Examining the U.S Hiring Process and Its Impact on the Ability Of People with Intellectual Disabilities to Join the Workforce and Gain Financial Independence

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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INTRODUCTION - METHODOLOGY THAT GUIDES THE RESEARCH PROCESS

Historically and presently, the design of the general hiring process in the United States has influenced the ability of individuals with intellectual and developmental disabilities (IDD) to access employment opportunities. To uncover the underlying factors contributing to this issue, it is crucial to analyze the influence of anti-discriminatory legislation, historical landscape of employment opportunities available to IDD individuals, and the impact of the increasing integration of algorithms and artificial intelligence (AI) on their workforce inclusion and ability to gain independence in all aspects of life. Furthermore, there are a variety of social groups, each possessing distinct roles and perspectives, that influence the lives of individuals with intellectual disabilities - both directly and indirectly through decisions they make.

I will utilize the Disability Studies framework to provide insight into the differences in human variety and how society, specifically the employment system, has been shaped without consideration for disabled individuals. The research presented throughout the entirety of the paper aims to analyze all these topics through a comprehensive review and synthesis of previous literature to better understand how the current employment system has come to be and to better formulate solutions looking forward.

HISTORY OF PEOPLE WITH INTELLECTUAL DISABILITIES IN THE UNITED STATES

Overview of the treatment of individuals with IDD since the 19th century

All current beliefs regarding intellectual and developmental disabilities are influenced by stigmas, society's understanding of mental health, and the historical events concerning people with intellectual and developmental disabilities. Therefore, to fully grasp the current state of IDD

in the United States, it is vital to start at the beginning of the beliefs, conceptualization, and legislation that has contributed to this topic.

Benjamin Rush was one of the founding fathers of American psychiatry, publishing a piece in 1812 that aimed to explain and treat disorders of the mind. As awareness around the topic grew, the "Asylum for the Insane (later referred to as the McLean Asylum)" opened in 1818 and helped establish a transformation from institutional settings to a more residential environment for individuals (Roth, Sarawgi, & Fodstad, 2019, p. 5). Despite the emphasis placed on humane treatment that began in the early nineteenth century, the eugenics movement that started in 1907 quickly increased the stigma against individuals with IDD.

Francis Galton, the leader of the eugenics movement, created an arbitrary scale of worth and intelligence that instigated a societal movement which had a significant impact on the treatment of those with disabilities. Leaders like Galton believed that these individuals were a burden to society and should not procreate, which led to laws that promoted sterilization (surgical procedure to eliminate a humans ability to produce offspring), the restriction of movement, and segregation of individuals with IDD (Roth, Sarawgi, & Fodstad, 2019, p. 6). Specifically, the Buck v. Bell case was the catalyst for the spread of sterilization and institutionalization of people with IDD across the United States. Carrie Buck was an eighteen-year-old woman institutionalized in 1927 for being declared "feeble-minded," along with her mother and six-month-old daughter, who were also immediately deemed "not quite right" (Lombardo, 2008, p. 7). The case gained traction when legal proceedings arose to have Carrie involuntarily sterilized to protect society from her "socially inadequate offspring" (Lombardo, 2008, p. 175). Eventually the case reached the Supreme Court where in a nearly unanimous vote, they approved Virginia's non-consensual sterilization law. Ultimately, the Buck

vs Bell case granted legal approval for operating on more than 60,000 Americans in over 30 states and continues to set a global precedent for the sterilization of people with IDD as the case has yet to be overturned (Lombardo, 2008, p.7).

It was not until the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 were passed in the United States, that individuals with disabilities were legally protected from being discriminated against based on their given disability (Murphy, 2021, p. 1). Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities from participating in programs that receive federal funding, was one of the first civil rights laws enacted to protect these individuals. The Americans with Disabilities Act was modeled after the Civil Rights Act of 1964 and Section 504 of the Rehabilitation At and is another civil rights law that looks to provide disabled individuals with equal opportunities in all areas of public life, Employment, State and Local Government, Public Accommodations, Telecommunications, and Miscellaneous Provisions (Murphy, 2021, p. 1). One area of public life that this paper will dive into is employment, specifically how people with intellectual disabilities are impacted by the structure of the United States workforce and hiring processes.

Historical integration of IDD individuals to the workforce

As a result of the legislative changes made in the late 1900's, there was an increase in financial support for community-based organizations focused on assisting individuals with IDD in becoming integrated with the workforce. The ADA protects against employment discrimination in both a public and private setting, expanding employee protections for people with disabilities beyond what was previously covered in Section 504. Furthermore, a person who is seeking protection under the ADA has access to, "non-discriminatory job placement, back pay,

front pay, compensatory and punitive damages, attorneys' fees and costs, and other types of relief," (Amstutz, 2022, p. 578).

Despite the resulting increase in funding and substantial anti-discrimination framework through the ADA, as of 2001 only 29.4% of disabled individuals were in the workforce (employed or looking for a job), compared to 82.1% of working-aged adults without disabilities (Dixon, 2003, p. 7). This is not to say that they did not want to work or were not able to as, "A survey by Louis Harris and Associates in 2000 found that 67% of those people with disabilities who were not working wanted to work... a 30-year study of disabled workers and job performance found that workers with disabilities had high performance rates, with 90% having above average job performance...," (Dixon, 2003, p. 9). These statistics were largely due to the fact that the legislation introduced during this time followed typical anti-discrimination laws, which tend to punish employers who violate their terms; however, they did not incentivize companies to hire these individuals in the first place.

Most of America's employers lack training programs to properly accommodate these individuals and are not willing to implement them, despite the positive record of training at companies that did hire people with disabilities. The financial implications that introducing these types of training modules would require was the most publicized barrier to employment; however, after many surveys it was found that "Employee Reluctance" was actually the largest barrier at companies. People believed, and still do, that "the nature of their company's work is such that it cannot be effectively performed by workers with disabilities," (Dixon, 2003, p.13). Many of the barriers presented in the early 2000's are still present today, which can be traced back to legislation not evolving in cadence with the advances in education, treatment, and technology that have been introduced to support people with intellectual disabilities.

SYSTEMATIC ISSUES BEHIND THE USE OF HIRING TECHNOLOGY

Status of general hiring practices in the United States

Employers, including local and state governments, are rapidly expanding their use of hiring technologies to solicit and select new employees. Currently, algorithms and machine learning models are being used to complete tasks such as distributing targeted job advertisements, deciding if an applicant meets basic qualifications, holding digital performance tests, scoring resumes, etc., (U.S. Department of Justice Civil Rights Division, 2022). The pipeline of a typical algorithmic hiring process is outlined as follows:

In this process, a set of applications is screened by either humans, algorithms, or a combination of both. After this initial screening and selection, applications are scored/ranked, and many are discarded. After this an iterative process of allocating resources, e.g., requests for additional documentation; online or in-person interviews; and group discussion are committed to refine the initial ranking After this, offers and/or rejections are sent to one or more candidates from the pool and the candidate provides a response. (Schumann et al., 2020, p. 2-3)

As implied from the above description, AI technologies predominantly play a role in the pre-screening phase of hiring. Once applicants progress beyond this initial phase, they are evaluated based on their interactions with live recruiters.

These AI technologies can make the recruitment process much faster and more efficient, especially for larger organizations who must screen through thousands of candidates during a single cycle. However, the use of pre-screening algorithms to optimize human resource practices carries substantial risks and ethical implications as they are 100% trusted to weed out potential candidates solely based on their paper qualifications and statistics (Lavanchy et al., 2023, p.

126). This method only amplifies the issues of bias, fairness, and legal compliance in the hiring process as companies are giving away a sense of ownership over the selection of candidates. Therefore, these current tactics are making it harder than ever for people with intellectual disabilities to gain employment as these types of algorithms are not programmed to account for the unique benefit they can bring to a company.

Implications of misaligned regulations on people with IDD

New hiring tactics, coupled with a lack of regulation around technology usage by employers in the United States, have shown to increase barriers to employment for people with intellectual and developmental disabilities. This is not to say that these individuals do not want to join the workforce or are not equipped with the skills to perform well in competitive environments. In fact there was an extremely interesting finding in 2007 when Walgreens opened a distribution center where more than 30% of the 800 employees had an intellectual disability. The results proved that people with intellectual disabilities can be successfully integrated into the work environment as, "the center was 20% more efficient than comparable facilities without disabled workers. In addition, employee turnover was half that of other employees, and people with disabilities had a third fewer incidents or accidents than their non-disabled colleagues," (Kaletta et al., 2012). Furthermore, a notable study of 140 U.S companies found that a one percent increase of persons with disabilities in the labor force could boost the GDP by \$25 billion (Accenture et al., 2018, p. 4-6).

Unfortunately, with the rising use of technology and algorithms in the initial phases of hiring processes, it is even harder for people with intellectual disabilities to gain employment as these programs are not designed to account for the different skill sets and backgrounds that these

individuals have. Even though the ADA states that, "Employers can use qualification standards that are job-related and consistent with business necessity. But employers must provide requested reasonable accommodations that will allow applicants or employees with disabilities to meet those standards...," (U.S. Department of Justice Civil Rights Division, 2022) these types of rules are difficult to enact as there is a lack of enforcement resources causing slower response times, companies finding ways around the verbiage by claiming resource constraints, etc.

Furthermore, these hiring algorithms were designed by the privileged members of society and therefore inherently reflect their biases in favoring candidates who have similar background, education, and ethnicity to them. This results in models eliminating applicants because of its programmed unconscious bias to their disability and measuring skill on a skewed scale. On a purely physical level, these online assessments are not always accessible to those who may require alternative methods of assessment (extra time, reading assistance, etc.) and the current regulation requiring "reasonable" accommodations allows employers to make bare minimum changes without truly assisting these individuals.

For the individuals who eventually become employed and join the workforce, these misaligned regulations continue to impact their ability to gain financial independence.

Researchers found in 2009 that people with a cognitive disability made more than \$25,000 fewer a year than people without disabilities (Butterworth et al., 2011, p. 29). There are various factors that explain why people with intellectual disabilities have much lower annual incomes than the average population including the fact that they work fewer weeks out of the year, fewer hours per week, and also work in jobs that have lower wages and may be less stable as they are not given the opportunity to work in "competitive" environments. Additionally, people with IDD are historically more reliant on non-work income sources such as Supplemental Security Income

(SSI), which can be seen in the fact that people with cognitive disabilities have 47% of their earnings coming from work while people without disabilities have work being 92% of their income (Butterworth et al., 2011, p. 30). Reliance on SSI is problematic as it makes it very difficult for intellectually disabled individuals to gain financial independence. Currently the maximum monthly SSI payment is \$943 for an individual, (Social Security Administration, n.d.) while a Forbes study found that, "Average monthly expenses in 2022 for one person were \$3,693," (Payne, 2023). These numbers alone prove that the structure of these programs makes it difficult, if not impossible, to break away from government dependency, build savings, and achieve financial goals.

SOCIAL GROUPS INFLUENCING HIRING EXPERIENCE FOR PEOPLE WITH IDD Policy Makers

Arguably policy makers have the strongest influence over how people with intellectual disabilities are treated throughout the hiring process. Historically legislation, as seen with the Americans with Disabilities Act and Rehabilitation Act, has been the first step in enacting positive change for this group, proving that it is up to policy makers to spark change for employment and economic well-being. In 2011, a Senate hearing addressed the enhancement of employment opportunities for individuals with IDD. During this session, policymakers not only acknowledged existing barriers to entry but also recognized the mutual benefits of integration, highlighted historically successful initiatives, and contemplated future budget allocations (United States Congress Senate Committee on Health, Education, Labor, and Pensions & United States Congress Senate, 2013, p. 2-12). The outcomes of this meeting emphasized that policymakers

have the power to spark positive change across all areas and are a necessary component to successfully improve the experience and perception of employment for people with IDD.

Employers

Employers stand out as one of the most influential groups in this situation as they directly interact with the hiring system and carry out its methods to select future employees. There are many tiers to this social group, ranging from entry level recruiters to global executives; however, all impact how people with intellectual disabilities are integrated into their work environment and presented with opportunities. As stated before, the ADA requires employers to provide "reasonable accommodations" for all applicants and employees. There are two levels to these accommodations, specifically the policies employers are creating to equitably hire people with IDD and integrate them into the workplace culture (Erickson et al., 2014, p.1).

Statistics support the notion that people with IDD are being hired by some employers; however, as more employers are switching to digital screening, they need to be cognizant of the implications this can have. Even though many tests are developed by outside entities, individual employers are still responsible for the action of all agents and hiring, making them liable for any discrimination that could occur from a pre-employment test (U.S. Equal Employment Opportunity Commission, 2022). Therefore, it is vital that employers are monitoring when and why employees are being "screened out" of the application process, what accommodations are being provided, and how standardized their hiring staff is.

On the second level, employers also play a pivotal role in shaping a workplace environment that either fosters inclusivity or reinforces barriers for individuals with intellectual disabilities once they gain employment. The experiences of people with intellectual disabilities

are highly dependent on how open and committed to creating accessible and accommodating workspaces an employer is. In a study from 2010 it was found that, "...people with IDD working in integrated settings acquired a positive self-image and posited that employment eliminated the feeling of being disabled" (Almalky, 2020, p. 5). Therefore, having positive attitudes and proper education on how to accommodate individuals with IDD across every tier of a company has the potential to maximize the experience and value this group can bring to the employment space.

Software Developers

Many employers have contracts with software companies who design, administer, and score applicants on their behalf during pre-employment tests. Although these developers are not legally responsible for any discriminatory actions, this group still has a large impact on how people with IDD interact with the hiring process. It has become standard for these entities to use "adverse impact" techniques to make sure that no minority group is less favorable than another. The hiring tools adapt to reduce differences between groups; however, this tool most commonly addresses discrimination across race and sex (U.S. Equal Employment Opportunity Commission, 2022). Therefore, developers must tailor this software to account for discrimination against disabilities to help ensure that these individuals will not be screened out of the process when they are able to perform the job. Ultimately, developers have the opportunity to improve the hiring process by allowing companies to utilize time-saving algorithms in an equitable, inclusive manner.

Disability Advocates

Direct support professionals

Direct support professionals serve as intermediaries and advocates for individuals with IDD and their integration in the workforce (Desroches & Tyo, 2023, p. 1). As the people who help prepare individuals with disabilities to live on their own and interview for jobs, they have a strong impact on how these individuals approach the hiring process and employment. Direct support professionals range from personal care leaders and occupational therapists to special education teachers; however, they all have a common goal in gaining equal employment for people with IDD. By providing genuine and equitable support in understanding the aspirations of these individuals, direct support professionals can build important soft skills and feelings of autonomy. This support facilitates the development of confidence among individuals with IDD to navigate the workforce, while also providing them with the skills that make employment a tangible goal.

Non-Profit Advocacy groups

There are various advocacy groups, such as The Arc, TASH, and National Disability Rights Network (NDRN), who share the goal of promoting and protecting the human rights of people with intellectual and developmental disabilities. Specifically, they work to support the full inclusion and participation of the group in all aspects of society, including employment ("The Arc," n.d.). These groups are a driving factor in employment policy change as they give a voice to individuals who may not have the ability to advocate for themselves. Ultimately, they serve as a way to bridge the gap between individuals with IDD and corporations by promoting inclusive practices in a variety of ways including policy advocacy, conducting educational campaigns, and providing disability-inclusion training programs.

UNDERSTANDING HIRING PRACTICES VIA DISABILITY STUDIES FRAMEWORK - CONSIDERING HUMAN VARIETY AND DIFFERENCES

Understanding the impact that the general hiring practices in the United States has on people with intellectual disabilities is a key factor in enacting future change in this field. The disability studies framework can provide insights to these impacts as it aims to, "...explore the social, cultural, and political meanings of disability with the goal of understanding human variety and difference," (Howe et al., 2015, p. 2). The disability studies framework grew out of the disability rights movements that began in the 1960s and 1970s with the goal to challenge core assumptions of professional areas such as law, medicine, and economics, as well as affirm basic human rights for disabled individuals (Adams et al., 2015, p. 3). The current hiring and employment system in the United States is corrupted by multiple problem areas, including but not limited to, historical stigmas, self-interests of companies, and overall misaligned and insufficiently enforced regulations.

When trying to understand how the United States can overcome these problem areas, one needs to shift their perspective on intellectual disabilities from a medical model to a social model. While the medical model views a disability as a result of an individual's condition, the social model of disability emphasizes that a disability is also influenced by societal attitudes, politics, and environments (Howe et al., 2015, p. 1). The disability studies framework supports this shift as it challenges the stigma that having a disability is a fixed medical condition and by introducing the idea that they emerge from a society that chooses to accommodate some people and exclude others (Howe et al., 2015, p. 1). Once society can accept that having a disability is not just an inherent individual condition, but a title that is shaped by environmental factors

including community attitudes and policies, the motivation for creating inclusive practices that accommodate diverse people will only grow.

Unfortunately, the current legislation, programs, and groups described above are not enough to guarantee inclusive, equal treatment and employment opportunities for people with IDD, especially with the expanding use of AI and algorithms in hiring. Regulations, such as the ones outlined in the ADA, provide a legal foundation and set of standards for how AI should be integrated into the hiring process; however, the lack of communication between policymakers, technology developers, disability advocates, employers, and people with disabilities make it difficult for these to be as impactful as possible. Through increased collaboration between these groups and an emphasis on taking a socio-cultural approach in the design of technology used in job hiring, the United States can correct its current system and create more equitable employment opportunities for people with intellectual and developmental disabilities.

THE FUTURE OF HIRING PRACTICES FOR PEOPLE WITH IDD

After synthesizing the research, I have identified three key solution areas that will provide a framework for how the United States and all relevant social groups can shape decisions and actions looking forward.

Solution #1 - Accessible Recruitment Practices

Equitable access to job postings

The hiring process in the United States starts long before applications are submitted. The recruiting stage has been progressively expanding its use of algorithms used to advertise job openings, notify employers of appealing candidates, cater position offerings based on the user, etc. These systems will pick up on trends, such as who recruiters interact with the most, and

therefore reinforce biases by replicating that pattern without the employers realizing (Bogen, 2019). Monitoring the use of algorithms during the recruitment phase of the hiring process is a necessary step to improving the experience of individuals with IDD with employment. Furthermore, employers should make sure that their job postings use plain language to make them easily understandable for individuals with IDD and clearly communicate the application and interview process to reduce anxiety. By implementing these changes, employers will not only communicate the idea that individuals with IDD belong in the workforce but that they are welcomed and should be empowered to seek employment and financial independence.

Streamlined use of reasonable accommodations

Currently the ADA only requires employers to, "respond promptly to requests for reasonable accommodations"; however, there are no clear procedures for what actions employers actually have to take once receiving these requests (U.S. Equal Employment Opportunity Commission, 2022). By implementing a national standard for how IDD individuals can request accommodations during the hiring process and clearly regulating the accommodations all employers must offer both during the hiring process and after becoming employed, the United States would make the hiring process much more accessible to this group. Some examples of accommodations that could be implemented include extended time, alternative versions of tests with accessible technology, automated prompts that appear prior to the test beginning that outline the content to come, etc. This is a small change that has the potential to make significant strides towards leveling the playing field of gaining employment for people with IDD.

Solution #2 - Training and Awareness Programs

Creating a welcoming and safe work environment begins with proper training programs for people with disabilities. Due to the fact that many IDD candidates have never held a job, initial training is crucial and must include interviewing basics, general life-skill information, safety practices, and job-specific knowledge (Kaletta et al., 2012, p. 64). Ensuring that individuals with IDD have access to education and training programs will help them feel prepared going into interviews and empowered to tackle work settings once gaining employment. The U.S. Department of Labor's Employment and Training Administration offers some free training programs for people with physical disabilities; however, there currently are very few employers and government organizations who offer programs like this for intellectual disabilities, proving that this is a gap in the process that has the potential to enact meaningful change (U.S. Department of Labor, n.d.).

Furthermore, the attitudes and perceptions prevalent in workplace settings significantly influence employment opportunities for people with intellectual disabilities. One of the most impactful ways to change stigmas around intellectual disabilities is through proper education. Therefore, by raising awareness about this topic through employer-led training programs, employees can better understand how to effectively interact and support fellow coworkers who have intellectual disabilities. Additionally, these sessions will encourage an environment of open communication to better address any misconceptions that may exist among the staff and hiring managers regarding employing people with intellectual disabilities.

Solution #3 - Collaboration with Disability Organizations & Individuals with IDD

A common barrier to implementing inclusive policies in the hiring and employment process is the lack of time and expertise from employers to do so. Therefore, the final solution focuses on forming relationships with outside disability organizations and people with intellectual and developmental disabilities. Researchers found that, "[p]artnerships and collaborations with workforce intermediaries are a key element in employer-driven recruitment, hiring, and retention initiatives" (Nicholas et al., 2011, p. 7). Although 60% of employers felt that partnering with disability organizations would be helpful in hiring people with disabilities, surveys found that only one-third were aware of the existence of such organizations (Erickson et al., 2014). There clearly is untapped potential in this area as partnerships with local disability organizations could help employers learn how to support individuals with intellectual disabilities, effectively modify interview processes, provide necessary accommodations, etc. Additionally, the importance of including people with IDD in decisions and discussions that affect their lives is supported by the popular slogan "Nothing about us without us" (Charlton, 1998, p.3). First invoked by the South American disabilities rights movement in the 1990s, this slogan underscores the importance of the lived experiences of these individuals as valuable contributions to discussions about future policies and changes. These collaborations can not only offer additional support for individuals with IDD, but provide guidance on effectively developing and implementing inclusive employment practices.

Discussion

Hiring practices in the United States have a number of factors working against people with intellectual and developmental disabilities from joining the workforce. Historical stigmas

have minimized opportunities for individuals with IDD and the growing use of algorithmic hiring has only emphasized this barrier. Therefore, employment rates of people with intellectual disabilities remain lower than the national average despite their projected economic benefit, higher motivation to work, lower turnover rate, and ability to create a more positive work environment (Aichner, 2021, p. 2).

To move towards an inclusive employment system, the United States needs to shift their perspective to a social model and actively push for three main solution areas: accessible recruitment practices, training and awareness programs, and collaboration with disability organizations and people with IDD. With these three areas acting as a roadmap for the future, we have a clear path towards creating an equitable and just society where people with IDD have the same opportunity to gain employment and financial stability as the rest of the population.

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