

Policy Change and the Accommodating Workplace: Issues, Barriers and Opportunities

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Abstract

A conceptual framework of workplace accommodation issues associated with the employment of people with disabilities and the aging was developed to help identify policy barriers and opportunities, using online policy Delphi Method, an iterative polling instrument used to assess key issues, and intervention options. This paper presents the results of research conducted toward articulating policy initiatives that address the key issues critical to the development of effective approaches for the implementation of workplace accommodations.

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Introduction

A number of significant social, economic, technological and policy barriers exist to full integration of people with disabilities into the work environment and opportunities for their employment. According to the U.S. Department of Labor (DOL), “Americans with disabilities are active and contributing members of our society and they must have the opportunity to develop the skills they need to compete and obtain jobs in the 21st century workforce.”¹ Information from the 1996 Panel of the Survey of Income and Program Participation (SIPP) found that 7.2 million individuals with a disability within the ages of 15-64 were able to work but experienced limitations in the type of work they could do (Baker and Ward, 2004). According to the U.S. Census, there is a 14.1 percent unemployment rate among persons with disabilities, as compared to an unemployment rate of 5.8 percent for people without disabilities (Census, (2002). Policymakers have attempted to reduce barriers to employment for people with disabilities; however, the persistent population un- and under-employed people with disabilities, and the increasingly aging workforce remains a problem. The innovation and implementation of appropriate workplace accommodations is one approach that has been used to reach the goal of equal employment opportunity for people with disabilities. Successful workplace accommodations can incorporate an array of solutions ranging from: new assistive devices, and universally-designed technologies; to employment activity and process approaches, and policy initiatives at the employer and governmental levels.

A conceptual framework of workplace accommodation issues associated with the employment of people with disabilities and the aging was developed to help identify policy barriers and opportunities, using online policy Delphi Method, a polling instrument used to assess key issues, and intervention options. This paper presents the results of research conducted toward articulating policy initiatives that address the key issues critical to the development of effective approaches for the implementation of workplace accommodations.

Conceptual Framework

¹ See Job Accommodation Network (2006)

A key finding from the Workplace Accommodations RERC is that, as a policy research area, the objective of ensuring that appropriate Workplace Accommodations are made poses several interesting problems. Policies that support the development of workplaces that can accommodate all characteristics and abilities of individual cross a wide variety of legal, policy, technological, social, and human factors issues. From the perspective of social scientists as well as policy makers, the failure to integrate people with disabilities into the workplace has two implications. First, at the level of the disabled person, the failure often leads to diminished degree of social contacts and social support (social capital). This in turn can result in compromises to the health of the disabled person beyond purely disability related ones. Second, at the level of the community (or society) this failure often leads to a widening in the gap between those with access to social capital and those without (or having less) access to social capital. The widening of this gap, can lead to a larger, systemic breakdown of social cohesion, and a general lowering of the level of health present in the community (society). Therefore it is important to identify people with disabilities, and create public (employment and health) policies that promote their integration into the workplace (and so too into the larger communities in which the various workplaces exist).

To this end, this project explored approaches to the use of policy as a cross-disciplinary vehicle for achieving improved workplace conditions. A conceptual framework (see table 1 attached) of accommodations that can be adopted to the workplace is structured around an identification of “themes” or crosscutting components (e.g. data collection, accommodation practices, the aging worker, emergency communications, etc.). These are then further broken down into associated barriers (access, economic, policy/regulatory, environmental, awareness, social, technological) impact on workplace, stakeholders, policy related approaches to addressing the problems, and potential outcomes from problem resolution. The matrix serves as an organizing heuristic to help focus policy related approaches to problem solution.

Initial results from the Workplace Accommodation RERC’s Policy Delphi further probes five important issues related to workplace accommodations: 1) Emergency preparedness and safety in the workplace for persons with disabilities; 2) Inadequate/insufficient data on the incidence, nature, and cost of workplace accommodations; 3) Incomplete employer understanding/awareness of workplace accommodations; 4) Telework as an accommodation for persons with disabilities; and 5) Aging as an issue of increasing salience regarding the U.S. workforce and the need to address the needs of aging persons with disability and workers aging into disability. These topics are elaborated upon below, and represent key thematic areas to be further investigated in the ongoing RERC research.

Key Barriers/Issues

A literature review of workplace accommodations (Baker and Ward, 2004) revealed some key types of barriers that are common to most policy issues (including the ones previously identified). These include: awareness/access, economic, environmental, and regulatory/policy, social and technological barriers, which manifest in an employment context as issues that impact the employee, employer, workplace setting or the general understanding of the nature of accommodations or disability, per se. A more detailed discussion of these follows below.

Data Collection on Employment of PWD, Workplace Accommodation & Integration:

A major problem with developing policy to address disability related issues in general, as well as the specific issues of workplace accommodations is the insufficiency of available data capturing the nature and circumstances of workplace accommodations (Blanck, 1997; Blanck et al., 2003; Hendricks et al., 2005; Schartz et al., 2006; Head et al., 2006). Further, what data is available may be misrepresenting the current state of employment and workplace accommodations implementation among individuals with disabilities. The survey methodologies that are used currently to account for people with disabilities who are employed may be slightly skewed as they may not accurately account for all workers who have disabilities. The data on the implementation of workplace accommodations within the United States also fails to fully incorporate the views of employers, especially those who have never employed an individual with a disability (Silverstein, et al., 2005).

Range of Accommodations

As noted above, workplace accommodations involve changes to the work environment that are typically practice-related, technological or environmental in nature. Universal design and assistive technologies are areas of major interest within this issue sphere (Bruyere and Erickson, 2005). Frequently employees with disabilities and their employers (or potential) lack information of available assistive technology options, applicability of process approaches such as teleworking, or even awareness that a range of accommodations exist. Further, there is a concern that due to lack of awareness, manufacturers of workplace related devices or technologies (i.e. information and communication devices, software, telephones, etc.) may not design for all users, or do not optimally design technology to be adaptable for a wider array of user characteristics. Universally designed devices would provide great benefit for workers with disabilities because they would have easier integration into the environment with less need for changes to be implemented by employers. This universal design concern can be more broadly applied to telecommunication technologies which pose barriers for some persons with disabilities and may impact their workplace options.

Of specific interest was the attention to teleworking. While telecommuting has emerged as a viable workplace accommodation for persons with disabilities (Anderson, Bricout, and West, 2001; Bricout, 2004); *telework*, a distinct concept arranged entirely around a virtual workplace (Baker and Ward, 2006; Baker, Moon, and Ward, 2006), provides a means to provide such individuals with a new way for entering the workforce. The Policy Delphi strongly suggests that employers are concerned that workers will not be as productive outside the office while teleworking, a belief that is not specifically supported in extant studies. Even as the structural barriers to successful telework options have been identified, there is a need to examine in greater detail the role of employers in promoting or hindering telework as an accommodation.

Safety/Emergency Preparedness

The recent occurrence of natural disasters and other emergency situations experienced by the United States have highlighted the importance of emergency communications and preparedness planning especially for people with disabilities, and other vulnerable populations. People with disabilities face compounded vulnerabilities in the face of disaster and emergency, due to a variety of functional and sensory limitations they may experience which makes the ability to communicate instructions and information even more critical to them.

As a part of the effort to ensure that the needs of people with disabilities are integrated in emergency preparedness plans, accommodations for the workplace have become a major priority. Research over the last decade has shown that people with disabilities are often overlooked during workplace planning efforts due to lack of awareness about the needs or their responsibilities. This unawareness may also translate to fear on the part of the employer about employing those with disabilities because of liability concerns during an emergency (US Department of Homeland Security, 2005).

Aging Workers

The issues of aging workers are extremely relevant to the workplace environment, particularly as the demographics of the US population changes. Although aging workers experience similar barriers as people with disabilities when it comes to the workplace but their specific concerns may be slightly different. Additionally accommodations for workers who are aging into disability are important because of the projections about the changing demographics of the work-eligible population. Issues with accommodating this group come from social barriers about the employability of aging adults. There are also issues with the existing legislative framework and the work benefits that those beyond retirement can receive (Finch and Robinson, 2003).

Policy Options

In response to the above noted workplace issues and accommodations barriers the literature suggests that informed implementation of policy approaches can help facilitate the development of the accommodation workplaces. Within the broad category of external (policy) interventions there are awareness, market/economic or policy-based approaches; the specific designs chosen rely on a generalizable knowledge base. The Workplace Accommodations RERC is conducting ongoing stakeholder related research on the feasibility of currently existing policy based approaches to improving workplace accommodations, and is exploring additional options for policy development in light of stakeholder input. Initial finding suggest options which include:

- Comprehensive efforts to catalogue existing accommodations in order to provide best practice examples of existing successful workplace accommodations.
- Increased outreach efforts to encourage corporations' awareness about information resources like JAN and the world wide web (W3C) consortium that provide simple steps that can be taken to accommodate people with disabilities.
- Revise federal regulations for workplace safety to incorporate changes to cover nontraditional workplace environments made possible by information technologies.
- Identification of key gaps in available training and barriers to the implementation of appropriate communication procedures will allow development of specific training modules which would be disseminated for use in emergency communications plans used by state and local and core county points of contact and coordinated with the stakeholders.
- Identification of contextual factors affecting telework as a workplace accommodation, including misunderstandings by employers of the range of telework as an accommodation.

- Development of enhanced models of accommodation that recognize that accommodating the ageing worker is a multidimensional process that requires parsing the difference between the changing needs of younger workers with disabilities as they age, as well as those workers aging into disability and their need for accommodations.

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THEME	BARRIER TYPE	ISSUES	STAKEHOLDERS	APPROACHES	OUTCOMES
Data Collection on Employment of PWD, Workplace Accommodation & Integration (D)	Access	<ul style="list-style-type: none"> Lack of data on the positive impacts of accommodating PWDs in the workplace (e.g. AT, telework¹, etc.) Scarcity of best practice examples on existing accommodations and policies Paucity of research on WA issues from the employer perspective Insufficient documentation on the number of jobs that employ accommodations for their employees. Specific accommodation solutions & outcomes not well documented in the literature² Deficiency of empirical evidence on whether older workers are being accommodated³ Only a few studies that examine the effect that aging with a disability may have on employment options Much of the literature around PWDs and employment focuses on issues & strategies for potential employees in applying for and finding work. There is much less of an emphasis on the issues for PWD who are already employed. 	<ul style="list-style-type: none"> PWD Researchers Employers Disability advocates Government/ Public Institutions (Research) 	<p><i>Document & Develop</i></p> <ul style="list-style-type: none"> Provide best practice examples of existing successful WAs <p><i>Research-oriented</i></p> <ul style="list-style-type: none"> Perform more surveys and case study evaluations of workplace accommodations (esp. from employer perspective) Perform more research on employment outcomes <p><i>Economic/Market-based</i></p> <ul style="list-style-type: none"> Provide incentive to employers/corporations to participate in research 	<ul style="list-style-type: none"> Better understanding of the current scene of workplace accommodations Provide examples & models for other companies to follow Greater participation from employers Better understanding of barriers to increased employment of PWDs from the employer point of view
	Policy/Regulatory	<ul style="list-style-type: none"> Discrepancies in how disability is defined and who is included for research/policy purposes Misclassification or undercounting of the number of employed PWD by current surveys methods 	<ul style="list-style-type: none"> PWD Policymakers Researchers Disability advocates Government agencies 	<p><i>Governmental Effort</i></p> <ul style="list-style-type: none"> Assessment of existing survey tools Development of new tools for data collection 	<ul style="list-style-type: none"> Improve the accuracy of existing data sets regarding PWDs & workplace accommodations which will allow for greater understanding of the current state of workplace accommodations and steps to take for the future
	Environmental	<ul style="list-style-type: none"> Formal vs. informal accommodations -what defines an accommodation? There may be accommodations that are being implemented and not documented, thereby impacting the data 	<ul style="list-style-type: none"> PWD Policymakers Researchers Government/ public institutions Disability advocates 	<p><i>Research-oriented</i></p> <ul style="list-style-type: none"> Develop a means of getting stakeholder (employers) input on the process Modify survey methodologies to inquire about possible things that were done that may not have been 	<ul style="list-style-type: none"> Improve the data sets for WA regarding the types of accommodations that are being implemented Provides a more accurate view of the how employers are

				documented	accommodating people with disabilities
Workplace Accommodations [in general] (incl. UD overall) (W)	Awareness/Access	<ul style="list-style-type: none"> • Employees/employers may not know what accommodating options are available • Lack of understanding of the various types of accommodations for the various disabilities • Lack of clearly defined job tasks and responsibilities⁴ can impact the ability to properly assess what accommodation would be best 	<ul style="list-style-type: none"> • Employers • PWD • Aging/Older populations • Disability advocates 	<ul style="list-style-type: none"> • Educate PWD about their options and rights (use JAN, ODEP, etc. • Educate employers about their obligations and resources 	<ul style="list-style-type: none"> • Reduces the misconception that PWD are a hassle or lack workable skills in the workplace • This may lead to increased employment of people with disabilities • Increases awareness about the best options for accommodation •
	Social	<ul style="list-style-type: none"> • Misconceptions and negative perceptions of the abilities of PWDs by employers & employees.⁵ 	<ul style="list-style-type: none"> • PWD • Employers • Disability advocates • Policymakers • Vocational/Rehab specialist 	<i>Policy-oriented:</i> <ul style="list-style-type: none"> • Develop employer relationships with voc. rehab programs such that disability/sensitivity training is involved in the outreach process • Companies can develop policies regarding the hiring of people with disabilities 	<ul style="list-style-type: none"> • Initiate a change in attitudes of employers and co-workers through education & relationship building • Disability awareness training could become more widely used
	<i>Technology (AT, EIT issues)</i>	<ul style="list-style-type: none"> • Limitations with the scope of definitions of EIT as they apply to WA & PWDS⁶; Section 255 of the Federal Communications Act defines "telecommunication services" as services that facilitate and carry voice communication. This definition appears to leave e-mail and data transmission uncovered. • Concerns regarding who is responsible under the ADA for ensuring that websites & EIT are accessible for employees and/or applicants with disabilities 	<ul style="list-style-type: none"> • PWD • Employers • EIT manufacturers • Government agencies • Vocational/Rehab Agencies 	<i>Policy-oriented:</i> <ul style="list-style-type: none"> • Clearly define who is responsible for things like job posting websites under the ADA • Stronger requirements for accessibility of EIT devices 	<ul style="list-style-type: none"> • Better integration of PWD into the workplace as they can use the same equipment • Reduce digital divide for PWD which can lead to greater employment options due to access to more job postings, and information • empower a prospective AT user to have an intelligent conversation about what technology might be beneficial and what device would be the most effective for the job tasks⁴
	Economic	<ul style="list-style-type: none"> • Lack of incentive for private industry to think in terms of UD for products⁶ 	<ul style="list-style-type: none"> • Employers • PWD • Disability advocates • Manufacturers • Designers 		
	Regulatory	<ul style="list-style-type: none"> • Devices and services not covered under private and employer-based health insurance, along with Medicare & Medicaid⁷ 		<i>Regulatory</i> <ul style="list-style-type: none"> • Government funded incentives for companies/manufacturers to 	

				<ul style="list-style-type: none"> develop UD/EIT devices Reduce income caps mandated by the federal government that may create barriers 	
Safety/Emergency Preparedness (S)	Access/Awareness	<ul style="list-style-type: none"> Lack of emergency egress plans that can broadly fit all employees Emergency workers need more training on the special needs of PWD Perception by employers that PWD are more likely to be a safety liability, in turn negatively affecting their ability to get hired. PWDs may experience “changes” to their job status from employers who want to avoid accommodating safety/EP concerns. - KM 	<ul style="list-style-type: none"> PWDs Emergency Officials Employers Emergency workers Public safety entities 	<ul style="list-style-type: none"> Outreach – Include PWD in the process for developing emergency plans Educate – Train emergency officials and workers on the special needs of PWD and how to aid them in the event of an emergency⁸ 	
	Technological	<ul style="list-style-type: none"> Lack of equipment that can be used by PWD in an emergency or failure of communication systems Technology and workspaces designed to notify PWD of emergencies should be accessible (AT or UD) 	<ul style="list-style-type: none"> PWDs Manufacturers of emergency devices Manufacturers of AT devices for emergency equipment Employers Public safety entities 	<ul style="list-style-type: none"> Provide incentives to equipment developers to use more UD approaches 	
	Policy/Regulatory	<ul style="list-style-type: none"> Lack of clearly defined policy that requires universal application (or as close to as possible) in emergency planning Concerns with workplace safety of PWD who telework⁹ Lack of specificity in legislation regarding telework and what responsibilities employers have . 	<ul style="list-style-type: none"> PWD Aging/older populations Policymakers Employers Public safety entities 	<i>Policy-oriented</i> <ul style="list-style-type: none"> Redefine OSHA regulations to include non-traditional work settings (such as homes) 	
Aging Workers (A)	Policy/Regulatory	<ul style="list-style-type: none"> Lack of incentives for employers to provide an work environment that continues to accommodate workers as they age¹⁰ Employers need to alter their employment terms and policies to accommodate the aging workforce Existing legislation regarding pensions and such may discourage employers/employees from extending work beyond retirement eligibility 	<ul style="list-style-type: none"> Aging/Older populations Policymakers Employers 	<ul style="list-style-type: none"> Development of federal programs to encourage accommodating aging workers Write/change existing legislations regarding retirement benefits and eligibility 	<ul style="list-style-type: none"> Reduces the impact the labor shortfall will have on the US economy Educates employers about the importance of older workers to the future of work environment Removes legislative barriers that discourage work past retirement
	Awareness	<ul style="list-style-type: none"> Employers not recognizing the magnitude of the change and see no reason to make adjustments at the 	<ul style="list-style-type: none"> Aging/Older populations Policymakers 	<ul style="list-style-type: none"> Employers need to develop more flexible workplace options such as flexible 	<ul style="list-style-type: none"> Gives aging workers more incentive to stay in the workforce

		<ul style="list-style-type: none"> moment Changing workforce demographics lead to greater percentage of older workers Many in the aging group want to continue work into their late 50s to early 60s 	<ul style="list-style-type: none"> Employers Research agencies 	hours, part time schedule, etc.	<ul style="list-style-type: none">
	Economic	<ul style="list-style-type: none"> Issues with large number of aging adults being supported by government benefit programs;¹¹ 	<ul style="list-style-type: none"> Aging/older populations Employers Policymakers Government agencies 		<ul style="list-style-type: none"> Reduces the number of unemployed aging individuals Reduces the large draw on federal benefits like social security, Medicaid, etc.
	Technological	<ul style="list-style-type: none"> Resistance to using technology(incl. AT) by those with late onset disability¹¹due to unfamiliarity with the technology or not accepting themselves as disabled Lack of training resources for aging workers to learn to use technologies 	<ul style="list-style-type: none"> Aging/older populations Employers Policymakers ICT manufacturers 		
	Social	<ul style="list-style-type: none"> Employers may hold negative attitudes towards keeping older workers & their abilities (corporate culture) Older workers are less likely to find new employment if they are fired Lack of recognition of by older individuals of themselves as “with disabilities” 	<ul style="list-style-type: none"> Aging/older populations Employers Policymakers Government 	<ul style="list-style-type: none"> Educate more older people on their options and resources as they age into disability Incorporate VR with resources for aging workers Awareness and outreach campaigns for employers 	
Telework/Telecommuting (T)	Access/Awareness	<ul style="list-style-type: none"> Lack of availability of this type of accommodation; lack of knowledge about this type of accommodation by PWDs¹² Misconception on the part of the employer about actual costs of telework¹ Misinformation on the benefits of this kind of accommodation Misconceptions about the effect of telework on the work environment¹ 	<ul style="list-style-type: none"> Aging/Older populations PWD Employers 	<ul style="list-style-type: none"> Develop materials for knowledge dissemination to employers & employees with disabilities regarding telework Provide cases of best practices in telecommuting Educate policy officials about telework issues specific to PWDs 	<ul style="list-style-type: none"> Increase the employment numbers of PWD
	Economic	<ul style="list-style-type: none"> Therefore there is an imbalance in the physical costs vs. possible benefits¹ Concern by employers over the costs of implementing telework(technology & other costs)¹⁴ Concern that telework implementation is more expensive with PWDs (AT & such) 	<ul style="list-style-type: none"> PWD Employers Government officials Disability advocates 	<ul style="list-style-type: none"> Develop/support community broadband/telecom initiatives¹⁴ 	<ul style="list-style-type: none"> Changes an employer’s perception of telework and PWD Provides a better CBA analysis of telework
	Policy/Regulatory	<ul style="list-style-type: none"> Lack of consistent policies and procedures on how to evaluate what is a reasonable/flexible request for telework¹³ Concerns about OSHA regulations & 	<ul style="list-style-type: none"> PWD Employers Policymakers 	<ul style="list-style-type: none"> Develop examples & training modules to help employers foster virtual social networks¹⁴ Establishment of a program 	<ul style="list-style-type: none"> Increased access/availability of government resources

		<p>their application to this evolving work option</p> <ul style="list-style-type: none"> • Lack of policy to integrate PWD into the workplace (loss of social capital)¹⁴ 		<p>to assist PWDs in obtaining telework positions¹⁵</p> <ul style="list-style-type: none"> • Development of policies to specifically address telework for PWDs 	
	Technological	<ul style="list-style-type: none"> • Availability of technologies that enable employees with disabilities to telework 	<ul style="list-style-type: none"> • PWD • Employers • AT manufacturers • 		
	Social	<ul style="list-style-type: none"> • Concerns about the remote aspect of telework: lack of work support, job structure, social interaction¹⁵ • Issues with telework promoting white collar work among some PWD and "pink" collar in those with less skills 	<ul style="list-style-type: none"> • PWDs • Aging/Older populations • Disability advocates (NOD) • Community leaders 		
Service Delivery(SD)	Economic	<ul style="list-style-type: none"> • Concerns about the cost of implementing accommodations & who will do the implementing 	<ul style="list-style-type: none"> • PWDs • Employers • Disability advocates • Funding agencies • Policymakers 	<ul style="list-style-type: none"> • Outreach to employers by disability employment advocate agencies with resources such as JAN, ODEP, USBLN 	<ul style="list-style-type: none"> • Employers feel more informed about the employment about PWDs and resources at their disposal for such a process
	Awareness/Access	<ul style="list-style-type: none"> • Perception by employers that it is costly in time and money to implement accommodations for PWDs 	<ul style="list-style-type: none"> • PWDs • Employers • Disability advocates • Funding agencies • Policymakers • Vocational Rehab specialist 		
	Technological	<ul style="list-style-type: none"> • There are a number of different systems & accommodation types for all the different functional limitations (?) • Concerns about technological accommodation devices and the need to make sure they are compatible, maintained and upgraded. Who covers this cost? Who is responsible for doing it? All concerns from the employer perspective... 	<ul style="list-style-type: none"> • PWDs • Employers • Device manufacturers • Policymakers/legislators • Funding Entities /agencies • Disability advocates (i.e. NOD) 		

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² Endicott, Sarah. (2005). "Workplace Accommodation Outcomes," presented at Workplace RERC: State of the Science Conference, Atlanta GA.

³ Head, Lynzee. (2005). "Ageing and the Accommodating Workplace: A Survey of Employer Practice" presented at Workplace RERC: State of the Science Conference, Atlanta GA.

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⁵ Brostrand, H.L. (2006). "Tilting at Windmills: Changing Attitudes Toward People with Disabilities," *Journal of Rehabilitation*, 72(1)

⁶ Baker, Paul and Andrew Ward. (2006). "Toward Development of the Accommodating Workplace: Key Technological and Policy Issues" presented at California State University, Northridge (CSUN) Center on Disabilities' 21st Annual International Technology and Persons with Disabilities Conference, Los Angeles.

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- ⁷ Baker, Paul, Nathan Moon and Alan Bakowski. (2006). "Increasing Access to Wireless Technologies: Results of A Policy Delphi Study" presented at California State University, Northridge (CSUN) Center on Disabilities' 21st Annual International Technology and Persons with Disabilities Conference, Los Angeles, CA
- ⁸ Mackert, Ron, FEMA. (February 2002). "Report on Special Needs – Issues, Efforts and Lessons Learned"
- ⁹ Robertson, Michelle M., Wayne Maynard & Jamie McDevitt. (April 2003). "Telecommuting: Managing the safety of workers in the home environment," *Professional Safety*, 48(4) p.30
- ¹⁰ White House Conference on Aging (WHCOA) Policy Committee, WHCOA Report to the President and Congress (December 2005). "The Booming Dynamics of Aging: From Awareness to Action"
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