity factors, such as disability status, gender, and age, predict requests for accommodations. Odds of requesting accommodations were higher for women and people with disabilities as compared to men and those without disabilities, but lower for older individuals. Odds of requesting accommodations were higher for an older population segment—older lesbian, gay, bisexual, and queer (LGBQ) lawyers—than for younger lawyers. Accommodations were granted differentially to individuals with multiple marginalized identities. Counter to predictions, being a person with a disability is negatively associated with having an accommodation granted. Older lawyers generally have higher odds of having accommodations granted, but odds for groups such as women and racial/ethnic minorities decline with age. LGBQ lawyers who are racial minorities have lower odds than White LGBQ lawyers of having their accommodations granted. Longer tenure increases the odds of requesting accommodations. Working for a private organization decreases the odds; working for a large organization generally increases the odds. **Conclusions:** Those most needing accommodations, such as lawyers with disabilities and women, are more likely to request accommodations. Disabled lawyers, older women lawyers, older racial/ethnic minority lawyers, and LGBQ minority lawyers have relatively low odds of having requests granted. The results highlight the need to consider intersectional identities in the accommodation process.

Keywords People with disabilities · Lawyers · LGBTQ · Workplace · Discrimination

Introduction

Central to the Americans with Disabilities Act of 1990 (“ADA”) is the concept that discrimination against people with disabilities includes not making reasonable accommodations to the physical and mental limitations of a qualified individual with a disability, in the absence of an “undue hardship” on the business involved. As stated eloquently by

the late Justice Ruth Bader Ginsburg in the seminal U.S. Supreme Court case *Tennessee v. Lane* [1],

Including individuals with disabilities among people who count in composing “We the People,” Congress understood in shaping the ADA, would sometimes require not blindfolded equality, but responsiveness to difference; not indifference, but accommodation. Central to the Act’s primary objective, Congress extended the statute’s range ... and required ... “reasonable accommodations.”

Focusing on the area of employment, this article seeks to explore in new ways and in a specific employment context whether the ADA’s accommodation principle is working effectively when people require accommodations.

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For many people with disabilities, finding and keeping a job remains a challenge. Data show that in 2019, before the global health and economic emergency of 2020, less than one-third (30.9%) of people with disabilities between ages 16 and 64 were employed in the United States, compared to almost three-quarters (74.6%) of people without disabilities in comparable age groups [2]. Of those employed, 32% of workers with disabilities had part-time jobs, compared to only 17% of those without disabilities [2]. This large disparity persisted (and continues to persist) despite legislation such as the ADA, which aimed to improve employment outcomes and reduce employment discrimination for people with disabilities [3, 4].

There are many reasons for the persistent disparities in employment facing people with disabilities, among them that many people with disabilities do not experience the same opportunities when seeking work and, when they have a job, are faced with additional attitudinal and organization structural barriers [3, 5–8]. Workplace accommodations—individualized adjustments to the way work is performed—are one important way to address these barriers and support the employment of people with disabilities [9]. The receipt of accommodations is positively associated both with being employed, and with higher job performance and satisfaction at work [9, 10].

Nonetheless, *effective* workplace accommodations are not always available to all workers [11]. While people with health conditions, impairments, and other disabilities are more likely to request workplace accommodations than those without disabilities [12], there likely are disparities in who actually receives them. For example, racial minorities and those without a college degree are less likely to be accommodated in the workplace [13]. These findings are consistent with 2019 employment data showing that among people with disabilities, Blacks have the highest unemployment rate (11.8%), followed by Hispanics (8.6%), Asians (6.7%), and Whites (6.6%) [2].

This article derives from and builds upon the increasing recognition by the American Bar Association (“ABA”) and other legal entities that successful organizations seek to hire and retain diverse talent. It draws in particular upon original data from a national survey of 3,590 lawyers, conducted in collaboration with the ABA, designed to explore diversity and inclusion in the legal profession. With representation from all U.S. regions and states, as well as the District of Columbia, the survey examined lawyers with diverse backgrounds who are practicing in varying venues, with a primary focus on lawyers who identify as having health conditions, impairments, and disabilities, and on those who identify as lesbian, gay, bisexual, transgender, queer, or as having other sexual orientations and gender identities (“LGBTQ+” as an overarching term). The

survey has a planned longitudinal component, with a program of studies to accompany the work.

This article is the second in a planned series of studies based on that national survey. The first article was descriptive in nature and presented an enhanced organizational diversity and inclusion concept that we labeled “Diversity and Inclusion Plus Accommodation” (“D&I+”) [14]. The analysis in this first article showed that 28% of lawyers reported requesting at least one type of accommodation and that 76% of the time an accommodation was granted to the employee. The analysis also found that around 40% of lawyers reported at least one form of subtle or overt discrimination in their workplaces, and that 46% reported they had perceived or experienced organizational strategies and practices that were effective in lessening such bias and discrimination [14].

This second article builds on these accommodation findings, and those of other studies, and extends their analyses using multivariate modeling to explore a particular aspect of the D&I+ concept [15, 16]. D&I+ focuses on three core elements that may be applied across settings to advance an organization’s overall mission: (1) *Diversity* of talent; (2) *Inclusion* of talent; and (3) *Accommodation* of talent. We hypothesize that the accommodation element is vital to achieving organizational diversity and inclusion, and that we will better understand the centrality of the D&I+ concept by examining the nature of diverse individuals who request and are granted accommodations. Thus, this article begins to unpack the individual identities associated with accommodation requests and approvals [14].

This second article also provides a pre-COVID-19 baseline of workplace experiences for the cohort—lawyers—addressed in the survey. With the world-wide spread of the virus, employers now must take precautions. They must adopt and expand new ways of working, such as teleworking, remote work, and flexible scheduling, so as to increase social distancing, protect the health and safety of employees, and guard against the potential spread of the virus. Many of these changes are becoming a “new norm” for work. One survey of over three hundred Chief Financial Officers has found that almost three-quarters (74%) of private companies in the U.S. may transition at least five percent of their on-site employees to permanently remote positions [17]. These remote work arrangements may benefit people with disabilities (or those who have family members with disabilities): better outcomes may result from work-related accommodations in their own homes [11, 18, 19, 85]. And the pandemic raises the question of whether many of the changes made will remain the “new norm” once the pandemic ends, further benefitting people with disabilities and their families.

Prior research has explored the nature and cost/benefit of workplace accommodations, examining who requests them, who may need them, and who receives them [5, 13, 14].

Lawyers and legal professionals, however, have been understudied in the literature on workplace accommodations [20]. Further, to our knowledge, there is little if any large-scale study of the ways in which accommodation requests and outcomes play out when they involve people of different and intersecting individual identities.

The articles in our program of study attempt to address these gaps and, in this article in particular, we seek to add to our understanding of who requests workplace accommodations and who gets accommodated. Adopting an intersectional perspective as an analytical framework [21], we investigate how disability, sexual orientation, gender identity, race, age, and their interactions affect requests for, and receipt of, workplace accommodations in the legal profession. This approach enables examination of the unique experiences of individuals with multiple minority identities who request and receive accommodations in the workplace. This use of intersectionality, according to Crenshaw, provides an effective framework to understand how one's identities interact to create a unique experience with regards to oppression. For example, the experiences of Black women with accommodations likely are not simply the addition of experiences of Black individuals and those of women but rather reflect unique experiences of their own, oftentimes shaped by other individual identities (e.g., sexual orientation, disability, age) [21–23].

As discussed below, the preliminary results indicate that personal identity factors, such as gender identity, disability status, and age are associated with accommodation requests. Specifically, the odds of requesting accommodations among lawyers are higher for women and people with disabilities, as compared to men and those without disabilities, and generally lower for older people. In addition, the results indicate that the odds of requesting accommodations are higher for older LGBTQ lawyers as compared to younger lawyers.

The results, however, also show that individuals with multiple marginalized identities are less likely to receive accommodations. Counter to predictions, being a person with a disability is negatively associated with having an accommodation request granted. Older lawyers, overall, do have higher odds of their accommodations being granted. Nonetheless, such effects are offset for certain groups, such as women and racial/ethnic minorities, whose odds decline with age. In addition, LGBTQ lawyers who are racial minorities have lower odds than White LGBTQ lawyers of having their accommodation requests granted.

Further, the results indicate that job factors, such as longer firm tenure, increase the odds of requesting accommodations, while working for a private organization decreases the odds. However, when it comes to having accommodation requests granted, organizational factors such as working for a large organization result in higher odds of provision, as compared to working for a smaller organization. Broadly, the

results indicate that those who may need accommodations, such as lawyers with disabilities and women, are more likely to request accommodations. But when it comes to having accommodation requests granted, the results show that disabled, older women, older racial/ethnic minority, and LGBTQ minority lawyers have lower odds of provision.

In sum, workplace accommodations are crucial for companies to attract and retain diverse talent, and for many people with disabilities to remain in the workforce. Failure to accommodate reduces the likelihood of hire and of job retention, and under the ADA may be a distinct form of workplace discrimination [3]. Yet, there is a general lack of systematic empirical study of accommodations for underrepresented, multiple-identity minority groups. In the following sections, we overview extant literature on accommodations, present our research questions, and describe the methodology used to answer these questions. Thereafter, we present our findings. In the final section, we consider the implications of our results, the limitations of the present study, and possible pathways for future research.

Prior Research on Workplace Accommodations

Researchers have examined aspects of workplace accommodations, such as the characteristics of people who request them, types requested, outcomes of the requests, and benefits and costs in the provision of accommodations [12]. To our knowledge, however, there are no large-scale investigations of accommodations for legal professionals [20]. Therefore, we start by drawing implications from prior studies that have examined accommodations among other groups.

Overall, demographic and socioeconomic factors are important determinants for workers requesting accommodations and receiving them. Race and ethnicity have been shown to play a role in who receives an accommodation: racial minorities are less likely to be accommodated, with the implication that organizations are more willing to provide accommodations for White employees [13, 24]. Minority employees also report lower satisfaction with the accommodations provided. Balser and Harris contend that such differences in satisfaction between accommodations for White employees and for minority employees may result from White employees being more likely to have greater input in the accommodation process, and thus more likely to receive the accommodation requested [25].

Gender is an important factor in the accommodation process. Harlan and Robert show that women employees have their requests for accommodations denied more often than men, despite women being more likely than men to request them [26]. They argue that this may be explained by differences in the types of jobs and disabilities that women have

relative to men. In their study, women were more likely to have lower-level jobs unsuited for those with chronic illnesses, leading them to request particular accommodations [26].

In a different study of two-hundred and sixty-seven employed women undergoing treatment for early-stage breast cancer, lower-income women had the lowest job retention after treatment. But almost all (98%) of the non-Latina White women were able to return to work due to accommodations from their employers, and higher-income women were more likely to receive accommodations [27]. It is important to note that in the survey analyzed for our program of study, the disparity in job and income levels is somewhat limited between men and women lawyers, given that we are examining only one type of white-collar cohort.

Weinberg and colleagues examined how both trial judges and ordinary people decided whether accommodation requests were reasonable. They found that the social identity of the accommodation-requester impacts determinations of its reasonableness for both judges and laypeople; for example, accommodation requests were rated as more reasonable when made by a nursing mother as compared to the same request made by a transgender or Muslim employee [28]. However, other studies not including transgender individuals show that gender is not significantly related to requesting and receiving accommodations [24] or being satisfied with accommodations [25].

Not surprisingly, people with disabilities, and those with particular impairments, are more likely to request accommodations as compared to those without disabilities [12, 25, 29, 30]. According to the Bureau of Labor Statistics July 2019 report [31], 13.8% of employed people with disabilities requested an accommodation in their workplace, while 9.1% of employed people without a disability requested a change or accommodation. This report also found that people with disabilities mostly requested accommodations for physical changes, while people without a disability primarily requested accommodations in work-related policies. In one study, although a high proportion (81.5%) of people with and without disabilities who requested accommodations were granted or partially granted them, people with disabilities were even more likely to be fully granted accommodations [30]. Nonetheless, the characteristics of impairment causing the disability [32, 33], disability severity [33–36], and disability onset [37, 38] are differentially associated with a differential likelihood of receiving accommodations.

One study of individuals 50 years of age and older showed that participants who self-reported psychiatric disabilities, those who had more than one disability type, those who performed unskilled and semi-skilled jobs, those over 61 years of age, and those with lower education levels had a reduced prevalence of requesting and receiving accommodations [29]. In other studies, older people with serious mental health issues in lower-paying jobs were less likely

to receive accommodations as compared to coworkers with other disabilities [39]. On the other hand, a study by Anand and Sevak showed that people who are in poor health and with physical disabilities were less likely to receive accommodations than their non-disabled and healthy counterparts. [12]. When it comes to the relationship between age and disability, studies show that even in circumstances where older employees need accommodations, they often are less likely to request accommodations [29, 40, 41].

There is a general lack of research on people who identify as LGBTQ+ and their experience with workplace accommodations. Disclosing sexual orientation to request an accommodation may cause stigmatization, threats of prejudice and discrimination [42–44], and threats to psychological safety and accusations of help-seeking [45], and therefore may deter requests.

Other personal characteristics and job-related factors also likely relate to the request for provision of accommodations. Longer job tenure, presumably associated with power in an organization, is associated with higher likelihood of requesting accommodations [29] and receiving them [46], as are working full-time and being a permanent employee [24, 39]. Individuals with higher-level jobs, such as in professional and managerial positions, have an increased likelihood of requesting and receiving accommodations [26–29]. Individuals with advocacy skills [33], personal confidence [47], and knowledge of workplace rights and the ADA [26, 29, 33, 35, 47, 48] also are more likely to request accommodations.

Organizational characteristics, such as firm size, market/labor sector, working conditions, and culture likely impact the prevalence of individual requests for and receipt of accommodations. Thus, working for a larger company is associated with a higher likelihood of requesting and receiving accommodations [24, 49, 50]. Moreover, the relationship between business size, positive employer attitudes, and willingness to grant workplace accommodations together affect accommodation provision [51]. This may be because larger companies generally have greater resources for, and experience with, addressing accommodation requests [24, 29, 49].

Smaller companies with less than fifteen employees are not required to comply with the ADA's accommodation requirements [29]. They may therefore be less familiar with the ADA accommodation principle [49]. They may also be less open to employing people with disabilities [51] as compared to larger organizations that tend to be more familiar with the ADA and more willing to employ people with disabilities [49, 52]. Organizational experience, supports, and culture are therefore important to accommodation provision. Employees perceiving greater workplace support are more likely to request accommodations [29, 35]. On the other hand, employees who experience fear and concern in seeking accommodations, as well

as a hostile workplace culture, are less likely to request accommodations [45, 46].

Other studies show that organizational processes for requesting accommodations vary and are associated with accommodation requests and provision. Among employees with disabilities, perceptions of organizational reasonableness and a climate of inclusion likely influence accommodation provision [45, 53]. Studies also suggest that accommodation requests from employees with psychological disabilities, and generally hidden disabilities, often are perceived by employers as less reasonable, and as such are less likely to be granted [45, 54]. Studies additionally suggest that other organizational and individual characteristics influence particular accommodation requests and provision (e.g., for assistive technology or flexible scheduling), such as openness to employee input as a form of workplace culture or climate, union membership, and impairment type and onset [27, 55].

Lastly, effective access to workplace accommodation is associated with job performance and satisfaction [35, 54, 56], as well as employment opportunity [9, 10]. Even so, one nationwide study of a range of industries suggests that about half (47% to 58%) of individuals who may require accommodations are not provided them [10].

Notably, the extant literature generally has not considered intersectional identity aspects associated with the accommodation calculus, including such individual factors as race, gender, sexual orientation and gender identity, disability characteristics, and age. Instead, research to date on accommodations has largely focused on disability and organizational factors as monochromatic elements and has not systematically examined the experiences of individuals with multiple minority identities, including disability, race, gender, LGBTQ+, and age. This study begins to fill this gap in the understanding of workplace accommodation requests and provision.

Research Questions

Using data from a survey of 3,590 lawyers across the United States, this second article in our program of study examines patterns in workplace accommodation requests and provision. As discussed elsewhere [14], we purposefully oversampled from the disability and LGBTQ+ communities to consider the following research questions:

- (1) *Accommodation Requests:* To what extent do disability, sexual orientation, gender, race, and age individually, and in combination, predict an individual's likelihood of making an accommodation request?

We hypothesized that individuals with disabilities, those who are older, and women are more likely to request

accommodations, as these groups often experience a mismatch between their individual work-related needs and job demands [14, 24, 29, 36, 38, 39, 57–62]. We also hypothesized that individuals with multiple minority identities might be less likely to request accommodations, including individuals with disabilities and those who identify as LGBTQ+. This might be due to factors such as stigma and the difficulty of identity disclosure as part of the accommodation request process [63–65], the high degrees of discrimination that LGBTQ+ individuals report in employment [63, 66–68], and limited enforcement of laws against these forms of discrimination.

- (2) *Accommodation Provision:* To what extent do disability, sexual orientation, gender, race, and age individually, and in combination, predict an individual's likelihood of receipt of accommodation?

We hypothesized that individuals with disabilities are more likely to have accommodation requests granted. We predicted that accommodation provision likelihood is further impacted by intersectional identities associated with gender, race, and age [9, 10, 12, 13, 22, 27, 69, 70].

Methods

Data

To answer these research questions, we employ data from the first phase of the longitudinal survey project, involving a sample of 3,590 responding lawyers in the United States [14]. The survey used quantitative and qualitative questions, with fixed-choice and open-ended response opportunities, and is discussed in detail elsewhere [14]. In this sample, while 3,590 lawyers responded to the survey, not all of them necessarily completed all the survey questions.

Due to our intentional oversampling [14],¹ the proportion of lawyers identifying as disabled or LGBTQ+ is higher

¹ See Blanck et al. [14]: We deployed the survey electronically and in accessible formats to geographically dispersed private and public people working in the legal profession across types and sizes of organizations. The ABA emailed a sub-sample of its members who were willing to receive surveys from the association. In accordance with our strategy, we sent email requests that included the survey link to national and state legal organizations focused on diversity and inclusion of lawyers with disabilities and who identify as LGBTQ+. Using law firm listings across the fifty states, we also sent the survey to state bar organizations and to large, medium, and small law firms. In this first wave, 198,533 people received the email with the survey link. These efforts led 5543 people to open the survey link. Of these people, 4532 started the survey. In the end, 3590 people completed and submitted the survey, although not all of them necessarily completed all the survey questions.

than that reported in the legal profession overall [71, 72]. The magnitude of the disability and LGBTQ+ sub-samples, therefore, is not representative of the population in the legal profession. However, they may be considered as comparators to other sub-populations sampled, in particular, to gender, race, and age [14].

For the purpose of this study, we define two separate analytical samples. The first contains 2,166 respondents, derived from the sample of 2,842 respondents who answered the question: “Have you ever requested from this organization any change or accommodation in your job or workplace to better meet your personal needs?” This analytical sample is used to answer the first research question regarding accommodation requests. The second sample contains 574 respondents, derived from the 757 respondents who answered the question “Was the change or accommodation made?” This sample is used to answer the second research question regarding accommodation provision.²

Outcome Variables

Accommodation Requested

The first primary dependent variable is binary: “Have you ever requested from this organization any change or accommodation in your job or workplace to better meet your personal needs?”, coded as 0 “No” and 1 “Yes.” Slightly more than one-quarter (28%) of respondents reported requesting accommodations.

Accommodation Granted

The second primary dependent variable is based on the question: “Was the change or accommodation made?” Respondents could answer “Yes, all requested changes were made (or other changes were made that were just as good);” “No, none of my requested changes were made;” “Only some of my requested changes were made (not as good as what was requested).” Responses that the request was granted fully or partially were coded as 1 for “Yes,” and where the request was not granted coded as 0 for “No.” Three-quarters of respondents (75%) reported their request was fully granted,

15% that it was partially granted, and 10% that it was not granted.

Individual Characteristics

Included in the analyses are respondent’s disability status, sexual orientation, gender, race/ethnicity, and age. Disability is coded as 1: “has a disability, impairment, or health condition” and 0: “no disability.” This variable was created as a combination of two questions. First, we used the six disability measures from the American Community Survey (“ACS”).³ In addition, respondents were asked “Do you have a disability or health condition not reflected in the previous question?” Those who answered yes to one or more of these seven questions are coded as 1 or “Yes,” while those who responded no to all the questions are coded as 0 or “No.” Overall, one quarter (25%) of our respondents reported at least one disability.

Sexual orientation is a binary variable coded as 1 if the respondent identified as lesbian, gay, bisexual, or queer (“LGBQ”) and 0 for straight/heterosexual (about 17% of respondents identified as LGBQ).

Gender is coded as three separate binary variables for women (1 “Women”, 0 “Other”), men (1 “Men”, 0 “Other”), and transgender (1 “Transgender”, 0 “Other”). Although the sample of transgender participants is relatively small, we include their responses to help build information on their experiences in accommodation requests and provision, which is generally lacking in the extant literature.

“Men” is the omitted or comparator variable in our analytical models. The gender variables are derived from two different questions asking the respondents’ gender (Woman, Man, Other) and whether they consider themselves to be transgender. The answers are coded to be mutually exclusive. In addition, while we considered the unique felt gender of transgender lawyers, to identify accommodation experiences for this group, transgender lawyers are coded as transgender even when they report their gender as man or woman. As a result, in the following discussion, the terms “men” and “women” indicate cisgender individuals. Women comprise more than half (54%) of respondents, men 45%, and transgender respondents 1%.

Race and ethnicity are coded as one variable to indicate racial and ethnic minority status and to further the preliminary intersectional analyses here. This variable is coded as

² We excluded some observations from these analytical samples to ease analysis and interpretation. First, we excluded respondents who selected a quantitative response and provided a qualitative response that was in contradiction with the former, as well as missing observations. Due to the small number of observations we excluded respondents who listed their gender as “other.” We excluded respondents who listed their sexual orientation as aromantic and asexual as they do not denote sexual preference, and those who chose “other”/qualitative responses. We will incorporate these respondents in future qualitative analyses. We excluded one outlier observation that indicated age as 105 years.

³ Questions from the ACS: Are you deaf or do you have serious difficulty hearing?; Are you blind or do you have serious difficulty seeing even when wearing glasses?; Because of a physical, mental or emotional condition, do you have serious difficulty concentrating, remembering or making decisions?; Do you have serious difficulty walking or climbing stairs?; Do you have difficulty dressing or bathing?; Because of a physical, mental, or emotional condition, do you have difficulty doing errands alone such as visiting a doctor’s office or shopping?

1 if the respondent identifies as a racial or ethnic minority (Black, Hispanic or Latino, American Indian or Alaska Native, Native Hawaiian or Pacific Islander, Asian, Multiracial) and 0 if White Non-Hispanic. Sixteen percent of our respondents identified as a racial and/or ethnic minority.

Age is coded as a continuous variable, with ranges from 23 to 90 and an average of 49 years.⁴

Control Variables

We include covariates or controls, derived from the prior literature and those that respondents identified as important, such as firm tenure (coded as 0 for “less than one year to 70 years”, average of 11 years), practice type, and organization size. Practice type is a binary variable coded 1 for “private” and 0 “other” (e.g., in-house legal department, public sector, non-profit, education). Around 60% of organizations were private law firm practices. Organization size is coded as 1 for organizations with more than 500 lawyers (large organization) and 0 for organizations with fewer than 500 lawyers (relatively smaller organizations). Around 20% of organizations had more than 500 lawyers.

Table 1 shows an overview of the respondents, indicating the proportion for each variable included in our models. It includes information on types of disability and on accommodation(s) requested. Among people with disabilities and health conditions, people with more than one health condition, disability, or impairment and those with mental health disabilities represent the largest share of our sample.⁵ Among those who requested accommodations, people who requested more than one accommodation and who requested changes to their job structure represent the largest share.

Analytic Strategy

To present descriptive statistics for our sample, we estimate differences in characteristics between respondents who requested and did not request accommodations, and for those who had their accommodation request approved and those who did not have their request approved. We use Pearson’s χ^2 to test for the general association between variables. We use Fisher’s exact test when analysis does not meet Pearson’s

χ^2 test assumptions. We use a $p < 0.1$ to reject the null hypothesis that our variables are independent.

To answer the two primary research questions, we estimate the odds ratio of requesting accommodations and of having the request approved. Using logistic models, we estimate differences in odds according to individual characteristics, adjusting for covariates mentioned above. The basic model (Model 1) without covariates is shown below.

$$\begin{aligned} (p_i/(1-p_i)) = & \beta_0 + \beta_1 \text{Disability}_i + \beta_2 \text{LGBQ}_i \\ & + \beta_3 \text{Women}_i + \beta_4 \text{Transgender}_i \\ & + \beta_5 \text{Racial_Minority}_i + \beta_6 \text{Age}_i + \epsilon_i \end{aligned} \quad (1)$$

We progressively add to this model the covariates such as job tenure, organization type, and organization size to assess their contribution to the variation associated with accommodation requests and requests granted (Model 2).

$$\begin{aligned} (p_i/(1-p_i)) = & \beta_0 + \beta_1 \text{Disability}_i + \beta_2 \text{LGBQ}_i \\ & + \beta_3 \text{Women}_i + \beta_4 \text{Transgender}_i \\ & + \beta_5 \text{Race_Ethnicity}_i + \beta_7 \text{Age}_i + \gamma X + \epsilon_i \end{aligned} \quad (2)$$

We next add 2×2 interactions of individual characteristics (Model 3) and 3×3 interactions of individual characteristics of interest (Model 4). This is done to focus on the intersectional analyses that consider ways in which individual characteristics independently, and together, associate to create a unique personal and structural experience for lawyers who request and who are provided accommodations. While all combinations of 2×2 interactions are included, based on previous studies and practical limitations, we test select illustrative 3×3 interactions.

$$\begin{aligned} (p_i/(1-p_i)) = & \beta_0 + \beta_1 \text{Disability}_i + \beta_2 \text{LGBQ}_i \\ & + \beta_3 \text{Women}_i + \beta_4 \text{Transgender}_i \\ & + \beta_5 \text{Race_ethnicity}_i + \beta_6 \text{Age}_i \\ & + \beta_n 2x2_i + \gamma X + \epsilon_i \end{aligned} \quad (3)$$

$$\begin{aligned} (p_i/(1-p_i)) = & \beta_0 + \beta_1 \text{Disability}_i + \beta_2 \text{LGBQ}_i \\ & + \beta_3 \text{Women}_i + \beta_4 \text{Transgender}_i \\ & + \beta_5 \text{Race_ethnicity}_i + \beta_6 \text{Age}_i \\ & + \beta_{n-1} 2x2_i + \beta_n 3x3_i + \gamma X + \epsilon_i \end{aligned} \quad (4)$$

Results

Associational Characteristics

Table 2 shows the pairwise correlation coefficients and their statistical significance levels for the variables used in our

⁴ We asked respondents to select the age group to which they belong. However, for our analysis we coded age as a continuous variable in order to examine variations in trends regarding accommodations by age. We used the last two numbers of respondents’ year of birth. We used age as a categorical variable in tandem with these responses to double check the numbers and avoid technical errors.

⁵ Disability type and accommodation type are coded to be mutually exclusive. Additional information on the coding of these variables can be provided by the authors upon request.

Table 1 Descriptive statistics

Variable	N	%
<i>Accommodations</i>		
Accommodation(s) requested	2842	0.284
Accommodation fully granted	757	0.745
Accommodation partially granted	757	0.151
Accommodation not granted	757	0.104
<i>Type of accommodation</i>		
Job structure change	776	0.280
Physical change	776	0.044
Modified equipment	776	0.026
Policy change	776	0.013
Communication change	776	0.004
Other change	776	0.032
More than one change	776	0.602
<i>Disability</i>		
Disability	3366	0.250
<i>Type of disability or health condition</i>		
Mental health	830	0.241
General health	830	0.190
Sensory	830	0.151
Mobility	830	0.116
Other condition or disability	830	0.024
More than one disability	830	0.278
<i>Other individual characteristics</i>		
LGBQ	3330	0.170
Women	3172	0.538
Men	3172	0.447
Transgender	3172	0.016
Racial/ethnic minority	3432	0.162
Age	3452	49.355
<i>Control variables</i>		
Tenure	3497	11.189
Private venue	3166	0.601
Large company	3344	0.197

Age and tenure are continuous variables, with the range for age at 23 to 90 years and the range for tenure at 0 to 70 years, and with the mean values for these variables reflected in the % column in the Table

models to address the two core research questions.⁶ The results indicate that disability, gender, race/ethnicity, and organization type and size alone are significantly associated with accommodation requests. Being a person with a disability, a woman, and a racial/ethnic minority is positively correlated with having requested an accommodation. Working in a private and large organization, and being a man,

is negatively associated with requests for accommodations. The results also indicate that disability, gender, and type of organization are associated with accommodation outcomes. Specifically, being a woman and working for a private organization is positively correlated with having a request granted. Conversely, and counter to predictions, being a person with a disability, and being a man, is negatively correlated with having accommodation requests granted.

To aid interpretation of these results, and for future research, we include associations with type of disability in Table 2. Results show that having a general health condition is negatively associated with requesting accommodations. This result may be predictable because many such general health conditions may not be perceived as, or actually

⁶ Given the nature of the data set, the correlation coefficients presented in this table are different. For dichotomous variables, we present the phi coefficient, a measure of association between two binary variables. In other cases, we use the Point-Biserial Correlation coefficient to represent the strength of association between a continuous variable and a binary variable. In addition, samples differ for the variables “accommodation outcome” and “accommodation request” because we use pairwise correlations.

Table 2 Correlation between dependent variables and relevant individual characteristics

	Request	Granted	Disability	Mental health	General health	Sensory	Mobility	Other disability	> 1 Disability
Request	1.0000								
Granted	–	1.0000							
Disability	0.1907 (0.0000)	– 0.0655 (0.0725)	1.0000						
Mental health	– 0.0413 (0.2678)	– 0.1045 (0.0777)	– 0.0002 (0.9958)	1.0000					
General health	– 0.1105 (0.0029)	0.0128 (0.8299)	– 0.1250 (0.0003)	– 0.2732 (0.0000)	1.0000				
Sensory	– 0.0417 (0.2628)	0.0486 (0.4132)	0.0251 (0.4705)	– 0.2372 (0.0000)	– 0.2042 (0.0000)	1.0000			
Mobility	0.0068 (0.8554)	0.0088 (0.8825)	0.0073 (0.8344)	– 0.2038 (0.0000)	– 0.1754 (0.0000)	– 0.1523 (0.0000)	1.0000		
Other disability	– 0.0157 (0.6735)	– 0.0738 (0.2135)	– 0.0557 (0.1090)	– 0.0885 (0.0107)	– 0.0762 (0.0282)	– 0.0662 (0.0567)	– 0.0568 (0.1018)	1.0000	
>1 Disability	0.1683 (0.0000)	0.0639 (0.2817)	0.1035 (0.0028)	– 0.3499 (0.0000)	– 0.3011 (0.0000)	– 0.2615 (0.0000)	– 0.2246 (0.0000)	– 0.0976 (0.0049)	1.0000
LGBQ	– 0.0171 (0.3669)	– 0.0279 (0.4492)	0.0373 (0.0322)	0.1555 (0.0000)	0.0113 (0.7477)	– 0.1092 (0.0019)	– 0.0706 (0.0450)	0.0587 (0.0959)	– 0.0421 (0.2325)
Women	0.1479 (0.0000)	0.0681 (0.0699)	– 0.0079 (0.6592)	0.1717 (0.0000)	– 0.0238 (0.5134)	– 0.1262 (0.0005)	0.0481 (0.1863)	– 0.0363 (0.3192)	– 0.0626 (0.0856)
Men	– 0.1529 (0.0000)	– 0.0620 (0.0988)	– 0.0079 (0.6602)	– 0.1792 (0.0000)	0.0244 (0.5041)	0.1505 (0.0000)	– 0.0532 (0.1439)	0.0270 (0.4587)	0.0564 (0.1218)
Transgender	0.0199 (0.3054)	– 0.0245 (0.5157)	0.0645 (0.0003)	0.0199 (0.5850)	– 0.0012 (0.9728)	– 0.0717 (0.0489)	0.0146 (0.6881)	0.0286 (0.4323)	0.0198 (0.5875)
Race/ethnicity	0.0481 (0.0107)	– 0.0565 (0.1216)	0.0044 (0.7977)	0.0550 (0.1159)	– 0.0292 (0.4046)	0.0125 (0.7216)	– 0.0136 (0.6976)	– 0.0263 (0.4519)	– 0.0180 (0.6067)
Age	– 0.0264 (0.1655)	0.0166 (0.6532)	0.0711 (0.0000)	– 0.3324 (0.0000)	0.0377 (0.2854)	0.1538 (0.0000)	0.1327 (0.0002)	– 0.0392 (0.2667)	0.0769 (0.0292)
Tenure	– 0.0095 (0.6137)	0.0177 (0.6298)	0.0271 (0.1196)	– 0.2158 (0.0000)	0.0323 (0.3599)	0.0995 (0.0047)	0.0770 (0.0288)	– 0.0518 (0.1420)	0.0618 (0.0793)
Private org	– 0.0988 (0.0000)	0.0918 (0.0165)	– 0.1122 (0.0000)	– 0.0367 (0.3197)	0.0134 (0.7174)	0.0358 (0.3314)	– 0.0224 (0.5431)	– 0.0021 (0.9551)	0.0124 (0.7358)
Large org	– 0.0381 (0.0480)	0.0508 (0.1725)	– 0.1040 (0.0000)	0.0029 (0.9363)	0.0004 (0.9915)	0.0842 (0.0182)	– 0.0013 (0.9707)	0.0230 (0.5197)	– 0.0761 (0.0327)
	LGBQ	Women	Men	Trans-gender	Race/ethnicity	Age	Tenure	Private org	Large org
LGBQ	1.0000								
Women	– 0.0191 (0.2878)	1.0000							
Men	– 0.0290 (0.1066)	– 0.9687 (0.0000)	1.0000						
Transgender	0.2265 (0.0000)	– 0.1364 (0.0000)	– 0.1137 (0.0000)	1.0000					
Race/ethnicity	– 0.0049 (0.7801)	0.0900 (0.0000)	– 0.0899 (0.0000)	– 0.0015 (0.9353)	1.0000				
Age	– 0.1873 (0.0000)	– 0.2393 (0.0000)	0.2532 (0.0000)	– 0.0525 (0.0035)	– 0.1583 (0.0000)	1.0000			
Tenure	– 0.1553 (0.0000)	– 0.1983 (0.0000)	0.2082 (0.0000)	– 0.0384 (0.0321)	– 0.1107 (0.0000)	0.6061 (0.0000)	1.0000		
Private org	– 0.0656 (0.0003)	– 0.1341 (0.0000)	0.1487 (0.0000)	– 0.0583 (0.0019)	– 0.0983 (0.0000)	0.0353 (0.0503)	0.1100 (0.0000)	1.0000	
Large org	0.1231 (0.0000)	– 0.0343 (0.0601)	0.0332 (0.0689)	0.0047 (0.7949)	– 0.0137 (0.4344)	– 0.1405 (0.0000)	– 0.0451 (0.0096)	0.2090 (0.0000)	1.0000

Table 2 (continued)

Table represents correlation between dependent and independent variables and their corresponding p-value. Significant results with a p-value of 0.1 or lower are shown in bold. We have represented phi coefficients and Point-Biserial Correlation coefficients as appropriate

covered as, disabilities under the ADA. By contrast, having more than one disability, which likely is associated with more severely compromised health, is positively associated with accommodation requests. Interestingly and perhaps predictably, having a mental disability or mental health condition is negatively associated with accommodation receipt, which may be reflective of stigma associated with mental disabilities in general and difficulties associated with documenting some forms of mental disabilities.

In terms of other associations to be explored in future research, being LGBQ is positively associated with having a disability generally, and a mental health condition or disability in particular, as well as with “other” disability, but negatively associated with having a sensory or mobility (arguably visible) disability. Being a woman is positively correlated with report of a mental disability and negatively correlated with having a sensory or more than one disability. Being a man, on the other hand, is positively associated with having a sensory disability, but negatively correlated with having a mental disability. Finally, being older is positively associated with having a disability in general, and with having a sensory or mobility disability, and multiple disabilities, but negatively associated with having a mental health disability.

Disability

Tables 3 and 7 provide descriptive statistics on accommodation requests separated by group. Table 3 shows frequency distributions for accommodation requests by individual characteristics, with row percentages (Table 7, in the Appendix, presents column percentages). There is an expected significant relationship between disability status and accommodation requests. Specifically, 42.88% of lawyers with disabilities reported having requested accommodations as compared to 23.23% of those without disabilities.

Distribution of accommodation requests varies by the obviousness or visibility of disability. As predicted, 36.73% of lawyers with non-apparent disabilities report having requested accommodations compared to 49.01% of those with disabilities that fluctuate, and 54.92% of those with apparent disabilities. Disability visibility appears to be associated with an increased likelihood of accommodation request. The proportion of those with non-apparent disabilities (e.g., mental health disabilities) is much higher among those who did not request accommodations. Certain attorneys who otherwise report a health condition, disability, or impairment may choose not to request accommodations,

Table 3 Distribution of accommodations requested by individual characteristics (row percentages)

Demographic variables	Accommodations requested				p-value
	Yes		No		
	N	%	N	%	
<i>Have a disability</i>					
Yes	313	42.88	417	57.71	< 0.001
No	489	23.23	1,616	76.77	
<i>Visibility of disability</i>					
Non-apparent	144	36.73	248	63.27	< 0.001
Fluctuates	99	49.01	103	50.99	
Apparent	67	54.92	55	45.08	
<i>Sexual orientation</i>					
Straight	658	28.61	1,642	71.39	0.377
LGBQ	130	26.58	359	73.42	
Gay/lesbian	66	22.45	228	77.55	0.038
Bisexual	28	31.82	60	68.18	
Queer	5	20.00	20	80.00	
Other	31	37.80	51	62.20	
<i>Gender</i>					
Men	246	20.78	938	79.22	< 0.001
Women	495	34.62	935	65.38	
Transgender	13	36.11	23	63.89	
<i>Race/ethnicity</i>					
White NH	652	27.55	1715	72.45	0.012
Racial/ethnic minority	150	33.48	298	66.52	
Black NH	40	32.52	83	67.48	0.093
Hispanic	27	34.62	51	65.38	
Asian	24	28.92	59	71.98	
Other	59	35.98	205	64.02	
<i>Age</i>					
18–35 years old	155	23.96	492	76.04	< 0.001
36–55 years old	394	34.77	739	65.23	
56 years or older	257	24.29	801	75.71	
<i>Tenure</i>					
Less than 5 years	322	25.95	919	74.05	< 0.001
6–20 years	347	33.62	685	66.38	
More than 20 years	125	23.72	402	76.28	

P-value represents Pearson χ^2 . Significant results with a p-value of 0.1 or lower are shown in bold. Fisher's exact test is shown for analysis that does not meet Pearson χ^2 assumptions. Row percentages with rounding adjusted to add up to 100%

given the disclosure and stigma associated with mental disability.

Sexual Orientation and Gender Identity

The results show that the likelihood of requesting accommodations is associated with an individual's sexual orientation.

Thus, 28.61% of straight/heterosexual respondents report requesting accommodations, as compared to 22.45% of gay/lesbian respondents, 31.82% of respondents who identified as bisexual, 20.00% of respondents who identified as queer, and 37.80% of respondents who reported other sexual orientations. With regard to gender, the results show that women and transgender lawyers are significantly more likely to request accommodations as compared to men.

Race/Ethnicity

There is a strong relationship between race and accommodation requests, which suggests that lawyers who are racial/ethnic minorities are more likely to report having requested workplace accommodations. Results show that 27.55% of White non-Hispanic respondents requested accommodations as compared to 33.48% of racial/ethnic minority respondents.

Age/Tenure

Middle-aged respondents (36–55 years of age) are more likely to request accommodations than either those who are younger or older. Similarly, those with job tenure between six and twenty years are more likely to request accommodations as compared to other groups.

Estimating the Odds of Accommodation Requests

The results in Table 4 show the odds ratio (“OR”) for requesting accommodation as estimated from a series of logistic regression models. We start with a basic model, progressively adding individual characteristics such as disability status, sexual orientation, gender, race, and age. The model including all these characteristics without interactions is our baseline model. We then add control variables, such as job tenure, type and size of organization, 2×2 interactions, and illustrative 3×3 interactions to the following models. We also conduct a Likelihood Ratio Test (“LR”) to compare the nature of these models. Results from the LR test show that Model 4 is not significantly better than Model 3 in the prediction of our outcome variables. Thus, to simplify interpretation, we focus on the results from Model 3, but have made available for review the results from Model 4 as well.⁷

Results from Model 2 in Table 4 show that, controlling for firm tenure, and type and size of organization, being a person with a disability, a woman, or a transgender individual increases the odds of requesting accommodations.

Accordingly, people with disabilities, women, and transgender individuals have higher odds of requesting accommodations as compared to people without disabilities and men, respectively.

Results from Model 3 with 2×2 interactions added show that being disabled and a woman increases the odds of requesting accommodations, while being older decreases the odds. Thus, lawyers with disabilities have 2.86 times higher odds (95% CI 1.95–4.20) than those without disabilities of requesting accommodations, among those who identify as men, White, straight, and are 49 years old, holding the control variables constant. The odds of requesting accommodations for women are 2.35 times higher than for men (95% CI 1.76–3.12), among lawyers who are white, straight/heterosexual, without disabilities, and 49 years of age, holding other variables constant. Being LGBTQ, transgender, or a racial/ethnic minority was not related to the odds of requesting accommodations.⁸

Once we include 2×2 interaction terms, age becomes a significant predictor of accommodation requests, as does the interaction term between sexual orientation and age. This suggests that age is an important conditional contributor when interacted with the other individual characteristics. The coefficient for age implies that the odds of requesting workplace accommodations decline by 2% as age increases (95% CI 0.97–0.99) among lawyers who are men, White, straight, and without disabilities.

None of the interaction terms, except for sexual orientation and age, are associated with the odds of requesting accommodation.⁹ The results indicate that for accommodation requests, while there are no contributing interaction effects between sexual orientation and gender, and sexual orientation and race/ethnicity, there is a substantial relationship between sexual orientation and age. Specifically, the odds of requesting accommodations increase by 1.03

Footnote 7 (continued)

BIC, AIC, and McFadden’s R-Squared, among others, to decide if adding 3x3 interactions would benefit interpretation of our models.

⁸ Being LGBTQ (OR = 1.11, 95% CI = 0.65–1.88), transgender (OR = 2.81, 95% CI = 0.59–13.37), or a racial/ethnic minority (OR = 1.33, 95% CI = 0.79–2.22) is not associated with the odds of requesting accommodations.

⁹ The results do not show, for accommodation requests, an association between disability and sexual orientation (OR = 1.57, 95% CI = 0.86–2.88), gender (women OR = 0.77, 95% CI = 0.48–1.23; transgender OR = 0.99, 95% CI = 0.14–7.27), race/ethnicity (OR = 0.86, 95% CI = 0.47–1.56), or age (OR = 1.00, 95% CI = 0.99–1.02). Interactions between sexual orientation and gender (women OR = 0.77, 95% CI = 0.43–1.40) and sexual orientation and race/ethnicity (OR = 0.86, 95% CI = 0.48–1.54) are not statistically significant. Interactions between age and gender (women OR = 1.00, 95% CI = 0.99–1.02; transgender OR = 1.01, 95% CI = 0.93–1.10), age and race/ethnicity (OR = 1.00, 95% CI = 0.99–1.03), and gender and race/ethnicity (women OR = 0.85, 95% CI = 0.47–1.54) are not statistically significant.

⁷ We conducted a number of diagnostic tests. The results, such as VIF and tolerance level, show that multicollinearity is not an issue in our models. In addition, model specification tests show that our models are correctly specified and that discrepancies between predicted and observed frequencies are small and not significant. To compare models, besides LR tests, we conducted multiple tests and relied on

Table 4 Odds ratio for requesting workplace accommodations

	Model 1	Model 2	Model 3	Model 4
<i>Individual characteristics</i>				
Disability	2.574884***	2.491802***	2.859014***	2.902567***
LGBQ	0.975319	0.955129	1.109174	1.271080
Women	2.128143***	2.073494***	2.345560***	2.371405***
Transgender	2.833689**	2.716166**	2.808064	2.367375
Race/ethnicity	1.121308	1.078261	1.327544	1.093556
Age	0.999944	0.994965	0.982708**	0.982183**
<i>Covariates</i>				
Tenure	–	1.010553*	1.012206**	1.012196**
Private org	–	0.759034***	0.7639128**	0.764597**
Large org	–	0.978081	0.9798308	0.980813
<i>2 × 2 Interactions</i>				
Disability × LGBQ	–	–	1.573530	1.060519
Disability × women	–	–	0.770418	0.717815
Disability × transgender	–	–	0.998478	1.503024
Disability × race/ethnicity	–	–	0.855786	1.641001
Disability × age	–	–	1.003710	1.003526
LGBQ × women	–	–	0.772702	0.572382
LGBQ × race/ethnicity	–	–	0.856454	1.432557
LGBQ × age	–	–	1.032224***	1.037025***
Women × age	–	–	1.008737	1.009657
Transgender × age	–	–	1.013404	1.006344
Race/ethnicity × age	–	–	1.009308	1.008473
Race/ethnicity × women	–	–	0.853074	1.047061
<i>3 × 3 interactions</i>				
Disability × women × race/ethnicity	–	–	–	0.518688
Disability × LGBQ × women	–	–	–	2.748832
Disability × LGBQ × race/ethnicity	–	–	–	0.268436
Constant	0.188923***	0.203899***	0.187275***	0.187476***
Number of observations	2166	2166	2166	2166
Pseudo R ²	0.052	0.0558	0.0629	0.0649
LR Chi ²	133.81	9.76	18.06	5.38
LR test p-value	< 0.001	0.0207	0.1139	0.1459

***p < 0.01; **p < 0.05; *p < 0.1

Notes: Sample includes lawyers who responded to our survey question about whether they requested workplace accommodations. Age is mean-centered at 49 years

times with every year of tenure for LGBQ lawyers (95% CI 1.00–1.06). Tenure in a law firm is associated generally with increased economic power, which may be particularly enhancing for LGBQ lawyers.

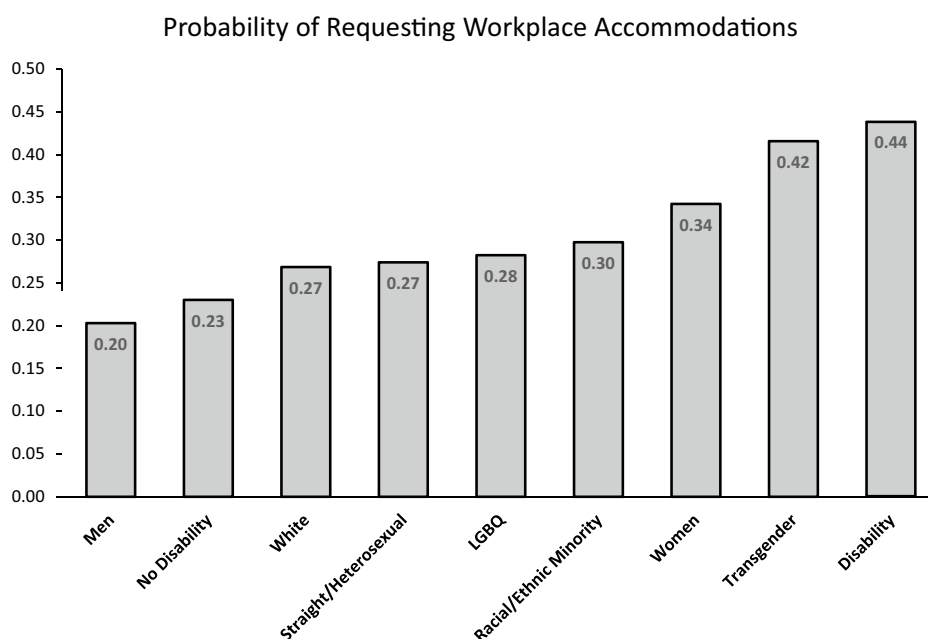
In regard to the control variables, each year of job tenure—again likely reflective of individual economic power in the firm—increases the odds of requesting accommodations by a small magnitude of 1.01 (95% CI 1.00–1.02). However, working for a private organization decreases, relatively, the odds by 0.76 (95% CI 0.62–0.94), controlling for other variables in the model.

Overall, the results suggest that disability, gender, and age are associated with increased odds of requesting

accommodations. Since generally the variable interaction terms were not substantial, except for one, we cannot conclude that the effects of disability and sexual orientation vary with other individual characteristics in the models, such as gender, race, and age, in terms of being associated with increases in the probability of accommodation requests.

We next convert the OR of requesting workplace accommodations from Model 3 into predicted probabilities for nine non-differentiated identities of individuals (see Fig. 1). To calculate these probabilities for each identity characteristic, we set all other variables in the model at their overall sample mean.

Fig. 1 Predicted probability of requesting workplace accommodations by gender, sexual orientation, race/ethnicity, and disability



Notes: The variable of interest (e.g. race) has been set to 1 while the other individual characteristics and covariates have been set at their sample mean.

The results of this analysis show that men have the lowest probability of requesting accommodations (20%), as compared to those without disabilities (23%), White individuals (27%), those who identify as straight/heterosexual (27%), those who identify as LGBTQ (28%), racial/ethnic minorities (30%), women (34%), transgender individuals (42%), and individuals with disabilities (44%). Thus, individuals with disabilities have the highest relative probability of requesting accommodations.

In addition, we calculate the probabilities of requesting accommodations from Model 3 for twenty-four multiple identities, or intersectional groupings, with the results presented in Fig. 5 in the Appendix. Results show that White and racial/ethnic minority transgender individuals who also identify as LGBTQ and have a disability have the highest probability of requesting accommodations (72%). The top ten intersectional identity groupings with the highest probability of requesting accommodations all include individuals with disabilities.

By comparison, non-Hispanic White men who identify as straight/heterosexual and who do not have disabilities (15%, bottom line of Fig. 5 in the Appendix) show the lowest probability of requesting accommodations, followed by non-Hispanic White men who identify as LGBTQ and who do not have disabilities (17%). In Fig. 5 in the Appendix, the bottom nine groups of people, with the lowest probability of requesting accommodations, do not report having disabilities.

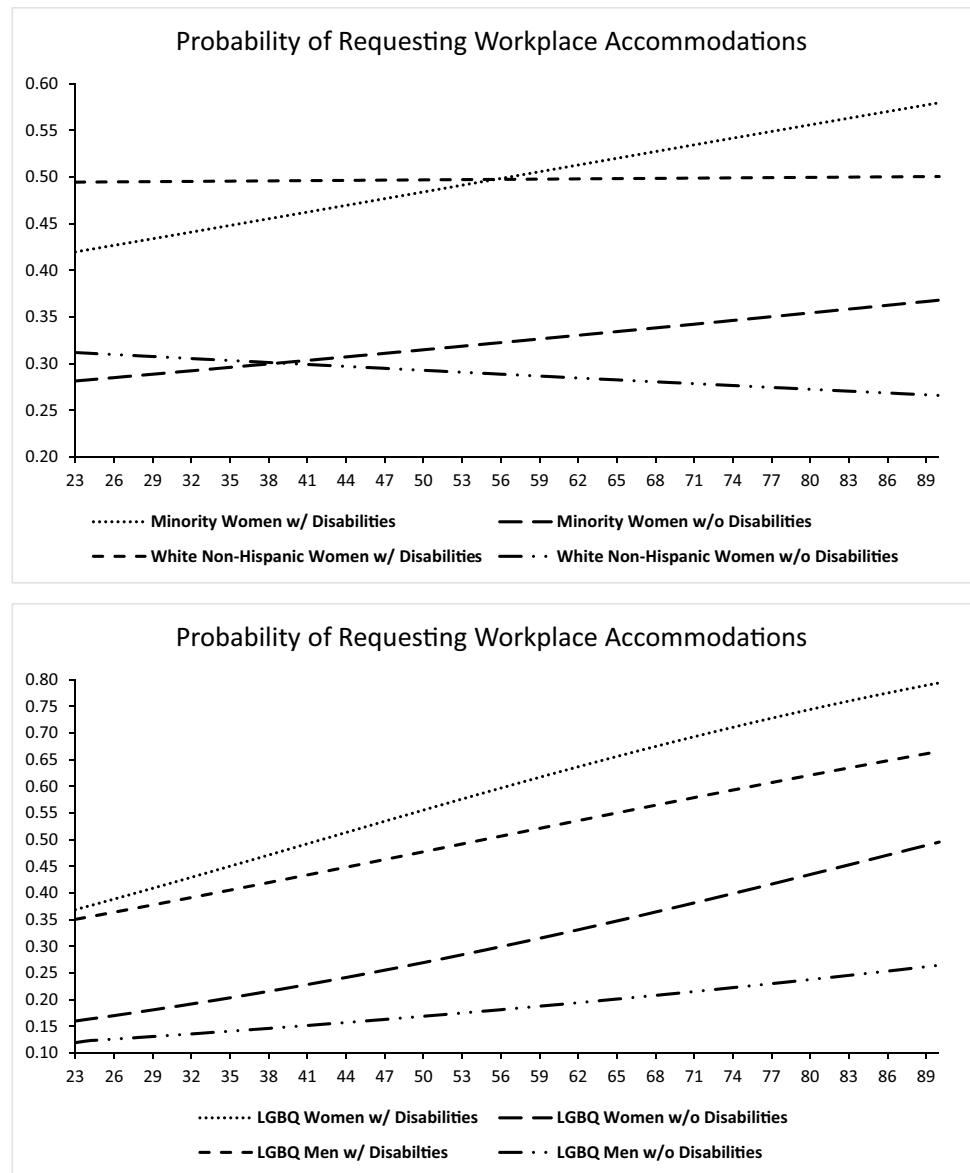
Broadly, the results indicate that individuals with disabilities are more likely to request accommodations.

There also appears to be a separate effect for gender, with transgender individuals being more likely to request accommodations, as compared to men being less likely to request accommodations. Nonetheless, these intersectional identity interpretations must be viewed as exploratory because the interaction terms between disability and gender are affected by small cell sample sizes.

Finally, we consider the probabilities of requesting accommodations from Model 3 by age for eight distinct intersectional identity groups (illustrated in Fig. 2). The top panel of Fig. 2 illustrates that the probability of requesting accommodations decreases somewhat with age for White non-Hispanic women without disabilities, and decreases for White non-Hispanic women with disabilities. In contrast, women who identify as racial and ethnic minorities, regardless of disability status, show an increase in the probability of requesting accommodations with age (Fig. 2, top panel).

In addition to the race/ethnicity differences, these trends suggest that women with disabilities generally have a higher probability of requesting accommodations, as compared to women without disabilities, at all life points (Fig. 2, top panel). The results also show that LGBTQ men and women with and without disabilities show increases in the probability of requesting accommodations with age (Fig. 2, bottom panel). LGBTQ men and women with disabilities, at all ages, have an overall higher probability of requesting accommodations as compared to those without disabilities (Fig. 2, bottom panel).

Fig. 2 Predicted probability of requesting workplace accommodation by age



Notes: The variables of interest have been set to 1 while the other individual characteristics and covariates have been set at their sample mean.

Estimating the Odds of Accommodation Receipt

Table 5 shows the distribution of accommodation requests that were fully, partially, or not granted among groups of lawyers. To ease interpretation, we present row percentages, but column percentages can be found in Table 8 in the Appendix. The results show that, except for race/ethnicity, we are not able to reject the null hypothesis that the variables in this table are independent from the accommodation outcomes. Nonetheless, the following discussion provides some insights on the basic distribution and magnitude of accommodation outcomes.

First, and counter-intuitively, people who do not report a disability have their accommodation requests fully or partially granted at slightly higher rates as compared to those who report having a disability. Specifically, among people with disabilities, 71.96% had their request fully approved as compared to 76.37% of people without disabilities. Similarly, and also unpredicted, people with disabilities are more likely not to have their accommodation requests granted (12.84%), as compared to people without disabilities (8.75%). Those who report their disability as apparent (i.e., more visible or obvious) are relatively more likely to have their accommodation request approved (77.42%) as compared to those who reported their disability as non-apparent

Table 5 Distribution of accommodation outcomes by individual characteristics (row percentages)

Accommodation outcome							p-value
Demographic variables	Fully		Partially		Not granted		
	N	%	N	%	N	%	
<i>Have a disability</i>							
Yes	213	71.96	45	15.20	38	12.84	0.185
No	349	76.37	68	14.88	40	8.75	
<i>Visibility of disability</i>							
Non-apparent	96	71.11	18	13.33	21	15.56	0.412
Fluctuates	68	70.83	17	17.71	11	11.46	
Apparent	48	77.42	10	16.13	4	6.45	
<i>Sexual orientation</i>							
Straight	463	75.28	92	14.96	60	9.76	0.739
LGBQ	91	72.80	19	15.20	15	12.00	
Gay/lesbian	44	70.97	13	20.97	5	8.06	0.476
Bisexual	21	77.78	2	7.41	4	14.81	
Queer	4	80.00	1	20.00	0	0.00	
Other	22	70.97	3	9.68	6	19.35	
<i>Gender</i>							
Men	170	74.56	29	12.72	29	12.72	0.260
Women	351	75.00	77	16.45	40	8.55	
Transgender	9	69.23	2	15.38	2	15.38	
<i>Race/ethnicity</i>							
White NH	467	75.93	90	14.63	58	9.43	0.244
Racial/ethnic minority	96	70.07	22	16.06	19	13.87	
Black NH	25	67.57	8	21.62	4	10.81	0.077
Hispanic	18	72.00	3	12.00	4	16.00	
Asian	13	61.90	7	33.33	1	4.76	
Other	40	74.07	4	7.41	10	18.52	
<i>Age</i>							
18–35 years old	96	67.61	27	19.01	19	13.38	0.259
36–55 years old	289	76.46	55	14.55	34	8.99	
56 years or older	179	75.85	31	13.14	26	11.02	
<i>Tenure</i>							
Less than 5 years	216	71.76	53	17.61	32	10.63	0.522
6–20 years	250	76.22	45	13.72	33	10.06	
More than 20 years	93	78.81	15	15.13	10	10.04	

P-value represents Pearson χ^2 . Significant results with a p-value of 0.1 or lower are shown in bold. Fisher's exact test is shown for analysis that does not meet Pearson χ^2 assumptions. Row percentages with rounding adjusted to add up to 100%

(71.11%), or who have a disability that fluctuates (70.83%). Nonetheless, these trends are not statistically significant.

In regard to sexual orientation, straight/heterosexual respondents had a slightly higher likelihood of having their accommodations approved (75.28%) as compared to LGBQ respondents (72.80%). Similarly, while gender does not seem to explain differences in accommodation approval rates, women have the relatively highest likelihood of having their accommodation request fully or partially granted; they also have the lowest likelihood of having their accommodation request not granted when compared to men and transgender

lawyers. In considering race, White non-Hispanic respondents are more likely to have their requests fully provided as compared to other racial and ethnic groups. Middle-aged respondents and those with long tenure (more than 20 years) are more likely to have their requests fully granted. Except for race/ethnicity, these other differences are not statistically significant.

The results in Table 6 present the odds ratio (“OR”) of having accommodation requests granted as estimated from a series of logistic regression models. Similar to the previous models, we start with a basic model, progressively

Table 6 Odds ratio of having workplace accommodation requests granted

	Model 1	Model 2	Model 3	Model 4
<i>Individual characteristics</i>				
Disability	0.598944*	0.658155	0.673156	0.742814
LGBQ	1.060423	1.099244	2.550042	2.940108
Women	1.182934	1.281808	0.858709	0.908819
Transgender	0.445957	0.442747	0.662676	0.653896
Race/ethnicity	0.677918	0.730872	1.202196	1.563001
Age	1.014013	1.016026	1.073501**	1.071934**
<i>Covariates</i>				
Tenure	–	0.997302	0.992702	0.992449
Private org.	–	1.388241	1.436638	1.435927
Large org.	–	2.953142*	3.593050*	3.597923*
<i>2 × 2 Interactions</i>				
Disability × LGBQ	–	–	0.254970	0.208933
Disability × women	–	–	1.497323	1.331907
Disability × race/ethnicity	–	–	0.273748	0.183166
Disability × age	–	–	0.991806	0.992331
LGBQ × women	–	–	1.882050	1.878392
LGBQ × race/ethnicity	–	–	0.111663*	0.079188
LGBQ × age	–	–	0.973448	0.976143
Women × age	–	–	0.947418*	0.948622*
Transgender × age	–	–	1.015152	1.014623
Race/ethnicity × age	–	–	0.928404**	0.930066**
Race/ethnicity × women	–	–	1.364355	1.016980
<i>3 × 3 Interactions</i>				
Disability × women × race/ethnicity	–	–	–	1.598201
Disability × LGBQ × women	–	–	–	1.043298
Disability × LGBQ × race/ethnicity	–	–	–	1.718408
Constant	13.36607***	9.444975***	10.56431 ***	10.07145***
Number of observations	574	574	574	574
Pseudo R ²	0.0190	0.0370	0.0891	0.0895
LR chi ²	6.36	6.04	17.43	0.12
LR test p-value	0.3840	0.1095	0.0958	0.9887

***p < 0.01; **p < 0.05; *p < 0.1

Notes: Sample includes lawyers who responded to our survey question about whether their accommodation request was granted. Age is mean-centered at 49 years

adding individual characteristics such as disability status, sexual orientation, gender, race, and age. The model including all these characteristics is again considered the baseline model. We then add control variables (tenure, type of organization, and size of organization), 2 × 2 interactions, and illustrative 3 × 3 interactions in the following models, as we have done prior. We interpret results from this Model 3, but also present results from Model 4 for informational purposes.

Results from Model 2 in Table 6 show that none of the individual characteristic variables are statistically

significant.¹⁰ However, once we include 2 × 2 interactions in Model 3, age becomes statistically significant. Similar to Model 2, the results in Model 3 do not support that any individual characteristics are associated with the likelihood of having accommodations granted other than age. Thus, having a disability, being LGBQ, a woman, transgender, or a racial/ethnic minority is not associated

¹⁰ Results show that being a person with a disability (OR = 0.66, 95% CI = 0.36–1.21), LGBQ (OR = 1.09, 95% CI = 0.47–2.57), a woman (OR = 1.28, 95% CI = 0.65–2.52), transgender (OR = 0.44, 95% CI = 0.076–2.58), a racial/ethnic minority (OR = 0.73, 95% CI = 0.35–1.52), or older (OR = 1.02, 95% CI = 0.98–1.04) is not associated with the odds of a positive outcome.

with the odds of a positive accommodation outcome.¹¹ The coefficient of age implies that the odds of having a request granted increase with age (OR 1.07, 95% CI 1.01–1.14).

The results further show that only the interaction terms between sexual orientation and race/ethnicity, gender (women) and age, and race/ethnicity and age, are statistically significant. Here, the odds of a positive accommodation outcome decline for LGBQ racial/ethnic minority lawyers, older women lawyers, and older racial/ethnic minority lawyers, relative to comparable others. The effect of sexual orientation on accommodation outcome for racial and ethnic minorities is 0.11 times (95% CI 0.01–1.00) that of White lawyers. The odds ratio for women and racial/ethnic minorities decreases by 0.95 (95% CI 0.89–1.00) and 0.93 (95% CI 0.87–0.99) respectively for a one-year increase in age.

The results additionally suggest that the effect of disability on accommodation outcomes does not vary by sexual orientation, gender, race/ethnicity, and age. Similarly, the effect of sexual orientation does not differ by gender or age. There is no evidence to conclude that the effect of age on accommodation outcome is different for transgender lawyers as compared to men, or that the effect of race/ethnicity on accommodation outcomes is different for men and women.¹²

Working for a large organization, however, substantially increases the odds of having accommodation requests granted: 3.59 times higher (95% CI 0.95–13.56), controlling for other variables in the models. Firm tenure and working at a private organization alone are not associated with accommodation outcomes.¹³

Taken together, the exploratory intersectional analyses suggest that the effect of sexual orientation on

accommodation outcomes varies by race/ethnicity and effects of gender (older women only), and by race/ethnicity and age. Thus, the odds of a positive accommodation outcome are lower for LGBQ lawyers who are racial/ethnic minorities as compared to White lawyers, for older women as compared to younger women, and for older racial/ethnic minority lawyers as compared to younger lawyers.

We convert the OR of requesting accommodations from Model 3 in Table 6 into predicted probabilities for nine intersectional identity groupings, as before (see Fig. 3). To calculate these probabilities for each identity characteristic, we again set the other variables in the model at their sample mean. The results show that even though LGBQ lawyers and those with no disabilities have among the lowest probabilities of requesting workplace accommodations (see Fig. 1), they show the highest relative probabilities among the nine identity groups of having their requests granted (96% and 95%). Transgender lawyers and those with disabilities, despite having the highest probability of requesting workplace accommodations, have the lowest relative probabilities of having their requests granted (90%).

As in the prior model, we calculate the probabilities of having accommodation requests granted from Model 3 for twenty-four distinct intersectional identity groupings (see results presented in Fig. 6 in the Appendix). The figure illustrates, for example, that although transgender individuals who identify as racial and ethnic minorities and LGBQ and who also have a disability, have among the highest probability of requesting accommodations (see Fig. 5 earlier in the Appendix), they evidence the lowest probability of having their accommodation request granted (14%). This group is followed by men and women who identify as racial and ethnic minorities and as LGBQ, and also have a disability (19%, 43% respectively, at bottom of Fig. 6 in the Appendix).

As referenced above, the top five groups with the *lowest* probability of having their accommodation request approved are lawyers with disabilities and who are racial and ethnic minorities. Non-Hispanic White women, men, and transgender individuals who identify as LGBQ and who do not have disabilities have the *highest* probability of having their workplace accommodations granted as compared to the other groups (98%, 98%, 97%, respectively). In Fig. 6 in the Appendix, the top five groups with the *highest* probability of having their accommodation request approved are all individuals without disabilities. Taken together, the results indicate that lawyers with disabilities are more likely to request accommodations, but, counterintuitively, those are the lawyers who are less likely to have their accommodation request granted. These outcomes are largely moderated by intersectional multiple identities, such as gender and race/ethnicity.

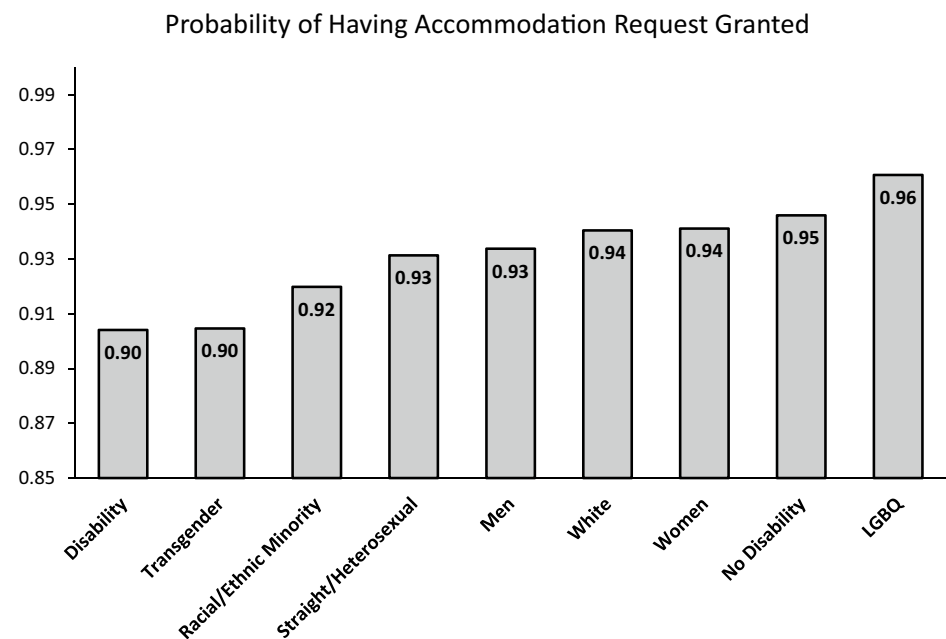
As a final analysis, and as before, we model the probabilities of having accommodation requests granted from Model

¹¹ The odds of lawyers with disabilities are 0.67 times (95% CI = 0.20–2.24) those of lawyers without disabilities among those who identify as men, White, straight, and are 49 years old; odds are higher for LGBQ lawyers (OR = 2.55, 95% CI = 0.34–19.00), as compared to straight lawyers; odds of having a request granted for women are 0.86 times (95% CI = 0.31–2.38) those of men, and for transgender individuals are 0.66 times (95% CI = 0.07–6.68) those of men; odds of having accommodation requests granted for racial/ethnic minorities are 1.20 times (95% CI = 0.21–6.93) those of non-Hispanic White lawyers, holding other variables constant. None of these main effects is statistically significant.

¹² The results suggest that the effect of disability on accommodation outcomes does not vary by sexual orientation (OR = 0.25, 95% CI = 0.04–1.82), gender (women OR = 1.49, 95% CI = 0.38–5.85), race/ethnicity (OR = 0.27, 95% CI = 0.05–1.41), or age (OR = 0.99, 95% CI = 0.94–1.05). Similarly, the effect of sexual orientation does not differ by gender (women OR = 1.88, 95% CI = 0.27–13.16) or age (OR = 0.97, 95% CI = 0.89–1.06), nor does the effect of age on accommodation outcome differ for transgender lawyers as compared to men (OR = 1.02, 95% CI = 0.84–1.23), or the effect of race/ethnicity on accommodation outcomes for men and women (OR = 1.36, 95% CI = 0.25–7.38).

¹³ Firm tenure (OR = 0.99, 95% CI = 0.96–1.03) and working at a private organization (OR = 1.44, 95% CI = 0.74–2.79) are not associated with accommodation outcomes.

Fig. 3 Predicted probability of having workplace accommodation request granted by gender, sexual orientation, race/ethnicity, and disability



Notes: The variable of interest (e.g. race) has been set to 1 while the other individual characteristics and covariates have been set at their sample mean.

3 by age for eight distinct intersectional multiple identity groupings (see Fig. 4). The top panel of Fig. 4 shows that the probability of having accommodation requests granted decreases with age for minority women with and without disabilities, whereas for White non-Hispanic women with and without disabilities the probability remains relatively constant over time.

Considered in light of the prior models testing the probability of requesting accommodations, these results in the top panel of Fig. 4 suggest that while the probability of requesting workplace accommodations increases with age for minority women, the probability of having such requests granted decreases with age. The converse is the outcome for non-Hispanic White women. In addition, the probability of having workplace accommodation requests granted increases with age for LGBTQ men with and without disabilities, whereas it decreases for LGBTQ women with and without disabilities. These trends are in contrast with the prior models showing that all of these four groups show an increase in the probability of requesting workplace accommodations with age.

Discussion

The findings in this article illustrate the non-monochromatic identities of individuals engaged in the workplace accommodation process, and the effects of such diversity on accommodation outcomes. To the best of our knowledge, this is the first large-scale study to examine in such detail the

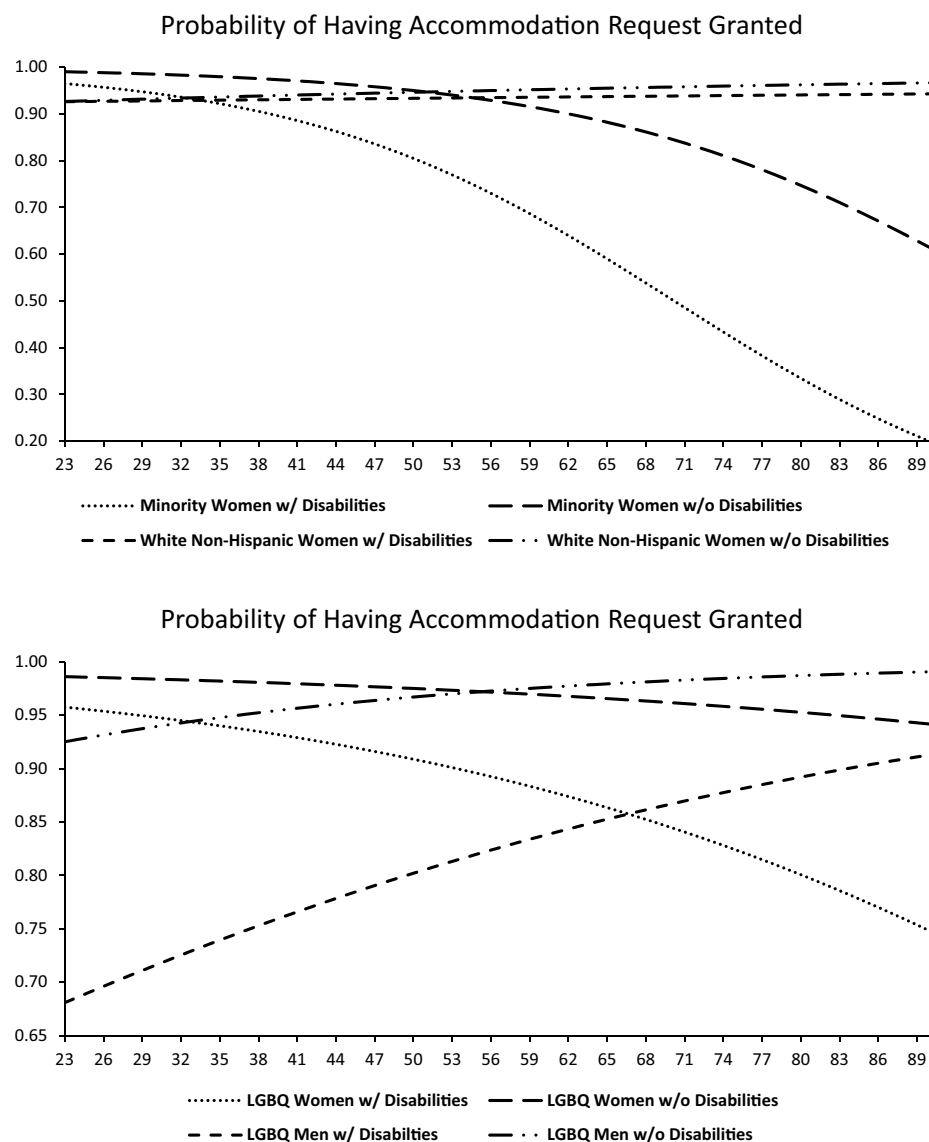
accommodation request and provision experience from an intersectional perspective.

The preliminary findings show that multifaceted individual identities and organizational factors, as associated with disability, sexual orientation, gender, race/ethnicity, and age, are important in understanding the request for and provision of workplace accommodations. For example, the odds of requesting accommodations are higher for women and people with disabilities as compared to men and those without disabilities, and lower for older people. But the results also indicate that the odds of requesting accommodations are higher for older LGBTQ lawyers as compared to younger lawyers.

There may be a number of reasons for these findings, including shifting individual economic power in the lawyer's firm or health trends over time. Some studies suggest that older LGBTQ men experience increased psychological distress and workplace discrimination [66–68], poorer physical health, or reduced access to health care resources as compared to their heterosexual counterparts [73, 74]. Thus, they request accommodation to reduce these disparities. Another reason may be that LGBTQ people are more likely to keep working as they age as compared to heterosexual individuals [67], but those trends likely vary by job type and organizational factors, and they may be not reflective of the legal profession.

Several of the initial trends observed here comport with those found in prior studies. People with disabilities [9, 12, 14, 24, 29, 30] and women [14, 30, 39, 57] are more likely, in general, to request accommodation. Still, other studies

Fig. 4 Predicted probability of having workplace accommodation request granted by age



Notes: The variables of interest have been set to 1 while the other individual characteristics and covariates have been set at their sample mean.

show that gender is not always associated with a higher probability of making accommodation requests [19, 25, 26, 37]. The trend here, if substantiated, may reflect a continued reality of legal and other workplaces: they are typically dominated by White male, middle-aged, and nondisabled individuals. This likely is among the reasons that people with disabilities, women, LGBQ, transgender, and racial/ethnic minorities may request accommodations more often: they are relatively more crucial for their job engagement, tenure and security, career progression, psychological and physical health and safety, and wage equality.

The general effects for age, however, also illustrate that the odds of requesting accommodations are relatively lower

for older people. These results are in accord, on the one hand, with studies finding that as employees age, they are less likely to request and receive accommodations; this phenomenon may be a function also of individual economic power in organizations [29]. This may be one reason why, for the present sample of white-collar lawyers in non-physically demanding jobs, the findings here do not comport with studies of cohorts who work in manufacturing or health care sectors that require greater physical demands [29, 40, 41]. Moreover, although the results in this study of accommodation outcomes show that older, and presumably more senior and higher-paid, lawyers overall have better odds of having their accommodations granted, such effects are offset for

certain individuals with multiple marginalized identities, such as women and racial/ethnic minorities, whose odds decline with age [13, 29].

In addition, the results indicate that LGBTQ lawyers who are racial minorities have lower odds than White LGBTQ lawyers of having their accommodation requests granted. These results are in general accord with studies finding that racial minorities are less likely to be accommodated in their jobs [13, 24, 25].

Tellingly, although lawyers with disabilities have one of the highest probabilities of requesting accommodations, they have among the lowest probabilities generally of having such accommodation requests granted. Transgender individuals and racial/ethnic minorities also show as having among the lowest probabilities of receipt of accommodations. Yet studies show that transgender people are almost three times more likely to experience forms of discrimination than are those who do not identify as transgender [75, 76]. These individuals may be more likely to perceive the need for, or require, particular accommodations, such as policy changes or physical changes in their workplaces in support of inclusion.

One prominent explanation for individuals not requesting accommodations from their employers is the potential for stigmatization that is associated with the disclosure process for people with hidden and particular disabilities [77], as well as for others with marginalized multiple identities who may not wish to disclose [45]. Requesting an accommodation typically requires that an individual reveal one's identity characteristics, whether for disability, sexual orientation and gender identity, or age. The disclosure process—a central element of the accommodation process as mediated by organizational culture and D&I+ practices—is in need of further investigation and will be the subject of forthcoming papers in this series.

The survey on which this study is based also did not distinguish between “formal” ADA versus “informal” accommodations; that is, those accommodations requested under the ADA and those that may not be but are part of organizational practice. In future studies, we will explore differences between such formal and informal accommodation requests and their receipt [78]. Particularly relevant to the health and economic emergency resulting from the pandemic, many organizations now provide informal accommodations and adjustments as part of the “new norm” for health and safety in the workplace. However, if and when the pandemic wanes, the prevalence and nature of these practices will require additional study [85]. The next phase of this project will consider cross-sectional and longitudinal experiences pre-, during, and post-COVID-19 in regard to attitudes and behavior toward accommodations such as remote work and flexible scheduling [19].

In a forthcoming article, we further explore the nature and correlates of reported discrimination and bias as they may be

associated with other attitudinal and structural barriers such as not providing accommodations [79]. There is a general need for such study to gain a more informed view of D&I+ across a range of organization and market sectors, as well as looking comparatively across other countries and cultures.

At the time of this writing, the COVID-19 pandemic continues to have evolving implications for all employees and their workplaces in terms of workplace accommodations. Associated changes in attitudes, norms, and behavior may not only affect present and future conceptions of work and workplace accommodation, but also, if well-conceived, may accrue to the benefit of individuals who previously have been excluded from the workforce, such as individuals with disabilities and other marginalized identities [80]. The next phase of this program of study will also consider these “new norms” and their association with accommodation, productivity, tenure, and wages, as well as organizational sustainability and D&I+.

Limitations

We have considered elsewhere the strengths and limitations of this program of study [14]. For example, because this project relies on self-reported information in an online survey, there is no way to verify the nature and outcome of the individual reports. The complexity and heterogeneity of the individual experience within the disability and LGBTQ+ communities requires further study, both by using different tools and by investigating within and across workplaces and economic sectors. We have also recognized that the use of overly broad terms such as “disability” and “LGBTQ+” does not adequately acknowledge the unique individual and multiple identities across and within the spectrums of disability, LGBTQ+, and other minority identities [14].

We recognize these limitations cabin our ability to make definitive statements about the representativeness of the survey sample. In certain aspects, the sample is consistent with national labor statistics, but in other aspects it is not, in part due to purposefully oversampling legal professionals with disabilities and those who identified as LGBTQ+. This study also focuses on legal professionals, who generally are higher-paid and -educated White-collar workers, and who are in positions that offer access to job security and economic power. We would have expected enhanced access to accommodations and other benefits of employment for this cohort. The trends we identify here likely will vary for workers in other professions, such as manufacturing or health care, and in lower-paying, and more physically active or precarious, work arrangements [20].

Lastly, despite efforts to sample underrepresented groups, and despite obtaining a relatively large sample overall as compared to prior studies, any attempt to generalize these findings must proceed with caution, given the relatively

small number of respondents with multiple minority identities. Nonetheless, we present these complex individual experiences because they remain largely understudied and because they have important implications for the development of research in our program of study and others.

Implications

This study examines workplace accommodation requests and receipt in a conceptual framework of D&I+ in the legal profession. The study considers the dynamic and multidimensional experiences of people with disabilities and who identify as LGBQ, along with others with identities across race/ethnicity, gender identity, and age spectrums. Future articles in this series will examine issues associated with identity disclosure, stigma, and reported discrimination and bias in the workplace. The benefits of this program of study are to bring to the fore, and illuminate, changes over time and circumstance, with the hope that such information will enable organizations to conceive and effect advances in D&I+ to the benefit of both the individuals and the organizations themselves [3, 55, 81–84].

The issues in this program of study, and related issues, are also being examined in a new national Rehabilitation Research and Training Center on Disability Inclusive Employment Policy (“DIEP RRTC”). Over the next 5 years, the new Center will implement a series of scientifically rigorous studies to produce fresh data and evidence to increase the employment of persons with disabilities in all forms [37].

The new DIEP RRTC is forming significant partnerships and bringing together a consortium of nationally recognized and synergized researchers from multiple disciplines including vocational rehabilitation, disability studies, economics, psychology, social work, law and public policy, business, and health policy. The team is comprised of, and directed by, leading members of the disability community. It is complemented by national associations providing unprecedented

reach to targeted audiences for knowledge dissemination activities.

Future research by the DIEP RRTC will examine the ways in which organizations of all sizes and types, including those in the gig economy, effectively develop and manage structures to facilitate the inclusive employment of persons with disabilities using the accommodation principle. In light of the profound changes to employment and society generally brought on by the pandemic, it is crucial to examine ways in which new organizational and individual work strategies evolve and incorporate, and sustain, inclusive disability employment policy and practice.

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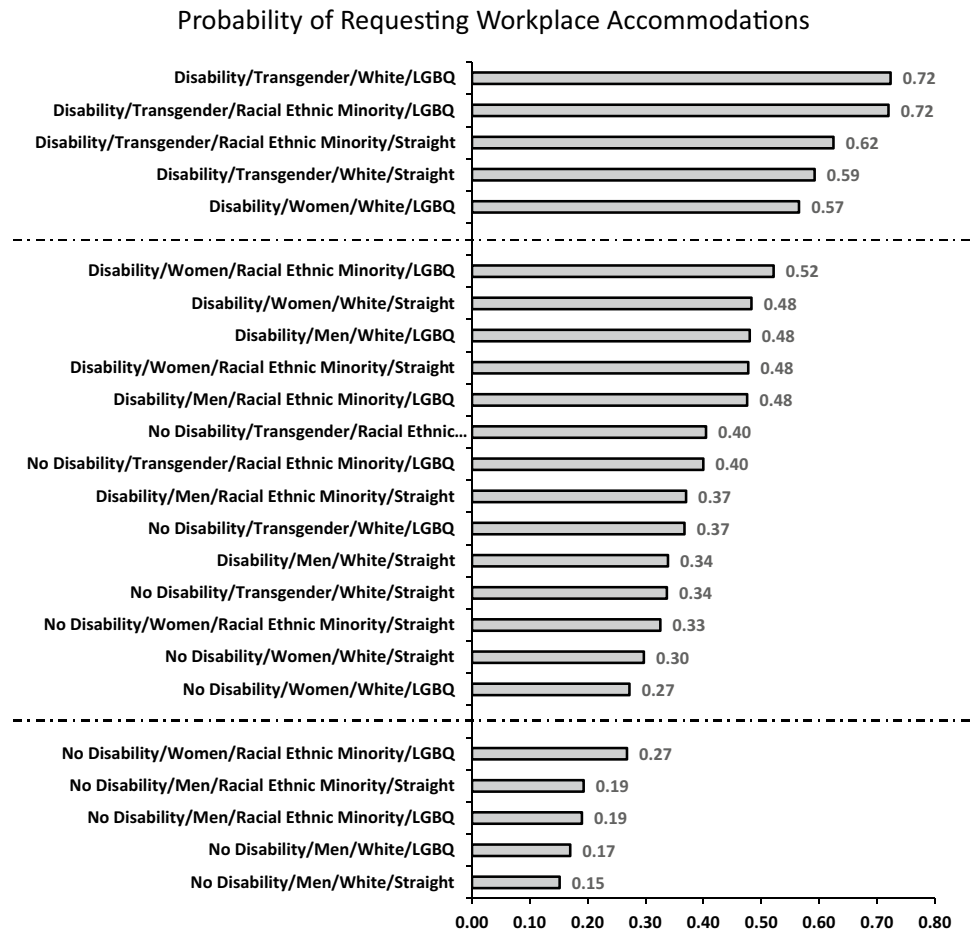
Compliance with ethical standards

Conflict of interest All the authors declare that they have no conflict of interest.

Appendix

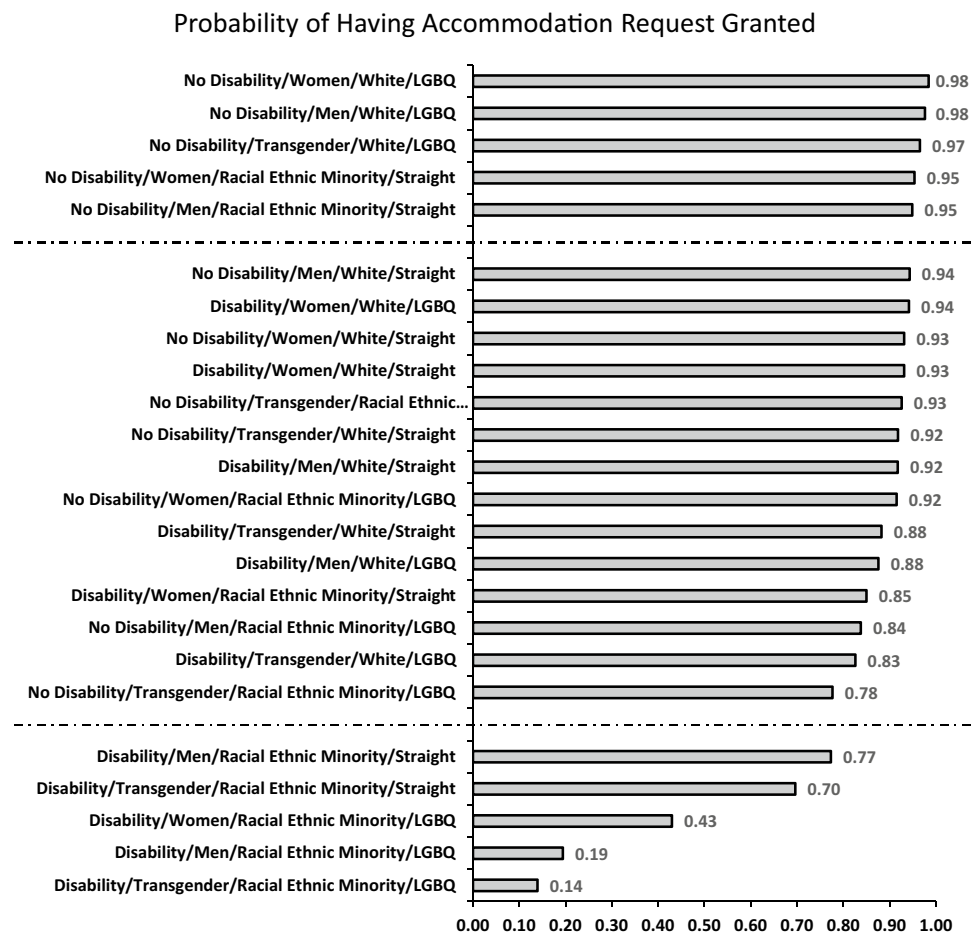
See Figs. 5, 6 and Tables 7, 8.

Fig. 5 Predicted probability of requesting workplace accommodation—Intersectional Analysis



Notes: The variables of interest have been set to 1 while the other individual characteristics and covariates have been set at the sample mean.

Fig. 6 Predicted probability of having accommodation request granted—Intersectional Analysis



Notes: The variables of interest have been set to 1 while the other individual characteristics and covariates have been set at the mean.

Table 7 Distribution of accommodations requested by individual characteristics (column percentages)

	Accommodations requested				p-value
Demographic variables	Yes		No		
	N	%	N	%	
Have a disability					
Yes	313	39.03	417	20.51	< 0.001
No	489	60.97	1,616	79.49	
Visibility of disability					
Non-apparent	144	46.45	248	61.08	< 0.001
Fluctuates	99	31.94	103	25.37	
Apparent	67	21.61	55	13.55	
Sexual orientation					
Straight	658	83.50	1,642	82.06	0.377
LGBQ	130	16.50	359	17.94	
Gay/lesbian	66	8.38	228	11.39	0.038
Bisexual	28	3.55	60	3.00	
Queer	5	0.63	20	1.00	
Other	31	3.93	51	2.55	
Gender					
Men	246	32.63	938	49.47	< 0.001
Women	495	65.65	935	49.31	
Transgender	13	1.72	23	1.21	
Race/ethnicity					
White NH	652	81.30	1,715	85.20	0.012
Racial/ethnic minority	150	18.70	298	14.80	
Black NH	40	4.99	83	4.12	0.093
Hispanic	27	3.37	51	2.53	
Asian	24	2.99	59	2.93	
Other	59	7.36	105	5.22	
Age					
18–35 years old	155	19.23	492	24.21	< 0.001
36–55 years old	394	48.88	739	36.37	
56 years or older	257	31.89	801	39.42	
Tenure					
Less than 5 years	322	40.55	919	45.81	< 0.001
6–20 years	347	43.70	685	34.15	
More than 20 years	125	15.74	402	20.04	

P-value represents Pearson χ^2 . Significant results with a p-value of 0.1 or lower are shown in bold. Fisher's exact test is shown for analysis that does not meet Pearson χ^2 assumptions. Column percentages with rounding adjusted to add up to 100%

Table 8 Distribution of accommodation outcomes by individual characteristics (column percentages)

	Accommodation outcome						p-value
Demographic variables	Fully		Partially		Not granted		
	N	%	N	%	N	%	
<hr/>							
Have a disability							
Yes	213	37.90	45	39.82	38	48.72	0.185
No	349	62.10	68	60.18	40	51.28	
Visibility of disability							
Non-apparent	96	45.28	18	40.00	21	58.33	0.412
Fluctuates	68	32.08	17	37.78	11	30.56	
Apparent	48	22.64	10	22.22	4	11.11	
Sexual orientation							
Straight	463	83.57	92	82.88	60	80.00	0.739
LGBQ	91	16.43	19	17.12	15	20.00	
Gay/lesbian	44	7.94	13	11.71	5	6.67	0.476
Bisexual	21	3.79	2	1.80	4	5.33	
Queer	4	0.72	1	0.90	0	0.00	
Other	22	3.97	3	2.70	6	8.00	
Gender							
Men	170	32.08	29	26.85	29	40.85	0.260
Women	351	66.23	77	71.30	40	56.34	
Transgender	9	1.70	2	1.85	2	2.82	
Race/ethnicity							
White NH	467	82.95	90	80.36	58	75.32	0.244
Racial/ethnic minority	96	17.05	22	19.64	19	24.68	
Black NH	25	4.44	8	7.14	4	5.19	0.077
Hispanic	18	3.20	3	2.68	4	5.19	
Asian	13	2.31	7	6.25	1	1.30	
Other	40	7.10	4	3.57	10	12.99	
Age							
18–35 years old	96	17.02	27	23.89	19	24.05	0.259
36–55 years old	289	51.24	55	48.67	34	43.04	
56 years or older	179	31.74	31	27.43	26	32.91	
Tenure							
Less than 5 years	216	38.64	53	46.90	32	42.67	0.522
6–20 years	250	44.72	45	39.82	33	44.00	
More than 20 years	93	16.64	15	13.27	10	13.33	

P-value represents Pearson χ^2 . Significant results with a p-value of 0.1 or lower are shown in bold. Fisher's exact test is shown for analysis that do not meet Pearson χ^2 assumptions. Column percentages with rounding adjusted to add up to 100%

References

1. Tennessee v. Lane, 541 U.S. 509 (2004).
2. Bureau of Labor Statistics. Persons with a disability: labor force characteristics—2019. U.S. Department of Labor. 2020. <https://www.bls.gov/news.release/pdf/disabl.pdf>. Accessed 7 May 2020.
3. Blanck P. Disability policy and law. Minneapolis: Foundation Press; 2020.
4. Blanck, P. Americans with Disabilities Act at thirty: disability law and policy in 2020. *J Disabil Policy Stud.* 2020; __: __–__ (in press).
5. Ali M, Schur L, Blanck P. What types of jobs do people with disabilities want? *J Occup Rehabil.* 2011;21(2):199–210.
6. Snyder LA, Carmichael JS, Blackwell LV, Cleveland JN, Thornton GC. Perceptions of discrimination and justice among employees with disabilities. *Empl Responsib Rights J.* 2010;22(1):5–19.
7. Ren LR, Paetzold RL, Colella A. A meta-analysis of experimental studies on the effects of disability on human resource judgments. *Hum Resour Manag Rev.* 2008;18(3):191–203.
8. Beatty JE, Baldrige DC, Boehm SA, Kulkarni M, Colella AJ. On the treatment of persons with disabilities in organizations: a review and research agenda. *Hum Resour Manag Rev.* 2019;58(2):119–137.
9. Anand P, Sevak P. The role of workplace accommodations in the employment of people with disabilities. *IZA J Labor Policy.* 2017;6(12):1–20.
10. Maestas N, Mullen KJ, Rennane S. Unmet need for workplace accommodation. *J Policy Anal Manag.* 2019;38(4):1004–1027.
11. Harpur P, Blanck P. Gig workers with disabilities: opportunities, challenges, and regulatory response. *J Occup Rehabil.* 2020. <https://doi.org/10.1007/s10926-020-09937-4>.
12. Schur L, Nishii L, Adya M, Kruse D, Bruyère SM, Blanck P. Accommodating employees with and without disabilities. *Hum Resour Manag Rev.* 2014;53(4):593–621.
13. Hill MJ, Maestas N, Mullen KJ. Employer accommodation and labor supply of disabled workers. *Labor Econ.* 2016;41:291–303.
14. Blanck P, Abdul-Malak Y, Adya M, Hyseni F, Killeen M, Altunkol Wise F. Diversity and inclusion in the American legal profession: first phase findings from a national study of lawyers with disabilities and lawyers who identify LGBTQ+. *Univ DC Law Rev.* 2020;23:23–87.
15. Schwochau S, Blanck P. Does the ADA disable the disabled?—more comments. *Ind Relat.* 2003;42(1):67–77.
16. Schartz HA, Hendricks DJ, Blanck P. Workplace accommodations: evidence based outcomes. *Work.* 2006;27(4):345–354.
17. Gartner, Inc. Gartner CFO survey reveals 74% intend to shift some employees to remote work permanently. April 2020. <https://www.gartner.com/en/newsroom/press-releases/2020-04-03-gartner-cfo-survey-reveals-74-percent-of-organizations-to-shift-some-employees-to-remote-work-permanently2>. Accessed 11 June 2020.
18. Schur L, Kruse DL. Coronavirus could revolutionize work opportunities for people with disabilities. In: *The Conversation*. May 2020. <https://theconversation.com/coronavirus-could-revolutionize-work-opportunities-for-people-with-disabilities-137462>. Accessed 5 June 2020.
19. Blanck P, et al. Administration on Community Living (ACL), National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). In: U.S. Department of Health & Human Services, Rehabilitation Research & Training on Employment Policy: Center for Disability-Inclusive Employment Policy Research. 2020.
20. Blanck P. Why America is better off because of the Americans with disabilities act and the individuals with disabilities education act. *Touro Law Rev.* 2019;35:605–618.
21. Crenshaw K. Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *Univ Chic Leg Forum.* 1989;1989:139–168.
22. Gonzalez K, Tillman CJ, Holmes JJ. Coming home: why veterans with disabilities withhold workplace accommodation requests. *Hum Rel.* 2020;73:439–466.
23. Berne P, Levin Morales A, Langstaff D. Sins invalid Ten principles of disability justice. *Women's Stud Q.* 2018;46:227–230.
24. Balser DB. Predictors of workplace accommodations for employees with mobility-related disabilities. *Adm Soc.* 2007;39(5):656–683.
25. Balser DB, Harris MM. Factors affecting employee satisfaction with disability accommodation: a field study. *Empl Responsib Rights J.* 2008;20(1):13–28.
26. Harlan SL, Robert PM. The social construction of disability in organizations: why employers resist reasonable accommodation. *Work Occup.* 1998;25(4):397–435.
27. Blinder V, Eberle C, Patil S, Gany FM, Bradley CJ. Women with breast cancer who work for accommodating employers more likely to retain jobs after treatment. *Health Aff.* 2017;36(2):274–281.
28. Weinberg JD, Nielsen LB, Albrecht K. The deserving worker: decisions about workplace accommodation by judges and laypeople. *Law Policy.* 2019;41(3):286–309.
29. Dong S. Assessing workplace accommodation requests among older workers. *Rehabil Couns Bull.* 2018;61(2):101–111.
30. Von Schrader S, Xu X, Bruyère SM. Accommodation requests: who is asking for what? *Rehabil Res Policy Educ.* 2014;28(4):329–344.
31. Bureau of Labor Statistics. Persons with a disability: barriers to employment, types of assistance, and other labor-related issues. July 2019, 2020. <https://www.bls.gov/news.release/pdf/dissup.pdf>. Accessed 14 Sept 2020.
32. Carpenter NC, Paetzold RL. An examination of factors influencing responses to requests for disability accommodations. *Rehabil Psych.* 2013;58(1):18–27.
33. Lindsay S, Cagliostro E, Carafa G. A systematic review of workplace disclosure and accommodation requests among youth and young adults with disabilities. *Disabil Rehabil.* 2018;40(25):2971–2986.
34. Leslie M, Kinyanjui B, Bishop M, Rumrill PD Jr, Roessler RT. Patterns in workplace accommodations for people with multiple sclerosis to overcome cognitive and other disease-related limitations. *NeuroRehabil.* 2015;37(3):425–436.
35. Dong S, Guerette AR. Workplace accommodations, job performance and job satisfaction among individuals with sensory disabilities. *J Rehabil Couns.* 2013;19(1):1–20.
36. Gould-Werth A, Morrison K, Ben-Shalom Y. Employers' perspectives on accommodating and retaining employees with newly acquired disabilities: an exploratory study. *J Occup Rehabil.* 2018;28(4):611–633.
37. Baldrige DC, Swift ML. Withholding requests for disability accommodation: the role of individual differences and disability attributes. *J Manag.* 2013;39(3):743–762.
38. Wang J, Patten S, Currie S, Sareen J, Schmitz N. Perceived needs for and use of workplace accommodations by individuals with a depressive and/or anxiety disorder. *J Occup Environ Med.* 2011;53(11):1268–1272.
39. Zwerling C, Whitten PS, Sprince NL, Davis CS, Wallace RB, Blanck P, et al. Workplace accommodations for people with disabilities: national health interview survey disability supplement, 1994–1995. *J Occup Environ Med.* 2003;45(5):517–525.
40. McMullin JA, Shuey KM. Ageing, disability and workplace accommodations. *Ageing Soc.* 2006;26(6):831–847.
41. Williams M, Sabata D, Zolna J. User needs evaluation of workplace accommodations. *Work.* 2006;27(4):355–362.

42. Clair JA, Beatty JE, Maclean TL. Out of sight but not out of mind: managing invisible social identities in the workplace. *Acad Manag Rev.* 2005;30(1):78–95.
43. Creed WD, Scully MA. Songs of ourselves: employees' deployment of social identity in workplace encounters. *J Manag Inq.* 2000;9(4):391–412.
44. Ragins BR, Singh R, Cornwell JM. Making the invisible visible: fear and disclosure of sexual orientation at work. *J Appl Psychol.* 2007;92(4):1103–1118.
45. Logue L, Blanck P. Before the accommodation principle: disability and employment among Union army veterans. *J Occup Rehabil.* 2020. <https://doi.org/10.1007/s10926-020-09939-2>.
46. Fabian ES, Waterworth A, Ripke B. Reasonable accommodations for workers with serious mental illness: type, frequency, and associated outcomes. *Psychiatr Rehabil J.* 1993;17(2):163–172.
47. Dong S, Warner A, Mamboleo G, Guerette A, Zalles MZ. Barriers in accommodation process among individuals with visual impairments. *J Rehabil.* 2017;83(2):27.
48. Dong S, Geyer P, Hinton T, Chin A. *Rehabil Couns Bull.* 2020;63(3):168–178.
49. Bruyere SM, Erickson WA, VanLooy SA. The impact of business size on employer ADA response. *Rehabil Couns Bull.* 2006;49(4):194–206.
50. Unger DD. Employers' attitudes toward persons with disabilities in the workforce: myths or realities? *Focus Autism Other Dev Disabil.* 2002;17(1):2–10.
51. Hemenway D, King KJ, Rohani F, Word J, Brennan M. Dispelling myths of an untapped workforce a study of employer attitudes toward hiring individuals with disabilities. Florida: Center for Information, Training Evaluation Ser., Florida State University; 2003.
52. Lewis PS. Attitude and behavior of employers towards persons with disabilities in a post-ADA labor market. Doctoral dissertation, Union Institute. 1994.
53. Telwate A, Anglim J, Wynton SK, Moulding R. Workplace accommodations for employees with disabilities: a multi-level model of employer decision-making. *Rehabil Psychol.* 2017;62(1):7–19.
54. Bolo C, Sareen J, Patten S, Schmitz N, Currie S, Wang J. Receiving workplace mental health accommodations and the outcome of mental disorders in employees with a depressive and/or anxiety disorder. *J Occup Environ Med.* 2013;55(11):1293–1299.
55. Blanck P. *eQuality: the struggle for web accessibility by persons with cognitive disabilities.* Cambridge: Cambridge University Press; 2014.
56. Gifford B, Zong Y. On-the-job productivity losses among employees with health problems. *J Occup Environ Med.* 2017;59(9):885–893.
57. Finch J, Robinson M. Aging and late-onset disability: addressing workplace accommodation. *J Rehabil.* 2003;69(2):38–42.
58. Kozhimannil KB, Jou J, Gjerdengen DK, McGovern PM. Access to workplace accommodations to support breastfeeding after passage of the Affordable Care Act. *Women's Health Issues.* 2016;26(1):6–13.
59. Neumark D, Bradley CJ, Henry M, Dahman B. Work continuation while treated for breast cancer: the role of workplace accommodations. *Ind Labor Relat Review.* 2015;68(4):916–954.
60. Oyoung M. Until men bear children, women must not bear the costs of reproductive capacity: accommodating pregnancy in the workplace to achieve equal employment opportunities. *McGeorge Law Rev.* 2013;44:515–542.
61. Kaptein SA, Gignac MA, Badley EM. Differences in the workforce experiences of women and men with arthritis disability: a population health perspective. *Arthritis Rheum.* 2009;61(5):605–613.
62. Boyer TM, Calvert CT, Williams J. Legal talent at the crossroads: why New Jersey women lawyers leave their law firms, and why they choose to stay. 2009. <https://dSPACE.njstatelib.org/xmlui/bitstream/handle/10929/25377/w8722009.pdf?sequence=1&isAllowed=y>. Accessed 16 Sept 2020.
63. Hasenbush A, Mallory C. Employment discrimination based on sexual orientation and gender identity in Pennsylvania. Williams Institute. 2013. <https://williamsinstitute.law.ucla.edu/publications/employ-discrim-sogi-pa/>. Accessed 16 Sept 2020.
64. Mallory C, Brown TN, Sears B. The impact of stigma and discrimination against LGBT people in Virginia. 2020. <https://escholarship.org/content/qt3r56d4mz/qt3r56d4mz.pdf>. Accessed 16 Sept 2020.
65. Cavico FJ, Muffler SC, Mujtaba BG. Sexual orientation and gender identity discrimination in the American workplace: legal and ethical considerations. *Int J Hum Soc Sci Res.* 2012;2(1):1–20.
66. Brown A. As Congress considers action again, 21% of LGBT adults say they faced workplace discrimination. Pew Research Center. 2013. <https://www.pewresearch.org/fact-tank/2013/11/04/as-congress-considers-action-again-21-of-lgbt-adults-say-they-faced-workplace-discrimination/>. Accessed 16 Sept 2020.
67. Tinney J, Dow B, Maude P, Purchase R, Whyte C, Barrett C. Mental health issues and discrimination among older LGBTI people. *Int Psychogeriatr.* 2015;27(9):1411–1416.
68. Guasp A. Lesbian, gay & bisexual people in later life. In: Stonewall. 2010. <https://www.stonewall.org.uk/resources/lesbian-gay-and-bisexual-people-later-life-2011>. Accessed 14 Oct 2020.
69. De Rijk A, Nijhuis F, Alexanderson K. Gender differences in work modifications and changed job characteristics during the return-to-work process: a prospective cohort study. *J Occup Rehabil.* 2009;19(2):185–193.
70. Verdonk P, de Rijk A, Klinge I, de Vries A. Sickness absence as an interactive process: gendered experiences of young, highly educated women with mental health problems. *Patient Educ Couns.* 2008;73(2):300–306.
71. American Bar Association. ABA profile of the legal profession 2019. <https://www.americanbar.org/content/dam/aba/images/news/2019/08/ProfileOfProfession-total-hi.pdf>. Accessed 7 May 2020.
72. Bureau of Labor Statistics. Labor force statistics from the current population survey. U.S. Department of Labor. 2020. <https://www.bls.gov/cps/cpsaat11.htm>. Accessed 7 May 2020.
73. Yarns BC, Abrams JM, Meeks TW, Sewell DD. The mental health of older LGBT adults. *Curr Psychiatry Rep.* 2016;18(6):60.
74. Buchmueller T, Carpenter CS. Disparities in health insurance coverage, access, and outcomes for individuals in same-sex versus different-sex relationships, 2000–2007. *Am J Pub Health.* 2010;100(3):489–495.
75. Conron KJ, Mimiaga MJ, Landers SJ. A population-based study of sexual orientation identity and gender differences in adult health. *Am J Pub Health.* 2010;100(10):1953–1960.
76. Lombardi EL, Wilchins RA, Priesing D, Malouf D. Gender violence: transgender experiences with violence and discrimination. *J Homosex.* 2002;42(1):89–101.
77. Hickox SA, Case K. Risking Stigmatization to Gain Accommodation. *Univ Pa J Bus Law.* 2020;22(3):533–590.
78. Blanck P. Communicating the Americans with disabilities act: transcending compliance—a case report on Sears Roebuck & Co. *Ment Phys Disabil L R.* 1996;20(2):278–286.
79. Blanck P, Hyseni F, Altunkol Wise F. Diversity and inclusion in the legal profession: preliminary findings on reported by lawyers with disabilities and lawyers who identify as LGBTQ+. *Am J Law & Med.* 2021; 46(4)____ (forthcoming).
80. Shuey KM, Jovic E. Disability accommodation in nonstandard and precarious employment arrangements. *Work Occup.* 2013;40(2):174–205.
81. Foster D, Hirst N. Legally Disabled? The career experiences of disabled people working in the legal profession. 2020. <http://legal>

- [lydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf](https://www.lydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf). Accessed 7 May 2020.
82. Gonzalez K, Tillman CJ, Holmes JJ. Coming home: why veterans with disabilities withhold workplace accommodation requests. *Hum Relat.* 2020;73:439–466.
 83. Berne P, Levin Morales A, Langstaff D. Sins invalid. Ten principles of disability justice. *Women's Stud Q.* 2018;46:227–230.
 84. Abrokwa A. “When they enter, we all enter”: opening the door to intersectional discrimination claims based on race and disability. *Mich J Race Law.* 2018;24:15–74.
 85. Schur L, Ameri M, Kruse D. Telework after COVID: a “silver lining” for workers with disabilities? *J Occup Rehabil.* 2020. <https://doi.org/10.1007/s10926-020-09936-5>.

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