

# **The Americans with Disabilities Act's 25<sup>th</sup> Anniversary: Implications for Florida on the Employment Front**

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## **I. Background**

The Americans with Disabilities Act (ADA), signed into law on July 26, 1990, has just celebrated its 25<sup>th</sup> anniversary. Since its enactment in 1990 the purpose of ADA has been “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”<sup>1</sup> However, although the intent of providing civil rights protections to individuals with disabilities remains the same, much has changed since the law was passed. ADA was substantially amended in 2008 to broaden the definition of “disability,” which had been hitherto interpreted narrowly by the U.S. Supreme Court.<sup>2</sup> Congressional findings also underscored the importance of removing barriers to participation in society. Disabilities run the gamut of hearing, visual, physical, and cognitive impairments as well as severity levels; the percentage of disability incidences increases with age, and the distribution of the population with disabilities varies significantly by state.<sup>3</sup>

ADA provisions prohibit discrimination on the basis of disability for all facets of employment and prohibit government agencies from denying services to people with disabilities or participation in programs and activities that are available to people without disabilities. Public and private transportation systems as well as public accommodations such as restaurants, hotels, grocery stores and retail stores must be accessible to people with disabilities.

After 25 years since passage of the ADA, various people and organizations have weighed in on the progress made to reduce discrimination and expand access to services and facilities covered by the Act. For example, the National Council on Disability issued a progress report on the impacts of ADA and other federal legislation, finding that “although our country has made great progress in shaping practices that align with the ADA and other related legislation, much work remains to be done in order for us to realize a fully inclusive society.”<sup>4</sup> Likewise, former U.S. Senator Tom Harkin, a co-sponsor of the 1990 ADA legislation, observed that while there has been progress in terms of accessibility to public buildings, transportation, and recreational areas, progress toward two goals – economic self-sufficiency and independent living— has fallen short.<sup>5</sup>

## **II. Economic Self-Sufficiency and Employment and Wage Gaps**

Economic self-sufficiency and independent living are often inter-related. Employment is one way to ensure that individuals with disabilities can fulfill the dream of both. Yet, despite ADA and a state law prohibiting employment-related discrimination,<sup>6</sup> the data on employment and wages for those with disabilities suggest that there are still considerable challenges to overcome.

The primary workforce age in the U.S. and Florida is 18 to 64 years old. Of the population in that age group living in Florida's communities, an estimated 10.3% or almost 1.2 million had a disability or disabilities in 2013. That percentage was slightly lower than that for the nation as a whole (10.5%).<sup>7</sup> However, Floridians with disabilities in the prime working years are much less likely to be employed (30.5% in 2013) than are their counterparts without disabilities (72.2% in 2013). The difference in percentages of those employed with and without disabilities is referred to as the “employment gap.” In

Florida that gap was 41.7% in 2013, which was higher than that of the U.S. (40.3%). These percentages represent a snapshot in time but even if employment is considered for the entire year and full-time work, the gap persists, although at a lower percentage (in 2013, 31.1% in Florida and 30.7% in the U.S.).<sup>8</sup>

In addition to having lower employment levels, Floridians with disabilities do not earn as much (as measured by median earnings) as their counterparts without disabilities. The wage gap was \$6,756 in 2013 inflation adjusted dollars.<sup>9</sup> In the U.S. the wage gap was on average actually greater, almost \$10,000 in that year. Although median earnings were approximately the same for persons with disabilities in Florida as in the rest of the country, median earnings were \$3,500 lower for those without disabilities in Florida than in the U.S. Moreover, people with disabilities are more likely than those without disabilities to be impoverished both in Florida and in the nation as a whole.<sup>10</sup>

During the Great Recession people with disabilities in Florida and throughout the nation generally found it more difficult to find jobs than did those without disabilities. The national unemployment rate for people with disabilities continued to increase after the recession but peaked in 2010 and began to decline for people without disabilities. In addition, jobs (blue collar, goods production) that attracted larger concentrations of workers with disabilities were impacted more adversely than were other types of jobs and many of those jobs did not return after the recession. Median earnings from 2006 to 2010 declined more for people with disabilities (13.3%) than for people without disabilities (1.4%).<sup>11</sup>

#### **A. Disability Employment Gap**

A better understanding of both the employment and wage gaps may help policy makers develop strategies to overcome them. There is an extensive research literature about the existence and persistence of the disability employment gap. Demographic characteristics also inform the magnitude of the gap. One recent study analyzed the characteristics of the gap using *American Community Survey* data from 2009-2011 focusing on individuals aged 25 to 64 years old.<sup>12</sup> The study found that the disability employment gap is slightly smaller for women than for men, is largest during the peak earning period of 50-59 years old, declines with additional educational attainment, varies by race and ethnicity with Blacks having the largest gap and Asians the smallest, and is larger for single persons than for married people. People with disabilities experience the employment decline at a much younger age than those without disabilities.

Certain characteristics are “fixed,” meaning that these characteristics cannot be altered, such as age, race/ethnicity, and gender but educational attainment under some circumstances may be modifiable. Greater educational attainment may also reduce the impact of disability on other facets of personal well-being such as job quality, health insurance coverage, and access to medical care. Nonetheless, studies of this sort can only show correlations and not causation so the authors speculate that people with disabilities with the greatest educational attainment may have been older when they became disabled, had less significant disabilities, or had access to a greater array of vocational and social services. The study recommends further research to estimate more rigorously the causal effects.<sup>13</sup>

#### **B. Disability Wage Gap**

Developing effective strategies to address the disability pay gap would appear to depend on the causes of such a gap. However, the causes seem to be poorly understood. A research study at Cornell University developed an empirical model to analyze the relationship between pay and disability status and controlled

for occupation, labor force experience, education, industry, and demographic attributes. Full-time male workers and the 2009 *American Community Survey* data were used in the analysis.<sup>14</sup>

The study found that workers with certain types of disabilities tend to be in certain occupations more than in others. For example, those with hearing impairments are more concentrated in transportation-related occupations than in professional and service occupations, whereas those with vision disabilities are found in greater proportions in office and administrative support or transportation occupations than in professional or management business and finance occupations. In general, however, the largest proportion of workers with disabilities were employed in transportation and production but the lowest proportion were in management, business, finance, and professional occupations. The study regressed wages of full-time male workers on skill sets found in 22 occupational codes. It found that workers with disabilities were more likely to be in occupations that required routine and manual tasks and less likely to be in occupations that required abstract thinking-related tasks. The economic returns for routine and manual tasks are lower than for abstract tasks but there is some evidence to suggest that individuals with disabilities receive slightly higher pay for jobs involving routine and manual skills than do those who have no disabilities. By contrast, those with disabilities who selected jobs commanding abstract skills received somewhat less pay for those jobs than did individuals without disabilities. Although these findings may be intriguing the authors acknowledged that the causes for the wage disparity are not clear: are they due to education differences, differences in job match and job opportunities, differences in productivity due to the nature of the disability, possible discrimination in the workplace or a combination of factors? <sup>15</sup>

### **III. Barriers to Reducing Employment and Wage Gaps**

Individuals with disabilities often experience barriers to employment that those without disabilities may not encounter or at least not to the same degree. As noted disabilities range both in type and severity so strategies to reduce the employment and wage gaps will need to take those differences into account. Barriers to the employment of disabled individuals occur in both labor supply and demand. Examples of impediments to workforce supply are: 1. institutional barriers that make it difficult for individuals with disabilities to get the services they need to prepare for, find, and keep jobs; 2. a lack of funding for vocational rehabilitation services for job coaching, training, transportation to work, and needed assisted devices and supportive services; and 3. federal policies that work at cross purposes with other efforts to encourage people with disabilities to search for and keep jobs. Examples of impediments to workforce demand include employers' misperceptions and understanding of persons with disabilities and difficulties employers face in getting the resources and information they need to hire and retain people with disabilities. Each barrier is discussed briefly below:

#### **A. Workforce Supply Barriers**

##### **1. Multiple Service Providers**

Floridians with disabilities frequently depend on multiple services provided by state and local agencies and contracted parties. Several state government entities have statutory authority for providing employment-related services to persons with disabilities. How well these entities coordinate efforts and collaborate can affect the nature and timeliness of the services provided. Many coordination services involve the Division of Vocational Rehabilitation in the Florida Department of Education which has as its mission: "To help people with disabilities find and maintain employment and enhance their independence."<sup>16</sup> It is often the first place in the state's employment pipeline that Floridians with

disabilities contact when seeking employment. For example, a person who has found employment through services provided by the Division of Vocational and Rehabilitation Services may need support services made available by the Agency for Persons with Disabilities or use the one-stop center in the Department of Economic Opportunity or be referred to the Bureau of Exceptional Education and Student Services for the development of an IEP.<sup>17</sup> Table I shows the state agencies that provide assistance to them and their respective functions.

**Table I**  
**State Agency and Functions**

State Agency	Function
Department of Education-Division of Vocational Rehabilitation/Division of Blind Services	Primary providers of job development and job matching services to persons with disabilities/visually impaired
Department of Economic Opportunity	Oversees Florida’s state workforce system, which provides job development and job marching through one-stop career centers
Agency of Persons with Disabilities	Provides home and community-based services to individuals with developmental disabilities, primarily through a Medicaid waiver. Employment is also part of that mission in that the agency is required to provide assistance within available resources to those enrolled in Medicaid waivers who elect to pursue employment.
Department of Education- Bureau of Exceptional Education and Student Services	Assists Florida’s school districts in preparing students with disabilities to transition from school to work

## **2. Funding Constraints and Priorities**

Funding constraints and priorities can impede people with disabilities from receiving needed services as, for example, the past experiences of two state entities – the Division of Vocational Rehabilitation in the Department of Education and the Agency of Persons with Disabilities reflect.

The services of the Division of Vocational Rehabilitation are federally funded with a state match based on a funding formula. The vocational services include: medical and psychological assessments, vocational evaluation and planning, career counseling and guidance, work experience while in high school, training and education post-high school, job-site assessment and accommodations, job placement, job coaching, on-the-job training, supported employment, provision of assistive technology and devices, and time-limited medical and psychological treatment.

The Division is required by federal and state law to have a process of selecting individuals to receive services in the event resources are not available to serve all eligible individuals. Florida, like many but not all states, uses a process called Order of Selection which operates as a waiting list. This process gives priority to those with the most significant disabilities based on their functional limitation, anticipation and duration of services.<sup>18</sup> The number of people on the list will vary depending on available funding in any

given year and not all people who receive services will ultimately find employment before their case is closed. For example, in 2013 there were fewer cases closed without employment than with employment.<sup>19</sup>

The Agency for Persons with Disabilities is responsible for assisting people with developmental disabilities. The agency maintains a waiting list with priority categories as authorized by statute.<sup>20</sup> Among the lowest priorities are clients who expect to graduate from high school and need support to obtain or maintain competitive employment or pursue postsecondary education. In an effort to increase the number of eligible individuals who make the transition from school to work, the Legislature appropriated \$500,000 in both 2013-2014 and 2014-2015. Another waiting list maintained by the Agency relates to the Home and Community-Based Services (HCBS) Medicaid waiver that can provide funding for support (follow-along) services<sup>21</sup> needed by eligible developmentally disabled employees to keep their jobs.

The adequacy and availability of support services was the subject of concern in a report “Florida Employment First Findings” that summarized stakeholder views on Florida’s policies and programs supporting employment for the state’s intellectually and developmentally disabled.<sup>22</sup> Transportation warrants some mention in this context because it has been consistently identified as the most needed service funded under the HCBS Medicaid waiver.<sup>23</sup> Many people with disabilities cannot drive and rely on some mode of transportation to deliver them to and from work.

Funding for transportation is also available from the Florida Commission for the Transportation Disadvantaged. The Commission provides funding for a wide variety of purposes including employment and to populations other than the disabled including older adults, people with low incomes, and at-risk children. Local communities determine priorities for use of the funding. Of 29.2 million trips funded by the Commission in 2013-2014, only 10 percent were reported to be for work and several mostly rural counties reported no funding for employment-related transportation.<sup>24</sup>

### **3. Inherent Disincentives in the Social Security Disability System**

People with disabilities may be eligible for benefits administered by the Social Security Administration. There are two programs—Disability Insurance (DI) which requires a work history to be eligible and Supplementary Security Income (SSI) which is means-tested, and does not require a work history. DI is an income replacement program, whereas SI provides cash assistance based on financial need and other eligibility criteria. SSI beneficiaries tend to have more significant disabilities and are less likely to have been employed than DI beneficiaries.

The DI program provides benefits to persons with disabilities based on disability or blindness. Individuals who apply for DI benefits must cease working or reduce their earnings below a substantial gainful activity (SGA) threshold (\$1,090 in 2015<sup>25</sup>) for a period of five months before they may receive DI benefits or until there is a determination made regarding their benefits. Funding comes from worker contributions to the Social Security trust fund. From 1989 to 2010, the caseload of Social Security Disability Insurance program tripled while the employment rate of workers with disabilities decreased by approximately one-half. Since 2010, the number of applications awarded benefits for DI have declined by an aggregate of 23%. However, only 8% of beneficiaries exit the system each year because they no longer qualify for benefits.<sup>26</sup> In most of those cases, recipients age out of the DI program and are automatically transferred to retirement Social Security or they die. Very few return to employment on a long-term basis.

Several factors have contributed to the nationwide decline in workers with disabilities despite the protections afforded by ADA to reduce discrimination and expand access to support services: a declining demand for low-skilled workers, particularly low-skilled men, an increase in the benefits-to-earnings replacement rate, and an expansion in eligibility for DI in the mid-1980s.<sup>27</sup>

The percentage of Social Security disability program beneficiaries who also work is small because exceeding the earnings threshold could potentially disqualify them from benefits.<sup>28</sup> A study found that for those who did work, however, employment varied substantially across disability categories but that primary disabilities associated with higher employment rates were not necessarily associated with higher earnings.<sup>29</sup> The study did not propose any specific policy intervention based on these findings but did acknowledge that future research might be targeted to identifying the underlying causes of different earnings patterns for different disabilities.<sup>30</sup>

#### **4. Barriers to Employment Access**

People with disabilities still encounter barriers in applying for jobs. Despite ADA prohibitions, employers continue to ask applicants to disclose disabilities prior to extending a job offer. Moreover, many applications are posted online and are therefore not always fully accessible to people with visual, hearing or dexterity impairments. Compliance with Web Content Accessibility Guidelines 2.0 is required for making online job applications accessible to persons with disabilities.<sup>31</sup>

### **B. Workforce Demand Barriers**

#### **1. Employer Reluctance to Hire and Retain Employees with Disabilities**

The ADA was considered a means of breaking down barriers caused by misperceptions and prejudice toward individuals with disabilities. As the preamble of the ADA Amendments Act of 2008 states: “In enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers.”<sup>32</sup> Misperceptions are not necessarily the same thing as discriminatory practices but there does appear to be some reluctance to hire people with disabilities. A recent study published by the National Bureau of Economic Research (NBER) conducted a field experiment using fictitious applications to test whether there was indeed discrimination on the part of employers.<sup>33</sup> Over 6,000 job applications with fictional resumes and cover letters were submitted to openings for advertised accounting positions. These applications were divided evenly among male applicants with spinal injuries, with Asperger’s Syndrome, and with no disabilities. The resumes reflected highly qualified applicants and were split between applicants without experience who just graduated from college and experienced applicants who had CPA certification plus 6 years of work experience. The study found that employers expressed more interest in the applications of employees without disabilities than in employees with disabilities, with the greatest lack of interest concentrated on experienced applicants with disabilities.

The authors could only speculate about the reasons for the greater reluctance to hire experienced people with disabilities for the accounting positions:

Employers may have viewed experienced applicants with disabilities as “riskier” due to concerns over potential absences, productivity, health problems, insurance costs, or customer or co-worker reactions; such employer concerns could also exist for novice applicants, but be magnified for experienced applicants due to their expected higher pay along with greater job responsibilities and job tenure expectations.<sup>34</sup>

Small employers not subject to ADA (private-sector employers with fewer than 15 employees) showed less interest in hiring applicants with disabilities than did medium and large employers subject to the law, suggesting that ADA may limit discriminatory hiring practices. Some states have disability discrimination laws that apply to small private-sector employers that are otherwise not subject to ADA requirements. However, state laws did not appear to make much difference in small private employers’ hiring practices, perhaps because the employers with few employees were unaware of such requirements or were less experienced than large employers in hiring people with disabilities.<sup>35</sup>

## **2. Reasons for Reluctance to Hire and Retain People with Disabilities**

The authors of the NBER study using fictitious applications could only speculate on the reasons for employers’ reluctance to hire otherwise qualified people with disabilities. Effective strategies to overcome such reluctance and reduce the employment gap would appear to rely on causes for that reluctance. A potential problem with surveying employers directly to gauge their attitudes toward hiring persons with disabilities is that they may be disinclined to respond honestly or they might not agree to respond at all. To limit such social desirability bias, the authors of a 2011 study explores those reasons by providing a questionnaire to human resources professionals and managers from businesses and government agencies considered to be reluctant to employ and accommodate people with disabilities.<sup>36</sup> The questionnaire asked whether the Human Resources personnel agreed or disagreed with 14 supplied reasons for employers not to hire people with disabilities. A total of 468 questionnaires were completed and returned. The three reasons that garnered the most agreement (at least 80%) of the 14 supplied reasons were: (1) concerns over the cost associated with providing reasonable accommodations; (2) a lack of knowledge in dealing with employees with disabilities; and (3) the fear of litigation if the employer disciplines the person for poor performance.<sup>37</sup>

The study also posed eight practical strategies for hiring and retaining employees with disabilities and respondents were asked whether those strategies were very helpful, somewhat helpful, and not helpful. At least two-thirds of respondents considered as very helpful access to more information through: (1) training on disability issues for supervisors and managers, (2) a centralized source of expertise on accommodation issues, and (3) written guidelines for dealing with disability issues.<sup>38</sup>

## **IV. Florida Activities to Address Both Supply and Demand Barriers**

Since the passage of ADA in 1990, six executive orders were issued by four Florida governors related to advancing the objectives of the ADA, Governor Scott issued Executive Order 11-161 (2011) which established the Governor’s Commission on Jobs for Floridians with Disabilities to mitigate employment barriers. The impetus for creation of the Commission was explained as follows:

Individuals with disabilities, like everyone else, have innate abilities and skills to contribute to their communities and Florida’s economy. However, these talented individuals are confronted by unique barriers that prevent them from competing on a level playing field with their peers in the

workforce, which inhibit their ability to be independent and pursue their dreams. These barriers also represent lost opportunities for employers in the state looking to expand their pool of talent. Despite the current disparity in employment confronting this population, this does not have to be the accepted status quo of persons with disabilities in Florida's workforce. Given certain tools and opportunities, these individuals can overcome these barriers and become successful in achieving their employment and life goals in this state.<sup>39</sup>

Two charges to the Commission were to formulate recommendations to streamline state and local programs serving Floridians with disabilities and identify regulations and processes that impede access to employment and training.<sup>40</sup>

As part of its activities the Governor's Commission on Jobs for Floridians issued reports in 2012, 2013, and 2014 which recommended several measures to coordinate state agency efforts in strengthening relations with prospective employers of persons with disabilities, promoting internship and work opportunities, developing an inter-agency cooperative agreement with the Florida Department of Education to help students with disabilities in achieving their goals after graduation, and providing funding for supportive services to Floridians in the public health mental health system. In addition, a recommendation in the 2014 report focused on improving transportation services for persons with disabilities, among the biggest barriers identified by stakeholders. The report recommended that the Commission for the Transportation Disadvantaged assist local communities in establishing Mobility Management programs to help communities leverage resources and expand transportation options.<sup>41</sup>

The intent of the Commission's recommendations, according to Commission's Executive Director, David Darm, was "to promote win-win outcomes, where individuals with disabilities can compete and succeed alongside their peers in the labor force and employers can have the tools to recruit and hire them to be part of their workforce. The ADA was built on a similar theme of 'universal design,' where it is in everyone's benefit for individuals with disabilities to successfully live, work, and play within our community."<sup>42</sup>

A Governor's Executive Order 13-284 (2013)—also known as the Employment First Executive Order -- followed up on one of the recommendations of the Governor's Commission on Jobs for Floridians (2013 report) by calling for an interagency cooperative agreement to, among other matters, "establish a commitment among the agencies' leadership to maximize resources and coordinate with each other to improve employment outcomes for persons with disabilities seeking publically funded services."<sup>43</sup> The 2014 report of the Governor's Commission on Jobs for Floridians sets forth recommendations to implement Employment First.<sup>44</sup>

Recommendations of the Governor's Commission reports and the Employment First Executive Order, with their foci on coordination and collaboration, are in synch with a recent federal initiative, the Workforce Innovation and Opportunity Act (WIOA) which was enacted in 2014 and supersedes the federal Workforce Investment Act. That WIOA requires an integrated delivery system of services related to employment and training. WIOA-supported services are intended for individuals encountering barriers to employment including those with disabilities.

During the 2015 session, the Florida Legislature created a 20-member task force to prepare recommendations for implementation of the WIOA. The task force was charged with addressing in its recommendations, among others, a one-stop service delivery design, the integration of economic development, workforce development, and the state's education system, and the development of sector

strategies, and career pathways. CareerSource Florida, which was charged with state administrative oversight of WIOA, subsequently issued a draft report on implementation recommendations.<sup>45</sup>

Improved coordination among service providers and greater leveraging of resources have been persistent themes since Governor Chiles issued in 1993 the first executive order in Florida related to ADA implementation. It remains to be seen whether employment-related services will be delivered in a more coordinated manner with the advent of WIOA implementation and whether all the recommendations included in the various reports and executive orders will contribute meaningfully to reducing the employment and wage barriers facing Floridians with disabilities.

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## ENDNOTES

<sup>1</sup> ADA Amendments Act of 2008, PL 110-325, September 25, 2008.

<sup>2</sup> *Ibid.*, Section 4 (a) (1). An individual is protected by ADA requirements if he or she meets the Act’s definition of “disability,” if that individual: (1) is physically or mentally impaired and that impairment substantially limits one or more major life activities; (2) has a record of such an impairment; or 3) is regarded as having such an impairment.

<sup>3</sup> Stoddard, Susan. (2014). *2014 Disability Statistics Annual Report Durham*, NH: University of New Hampshire. Retrieved from <http://www.disabilitycompendium.org/docs/default-source/2014-compendium/annual-report.pdf>.

<sup>4</sup> National Council on Disability. (2015). *National Disability Policy: A Progress Report*, at 95. Retrieved from [https://www.ncd.gov/sites/default/files/Documents/2015NCD Annual Report 508.pdf](https://www.ncd.gov/sites/default/files/Documents/2015NCD%20Annual%20Report%20508.pdf).

<sup>5</sup> Senator Thomas Harkin. (2015). Foreword. 63 *Drake Law Review* 740.

<sup>6</sup> Section 760.10, F.S.

<sup>7</sup> *Annual Disability Statistics Compendium. 2014*. Table 1.6: Civilians Ages 18 to 64 Years Living in the Community for the United States and States, by Disability Status: 2013. Retrieved from <http://www.disabilitycompendium.org/compendium-statistics/population-and-prevalence/1-6-civilians-ages-18-64-living-the-community-for-the-u-s->.

<sup>8</sup> *Ibid.*, Table 2.13: Employment: Full-Time, Year-Round (FTYR) Gap—Civilians Ages 16 to 64 Years Living in the Community for the United States and States, by Disability Status: 2013. Retrieved from <http://www.disabilitycompendium.org/compendium-statistics/employment/2-13-full-time-year-round-gap---civilians-ages-18-64-years-living-in-the-community-for-the-u-s->.

<sup>9</sup> *Ibid.*, Table 5.1: Earnings—Median Earnings of Civilians 16 Years and Over in the Past 12 Months for the United States and States, by Disability Status (in 2013 inflation-adjusted dollars): 2013. Retrieved from <http://www.disabilitycompendium.org/compendium-statistics/earnings/5-1-median-earnings-of-civilians-16-years-and-over-in-the-past-12-months-for-the-u-s->.

<sup>10</sup> *Ibid.*, Table 4.3: Poverty Gap—Civilians Ages 18 to 64 Years Living in the Community for the United States and States by Disability Status: 2013. Retrieved from <http://www.disabilitycompendium.org/compendium-statistics/poverty/4-3-poverty-gap---civilians-ages-18-64-years-living-in-the-community-for-the-u-s->.

<sup>11</sup> Livermore, G. and T. C. Honeycutt. (2015). Employment and Economic Well-Being of People With and Without Disabilities Before and After the Great Recession. *Journal of Disability Policy Studies* 26(2), 70-79.

<sup>12</sup> Sevak, P., Houtenville, A. J., Brucker, D. L., and J. O’Neill. (2015). Individual Characteristics and the Disability Employment Gap. *Journal of Disability Policy Studies*, 1-9

<sup>13</sup> *Ibid.*, 7.

<sup>14</sup> Hallock, K. , Bjelland, M. J., Jin, X. , and L. Barrington. (2013). *Research Brief: The Role of Tasks and Skills in Explaining the Disability Pay Gap*. State of Science Conference, October 22-23, 2013, Washington, D.C. Retrieved from <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1355&context=edicollect>.

<sup>15</sup> *Ibid.*, 7.

<sup>16</sup> Division of Vocational Rehabilitation, Florida Department of Education. *About Us*. Retrieved from <http://www.rehabworks.org/about.shtml>.

<sup>17</sup> A flow chart of the state’s service delivery system can accessed at CareerSource Florida. (2015). *Draft Florida Workforce Innovation and Opportunity Act Implementation Recommendations*, 38. Retrieved from [http://careersourceflorida.com/wp-content/uploads/2015/09/5-150910\\_WIOADraftReportCompressed.pdf](http://careersourceflorida.com/wp-content/uploads/2015/09/5-150910_WIOADraftReportCompressed.pdf).

<sup>18</sup> Section 413.30 (8), F.S. [stating “If the Division is unable to provide services to all eligible individuals, the Division shall establish an order of selection and serve those persons who have the most significant disabilities first.”]

<sup>19</sup> Florida Legislature’s Office of Program Policy & Government Accountability. (2015). *Vocational Rehabilitation*. Retrieved from [http://www.fddc.org/sites/default/files/OPPAGA Research%20on%20State Vocational Rehab Programs.pdf](http://www.fddc.org/sites/default/files/OPPAGA%20Research%20on%20State%20Vocational%20Rehab%20Programs.pdf).

<sup>20</sup> Section 393.065(5), F.S.

<sup>21</sup> “Follow-along services” are defined as “those support services which shall be provided to persons with developmental disabilities in all supported employment programs and may include, but are not limited to, family

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support, assistance in meeting transportation and medical needs, employer intervention, performance evaluation, advocacy, replacement, retraining or promotional assistance, or other similar support services.” See 393.063, F.S.

<sup>22</sup> Institute for Community Inclusion, University of Massachusetts [Employ ME 1<sup>st</sup>]. (2011). *Florida Employment First Findings*. With sponsorship from the U.S. Department of Health and Human Services, Administration on Intellectual and Development Disabilities and the Florida Developmental Disabilities Council, Inc. Retrieved from [http://www.fddc.org/sites/default/files/EmployME1st\\_FL-Findings.pdf](http://www.fddc.org/sites/default/files/EmployME1st_FL-Findings.pdf).

<sup>23</sup> Florida Developmental Disabilities Council, Inc. (2014). *Transportation Availability for Individuals with Intellectual and Developmental Disabilities*. Retrieved from <http://www.fddc.org/sites/default/files/Transportation%202015Final.pdf>

<sup>24</sup> Florida Commission for the Transportation Disadvantaged. 2015. *2014 Annual Performance Report*. Retrieved from <http://www.dot.state.fl.us/ctd/docs/AORAPRDocs/Final2014AOR.pdf>

<sup>25</sup> The threshold for statutorily blind disabilities is \$1,820 per month. See Social Security Administration. Substantial Gainful Activity. *Amounts for 2015*. Retrieved from <https://www.socialsecurity.gov/oact/cola/sga.html>.

<sup>26</sup> Social Security Administration. *Selected Data from Social Security's Disability Program*. Retrieved from <http://www.ssa.gov/oact/STATS/dibStat.html>.

<sup>27</sup> Maestas, N. . Mullen, K. J., and A. Strand. (2013). Does Disability Insurance Receipt Discourage Work? Using Examiner Assignment to Estimate Causal effects of SSDI Receipt. *American Economic Review* 103(5), 1798 [citing findings from various studies.]

<sup>28</sup> There is a provision in the program called the “trial work period” that allows DI beneficiaries to work for a limited period of time and earn more than the SGA threshold. However, only a very small percentage of beneficiaries earned more than the SGA threshold.

<sup>29</sup> Mann, D., Mamun, A., and J. Hemmeter. (2015). Employment, Earnings, and Primary Impairments Among Beneficiaries of Social Security Disability Programs. *Social Security Bulletin* 75 (2), 2015.

<sup>30</sup> *Ibid.*, 32.

<sup>31</sup> Gupta, V. (2015). Ensuring access to Jobs for People With Disabilities. U.S. Department of Justice. Retrieved from <http://www.justice.gov/opa/blog/ensuring-access-jobs-people-disabilities>.

<sup>32</sup> ADA Amendments Act of 2008. Section 2 (a) (2). Retrieved from <http://www.eeoc.gov/laws/statutes/adaaa.cfm>.

<sup>33</sup> Ameri, M., Schur, L. , Meera, A., Bentley, S., McKay, P. and D. Kruse. (2015). *The Disability Employment Puzzle: A Field Experiment on Employer Hiring Behavior* (NBER Working Paper No. 21560). Cambridge, MA: National Bureau of Economic Research.

<sup>34</sup> *Ibid.*, 25-26.

<sup>35</sup> *Ibid.*, 26.

<sup>36</sup> Kaye, H.S., Jans, L.H. and E.C. Jones. 2011. Why Don't Employers Hire and Retain Workers with Disabilities? *Journal of Occupational Rehabilitation* 21: 526-536.

<sup>37</sup> *Ibid.*, 528.

<sup>38</sup> *Ibid.*, 532. Questionnaires such as the one administered in this study do not necessarily distinguish among types of disabilities. However, responses may vary if questionnaires make such distinctions because different disabilities require varying levels of support and buy-in from co-workers and different approaches to supervision. One strategy may be to offer people in supervisory positions training in how to work with various disabilities so that they can encourage appropriate work behavior. Recommendation summarized from e-mail to author from Karen Lerner, Educational Case Manager, Irvine, California, October 15, 2015.

<sup>39</sup> Governor's Commission on Jobs for Floridians with Disabilities. (2014). *2014 Commission Report*. Retrieved from <http://www.faast.org/sites/default/files/Governor's%20Commission%20on%20Jobs%20for%20Floridians%20with%20Disabilities%202014%20Report.pdf>.

<sup>40</sup> Florida Office of the Governor. (2011). *Creation of Governor's Commission on Jobs for Floridians with Disabilities*. Executive Order Number 11-161. Retrieved from <http://www.flgov.com/wp-content/uploads/opb/EO2011-161.pdf>.

<sup>41</sup> Governor's Commission on Jobs for Floridians with Disabilities. *2014 Commission Report*.

<sup>42</sup> E-mail to author from David Darm, Policy and External Affairs Consultant, Division of Blind Services, Florida Department of Education, October 19, 2015.

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<sup>43</sup> Florida Office of the Governor. (2013). *Reaffirming Commitment to Employment for Floridians with Disabilities*. Executive Order Number 13-284. Retrieved from <http://www.flgov.com/wp-content/uploads/orders/2013/13-284-disabilities.pdf>.

<sup>44</sup> Among the recommendations included in the parties to the interagency cooperative agreement to implement the Employment First initiative at the community level. See Recommendation 2 of the 2014 Commission Report.

<sup>45</sup> CareerSource Florida. (2015). *Draft Florida Workforce Innovation and Opportunity Act Implementation Recommendations*. Retrieved at [http://careersourceflorida.com/wp-content/uploads/2015/09/150910\\_DraftReporta.pdf](http://careersourceflorida.com/wp-content/uploads/2015/09/150910_DraftReporta.pdf)