

**Employment Discrimination Against Persons with Disabilities:
Evidence from Matched Pair Testing**

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Abstract: Persons with and without mobility disabilities applied simultaneously for 31 sales positions at New York city clothing retailers. Applicants were generally treated with courtesy, but those with a disability were only 27% as likely to receive a job offer or otherwise advance as far in the hiring process as their equally qualified counterparts without a disability. Discrimination, either conscious or unconscious, was documented by 41% of retailers tested. These findings demonstrate how employer perceptions, policies, and employment practices contribute substantially to the higher unemployment, lower earnings, lower labor force participation, and widespread reports of discrimination for workers with disabilities. In contrast, some retailers' willingness to hire job seekers with mobility disabilities demonstrate that productive employment of these workers in retail sales is feasible if more employers followed "best practices" when hiring.

Keywords wheelchairs hiring unconscious bias situation testing field experiments reasonable accommodation

Among the multiple aspects of daily living in which people with disabilities face barriers to full participation in daily life, employment is certainly one of the most important. In some cases, disabilities preclude employment or limit a worker's their potential on-the-job performance. But for many people with disabilities and many employment situations, the issue is less workers' ability to be productive employees than the willingness of employers to give them that opportunity.

This study quantifies the role of employer discrimination in a specific employment context: hiring of job applicants with mobility disabilities (such as persons in wheelchairs) for retail sales. Although it is widely hypothesized that employer discrimination is common in such situations, the evidence supporting this hypothesis is primarily indirect. This study uses a research method -- matched pair testing -- creating controlled experiments in which employers' discriminatory behavior can be directly observed. The paper describes the application of this research method to

fashion retail hiring in New York City in 2015 and presents empirical findings documenting a pandemic level of employer bias there, both conscious and unconscious. However, some of the tested retail employers did not evidence such discrimination, and the paper closes by describing “best practices” employers can follow to achieve a similar level of equal employment opportunity.

Disability Discrimination in Employment

Prior research has consistently documented that employment outcomes for people with disabilities are substantially worse than for others throughout the American labor market. For instance:

- In 2014 nation-wide, among non-institutionalized persons age 18-64, 34.4% of persons with disabilities were employed, a rate less than half the 75.4% rate for counterpart persons without disabilities. Within that 34.4% rate, the employed proportion of persons with disabilities varied from 50.7% for persons with hearing disabilities to 15.4% for persons with self-care disabilities; the rate for persons with mobility disabilities was 24.2% (Houtenville, Brucker, & Lauer, 2016).
- In August 2015, among non-institutionalized persons 16-64 in the labor force nationwide, 11.3% of persons with disabilities were unemployed, a rate more than twice the 5.1% rate for counterpart persons without disabilities (Houtenville, Brucker, & Lauer, 2016).
- When employed, persons with disabilities are almost twice as likely as their counterparts without disabilities to hold temporary, part-time, or independent contractor positions, thereby experiencing shorter job duration, fewer opportunities to advance, and more limited fringe benefits than their counterparts without disabilities (Schur, 2002).

- When employed, workers with disabilities are more likely than their counterparts without disabilities to be in low-skilled, low paid occupations for which they are over-qualified (Maroto & Pettinicchio, 2014).
- In 2010, median annual earnings for employed persons 21-64 with “severe” disabilities averaged \$18,924 and for persons with “non-severe” disabilities \$28,824, which are 57.9% and 88.2%, respectively, of the \$32,688 figure for their counterparts without disabilities (Brault, 2012; see also Baldwin & Choe, 2014; Mok, Meyer, Charles, & Achen, 2008; O’Hara, 2004).

Disabilities themselves undoubtedly account for part of these disparities. Disabilities so severe that no employment is feasible contributes to the lower ratio of employment to population; among persons with disabilities age 21-64 who had not been employed for 24 months, 49.9% were considered “severely” disabled (Brault, 2012). Higher unemployment rates and lower earnings may in part be accounted for by disability-based limitations on some workers’ productivity (Jones, 2006). More limited education may also partially explain earnings differences; for example, 41.4% of persons with disabilities have some education beyond a high school diploma, compared to 60.8% of their counterparts without disabilities (Snyder, Carmichael, Blackwell, Cleveland, & Thornton, 2010). And potential loss of government income payments, such as from Social Security Disability Insurance or Supplemental Security Income, gives some persons with disabilities incentives to voluntarily work part time, accept lower-paying positions, or not seek work at all (Stapleton, O’Day, Livermore, & Imperato, 2006; Turton, 2001).

However, after such factors are accounted for, substantial gaps in labor market outcomes for persons with disabilities remain, and employers’ discriminatory behavior is hypothesized to be the primary cause. During 2015, the U.S. Equal Employment Opportunity Commission (EEOC)

received 21,451 charges alleging employer actions illegal under the Americans with Disabilities Act (U.S. Equal Employment Opportunity Commission, 2015). Surveys of employed workers with disabilities report their widespread perceptions of discrimination in their workplaces, particularly with respect to compensation and other terms and conditions of employment, failure to provide legally-mandated reasonable accommodations for their disabilities, and on-the-job harassment (Snyder, Carmichael, Blackwell, Cleveland, & Thornton, 2010; Neath, Roessler, & McMahon, 2007; Balser, 2000). And, despite social desirability pressures to deny that they discriminate, employers often share these perceptions. For example, in one survey, 23% of employers admitted that attitudes and stereotypes were a significant barrier to employing people with disabilities (Bruyere, Erickson, & VanLooy, 2004; see also Ren, Paetzold, & Colella, 2008).

Discrimination based on disabilities is also suggested by “laboratory” studies in which experimental subjects such as college students play the role of employers making employment decisions. These studies often document positive attitudes toward people with disabilities as “heroic” for seeking work despite their disabilities. However, these positive attitudes do not translate into willingness to offer jobs, especially when the person with a disability is not physically attractive, the decision-maker would work directly with the person, or the person’s on-the-job performance would affect decision-maker’s compensation (Ren, Paetzold, & Colella, 2008; Colella & Stone, 2005; Premeaux, 2001; Colella, DeNisis, & Varma, 1998).

Although such research strongly suggests that discrimination plays some role in the observed disparities in employment outcomes, it generally does not measure the magnitude of that role. It also provides only limited insights into how that discrimination manifests itself in real world employment situations where employers’ decisions typically reflect a complex interaction

of personal attitudes, organizational culture, employment practices, and business operating circumstances (Schur, Kruse, Blasi, & Blank, 2009; Colella & Stone, 2005).

The most direct way to seek such information is to observe actual employers making real employment decisions when they are presented with equally-qualified applicants and are not aware of being observed. A research technique allowing us to do so is matched pair testing.

Matched Pair Testing

Matched pair testing is a systematic research procedure creating quasi-experiments in which to observe real employers' candid responses to employees' personal characteristics. In this procedure, pairs of research assistance -- "testers" -- apply simultaneously for the same actual job vacancy. Within each tester pair, employee characteristics likely to be related to employees' on-the-job performance are controlled by selecting, training, and credentialing testers to appear equally qualified for the positions they seek. Simultaneously, personal characteristics unrelated to job performance are systematically manipulated by pairing testers who differ in only one personal characteristic, such as a disability. If testers within a pair experience substantially different responses to their job-seeking efforts, few assumptions and only limited analysis are required to attribute that difference to the employer's reaction to that characteristic (Arrow, 1998; Tal, Moran, Rooth, & Bendick, 2009).

Since 1990, many dozens of well-documented employment testing studies have been completed for a range of U.S. labor markets (e.g., Chicago, Boston, New York, Washington, nation-wide), occupations (e.g., sales workers, office employees, management trainees, restaurant servers), and demographic groups (e.g., African Americans or Hispanics paired with whites, holders of "green card" work permits paired with native-born U.S. citizens, women paired with

men, 57 year olds paired with 32 year olds). These studies have essentially universally reported substantial discrimination, with the proportion of employers found to treat the group of interest significantly worse than their equally-qualified counterparts typically ranging from about 20% to 40% (Neumark, 2015; Gaddis, forthcoming; Bendick, 2007).

Such findings provide the principal ethical justification for matched pair testing. Testing studies involve employers without their informed consent and induce them to use staff time to process job applications which will not result in hires. However, in typical employment tests, that use of resources is very modest, since most applications are rejected quickly. Employers are not asked to deal with situations that are unusual for them; human resource professionals estimate that a large proportion of applications they receive from non-testing job seekers include fabrications in at least some aspect of their resumes (Careerbuilder, 2014). And when testing results are released without naming the employers tested, hiring decision-makers and their companies are protected from adverse consequences of their actions. Balanced against these small costs is the over-riding importance of addressing the societal problem of discrimination. The U.S. Supreme Court, the U.S. Equal Employment Opportunity Commission, and multiple university human subjects review panels have all endorsed testing's role in these efforts (Riach & Rich, 2004; Bendick & Nunes, 2012; Boggs, Sellers, & Bendick, 1993).

Employment in Fashion Retailing

This study tested the hypothesis of employer discrimination in one specific employment context: hiring of retail sales employees in the New York City area during 2015. Retail sales are one of the largest occupations in the U.S. labor market, employing nearly five million persons in 2016. With high turnover constantly creating job openings, few formal employment qualifications prerequisite

to hiring, and jobs located near the homes of virtually everyone, retail sales is one of the most common occupations in which individuals seek employment, especially at the entry level (U.S. Bureau of Labor Statistics, 2016).

Within retailing, this study was limited to stores whose principal offerings were clothing, jewelry, cosmetics, and similar “fashion” merchandise. These retailers included large department stores as well as national and local chains of specialty shops.

In part, fashion retail sales was selected as the focus of this study because, even drawing solely on their experience as retail customers, most individuals hired as testers could credibly interview for such positions. However, there is also reason to hypothesize that reluctance to hire persons with disabilities is particularly prevalent in fashion retail. Person with disabilities are noticeably absent from fashion advertising (Farnall & Lyons, 2012). Among Fortune 500 firms scored on the Disability Equality Index of the American Association of People with Disabilities, no fashion retailers appear among the top-scoring firms (AAPD, 2016). Retail sales are a public contact position where “looking good” and “fitting the image” of the products being sold are often considered part of the job (Warhurst, 2007; Warhurst, van der Broek, Hall, & Nickson, 2009; Stone & Wright, 2013; Borna, Stearns, Smith, & Emamalizadeh, 2008; Gouvier, Systema-Jordan, and Mayville, 2003).

Testing Procedures

Prior to the present research, testing studies of disability employment had primarily been “correspondence tests” -- studies submitting written job applications to employers on-line or by mail, disclosing a disability in the applicant’s resume or cover letter, and measuring applicants’ treatment by whether or not they are invited to an in-person interview. Using this procedure, one

study documented a substantially lower probability of interviewing persons with facial disfigurements and persons in wheelchairs for public contact positions (Stone & Wright 2013). Another study estimated a 26% lower rate of employers' interest in applicants for accounting positions who revealed having either Asperger Syndrome or a spinal cord injury (Ameri, Schur, Adya, Bentley, Mckay, & Kruse, 2015). A study in France found that applicants in wheelchairs were only between 31% and 56% as likely to be invited to job interview as counterparts without disabilities (Ravaud, Madiot, & Ville, 1992). A study in Belgium found that when a mental health disability created a substantial gap in a job applicant's employment history, the probability of male job applicants' being invited to job interviews was reduced 34% (Baert, De Visschere, Schoors, & Omey, forthcoming).

Although informative, correspondence testing studies are limited in two ways. First, they do not send pairs of resumes to the same employers, so they provide an overall rate of discrimination but cannot identify discriminatory acts by individual employers. The resulting documentation of a "villainy without villains" offers at best limited guidance for follow-up actions to change employer behavior. Second, these studies examine only the first stage of the hiring process, the decision concerning whom to interview. That procedure potentially under-estimates the overall rate of discrimination because it cannot record bias operating later in the hiring process (Bendick, Brown, & Wall, 1999). In particular, it cannot illuminate the ways that discrimination operates in the face-to-face stages of the hiring process, as revealed, for example, in the content of job interviews or the details of job offers (Bendick, & Nunes, 2012; Bendick, Rodriguez, & Jayaraman, 2010).

In contrast to these correspondence studies, our study involved research assistants -- "testers" -- applying for jobs in person. We employed eight testers, four women and four men.

All testers were in their twenties or early 30s, and all had some college education or college degrees. All were white and non-Hispanic except for two Hispanic women who were paired together. For each two-person testing team, testers were selected to be generally similar in appearance and manner, but one member of each team had a visible, substantial mobility disability -- using a manual wheel chair, using a motorized wheel chair, or walking with a cane and a noticeably delayed gait, respectively.

These testers were provided with training lasting two days. The training prepared them to be effective job applicants by coaching them on self-presentation, providing appropriate answers to common interview questions, refining their answers through practice interviews, and developing resumes for each tester describing education and work experience typical of job applicants that fashion retailers routinely hire. Indicating that these efforts were successful, the testers without disabilities received invitations to be interviewed in 58.1% of tests where the employer appeared to have a job vacancy to fill, and every tester without a disability who was interviewed received at least one job offer.

The resumes constructed for the members of each testing pair described comparable education, work experience, and job-related skills and interests, with a slight edge in each case to the tester with the disability. For example, one tester with a disability was given 25 months of experience as a sales associate, while her testing partner was given 24 months as a retail cashier.

During training and throughout the testing process, the staff supervising the testers emphasized that the testers' reporting of their experiences should be specific, fact-based, and objective. Each tester completed a detailed, semi-structured questionnaire immediately after completing every interaction with an employer, such as a job interview, and without discussing their experiences with their testing partners. Tester-employer interactions were further

documented by hidden miniature recorders carried by the testers. Tallies were also kept of employers' attempts by phone or email to contact the testers or the references they had listed on their job applications.

We tested retail establishments in the five boroughs of New York City and adjacent areas of Westchester County and Nassau County. This process began with a sampling frame listing all fashion retailers operating at least five retail stores within that geographical area -- identified from a published list (Gonzalez-Rivera, 2013), a prominent website (www.mallseeker.com), or the store locator on the firm's website) -- plus all fashion retailers posting at least five sales job openings in those locations during one month on either www.monster.com or www.allretailjobs.com. This sampling frame included 91 firms, including large department stores, national chains, and local chains.

Between April 1, 2015 and December 31, 2015, 103 pairs of job applications were delivered to these 91 employers. Some 61 of these pairs were completed online, responding to either a general invitation to apply in the careers section of retailers' websites or to one or more specific job vacancies posted there. The remaining 42 applications were completed in-person at retail stores either because the firm's website stated that applications were accepted only in person or because it was convenient to apply to adjacent stores in a shopping mall or shopping district already being visited to apply for another position.

Among these 103 pairs of applications, 31 were responded to by employers sufficiently for the interaction to be counted as an analyzable test. A test was considered analyzable if three conditions were met: (1) the employer indicated that it was actively seeking to fill a job vacancy (most typically, by inviting at least one tester to interview); (2) the tester with a disability interacted with a company hiring official sufficiently to reveal her or his disability; and (3) the hiring process

for both testers included at least one decision point at which the employer could potentially treat applicants differently (e.g., deciding whom to invite to an in-person interview).

Findings

Among the retailers we tested, the hiring process typically followed some variation of two basic patterns. About three-quarters of tests involved a relatively simple process in which applications were completed in person at a store, followed (sometime immediately) with an individual interview (typically conducted by a store manager and lasting about 10 to 15 minutes), review of the store manager's recommendation by an above-store supervisor, and then a job offer. The remaining one-quarter involved a more complex process. First, applications were filled in on-line, sometimes accompanied by on-line screening tests covering work interests, work attitudes, or skills such as arithmetic. A subset of on-line applicants then received an invitation to a group interview during which they were observed by the employer's staff while answering questions or participating in group exercises. A subset of participants in the group interviews were then invited to individual interviews similar to those in the simpler process. Job offers were then made. Among the 14 times that a job offer was made to one or the other tester, in only one (7.1%) did the employer check the tester's references prior to the offer.

In the 31 analyzable tests, the most direct, objective measure of employer's treatment of testers was the stage of the hiring process which the applicant reached -- e.g., no response, invited to a group interview, invited to an individual interview, or offered a job. Additional indicators of applicant treatment included whether applicants were significantly coached or assisted in the hiring process, provided information about additional job openings of which the applicant might not be aware, or given substantial encouragement or incentives to accept a job offer; a high proportion of

job vacancies throughout the American labor markets are filled via personal referrals (Feldman & Klaas, 2002), making these forms of differential treatment particularly important to analyze.

Table One reports the outcome of these 31 tests. As Columns (d) and (g) of that table report, in employers' initial responses to their applications, 64.5% of testers without disabilities were invited to be interviewed or otherwise responded to favorably in the initial stage of the hiring process, compared to 32.3% of testers with disabilities. Then, 55.0% of the testers without disabilities who were interviewed received job offers, compared to 30.0% of testers with disabilities who were interviewed.

These outcomes, in turn, can be summarized in a "relative success rate" -- the proportion of tests in which the tester with a disability achieved a favorable outcome at a stage in the hiring process divided by the proportion of tests in which the tester without a disability achieved that same outcome. As Column (j) of Table One reports, testers with disabilities were only 50.0% as successful as their partners without disabilities at the initial stage of the process and only 54.5% as successful in obtaining a job offer when interviewed. Combining these two stages, *applicants with disabilities were only 27.3% as likely to receive a job offer as their equally-qualified partners without disabilities.*

A second way these outcomes can be summarized is the "net rate of discrimination," computed as the proportion of completed tests in which the tester without a disability achieved a favorable employment outcome minus the proportion of tests in which the tester with a disability achieved that outcome. This subtraction takes account of random circumstances which may affect employment outcomes, such as that only a single position is vacant so that even non-discriminating employers can hire only one applicant. It also takes account of possible "reverse discrimination" in which employers favor persons with disabilities (Bendick & Nunes, 2010). According to Table

One, testers with disabilities experienced a 32.3% net rate of discrimination in being invited to interview plus a 25.0% net rate in receiving jobs offers when interviewed, for a combined net rate of discrimination in 40.6% of their applications. This result can equivalently be stated as: *40.6% of the employers tested were documented as discriminating against job applicants with disabilities.*

To place this 40.6% figure in perspective, three previous studies using in-person testers seeking sales employment provide comparable net rates of discrimination for demographic groups other than persons with disabilities. One found a 42% net rate of discrimination for transgender persons applying for retail sales positions in New York City (Make The Road New York, 2010); another found a 34% rate for persons in their late 50s seeking sales employment in the Washington, DC area (Bendick, Brown, & Wall, 1999); and one found a 30% rate for African Americans and a 25% rate for Latinos seeking retail sales employment in the Washington, DC area (Bendick, Jackson, & Reinoso, 1994). Thus, job seekers with mobility disabilities encountered hiring discrimination in this segment of the labor market at rates similar to those for demographic groups experiencing the most discrimination and nearly double the rate experienced by racial/ethnic minorities.

In public health analysis, a disease is considered pandemic if it infects a large proportion of a population, faces little population immunity, and has severe adverse consequences (Morens, Folkers, & Fauci, 2009). By these standards, a 41% net rate of discrimination establishes fashion retailers' hiring discrimination against persons with mobility disabilities as pandemic.

The following examples illustrate the less favorable treatment documented in our tests.

Example One: No Opportunity to Interview. Following on-line instructions that job applications be filed in person, a 22-year-old white woman in a manual wheelchair presented herself at a store of a local chain featuring casual clothing for younger men and women. She

completed an employment application, answered a few questions from the store manager, and left, never to hear from the company again. Four hours later, a 22 year-old white woman with no mobility disability presented herself at the same store. The same manager took her to a quiet part of the store, asked her a number of questions, described the advantages of working for that company such as health insurance and bonuses, and invited her to a group interview to be held at the chain's headquarters two days later.

Example Two: Extra Application Assistance. That same pair of job applicants presented themselves at a store of a national chain offering casual clothing for younger men and women. The tester who used a wheelchair was instructed to apply on-line from home, and that application triggered an invitation to a group interview. After that interview, she heard nothing. Later that day, her testing partner without a disability presented herself at the same store. A sales associate introduced her to the store manager who greeted her smilingly, asked her several questions, lent her an iPad to file her application while in the store, instructed her to put down the store manager's name as the person referring her, and scheduled her for a group interview. At the group interview, a district manager said that she had received the tester's application from the store manager and scheduled a further interview the next day for a Manager in Training position.

Example Three: No Job Offer. Thirty minutes apart on the same day, a 35-year-old white male and a 25-year-old white male filed on-line applications for sales positions in a large department store. One week later, both applicants were invited to interview to sell men's clothing at a location in Manhattan. At that interview, the employer became aware for the first time that the 35-year-old walked with a pronounced delayed gait and used a cane. In his interview, that applicant was asked a series of questions from a written list and then left, never to hear anything further. Four hours later, the 25-year-old was interviewed by a different person who asked

questions from the same list. The interviewer then left the room briefly and returned to offer the applicant a full-time position at \$10 an hour plus commissions.

Example Four: Rejection of Reasonable Accommodation. The website of national chain of mid-price clothing for mature women advertised a sales associate vacancy at one of its stores in Manhattan. Two applications, one for a Hispanic woman age 23 and the other for a Hispanic woman age 31, were completed on-line 15 minutes apart. Two weeks later, a manager for the store called both applicants to schedule interviews. When the 31-year-old appeared for her interview, the store read her the job description and asked her questions about her ability to meet the requirements stated there. When the 23-year-old arrived for her interview 30 minutes later, the manager became aware for the first time that the applicant used a motorized, lift-assist wheelchair. Interviewing that applicant, the manager read the same job description and asked the same questions as in the previous interview. She also asked whether the applicant could restock goods on the top shelf at her previous retail job (the answer was yes) and whether she could go down a flight of stairs to the stockroom (the answer was no). With regard to that latter issue, the job applicant suggested that the requirement could be accommodated by informally trading tasks with co-workers, as had been done successfully in her previous job, but the manager responded that would not work in her store because sales staff worked on commission and would therefore not cooperate. One week later, the tester without a disability received a call from the manager offering her a job. Her testing partner never heard anything.

Analysis

In all four of these examples, the difference in treatment arose at the first decision point after the employer became aware of a job applicant's mobility disability, a "no foot in the door" pattern

suggesting that the employers were not open to even considering these job seekers. A similar pattern has been observed in paired-comparison testing studies of age discrimination, where the majority of differences occurred immediately after the employer became aware of the older testers' age (Bendick, Brown, & Wall, 1999). It differs from the pattern more typically observed in testing studies involving race, where minority testers have often been allowed to continue in the hiring process after the employer became aware of their race only to be treated less favorably at the final stages of the hiring process -- for example, in decisions about who receives a job offer or in the wages and work assignments offered (Bendick, Jackson, & Reinoso, 1994).

“No foot in the door” discrimination, such as not being invited to interviews, is particularly difficult for job seekers with disabilities to overcome because it offers little or no opportunity for them to explain or demonstrate how they can perform the essential functions of the job they are seeking. Few opportunities to discuss or demonstrate their ability also characterized the majority of tests in which the testers with disabilities were interviewed; in 7 out of 10 (70%) of these interviews, the applicant's disability was never explicitly addressed in either questions or activities.

Retail sales work typically requires moving and carrying merchandise while assisting individual customers, ringing up sales, and wrapping purchases. In addition, in some retail stores, sales staff neaten displays, unpack merchandise, or move merchandise from the stockroom to the sales floor. Among the 103 employers to whom pairs of applications were presented in our study, the application information of only 12 (11.7%) stated physical qualifications related to these duties. All 12 stated lifting and carrying requirements, with weights ranging from 20 to 50 pounds. Four also listed motions such as stooping, bending, or reaching, and four specified that sales staff must be able to move around the sales floor and/or stockroom.

The persons employed as testers in this study all were capable of reaching, lifting, and moving reasonable amounts of clothing and other merchandise as well as navigating store aisles so long as the aisles were uncluttered and of legally-required width. These testers were instructed to explain or demonstrate these abilities if possible during job interviews. Their resumes all reported successful prior employment in retail sales. They were also instructed to discuss how, in that previous retail employment, when an action was required that they could not perform, the requirement was accommodated at no cost to the employer by informally trading tasks with other sales staff.

With little or no opportunity for the testers with a disability to demonstrate these abilities or provide these explanations, decisions concerning whether to hire them appear to have been based on assumptions that the applicants could not meet these requirements. Psychologists apply the label “stereotyping” to the tendency, often unconscious, to judge the qualifications of an individual (such as one job applicant) based on the average qualifications of the group to which the person belongs (such as all persons with disabilities) (Pager & Karafin, 2009); economists refer to adverse employment outcomes based on group stereotypes as “statistical discrimination” (Arrow, 1998).

The tendency to base decisions on stereotypes is particularly strong when, as in typical retail sales hiring, decisions are made quickly -- for example, after one few brief questions while the applicant is handing in a job application or in a job interview lasting only 10-15 minutes. Quick decisions tend to be disproportionately based on first impressions, which, in turn, tend to be heavily influenced by high-salience personal characteristics, such as a mobility disability, in which the interviewer differs from the interviewee (Dougherty, Turban, & Callender, 1994; Tsai, Chen, & Chu, 2005; Eder & Harris, 1999, p. 132-133). Psychologists apply the label “in-group bias” to

the tendency, often unconscious, to assess or treat people who resemble oneself more favorably than those who appear different (Dovidion & Hebl, 2005).

Finally, lower-level managers, such as store managers, are seldom rewarded for taking risks or recommending hiring that might prove controversial or costly (Eder & Harris, 206-207). When surveyed, employers commonly cite fear that persons with disabilities will require costly accommodations and that their presence will cause problems with their fellow employees as reasons for not hiring individuals with disabilities (Kay, Jans, & Jones, 2011; Hernandez, Keys, & Balcazar, 2000; Lengnick-Hall, Gaunt, & Brooks, 2001). Although these concerns are generally unjustified, they remain highly influential in hiring decisions (Domzal, Houtenville, & Sharma, 2008; Unger, 2002).

As was discussed earlier in this paper, an additional reason that retailers might not hire people with disabilities is the concern that their appearance would not be consistent with the brand image of the retailers wish to project for their merchandise. For instance, when one prominent clothing retailer -- Abercrombie & Fitch -- was sued for not hiring racial/ethnic minorities and, separately, for not hiring women wearing hijabs, the company's (unsuccessful) defense in both cases invoked its intent to hire sales employees embodying their clothing line's sporty, active, "preppy," "All American" image (Marcum & Perry, 2010).

As in these Abercrombie & Fitch cases, courts have generally not accepted business's argument that a person with a visible disability cannot meet an essential job function in retail sales (Stearns & Smith, 2008). Moreover, since the 1980s, a number of producers and retailers of fashion products -- including Levis, Nike, and Target -- have experimented with including persons with visible disabilities in advertising aimed at the general public. The generally favorable

consumer response to this advertising suggests that the assumption that sales staff with a disability will discourage retail sales has little basis in fact (Haller & Ralph, 2001).

Despite the absence of factual basis for their discriminatory decisions, a high proportion of the fashion retailers tested in our study treated our job seekers with mobility disabilities substantially less well than their paired testing partners. With only one exception – a test in which a store security guard screamed at a tester in a wheelchair -- our job applicants with a disability were treated courteously and with an appearance of helpfulness. Thus, in the absence of the paired testing procedure to document how an equivalently-qualified job applicant without a disability was treated, the discrimination would have remained invisible.

Indeed, testing studies and other research document that the discriminatory nature of their behavior is often invisible even to the majority of the perpetrators of the discrimination. As the Abercrombie & Fitch case discussed above illustrates, some retailers may operate in a consciously discriminatory manner -- for example, through explicit (albeit usually unwritten) policies not to hire certain persons with certain characteristics. However, in most cases, if company officials were asked about their hiring decisions, they would sincerely claim that they had acted fairly and rejected the job applicants with disabilities only because these applicants were unable to perform essential job functions. In reality, by the design of our experiment, our testers with disabilities were as capable of performing these functions as their testing partners. The persons conducting interviews and making hiring decisions were under-utilizing these job applicants based on biases of which they themselves remained largely unconscious (Banaji & Greenwald, 2013).

In the convergence of all the circumstances discussed in this section, it is perhaps not surprising that few job offers were made to our testers with disabilities.

Best Practices

What are practical ways that employers can avoid the discriminatory hiring behavior documented in this study? In contrast to the general lack of success of our job applicants with disabilities with most employers, three employers – one department store, one national chain of women’s clothing boutiques, and one national chain selling fashion accessories -- offered them jobs. What lessons can be learned from these employers as well as non-discriminatory employers examined in other studies (e.g., Bohnet, 2016; Brief, 2008; Dipboye & Colella, 2005; Bendick, Egan, & Lofhjelm, 2001)?

The first lesson is the importance of a hiring process that provides job applicants the opportunity to discuss or demonstrate their ability to perform essential job functions. Psychological research has firmly established that the best antidote to discrimination based on stereotypes and in-group bias is concrete information on the actual likely job performance of the individual job applicants being assessed (Bielby, 2008; Bohnet, 2016).

As was reported earlier in this paper, the resumes presented by our testers with disabilities described successful retail sales employment prior to their current job search, and the testers were trained to explain and illustrate how they successfully functioned in that employment. But for that information to be useful, the applicant had to be interviewed, and the most frequent barrier encountered by our testers with disabilities was not progressing to that stage. Thus, one characteristic of a bias-minimizing hiring process is that *all* persons who meet minimum standards should be allowed to interview prior to any screening decisions. Judgments about whom to interview based on quick first impressions are too likely to be biased to be relied on.

When our testers with disabilities were interviewed, the majority of interviewers avoided questions about their ability to perform the essential functions of the job, perhaps out of concern

that such questions might seem offensive or might violate anti-discrimination laws. Concurrently, in nearly all cases, our testers without disabilities were also not asked such questions, apparently based on interviewers' assumptions that they could perform satisfactorily. Thus, a second characteristic of a bias-minimizing hiring process is that *all* job applicants are asked the same questions, without regard to interviewers' assumptions as to what their answers will be.

A third characteristic of a bias-minimizing hiring process is that questions posed to job candidates should directly relate to essential job functions. In many job interviews, these questions commonly take the form of asking the applicant to discuss how in the past s/he has successfully performed some job function (e.g., working in a team or handling a dis-satisfied customer). For positions such as retail fashion sales, job simulations are also often used to probe actual job performance even more directly than interview questions. For example, one of the application processes our testers encountered involved a group interview held at a retail store. The interviewees were assigned to go around the sales floor, assemble two complete outfits (clothing, shoes, and accessories) suitable for that store's customers, carry the outfits back to the group, and make a sales presentation about each outfit. This exercise took less than an hour for a group of six applicants but allowed every applicant to demonstrate both physical strength and mobility and other job-related abilities such as an "eye for fashion" and powers of persuasion.

Of course, for reasons discussed earlier in this paper, providing factual information about applicants' potential job performance does not mean that hiring decision-makers are unbiased in evaluating that information. Thus, a fourth characteristic of a bias-minimizing hiring process is that hiring decision-makers, such as store managers and their supervisors, are trained about bias, both conscious and unconscious, and how the hiring procedures they are asked to follow can assist them to avoid these problems (Banaji & Greenwald, 2013; Bendick, Egan, & Lofhjelm, 2001).

A fifth characteristic of a bias-minimizing hiring process is that other well-established human resource management practices are also followed to further control bias in hiring decisions. For example, in the majority of hiring processes our tester encountered, it appeared that decisions were made based on hiring officials' undocumented overall impression of an applicant. Psychological research has firmly established that decisions based on overall general impressions are more subject to bias than those based on explicit ratings of applicants on specific qualifications, which are then brought together in an overall assessment using explicit weights reflecting their importance in the performance of the job (Bielby, 2008; Eder & Harris, 1999). Requiring hiring decision-makers to think through and justify their recommendations in this structured way is neither costly nor time-consuming, but it can be highly effective in reducing hiring bias.

Of course, these recommended hiring practices, by themselves, do not guarantee a discrimination-free hiring process. In fact, some of the tests in which testers without disabilities were discriminatorily preferred implemented some of these very practices, including job simulations and job-related interview questions. Thus, a sixth and final characteristic of a bias-minimizing hiring process is that the specific practices and procedures recommended above are reinforced by being embedded within a workplace culture unambiguously committed to non-discrimination.

Formally defined, a workplace culture is the interdependent system of beliefs, values, perceptions, priorities, and behavior that are common to a workplace. Less formally, it is easily recognized as "the way things are done around here" (Bendick, 2000).

Attitudes toward employment discrimination are one prominent element of this culture. The vast majority of American employers today provide at least a formal commitment to equal employment opportunity, including for persons with disabilities. However, some employers pay

only lip service to that commitment, or even consciously contradict it in the employee behavior they tolerate or encourage. Other employers vigorously implement that commitment -- for example, through frequent, sincere statements by senior management establishing that commitment as an organizational priority; closely monitoring employment outcomes on dimensions such as disability, race, gender, and age; rewarding successful performance on this goal in employees' performance appraisals, compensation, and promotions; and severely disciplining employees violating the norm (Schure, Kruse, Blasi, & Blank, 2009; Robert & Harlan, 2006; Jans, Kaye & Jones, 2012; Bendick, 2000; Bendick, Egan, & Lofhjelm, 2001). Only with such support are the specific employment practices designed to protect job seekers with disabilities likely to make a significant difference in hiring outcomes.

Conclusions

This study documents the prevalence of discrimination against people with one particular type of disability (mobility) in one type of employment decision (hiring) in one industry (fashion retailing) in one location (New York City). However, there is little reason to expect that the results would be substantially different if similar tests were conducted in other circumstances. Such discrimination remains a key issue that American society has yet to effectively overcome.

Importantly, the study also documents how some employers appear to have successfully addressed these issues. The procedures they have adopted were not complex, expensive, or inconsistent with efficient overall human resource management. Studies such as this one may encourage additional employers to follow their examples. However, the scope of problems documented in our findings suggests that aggressive enforcement of anti-discrimination laws may be essential as well.

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Table One

Outcomes experienced by testers applying for sales positions with New York area fashion retailers, by mobility disability

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Stage	Without a disability			With a disability			Difference		Success Ratio	
	Tests	Success	%	Tests	Success	%	Number	%		
(1) Among applicants, tester was invited to interview or was otherwise initially responded to positively	31	20	64.5%	31	10	32.3%	-10	-32.3%*	50.0%	
(2) Among interviewees, tester was offered a job	20	11	55.0%	10	3	30.0%	-8	-25.0%	54.5%	
(3) Among applicants, tester was offered a job ^	--	--	--	--	--	--	-12.6	-40.6%*	27.3%	

^ Column (i) in row (3) = Column (i) in row (1) + Column (i) in row (2) * 10/31. Column (j) in row (3) = 3/11.

* p < .05