PREDICTING SMALL BUSINESS EXECUTIVES' INTENTIONS TO COMPLY
WITH THE AMERICANS WITH DISABILITIES ACT OF 1990 USING THE
THEORIES OF REASONED ACTION AND PLANNED BEHAVIOR
AND THE CONCEPT OF OFFENDER EMPATHY

DISSERTATION

Presented to the Graduate Council of the
University of North Texas in Partial
Fulfillment of the Requirements
For the Degree of

DOCTOR OF PHILOSOPHY

By

Stephen C. Jones, B.S., M.A., M.B.A.
Denton, Texas
December 1998

This study attempted to determine if the theories of reasoned action (TRA) and planned behavior (TPB), as well as a relatively new construct called offender empathy, could help to predict the intentions of small business executives (SBEs) to comply with the employment provisions of the Americans with Disabilities Act (ADA) of 1990. The ADA and other disabilities enactments have significantly impacted the way that SBEs must treat their customers and employees, and that impact is first studied through a review of the legislative and judicial regulations placed on American firms since the 1920s.

The literature on behavioral intentions as theorized by Icek Ajzen and Martin Fishbein is first reviewed. The TRA and TPB suggest that a person’s attitudes about a particular behavior and its results, her beliefs about the attitudes of important referents concerning that behavior, and her beliefs about the control that she has over the resources needed to successfully perform that behavior help to determine her intention to actually perform the behavior. The newer concept, a refinement of Feather’s work on empathy with offenders, was used to adapt the TRA and TPB to the area of legal compliance.
Using Ajzen and Fishbein's methodology, a salient study and two pilot studies helped to create an instrument to determine SBEs intentions. The results of the final study showed that, independently, indirect attitudes, direct attitudes, subjective norms, perceived behavioral control and offender empathy significantly predicted these intentions. A stepwise multiple regression analysis found that only perceived control and subjective norms predicted intentions at the $p < 0.05$ level. Suggestions for future research include methodological concerns about the attitudinal and normative variables and concern that compliance research should focus on one industry in one situation at a time in order to improve construct validity and reliability.
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CHAPTER 1

INTRODUCTION TO THE DISSERTATION

Chapter Introduction

This study analyzes the factors which affect the probability that a small business executive (SBE) - in other words an owner or manager - will comply with government regulations. The likelihood that an SBE will comply with regulations is examined based upon a series of models from various disciplines which attempt to predict behaviors of individuals based on several internal and external factors including attitude, subjective norms and perceived control. Research from the fields of business and sociology will provide the basis for the final model proposed in this dissertation.

This chapter begins with an overview of the premises of the research and the practical steps used to discover the validity of the hypotheses presented at the end of chapter two. The chapter begins with a discussion of the scope of the problem, the significance of the problem, the variables and hypotheses under study, and the methodology used in researching the hypotheses themselves.

The chapter will end with an overview of the current regulatory environment facing small firms in the area of employment disabilities. Because there is such a broad array of regulation at the local, state and federal levels, this study will focus on one piece of federal legislation, the Americans with Disabilities Act (ADA) of 1990, and
because of the breadth of the ADA, the area of study will be reduced further to the employment provisions of Title I of the Act. In order to better focus on the ADA's impact on current business practices, this study will incorporate a historical examination of employment disabilities legislation and court rulings regarding both the ADA and the earlier Rehabilitation Act of 1973.

Chapter two focuses on the models which are used in the experiment for this study. As stated earlier, these models are found in the literature of business and sociology, although their applications have been made in other fields such as recreation and medicine. These models are repeatedly used to predict human subjects' intentions and behavior with varying degrees of success. These models include the Theory of Reasoned Action (TRA) by Ick Ajzen and Martin Fishbein (1980) and the Theory of Planned Behavior (TPB) by Ick Ajzen. The model tested in this study has components from these models and others, and the success of these components in predicting intentions and behavior is examined through a thorough review of the literature including the models from which they are borrowed.

Chapter three outlines the methodology used in completing the experimental portion of this study. The methodology largely follows the instructions from Ajzen and Fishbein regarding replication of their work. A small preliminary study to generate the larger study's variables and a secondary pilot study to further modify the response instrument were conducted according to these instructions using current SBEs and
collegiate business students. The final study was conducted in accordance with the Ajzen/Fishbein instructions using a new and larger sample of SBEs.

Chapter four details the results of the responses to the final study. The results indicate partial validation of the Ajzen/Fishbein and Ajzen models and suggest that variables found in sociological studies may also be useful in studies of SBE reactions to federally mandated employment practices. SBEs tend to rely on the beliefs of peers and on the control they have over their own actions in compliance decisions. However, their behavioral attitudes and the intimidation or example found in the prosecution of other businesses for common and, in some cases, questionably legal infractions may also be of value in predicting SBE reactions to federal regulation.

Chapter five ends the study by drawing conclusions from the results of the experiment and by revising the model proposed in chapter two based on these conclusions. The model reduces the expected influences on intentions and explains why certain variables may be of less value in this situation than they are in other studies. Suggestions for further study are also supplied.

Scope of the Problem

The breadth of the question under consideration for this study is relatively large. The amount of regulation facing SBEs in the area of employment disability spans many years of judicial review covering a variety of federal and state legislative initiatives. It is impossible to cover such a broad topic in the introductory portion of this chapter without making it difficult for the reader to retain the focus of the dissertation.
Therefore, the last portion of this chapter will examine, in depth, the history of employment disability regulation as applied through legislative and judicial proceedings. This delay is not intended to minimize the importance of this discussion. Rather, it is intended to highlight the difficulties of SBEs attempting to fairly comply with the legal responsibilities attached to employing people with disabilities in the modern workplace. Most of the initiatives which will be discussed arise from genuine concerns for the worker who has a disabling condition, but the scope of such initiatives far exceeds the abilities of most SBEs to competently and completely grasp without intense study.

Significance of the Problem

The number of regulations facing American firms grows annually, and the weight of this legislation is seen by some as an inhibiting factor in the creation of new firms in certain industries. At least one study has found that an increase in new governmental regulations has an adverse impact on new firm entry into an industry (Dean & Brown, 1995). This same study found that the firms which tend to flourish most in a regulatory environment are those aimed at guiding other firms through the regulatory process.

Franklin and Goodwin (1983) found in a survey of 670 mostly small firms that three of the top ten problems facing management were government-related. The amount of government regulation ranked third, difficulty with those regulations ranked fourth, and federal agencies in general ranked seventh. Nevertheless, it was found that
those firms that are seen as compliers with government regulation prefer regulation to de-regulation.

The ADA was created by Congress to provide opportunities to a minority which, until the ADA, had been protected only under circumstances involving government suppliers through limited application of the Rehabilitation Act of 1973. This act, though, has added to the regulatory burden of businesses of all types and sizes in the U. S., and Dean and Brown's (1995) observation that regulatory assistor firms flourish seems to be borne out in practice. Vendors and contractors with assistance products and services have bloomed everywhere since the announcement of the ADA's passage and signing (Gilbert, 1992).

Small firms are especially concerned with new legislation for a variety of reasons. Stevens (1986) and Gilbert (1992) found that employers are seriously under-informed about such subjects as disability rights and support systems. Woo (1992) found that small firms are typically the worst discriminatory offenders, and most firms often ask for illegal information in the application or interview processes, usually by accident. While firms are, in general, interested in the concept of workplace diversity (Gerber, 1992), their best advisors are often uninformed about key regulatory concepts and implementation. A 1992 poll of insurance risk managers revealed that very few had even read the ADA document even though its implementation was imminent for their clients (Haggerty, 1992).
A variety of sources have placed the number of Americans with disabilities at a fairly high level, and the estimates of barriers they face at the workplace have been substantial. The U. S. Congress, in adopting the ADA, noted that as many as 43,000,000 Americans have physical and/or mental disabilities which limit their ability to function in society (2(a)(1)). The number of people with severe disabilities rose dramatically (178%) among the 17-44 year-old population between 1964 and 1989 (Watson, 1989). People with work disabilities are most likely to be the poor, African-Americans, women, those with an 8th grade education or less, or males 55-64 years old (Bennefield & McNeil, 1989). Of this group, recent estimates peg the employment rate at about 29% (Quitanilla, 1993), and 2/3 of those who are unemployed want to work if given the opportunity (Hill, Mehnert & Lederer, 1987). The situation for people with mental disabilities is even worse as the average income for this group is estimated at only $5,000 (Carling, 1993), compared to the 1996 average annual earnings of about $26,800 for all Americans (The World Almanac, 1997).

Another problem facing people with disabilities is that, even though they may be quite capable of performing the essential functions of a job, with or without reasonable accommodation as provided by the ADA, they often face difficulties securing those jobs in the first place. Nordstrom, Huffaker and Williams (1998) found three factors about a person with a disability (PWD) that may limit his or her chances at getting a job: (1) the nature of the disability; (2) the level of visibility of the disability; and, (3) the perceived responsibility of the person for his or her disability. Others have found this
last factor to be especially important in the interviewing and hiring decision (D'Angelo, McGuire, Abbott & Sheridan, 1998; McBride, 1998). Another study, however, found that supervisors tend to give people with disabilities the benefit of the doubt and increased leniency in evaluations unless specific performance guidelines have been established to reduce an evaluation’s subjectivity (Czajka & DeNisi, 1987).

Limitations of people with disabilities are often assumed by observers, even when no such limitations are present or when they can effectively be overcome. Employers use these presumed limitations to make hiring decisions, especially when the applicant’s real ability to do the job, regardless of disability, is in question (Nordstrom, Huffaker & Williams, 1998). Persons with AIDS (PWAs) are especially likely to be discriminated against because of the nature of the disease as well as perceptions of how they received the disease. The focus of much of American society is still on the homosexual transmission of the disease, and perceptions of having received AIDS through sexual transmission usually labels the person as unhireable (D'Angelo, McGuire, Abbott & Sheridan, 1998; McBride, 1998). Even if the person did not receive the disease by sexual transmission, perceived, imagined or real character flaws will often become the basis for the hiring decision (McBride, 1998). D'Angelo, McGuire, Abbott and Sheridan (1998) found that the only real way to overcome these perceptions is through increased knowledge of AIDS among the general populace and increased contact with PWAs. Other studies have agreed with this conclusion and added that increased contact with people with disabilities tends to reduce discrimination.
and exclusion (Lord, Desforges, Ramsey, Trezza & Lepper, 1991; Maras & Brown, 1996).

This dissertation, though, is not intended to examine how and why people with disabilities become disabled nor why they have difficulty finding suitable employment. Rather, it is aimed at determining the factors which most influence SBEs to comply with government employment regulation, especially regulation which seems to have a fair amount of popular support. The ADA adds to the complexity of the legal environment for the small firm in that it requires changes to the plant, the work environment and the human resources practices of all firms under the ADA. The ADA also increases the level of contact that SBEs must have with federal agencies such as the Equal Employment Opportunity Commission (EEOC), the Occupational Safety and Health Administration (OSHA), and the Department of Justice (DOJ). These agencies, among others, have been charged with the enforcement of certain provisions of the Act or with related criteria for compliance.

Hypotheses and Variables

The main theory which governs this research is that small firms can be expected to comply with government regulations based upon four main factors: (1) the beliefs and attitudes of SBEs toward a specific regulation; (2) the social, legal, competitive and institutional pressures faced by SBEs to comply with that regulation; (3) the perceived ability to comply as viewed by SBEs within their firms; and (4) the reaction of SBEs to enforcement measures employed against other similar firms. This theory is based upon
several streams of research which will be examined in more depth in chapter two. However, this research is briefly summarized in the following paragraphs.

SBEs who have more positive attitudes and beliefs concerning certain pieces of government regulation are more likely to comply with those regulations than are those SBEs whose attitudes and beliefs are relatively negative. Ajzen and Fishbein (1980) use attitudes and beliefs as the first variable in their Theory of Reasoned Action (TRA) as a predictor of intentions to perform a certain behavior. Firms that have the financial, structural and human resources readily available to comply are more likely to feel positively about compliance than are those whose resources are strained or constrained.

Research seems to indicate that compliant firms are those which: (1) are surrounded by positive and compliant corporate role models; (2) have management members with socially compliant role models; (3) face competitive pressures from other firms or from customers regarding compliance; or (4) perceive that governmental enforcement pressures are strong and imminent. These firms are more likely to feel the weight of peers as an aid to deciding whether or not to comply. Those firms with strong pressures to comply are more likely to do so, and those with strong pressures against compliance are more likely to refuse to do so.

SBEs whose firms are resource deprived or constrained are less likely to comply than those whose firms are resource rich. SBEs whose firms have rigid policies regarding compliance are likely to abide by those policies, whether or not the policies
lead to compliance. SBEs with little personal autonomy in decision-making are less likely to comply than those who have been given the authority to comply.

Finally, SBEs may observe or learn of other firms which have been charged with non-compliance. The reactions of the SBE to that enforcement instance may also foretell the SBE’s likelihood of compliance. Research has shown that those individuals who identify strongly with the offending organization are less likely to comply than are those who believe the enforcement and penalties to be justified.

The hypotheses of this research are based upon the concepts of cognitive beliefs, affective attitudes, social normative pressures, available resources for compliance and perceived enforcement pressures as they relate to intentions to comply. For reasons of practicality, this research will not explore the actual compliance of the respondents. Such an undertaking would entail far more time and resources than are available, and the legalities of such research would be questionable. For example, one method of compliance involves the recruitment and selection processes of applicants with disabilities. The ADA specifically prohibits the sharing of confidential disability information with anyone except the specific management personnel who must know of a condition. This point will be discussed in more detail later when conflicts between the ADA and other federal legislation are explored. Suffice it to say that the verification of the hiring of applicants with disabilities to generate a researchable database would effectively break the law.
The above variables are critical to the hypotheses of this research. Cognitive beliefs are defined by Ajzen and Fishbein (1980) as the rational bases for attitudes about objects. They include knowledge and experiences which help to form attitudes. Affective attitudes, according to the same research, are the emotional conclusions that humans make about objects based upon their beliefs. Social normative pressures are those pressures which peers and society place on a person in order to force him or her to take a certain desirable action which otherwise might not be taken. Intentions are the statements of purpose to engage in a specific behavior. Available resources for compliance, according to Ajzen’s (1988) research, include the authority to take action, the funds to undertake a project, and the skilled labor to complete it. The bulk of sociological and criminological research indicates that perceived enforcement pressures refer to perceived probability that a non-compliant firm will be investigated, detected, prosecuted, convicted and punished for a crime.

The following list of hypotheses is discussed in greater detail later in this research. The list, however, will provide a framework through which the introductory chapters can be viewed. The hypotheses are:

Hypothesis 1: SBE behavioral attitudes regarding employing and reasonably accommodating workers with disabilities in general will predict SBE intentions to employ and reasonably accommodate workers with disabilities in the respondent’s firms.

Hypothesis 2: SBE perceived subjective normative pressures regarding employing and reasonably accommodating workers with disabilities in general will predict SBE intentions to employ and reasonably accommodate workers with disabilities in the respondent’s firms.
Hypothesis 3: SBE perceived behavioral control regarding employing and reasonably accommodating workers with disabilities in general will predict SBE intentions to employ and reasonably accommodate workers with disabilities in the respondent's firms.

Hypothesis 4: SBE empathy with convicted offenders of the employment provisions of the Americans with Disabilities Act of 1990 (ADA) will predict SBE intentions to employ and reasonably accommodate workers with disabilities in the respondent's firms.

Methodology

This study was conducted with respondents in Michigan, Missouri and Texas and with respondents from a variety of backgrounds. The preliminary study to determine the items for the instrument was conducted using ten SBEs in a variety of industries who independently supplied their views on audiotape or on paper to open-ended questions fashioned according to the format suggested by Ajzen and Fishbein (1980). The items suggested by these respondents were then combined into a smaller list of factors which were then supplied to upper-level business students at small colleges in Michigan and Missouri. These students provided input on the clarity of the questions in the early instrument and provided a basis for determining the reliability of the instrument through a preliminary Cronbach's alpha.

The preliminary survey was then revised using this student input into a smaller and clearer instrument, again following the procedures set forth by Ajzen and Fishbein (1980). This second survey was then personally delivered to 85 small manufacturers in the Oakland County area of southeastern Michigan for a final test of the reliability and clarity of the instrument. About 20% of the sample group returned usable surveys.
which were analyzed as if this had been the final step of the research. The results suggested that the variables were indeed of some value in predicting the intentions of the respondents to comply with employment disabilities regulations.

The success of this last step led to the final survey administration to SBEs in the Dallas/Fort Worth area. Over 100 SBEs were presented with the final survey and were asked to complete the survey on-site with the administrator in attendance. The analysis of survey responses found that certain of the research variables had a much higher predictive ability than others. Specifically, each of the global variables, separately, predicted the global intention variable in linear regression equations. In a multiple regression equation using the global variables, only global norms and global control significantly predicted global intentions \((R^2 = .338)\). When testing the model-specific variables (direct attitudes, indirect attitudes, subjective norms, perceived control and offender empathy) for intention prediction, separate linear regressions for each variables were found significant at the .05 level. A multiple regression equation to predict intention found that only perceived control and subjective norms were significant \((R^2 = .412)\). These results are consistent with other tests of the Ajzen/Fishbein models. Conclusions and suggestions for further research are made based upon the results gained from this last research step.

Current Regulatory Environment

This section will first examine the legislative and judicial regulations concerning employment disabilities in the workplace. It will then examine the reactions that firms
have shown to these regulations. The regulations portion is a rather thorough review of
the legislative and judicial history of employment disabilities, but it lays the
 groundwork for an understanding of the reasons behind the enactment of the Americans
with Disabilities Act. The ADA is the product of several decades worth of federal and
state laws which have guided courts in determining the types of individuals to be
protected from discrimination and the limit to which that protection may be extended.
The Congress that enacted the ADA had the benefit of years worth of court rulings and
observed business reactions to disabilities and discrimination legislation in helping it to
fashion the specific requirements of the law. This background is the basis for the first
part of this section.

Legislative History

This section discusses the federal legislation, regulation and programs which
have been enacted to improve the employment opportunities available to people with
disabilities. Those firms which meet the requirements established within each program
(e.g., the number of employees or receipt of federal funds) must adhere to the
specifications outlined in each program for hiring, promotion and similar human
resource functions. Businesses which have received no grants or other funds from
federal sources may still be required to follow federal standards for employment
functions or record keeping (e.g., the Civil Rights Act of 1991 or the federal tax code
for employee deductions). Several specific federal programs have been established
which were, at least in part, intended to improve the employment opportunities for
those with disabilities while others have been found to have some measure of conflict with these programs. This section will first discuss the federal programs set up to enable people with disabilities and then it will discuss those programs which in some way conflict with disability legislation, specifically the Americans with Disabilities Act (ADA).

Federal legislation, regulation and programs

Javits-Wagner-O'Day Act (1938). This legislation was, with the Randolph-Sheppard Act (1938), one of the first acts which attempted to make employment opportunities for people with disabilities a reality. This Act specifically allows federal agencies and departments to procure goods and services from organizations that serve the blind and other people with severe disabilities. These organizations may employ people with disabilities or they may simply work to provide aid to people with disabilities. The intention of this Act is to increase the likelihood that these organizations will prosper and that they will provide employment to people with disabilities (Perlman & Kirk, 1991).

Randolph-Sheppard Act (1938). Like the Javits-Wagner-O'Day Act (1938), the Randolph-Sheppard Act expands the role of the federal government in the empowering of people with disabilities. Specifically, it authorizes vending operations run by blind individuals on federal property or on property under the control of federal agencies or departments. After amendments to the Act in 1954 and 1974, this authority was expanded to state properties, agencies and departments. Again, the aim of the Act is to
provide more opportunities for people with disabilities to find employment or business positions.

Each of these acts directly focused on assisting the blind. Even the Javits Act was really intended to serve the interests of the blind, although other individuals with "severe" disabilities were included. The opinion of lawmakers at the time was that blindness was a severe disability. These acts still provide opportunities which might not exist without the legislation. However, many authorities are more reluctant to term blindness, deafness and other similar disabilities as severe. Additionally, the Javits Act does not directly empower the blind so much as it empowers those agencies and organizations which serve them.

Rehabilitation Act of 1973. The Rehabilitation Act was one of the broadest acts of its kind in attempting to provide opportunities for rehabilitation, training and employment for the disabled workforce in America. A large number of programs and grants for individuals and organizations were established through this Act, and the number of programs can continue to increase based upon available federal funding. However, from a business standpoint, the Act is limited in scope. Either an organization must do a significant amount of business with the federal government to qualify for its provisions or the organization must request federal consideration under a specific program. While the Act itself was designed to meet the needs of all people with disabilities, as defined in the Act, the emphasis throughout the 1980s was on those individuals with more severe disabilities (Perlman & Kirk, 1991).
Under the Rehabilitation Act of 1973, there are a variety of programs which provide opportunities for individuals with disabilities to exercise employment rights. The Client Assistance Program, for example, advises individuals of all benefits and assistance available to them, including legal assistance. From an employment standpoint, this program has enabled many individuals with disabilities to determine whether or not he or she was the victim of employment discrimination and how to receive proper legal action to remedy the situation. As will be seen in the judicial history portion of this section, many individuals have, on their own or through state and federal agencies, exercised their legal rights to employment.

The Rehabilitation Act of 1973 also provides incentives to organizations for employment of people with disabilities. Funds are set aside for a variety of public, private and non-profit organizations to provide training and employment assistance to people with disabilities. Other funds are made available to employ assistants for the blind and the deaf to read or interpret for them in order that they may better perform their job functions. Other funds are dispersed as grants to individuals with disabilities to begin or manage their own small firms.

The Act also details proper employment procedures in regard to people with disabilities for those employers that do sufficient business with the federal government. These employers are required to follow specific guidelines such as providing reasonable accommodations to applicants and workers with disabilities, providing a workplace free of obstacles to those with disabilities, and providing training and rehabilitation to
workers with substance abuse problems. These requirements are designed to make certain that people with disabilities are not barred from federally related employment opportunities as a result of any specific disability, except in situations which would place others or the organization at risk.

The Rehabilitation Act of 1973 was written with all individuals with disabilities in mind according to the definitions of disabling conditions which were current at that time. Since the Act was written, the opinions of experts on the nature of disabilities and impairments, the number of conditions identified as disabilities, and even the language of disability have changed dramatically. For example, such terms as handicapped and retarded are out of favor, and may even be regarded as offensive, while only twenty-five years ago they may have been used without intended harm to describe a person with a disabling condition. The use of terms such as blind or deaf has changed to such terms as sight- or hearing-impaired. The Act was written with good intent, but the focus has been radically shifted since its inception.

Targeted Jobs Tax Credit (1977). This Act, in part, provides a tax credit for a period of up to one year to businesses for training and employing individuals with disabilities. Minimum employment and training periods are specified, but businesses only receive tax credits for workers with disabilities for the first year of their employment. These tax credits should encourage the employment of individuals with disabilities, at least on a short term basis (Perlman & Kirk, 1991). Rehabilitation counselors under the Rehabilitation Act of 1973 have used this bill to encourage
employers to place workers with disabilities in the private sector, most often employing individuals who would have found it difficult to secure a position autonomously.

Civil Service Reform Act (1978). In the Civil Service Reform Act, federal agencies and departments were authorized to hire assistants for blind and deaf workers to enable them to perform their jobs more effectively. However, acknowledging that individuals with disabilities often hire their own assistants for personal reasons, it also allowed these assistants to be paid by the worker's personal funds or by funds from non-profit agencies. Although the Rehabilitation Act of 1973 provided funds to employ assistants for workers with disabilities, federal agencies were slower to take advantage of this provision than the private sector, thus the Civil Service Reform Act was designed to encourage federal participation in a federal program. The importance of the Act to this dissertation is that it codified a responsibility to provide assistants for certain individuals with disabilities within federal agencies which was then applied to state agencies and to firms of reasonable size.

Job Training Partnership Act (1982). This Act was intended to provide training and employment opportunities to disadvantaged individuals, one group of whom was identified as individuals with disabilities, by providing funds to projects which create such opportunities. Until recently, most projects funded by the Act had been for persons with mild or moderate disabilities (Perlman & Kirk, 1991), although in recent years persons with severe disabilities have benefitted from them as well.
These last three legislative works shifted the focus of employment efforts from persons with sight and/or hearing or other "severe" disabilities to those with less severe impairments, based in part on the effects of the Rehabilitation Project of 1973. Additionally, most organizations receiving funds from federal programs were those which were governmental or non-profit. With these last three acts, American businesses became increasingly empowered and responsible for the rehabilitation, training and employment of persons with disabilities in the workforce. While the Civil Service Reform Act was created as a standard for federal agencies, its provisions quickly became a standard for private firms as well. This point will be further discussed in the section on judicial history.

Americans with Disabilities Act (1990). Congress determined in its hearings prior to the passage of this Act that certain factors were of sufficient importance to require that a specific series of statutes be enacted to protect the rights of individuals with disabilities in a variety of situations. Previous acts had protected their rights under more narrowly defined circumstances, but this Act was intended to be a more wide-sweeping attempt to protect the rights of persons with disabilities in America. Some of the major Congressional findings which prompted or justified the Act were: (1) that over 43,000,000 Americans were disabled either physically or mentally and that that figure was increasing each year; (2) that persons with disabilities did not have the broad anti-discriminatory protection afforded to other individuals under previous civil rights legislation; and, (3) that the continuation of this situation for persons with disabilities
would effectively require the propagation of a system of wasted tax dollars used toward redressing poverty situations when a market-oriented solution was a better use of resources (42 U.S.C. §12101).

The Act, then, was geared toward both redressing the "wrongs" which had befallen persons with disabilities and toward providing a meaningful manner of delineating the responsibilities of public and private institutions toward them. Title I of the Act defines the terms and conditions under which each of the following sections is to be interpreted. Title II addresses the responsibilities of the state and local public sector toward persons with disabilities, including employment, program accessibility and communications facilities. Title III addresses the responsibilities of the private sector with regard to employment and facilities access requirements.

The Act defines a disability as: "(A) a physical or mental impairment that substantially limits one or more of the major life activities of [an] individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment." (42 U.S.C. §12102 (2)). This relatively broad definition was intended to protect all individuals who could reasonably be regarded as disabled by the courts, but it was not intended to be misconstrued as including any and all individuals who might declare themselves to be disabled. To protect against the most egregious abuses of the definition, the code defines relatively clearly which kinds of individuals are in no way to be considered as disabled, and therefore protected by the ADA. Some unprotected individuals would be:
- current illegal drug users or on-site alcohol abusers (42 U.S.C. §12114);
- homosexuals and bisexuals (42 U.S.C. §12211);
- transvestites, transsexuals, pedophiles, and similar sexual preferences which were not the result of physical impairments (42 U.S.C. §12211); and,
- compulsive gambling, kleptomania or pyromania (42 U.S.C. §12211).

It would appear that these specific exceptions were inserted to give the courts an idea of the restrictive nature of the disability definition intended by Congress in order to ward off what might be considered more "marginal" or less "mainstream" conditions according to what they may have expected popular opinion to be. As will be seen later in this chapter, though, the courts have allowed such conditions as physical appearance to be considered as disabilities under the proper circumstances. It is unlikely that the enacting Congress had such conditions in mind when it passed the ADA given the restrictions it placed on what was to be considered a "viable" disability.

The ADA specifies that employers of all types may not discriminate against employees or applicants for employment by "excluding or otherwise denying equal jobs or benefits" or by "not making reasonable accommodations to the known physical or mental limitations" of otherwise qualified individuals with disabilities protected by the Act. The only exceptions are for accommodations which are unreasonable because of the imposition of an "undue hardship on the operation of the business" (42 U.S.C. §12112). This exception is, as will be seen later, the best defense for a defendant charged with violating the ADA, but the Act does not leave much room for doubt that any party which willingly restricts the rights of access to employment opportunities for persons with disabilities.
The legislation and programs outlined in this section were created to facilitate the entry of individuals with disabilities into the workforce. Like the ADA, these federal actions were initiated by concerned individuals, but sometimes these programs have conflicted with other equally noble employment-related legislation. These conflicts are discussed next.

Other federal and state programs

In this section, federal and state programs which are affected by federal employment legislation pertaining to persons with disabilities are discussed. The majority of conflicts arise between provisions in the Rehabilitation Act of 1973 and the ADA as they relate to the National Labor Relations Act (NLRA) and the Family Medical Leave Act (FMLA). These two acts will be discussed first, followed by other federal legislation and then state-driven initiatives.

National Labor Relations Act. When Congress passed the ADA, it understood that there was a high likelihood of conflict between the ADA and the NLRA, and it suggested that unions could give up some authority over the employment rights of persons with disabilities in order to allow employers to more easily accommodate these workers under the ADA (Allison & Stahlhut, 1994). It then expected the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB) to work out the differences and conflicts between the two governing acts before the implementation date of the ADA. Major conflicts are still unresolved (Allison & Stahlhut, 1994).
Under the NLRA, the employer must involve union representatives in all material changes to working conditions and may not make unilateral changes to the working conditions of any one employee without the involvement of these representatives. In fact, changes to the working conditions which are not applied to all other similar employees may also be a violation of the NLRA (Allison & Stahlhut, 1994). Courts and the NLRB have consistently ruled against firms which have either acted individually with workers with disabilities under a collective bargaining agreement or which have acted to change conditions or accommodate employees with disabilities without involving union representatives (Harty, 1992; J. Smith, 1992).

Overall, the courts have generally favored the NLRA over the Rehabilitation Act of 1973 when a conflict arose between the two (J. Smith, 1992). As for the ADA, many labor experts agree that §501 of the Act gives more rights to persons with disabilities than to the non-disabled in the workplace, but few believe that the courts or the NLRB will recognize this discrepancy as binding (J. Smith, 1992).

Discrepancies exist even between the two major disability workplace acts and how they interact with the NLRA. The ADA recognizes that employers may be required by the Act to reasonably accommodate workers in ways which might be illegal under the NLRA. The Rehabilitation Act prohibits any such accommodation requirements (Allison & Stahlhut, 1994). The ADA does not allow any agreement provisions under collective bargaining which, if implemented individually with employees with disabilities, would be illegal (Allison & Stahlhut, 1994; Harty, 1992).
The Rehabilitation Act might allow such agreements, but all changes to any bargaining agreement must be made with the full knowledge and cooperation of union representatives (Crow & Hartman, 1993).

The federal authorities have apparently sought to end conflicts between the acts. Courts are allowed to force binding arbitration procedures between parties in order to resolve disability discrimination complaints (Austin v. Owens, 1991). However, the EEOC has ruled that the resulting agreements, though binding and voluntarily entered into, may not stand as effective resolution of discrimination complaints (Crow & Hartman, 1993). The EEOC has also ruled that a bargaining agreement may delineate the essential functions of a position as required by the ADA (Allison & Stahlhut, 1994) and that collective bargaining agreements may provide sufficient evidence to back an employer’s claim of undue hardship in a discrimination complaint (Allison & Stahlhut, 1994; Crow & Hartman, 1993).

While the percentage of workers covered by collective bargaining agreements seems to be shrinking below historical highs, the number of disability discrimination complaints under such agreements may be on the rise. Employers find that the two main laws governing employment practices for these workers, the ADA and the NLRA, conflict in terms of the operational requirements for equitable treatment of these workers. This places employers in a difficult, and perhaps untenable, position. A further area of conflict, medical information dispersal, will be dealt with in a later section, but it also highlights a conflict between these and other employment acts.
Family Medical Leave Act (FMLA). The first major difference between the ADA and the FMLA lies in whom is protected or covered by each act. Under the ADA, a person must have a disability which limits one or more life activities to be covered. Under the FMLA, a person is covered if they either have or are related to someone who has a serious medical condition (Aron & deAgazio, 1995). The FMLA does not require that the condition become disabling or limiting before the person is covered by the Act, but the ADA may be more inclusive than the FMLA in that the condition need not require hospitalization before coverage begins (Aron & deAgazio, 1995). This protection of long-term, disabling conditions under the ADA broadens its effective usage in the workplace, but the coverage is not necessarily immediate. Under the FMLA, a covered person is immediately protected by the Act’s provisions; under the ADA, the eligible person must request protection or special consideration from an employer before actual coverage begins. However, the FMLA only provides protection for twelve weeks, whereas protection under the ADA may be for an indefinite, or even permanent, period of time (Aron & deAgazio, 1995).

The amount of latitude available to the employer under each act varies as well. Under the FMLA, the employer has no right to refuse a qualifying employee’s request for leave. The ADA, on the other hand, allows the employer to refuse to make accommodations which he or she may show to be unreasonable (Aron & deAgazio, 1995). The FMLA allows employers to require medical exams in order to verify the qualifying status of an employee requesting leave. The ADA prohibits such exams
unless they can be shown to be job related or essential to the position held by the employee. Additionally, the FMLA prohibits the employer from using sporadic leave-request absences against an employee in disciplinary or promotion related procedures, while the ADA allows an employer to use the absence incidence rate of an employee as evidence of an inability to perform the functions of a position or of unreasonable accommodation requests, perhaps leading to termination proceedings (Aron & deAgazio, 1995).

In sum, the FMLA and the ADA differ on fundamental issues of who is protected and under what circumstances they are protected. These similar but conflicting acts may cause an employer to be placed in a position where they must broaden the coverage of each act in the workplace in order to accommodate the two at once. Employees who are covered under both acts might then be able to make unreasonable requests due to coverage conflicts, much to the detriment of the employer or firm. This could alienate an employer against the acts thus making compliance unlikely.

Civil Rights Act of 1991 (CRA). Only one major conflict has been documented between the ADA and the CRA. Cook (1992) indicates that a major function of the CRA is to eliminate employers' exclusive reliance on applicant qualifications in determining employment. In direct contrast, the ADA prohibits employers from making employment decisions based on anything but the qualifications of the applicant or employee to perform the job functions under question. A possible conflict could
occur when two applicants for a position could each claim employment discrimination protection under the two laws, one as a result of a disabling condition and the other as a result of minority status. The employer would need to decide very carefully which law was most likely to be broken or under which law protection was strongest in order to avoid an infraction. Thus, the employer is forced into making decisions of degree which even the courts have not settled satisfactorily.

U. S. Department of Transportation (DOT). DOT rules for substance abuse related conditions may conflict with the ADA’s protection of persons in these groups. Allison and Stahlhut (1995) note that the DOT rules apply to all substance abusing employees, although the application of those rules does not necessarily relate to protection of the sort provided by the ADA. The DOT covers alcoholics and both past and current drug abusers to the extent that each must show an absence of such substances in the blood during random or scheduled testing. Employees with serious alcohol problems or those who test positive for illegal substances (or abusive levels of other controlled substances) may be summarily terminated by the employer.

The ADA does not protect current illegal drug users, but former users and past or current alcoholics may claim protection under the law. Feasibly, an employee could claim protection for alcoholism under the ADA while an employer could attempt termination under the DOT. Such termination proceedings may even be required by the DOT under certain circumstances. The key to the case would be whether the employee had violated the law or had been intoxicated while on duty, either of which would give
the employer reasonable grounds for termination under both regulations. Interestingly, the ADA and the FMLA protect the substance abuser in a similar manner and may require similar treatment and leave provisions, both of which could conflict with DOT rules.

Workers Compensation Programs (WCP). These programs typically allow states to establish definitions and protections for employees and employers as well as use and abuse provisions for employee disability information. Employees or applicants who qualify as disabled under WCPs may find themselves disqualified by the ADA because they are still able to perform the basic functions of the job (Aron & deAgazio, 1995). Cases where less than total disability is claimed may result in more definite conflict for the employer between the ADA and the WCP. These programs characteristically allow employers to ask applicants and employees about past disability claims in order to determine (a) fitness for employment, and (b) probability of disability claims and problems.

The ADA, on the other hand, prohibits the employer from asking any question which might require or elicit an answer which would contain information about a disability. Such questions or investigations would, under the ADA, be discriminatory and might result in an employment determination which was not based on the applicant's ability to perform the essential functions of the position (Aron & deAgazio, 1995). Also, employers are not allowed to rely on these histories of disability to project future disability claims nor discriminate against applicants on the basis of these
projections. One federal agency which might help to alleviate this conflict is the Occupational Safety and Hazard Administration (OSHA). It has been predicted that improved OSHA compliance by an employer could reduce the incidence of worker injuries, reducing further the compliance measures needed under the ADA (Aron & deAgazio, 1995).

Other employment related concerns

Wellness Programs. Wellness programs have been implemented by many employers typically in order to reduce insurance costs and to improve employee health and morale. The ADA, however, may reduce the effectiveness or even prohibit certain programs in the workplace. According to Bogardus (1993), these wellness programs often target individuals with high blood pressure, the obese and those with other similar health concerns. Under the ADA, those individuals are protected from discrimination of all types. Employers could not require that employees from a protected group participate in a wellness program simply because of the disability. Higher insurance rates could not be used by the employer to justify such programs, and insurance companies might be prohibited from requiring employer programs targeted to at risk individuals.

Employee Testing. Under the ADA, employers are allowed to test applicants and employees for a variety of reasons, although at-will testing without valid employment-related reasons is restricted. Employers must validate this employment-related reason if challenged in court. The ADA allows employers to test applicants and
employees for current drug status as part of the Drug Free Workplace program (Ravid, 1991). Employers may also require emotional and psychological tests if the reasons are job-related (Klimoski & Palmer, 1993). Employers must, however, be willing to accommodate certain persons for test-taking disabilities if the tests themselves are required for employment (Nester, 1993).

Medical Information Disclosure. This area is of concern to a variety of federal programs since each treats the release of information and its report to the employer in a different manner. The ADA requires the complete confidentiality of any information relating to the disability status of an applicant or employee. This information is not to be released to anyone who does not have an essential need to know of it (e.g., an immediate supervisor or medical technician). The information itself must be kept separate from the employee's general file, and it must be kept secure from general access by other employees. This provision is intended to encourage the disclosure of status by the employee with disabilities to management without fear of retribution or the spread of that knowledge among the staff. It is easy to see the possible consequences of one's disclosure of having AIDS or other similar conditions if it was likely that all other employees would be aware of one's status in a matter of time.

The NLRA, however, requires that union representatives have adequate knowledge of all important employee information in order to better represent the employees in negotiations and other human resource functions (Crow & Hartman, 1993). If employers do not release all employee information to such representatives,
they could be found in violation of good-faith bargaining rules (Allison & Stahlhut, 1994). The ADA, though, bars the release of all employee-specific information during grievance procedures or arbitration talks as well, thus restricting the ability of employers to justify measures which might violate the regulations against unilateral dealings with specific employees in material matters (Allison & Stahlhut, 1994). One method for overcoming this problem was established in a 1983 court ruling which required the removal of employee identification information from disclosed disability data so that the employer could provide the information to the union without breaching the confidentiality of an employee’s disclosure (Oil, Chemical & Atomic Workers Local Union No. 6-418 v. National Labor Relations Board). The employer still has the burden of safeguarding the data while releasing it selectively to government-recognized representatives, a situation which has the potential for unauthorized breaches of confidentiality, opening the doors for a variety of lawsuits.

Additionally, the ADA and the FMLA prohibit the release of this confidential information except as needed for the sake of the employee, while yet another federal program requires its release to a third party. The DOT requires that government investigators have access to substance abuse tests of all drivers employed by a firm in order to verify compliance with federal standards of safety (Allison & Stahlhut, 1994). The conflict here is that a federal agency could require the complete release of this information, including the identity of the employee, but the employee could file a grievance against the employer for breach of confidentiality, especially if the result of
such release was the termination or discipline of the employee. The employer is again caught between conflicting regulations which require differing methods of handling sensitive data.

If the employer requires medical testing or verification of ability to work by a physician, another area of data sensitivity is created. Physicians are cautioned by experts to follow strict rules of medical information reporting to reduce liability in employment cases (Ravid & Menon, 1993). Specifically, physicians should only release the lack or presence of a functionally limiting condition without passing judgement on its status as a disability (Fram, 1993). For positions requiring emotional or psychological testing, psychiatrists should narrow their assessments to the ability of the patient to function in a specific job, not assess the general functionality of the employee or applicant (Ravid, 1992). A physician who discloses general information or broadens the conclusions inappropriately is risking liability for refusal to hire or for termination if the employer relies on the diagnosis provided (Fram, 1993).

The key to the information release question is that disability information and conclusions drawn from it should be limited in scope and should be accessible only to those who absolutely need to know it. General release of this information or broad generalizations based upon a disabling condition are inappropriate and illegal.

This section has dealt with the variety of federal and state programs which are related to employment of persons with disabilities. It has also reviewed several employer practices which have a bearing on the treatment of persons with disabilities in
the workplace. In general, the employer must find it difficult to not only keep up with the variety of record keeping and reporting requirements placed on businesses by the government, but also to keep the regulations from interfering with each other in the workplace. Organizations which are heavily interfaced with the government will find it increasingly difficult to keep the regulations organized sufficiently in order to maintain compliance and avoid violations, especially inadvertent ones. The attempt to better interpret these regulations has been taken up by the courts, and the resulting decisions are the basis of the next section of this chapter.

Judicial History

The case law applying to disabilities employment discrimination is generally defined through the Rehabilitation Act of 1973 and the various state laws which were created as a result of that Act. The Americans with Disabilities Act (ADA) was modeled on these pieces of legislation in order to reflect current case law as well as to standardize the treatment which was to be given to persons with disabilities in both the public and private sectors. This section refers principally to employment case law, although tangential case histories may be used where it applies to the work environment. The major areas within this section are: disability definitions, status and qualifications; rejection and termination factors; disability accommodation rulings; and discrimination claims rulings. These areas will be further subdivided as necessary.
Disability definitions, status and qualifications

This area of case law describes the individuals who are or are not protected as a result of a disabling condition or the perception of others about such a condition. Under pre-ADA law, individuals who were not disabled but were considered to have such a condition were protected as disabled under certain conditions. The ADA codified this practice further by extending this protection to all persons who were believed to have a disability, who were treated as if they had a disability, or who were associated with persons with disabilities. In addition, it repeated the definition of disability as delineated in the Rehabilitation Act of 1973, state laws and codes, and case law resulting from this legislation. This section reviews the case law that deals with the definitions of disabilities, both general and specific, which determine the standing that a particular person has before the law concerning employment protection.

Disability perceptions. As far back as 1980, the courts have ruled that persons who are perceived to have a disability, whether they actually do or not, are protected as having one by the law (E. E. Black, Ltd. v. Marshall, 1980). Subsequent court rulings have affirmed this decision (Carter v. New Orleans, 1984; Thornhill v. Marsh, 1989). Additionally, co-worker perceptions and misperceptions concerning disability status can be used as evidence of discrimination or as a cause for protection in employment (School Board of Nassau County, Florida v. Arline, 1987). The ability to control the disabling condition does not change the protected status of the person (Jackson v. Maine, 1988). Individuals may be protected from disability discrimination whether or
not they have a disabling condition, as long as others perceive their condition to be disabling. An example of this might be an employee who seems to be sick more often than other employees and who is thought to be homosexual could be assumed to have AIDS. It is not necessary that the person be sick more often than others nor that he or she be homosexual nor HIV-positive in this instance. The fact that others, especially a supervisor, might perceive the person as either being HIV-positive or having AIDS and acting upon those perceptions qualifies the person as a protected entity under the ADA.

Required job limitations. A disability must also cause accompanying job limitations in order for the person to be protected against discrimination. Courts have traditionally ruled that disabilities without impairments do not qualify for protected status (Fogel v. Trustees of Iowa College, 1989; Man-of-Jerusalem v. Hill, 1991; Santiago v. Temple University, 1990). Additionally, the limitation must be broad in scope, not focused in its effect on employment status. Individuals who are prevented from holding a specific type of job are not considered disabled for protection purposes (Bolton v. Scrivner, Inc., 1993; Chandler v. City of Dallas, 1993; E. E. Black, Ltd. v. Marshall, 1980; Forrisi v. Bowen, 1986; Jasany v. U. S. Postal Service, 1985; Miller v. AT&T Network Systems, 1989; State of Minnesota v. Hennepin County, 1989). Even the inability to do a range of jobs is not necessarily considered a protected condition (Chandler v. City of Dallas, 1993; Salt Lake City Corporation v. Confer, 1983). If only one employer has rejected the applicant, a pattern of discrimination has
not yet been established for that person’s condition (E. E. Black, Ltd. v. Marshall, 1980).

More recently, though, the U. S. Supreme Court has ruled that HIV-positive status alone can be a protectable condition. In Bragdon v. Abbott (1997), the Court ruled that HIV-positive status alone, without subsequent symptomatic conditions, is still worthy of protection. The situation involved a person who is HIV-positive but asymptomatic wishing to be served by a local dentist whose stated policy is to refuse service to HIV-positive and AIDS patients. The Court ruled that the absence of symptoms or a life-limiting condition does not preclude one from ADA protection in public settings. While this case did not involve an employment setting, it can easily be seen that the application of this concept to the workplace is probably forthcoming.

Prior rulings upholding the requirements of the Rehabilitation Act of 1973 and the ADA for the presence of life limitations may be in jeopardy. In fact, the ADA specifically states that the condition limit some major life activity, but this ruling might have extended protection beyond that threshold.

The fact that a person has been injured does not automatically qualify that person for disabled status (Bolton v. Scrivner, Inc., 1993; Brown v. Hy-Vee Food Stores, Inc., 1987; Matulin v. Village of Lodi, 1987). The person requesting disability protection in employment must show that the condition is indeed a disability, that it causes serious impairments across a broad range of employment situations and that
employers will make employment decisions based upon this condition if the individual is not otherwise protected by the law.

Employer responsibilities. Employers are afforded some latitude of discretion in the employment of individuals with disabilities by case law. They are not necessarily required to have affirmative action programs to promote employment of persons with disabilities in their organizations (Southeastern Community College v. Davis, 1979). Some government agencies may, however, make contract decisions based upon the existence of such programs within a firm. Employers are not required to provide special benefits to persons with disabilities and may, in essence, discriminate against persons with disabilities as long as equal access to general benefits are provided to all employees regardless of disability status (Felde v. City of San Jose, 1994). This allows employers to provide basic benefits to all employees without the requirement of providing special, and more expensive, benefits to some employees based upon minority or disability status. Finally, bona fide occupational qualifications (BFOQs) which discriminate against persons with disabilities are allowable as long as they are reasonable and justifiable (Southeastern Community College v. Davis, 1979). Employers are not required to modify their organizations or their operations without reference to business necessity. This point will be further discussed later in this section.

Establishment of disability status. Those seeking employment disability protection are required to establish their status in order to receive that protection.
Persons with disabilities have the burden of proof in establishing this status (Bolton v. Scrivner, Inc., 1993). They must show specific limitations caused by the condition (Parrack v. Texas A & M University, 1991). Medical testing alone is not sufficient as a record of impairment (Byrne v. Board of Education of School District of West Allis-West Milwaukee, 1992). The failure to notify one’s employer of one’s disability status may disqualify the request for protection under the law (Fogel v. Trustees of Iowa College, 1989). Placing the burden of establishing protected status onto persons with disabilities is similar to the requirements facing minorities requesting discrimination protection as a result of civil rights violations.

These general rulings establish that disability status is not automatic for those requesting protection under the law, that employers have general rights to discriminate based upon business necessity, and that persons with disabilities must prove specific points to establish both qualifying status and evidence of discrimination by employers. The following section will further describe physical and mental conditions which may or may not qualify for disability status.

Rulings on specific conditions.

Courts have ruled on specific conditions as to whether they are sufficient in establishing disability status. These conditions are also, at times, bounded by extremity or pervasiveness requirements in that status determination. This section discusses the rulings regarding specific conditions and their ability to establish legal disability status.
Sight loss or impairment. One of the most commonly accepted disabilities is sight loss or impairment. The courts have consistently held that total blindness is a disability and the law specifically covers blindness as a disabiling condition. Extreme myopia has also been classified as a disability without the need for establishing total loss of sight (D'Amico v. New York State Board of Examiners, 1993). However, the courts have ruled, in the area of employment, that blindness may not offer protections to persons with disabilities when business necessities require sight. Visual abilities can be established as a BFOQ (City of Columbus v. Ohio Civil Rights Commission, 1985). Also, if blindness may pose a threat to the safety of others or to persons with disabilities, employment discrimination is justified (Clarke v. Shoreline School District No. 412, 1986). Partial sight loss or impairment alone is not a qualifying disability, even to the point of having 20/200 vision (Chandler v. City of Dallas, 1993; Santiago v. Temple University, 1987; State of Minnesota v. Hennepin County, 1989). While sight loss is generally considered a disabiling condition, it may not afford employment discrimination protection to person with a disability in the face of legal business necessity.

Hearing loss or impairment. Another readily recognizable condition which is commonly considered disabling is that of hearing loss or impairment. The courts have been more strict with employers in the use of this condition as a factor in refusing to hire or to keep an employee. The courts have not generally ruled on the amount of hearing loss necessary to qualify as a disability, however. If an applicant or employee
is deaf, the employer may refuse further employment to that person if the condition is serious enough to threaten the health and/or safety of others or a person with a disability (Clarke v. Shoreline School District No. 412, 1986). However, hearing ability has not been ruled an automatic BFOQ for employers (Frank v. Davis, 1989), and employers may not automatically reject applicants or terminate employees based upon their level of hearing (Strathie v. Department of Transportation, 1983). While levels of hearing have not been established as thresholds for disability status, the law seems to require a higher level of business necessity for discrimination against hearing-impaired individuals than for sight-impaired individuals.

Respiratory impairment. Respiratory difficulties have also been the focus of disability discrimination law. The courts have ruled that the automatic rejection of applicants or termination of employees for asthma is illegal (Ackerman v. Western Electric Company, 1988). The same actions are illegal when applied to those with tuberculosis (Arline v. School Board of Nassau County, Florida, 1988). Other respiratory conditions have not received much review by the courts.

Body type requirements and obesity. Body type requirements have been quite controversial in both the areas under review and the impact of the decisions handed down. Body type requirements have been held to be non-discriminatory in and of themselves (American Motors Corporation v. Labor and Industry Review Commission, 1984). This same case also determined that inadequate stature is not a qualifying disability.
Weight requirement rulings have produced controversy in that these requirements have been both upheld and overturned by appellate courts for essentially identical reasons. These requirements must be a BFOQ in order to remain in force (Hegwer v. Board of Civil Service Commissioners of City of Los Angeles, 1992; Ross v. William Beaumont Hospital, 1988). Courts have often ruled that obesity alone is not a qualifying disability without an accompanying life impairment (Civil Service Commission of City of Pittsburgh v. Pennsylvania Human Relations Commission, 1991; Greene v. Union Pacific Railroad Company, 1981; Krein v. Marian Manor Nursing Home, 1987; Missouri Commission on Human Rights v. Southwestern Bell Telephone, 1985; Philadelphia Electric Company v. Pennsylvania Human Relations Commission, 1982; Tudyman v. United Airlines, 1984).

Other courts have ruled in favor of obesity as a disability, though usually in conjunction with an impairment of life activities (McDermott v. Xerox Corporation, 1985; Oregon State Correctional Facility v. Bureau of Labor and Industries, 1989). It has also been justified as a disability because it leads to disabling conditions (Metropolitan Dade County v. Wolf, 1973). Obesity also has been ruled a disability if it is an immutable life condition (Cook v. Rhode Island Department of Mental Health, Retardation, and Hospitals, 1992), or if it is a physiological disorder (Cook v. Rhode Island Department of Mental Health, Retardation, and Hospitals, 1992; Underwood v. Trans World Airlines, Inc., 1989). Finally, it has been ruled a disability if the employer treats it as such (Cook v. Rhode Island Department of Mental Health,

Additionally, obesity cannot be used as a reason for discharge without grounds and may be the basis for a discrimination suit (Gimello v. Agency Rent-A-Car Systems, 1991). Obesity discrimination that is gender based (varying weight requirements by gender without cause) is illegal (Laffey v. Northwest Airlines, 1973).

Obesity has been both upheld and overturned as a justifiable business reason for rejection or termination. A compounding problem is the lack of a legally acceptable and concrete definition of obesity, making judgments by employers more difficult with respect to employee policy. The key to evaluating this condition appears to be its link with other disabling conditions or with a justifiable BFOQ related to employee health or safety. In the absence of these mitigating circumstances, obesity appears to be losing its status as an employment discrimination factor for employers.

Mental disability. This area appears to have the least well-defined case history of all conditions. The least "offensive" conditions seem to have been given protection from discrimination, but the more "aberrant" conditions are less well protected. For example, depression has been regarded as a protected disability (Guice-Mills v. Derwinski, 1992), but excessive depression has been ruled to disqualify protection (Hill v. Florida Department of Health and Rehabilitative Services, 1992). Stress, though, has not been afforded disability status (Adams v. General Services Administration, 1989).
Yet severity is not always the benchmark. Paranoid schizophrenia has been
given protected status (Russell v. Frank, 1991), but mental instability has not (Doman
v. City of Grosse Point Farms, 1988). The actions which may result from these
protected or non-protected conditions, for example striking a supervisor, have been
ruled to disqualify the individual’s protected status (Adams v. General Services
Administration, 1989).

Some interesting and off-beat cases have been raised in this area as well. At
least one defendant has claimed that poor judgement is a qualifying mental disability,
although the court ruled to the contrary (Daley v. Koch, 1989). Courts have also ruled
that the inability of an employee to take criticism from a supervisor is not a qualifying
disability (Pesterfield v. Tennessee Valley Authority, 1991). Nor is the tendency to
sexually harass others upheld by the courts as a justified and protected disability
(Blanton v. AT&T Communications, Inc., 1990).

Mental condition rulings have not universally upheld the rights of those who
have them to be protected from employment discrimination. These rulings have not
relied principally upon the safety and health of others or persons with disabilities.
Rather, the extreme nature of the condition or its effect upon the workplace seems to
have been the underlying basis. This area, then, departs from most other disability
discrimination areas in the manner in which these conditions are qualified as protected.
Diseases and medical conditions.

This section pertains to a variety of contagious and non-contagious medical conditions which have been the subject of court rulings concerning employment. Each one is discussed in its own subsection.

AIDS. Acquired immune deficiency syndrome (AIDS) has been the subject of separate legislation apart from the Rehabilitation Act and the ADA. However, courts have ruled on this disease using a variety of local, state and federal legislative ordinances. Cain v. Hyatt (1990) concluded that the employer must prove a specific threat to self or others related directly to the AIDS virus for rejection or termination actions to be valid. However, the risk of AIDS contagion has been declared by courts to be so small that the threat of direct contamination in the workplace is basically non-existent (Chalk v. U. S. District Court, 1988). Thus, employers should be cautious of using the threat of AIDS contamination as an employment discrimination factor if a justifiable, serious and definite threat of contagion cannot be established. The aforementioned Bragdon v. Abbott (1997) is worthy of reminder here as well.

Alcoholism. Alcoholism has been upheld as a protected condition by the ADA and the courts have upheld this protection as well. Simply put, rejection or termination based upon alcoholic status is illegal (McElrath v. Kemp, 1989; Rodgers v. Lehman, 1989). The ADA and the Drug Free Workplace Act do allow employers to terminate the employment of persons who are found to abuse alcohol on the job or who are intoxicated while on duty.
Cancer. Cancer, or a history of cancer, is not a condition which is automatically protected. An accompanying impairment must also be present before it qualifies immediately for protection (Katrakis v. DAV-EL of Washington, 1988), although provisions in the ADA may modify this court ruling in the future through further court review. While cancer itself may not automatically qualify an individual for protection, cancer treatments often result in disabling conditions and therefore may provide some measure of protection (Harrison v. Marsh, 1988).

Diabetes. Diabetes is a condition which almost certainly provides immediate protection for the person with a disability. Automatic rejection or termination for diabetes is illegal (Bombrys v. City of Toledo, 1993; Jackson v. Maine, 1988). While diabetes may be a controllable condition, this does not keep it from being a disability (Bentivegna v. U. S. Department of Labor, 1982). Additionally, the risk of seizures is no greater workplace hazard than any other and therefore diabetics cannot be rejected or terminated for that reason (Bombrys v. City of Toledo, 1993). However, certain positions, specifically those regulated by federal standards (such as transportation) or those where a seizure might pose a significant and unique threat, may allow the employer to reject an applicant based on diabetic status (Chandler v. City of Dallas, 1993; Davis v. Meese, 1988). The Chandler case, in particular, refers specifically to driving positions as regulated by the U. S. Department of Transportation.

Dyslexia. Dyslexia is a more recently protected condition under court review. In one case (DiPompo v. West Point Military Academy, 1989), the court ruled that
dyslexia is a valid disability. However, that court also ruled that if the applicant’s ability to fulfill the requirements of the position in question, in this case that of a firefighter, would be severely hampered as a result of the condition, rejection or termination for dyslexia would be justifiable. In DiPompo, the applicant would have been unable to read training and warning materials and street addresses and would have been unable to assist other firefighters in reaching their destinations safely and promptly. The plaintiff was denied full protection for these reasons. In other positions, where reading was less necessary or where accommodations could be made, greater protection might be given to the dyslexic individual.

Epilepsy. Epileptics are almost always protected in the workplace. Epilepsy has consistently been ruled a disability (Drennon v. Philadelphia General Hospital, 1977; Reynolds v. Brock, 1987). Many cases have ruled that rejection or termination for epilepsy is illegal (Chicago and Northwestern Railroad v. Wisconsin Labor and Industrial Review Commission, 1980; Jansen v. Food Circus Supermarkets, Inc., 1988; Kelly v. Bechtel Power Corporation, 1986; Mantolete v. Bolger, 1987; Rose v. Hanna Mining Company, 1980; Silverstein v. Sisters of Charity, 1979). A person with a history of epileptic seizures is not to be rejected or terminated for that history (Davidson v. Shoney’s Big Boy Restaurant, 1989). However, the same court ruled in that case that businesses may reject or terminate for epilepsy if a specific and significant threat of injury to self or others can be proven to result from the condition.
Other conditions. A variety of other conditions have also been the subject of court rulings. Strokes have been ruled to cause disabling conditions (Bento v. ITO Corporation of Rhode Island, 1984). Other conditions which have themselves been ruled disabilities are Parkinson's disease (Chiari v. City of League City, 1991) and congenital deformities (Thornhill v. Marsh, 1989). However, transitory injuries are not disabilities (Evans v. City of Dallas, 1988) and back injuries without other impairments do not qualify for disability protection (Fuqua v. Unisys Corporation, 1989). Sensitivity to specific irritators, such as exhaust fumes (Restack v. U. S. Department of the Army, 1987; Solomon v. Transportation Department, 1989) and heat (Miller v. AT&T Network Systems, 1989), have been disqualified as disabilities as well.

Specific conditions seem to have garnered more respect and acceptance from the courts as disabilities than others. The burden of proof concerning the existence of the condition is the responsibility of the individual with that condition, as is the burden to prove that the condition causes a job-related impairment or that it is not a threat to co-workers. Failure to prove any of these may result in the condition not being recognized as a disability and, therefore, the loss of employment protection.

Voluntary actions. Voluntary actions taken by an individual which are related to a disabling condition have also been the subject of several court rulings. These actions, even if they cause a disability, do not disqualify disability status automatically (Cain v. Hyatt, 1990; Chalk v. U. S. District Court, 1988; Small v. Columbia Gas,
For example, amputees are legally disabled, even if through their own voluntary actions (Coleman v. Casey County Board of Education, 1980; Ward v. Massachusetts Bay Transportation Authority, 1982). However, not taking prescribed medications to control a disability may disqualify protected status (Franklin v. U. S. Postal Service, 1988; Pineiro v. Lehman, 1987; Serrapica v. City of New York, 1989). The loss of a professionally required license or certification as a result of a voluntary action, such as the loss of a driving license due to intoxication, may disqualify protected status (O'Keefe v. Niagara Mohawk Power Corporation, 1989).

In conclusion to this first section, the courts have ruled extensively on the types and severity of conditions which qualify individuals for protected status. They have also limited the scope of that protection based upon certain qualities of the impairments or disabilities themselves. The next major section will examine those rulings which concern the right of employers to reject applicants or terminate employees based upon disability status.

Rejection and termination factors

The courts have extensively defined the conditions under which employers may reject or terminate individuals based upon disability status. This major section examines: general rejection and termination rulings; valid rejection and termination factors; and invalid rejection and termination factors. The most important point of this section is that, no matter what decision the employer makes about an individual’s
employment status, each decision should be made with respect to that specific individual and without categorizing that individual with others with similar conditions.

General rejection and termination rulings.

As earlier mentioned, the courts have ruled more than once that employer decisions regarding disabilities must be made on a case-by-case basis (Bucyrus-Erie Company v. Department of Industry, Labor and Human Relations, 1979; Mantolete v. Bolger, 1985). In a case involving rejection or termination due to a disability, while the plaintiff must prove disabled status, the employer has the burden of proof regarding the right to reject or terminate (Ackerman v. Western Electric Company, 1988). While the employer has the right to determine job descriptions and duties, those which rule out persons with disabilities must be BFOQs (Iowa Beer and Liquor Control Department Store 1023 v. Iowa Civil Rights Commission, 1983). To complicate matters further for employers, initial leniency or inconsistency in the application of standards to persons with disabilities may disqualify their later use as a valid reason for termination (Reilly v. Kemp, 1991). Thus, employers must consistently, logically and individually assess the ability of persons with disabilities to complete required job duties in order to later be able to reject an applicant or terminate an employee.

Valid rejection/termination factors. Employers are allowed to reject or terminate persons with disabilities based upon a few relevant factors. These factors are: the inability to meet the requirements of the job; the inability to properly attend to the job; the real and specific threat of injury or disease related to the disability; and
employee action which may or may not be related to the disability. These factors will be further explored in the following paragraphs.

The inability of the applicant or employee to meet the requirements of the job is the strongest of the valid rejection or termination factors for the employer. Courts have consistently upheld the employer's right to require that the applicant or employee be able to perform the "essential functions" of the job (Annear v. State of Iowa, 1990; Black v. Frank, 1990; Chiari v. City of League City, 1991; Fuqua v. Unisys Corporation, 1989). The "essential functions" are generally defined under the ADA as well as through court review as those specific duties which must be performed by the employee assigned to that position. Additionally, persons who are unable to pass an essential test to qualify for the position may be rejected or terminated, even if a disability is the reason for that inability (Leckelt v. Board of Commissioners Hospital District No. 1, 1990; Pandazaires v. Virginia Board of Education, 1992). However, conditions related to the taking of an essential test for employment may not be valid factors. These conditions will be discussed in the invalid factors section which follows.

Employees must also be able to attend to their position in a timely fashion. The inability to report to work is a valid factor, even if related to the disabling condition (Matzo v. Postmaster General, 1987; Santiago v. Temple University, 1990). The inability to report to work on time may be a valid factor (Guice-Mills v. Derwinski, 1992) as well as an applicant's or employee's ability to complete an entire shift (Matzo v. Postmaster General, 1987). Employers do have the right to expect applicants or
employees to meet the physical presence requirements of the position in a timely and consistent manner.

Employers also have the right to maintain a workplace free from hazards which may be caused by the disability of an applicant or employee. However, the threat must be real, significant and verifiable for this to be a valid reason for rejection or termination. Employers have the right to reasonably interpret a medical report regarding a disability (Pesterfield v. Tennessee Valley Authority, 1991). They have the right and obligation to make a specific risk assessment for a specific individual and his or her specific situation (Lewis v. Remmele Engineering, Inc., 1981). If, after proper consideration, the employer is convinced that there is a reasonable expectation of a high risk of current injury to the individual, to co-workers or others, they may reject or terminate if necessary (Dexler v. Tisch, 1987; E. E. Black, Ltd. v. Marshall, 1980). Some valid situations include: a high risk of future injury (E. E. Black, Ltd. v. Marshall, 1980; Frank v. American Freight System, 1987); a threat of serious self-injury (Davidson v. Shoney’s Big Boy Restaurant, 1989; E. E. Black, Ltd. v. Marshall, 1980; Mantolete v. Bolger, 1985); or a threat of infectious disease transmission (School Board of Nassau County, Florida v. Arline, 1987). Each of these situations must be individually reviewed, however, and may not result from classifying all similarly persons with disabilities alike or from sweeping generalizations about risks related to the disabling condition.
Finally, the actions of the person with a disability may be valid factors for their rejection or termination. If an applicant rejects an offer of employment or if an existing employee terminates his or her employment after a reasonable accommodation has been offered to that person, the employer is not considered to be at fault (Hendrickson v. Magney Construction Company, 1987). An employee who is guilty of misconduct in the workplace, whether or not the misconduct is related to the disability, may be terminated by the employer (Carrozza v. Howard County, Maryland, 1994).

In sum, the employer has significant rights to reject or terminate persons based upon their disabling conditions, but the employer must be very careful how the decision to reject or terminate is made. The employer must verify the needs of the position, the ability of the person to perform the essential functions of that position, with or without accommodation, and the risk of injury or harm to others or the individual with a disability if the person is placed in that position. The person’s conduct within that position may also be the basis of employment action if necessary.

Invalid rejection/termination factors. While employers have the right to determine who works for their firms, the law does restrict the right of employers to discriminate unfairly against persons with disabilities (Johnson v. Civil Service Commission of City of San Diego, 1984). Requiring the absence of a specific disability or medical condition for employment is illegal (Blanchette v. Spokane County Fire Protection District No. 1, 1992). This same decision ruled out the ability of employers to adhere to basic fitness for duty guidelines without regard to individual
circumstances. Finally, employers cannot require that a test be passed under specific, non-essential conditions when those conditions would unfairly discriminate against a person with a disability (Pandazides v. Virginia Board of Education, 1991). Each of these rulings reinforces the requirement that employers treat each individual separately in employment decisions and not make generalizations based on the presence of a disability.

The process of determining an individual’s fitness for employment is also restricted to some extent. Employers are enjoined against relying solely on medical reports or a physician’s opinion as the basis of an employment decision (Bentivegna v. U. S. Department of Labor, 1982; Bucyrus-Erie Company v. Department of Industry, Labor and Human Relations, 1979; Higgins v. Maine Central Railroad, 1984; Jansen v. Food Circus Supermarkets, Inc., 1992). Employers must also not rely solely on a statistical chance of injury (Antonsen v. Ward, 1989) or on speculation about possible risk of injury (Johnson v. Civil Service Commission of City of San Diego, 1984; State Division of Human Rights [Granelle] v. City of New York, 1987). They may also not rely on speculation concerning possible time off needed by persons with disabilities (Johnson v. Civil Service Commission of City of San Diego, 1984), nor can they determine unfitness for employment as a result of an employee’s need for periodic medical leave (Fisher v. Superior Court [Alpha Therapeutic], 1986). Again, the overriding theme of these cases appears to be that employers may not make decisions about the employment status of persons with disabilities based upon unfounded
concerns or speculation. Employers must individually examine each prospective or current employee’s ability to perform the "essential functions" of the job and make a decision solely on that basis.

Disability accommodation rulings

General accommodation rulings. The courts have ruled in general that employers and plaintiffs with disabilities both have rights and responsibilities with respect to the accommodations area of the ADA. While the applicant or employee has the burden of proof to show membership in a protected class, the employer has the burden of proof to show just cause for refusal to accommodate a known disability (Prewitt v. U. S. Postal Service, 1985). However, the only accommodations which are incumbent upon the employer to provide are those which are necessary for successful performance of specified job duties (Adrain v. Alexander, 1992; Vande Zande v. State of Wisconsin Department of Administration, 1994). Employers are not required to provide anything more to employees with disabilities than reasonable access to all opportunities and benefits which are accessible to those without known disabilities (Alexander v. Choate, 1985; D'Amico v. New York State Board of Examiners, 1993). They are not required to provide special treatment for persons with disabilities (Felde v. City of San Jose, 1994) and substitution of one accommodation for another which has been requested, as long as it provides reasonable access, is allowed (Vande Zande v. State of Wisconsin Department of Administration, 1994). Alternatively, having provided reasonable accommodations in the past does not relieve the employer of
responsibility to provide others in the future (D'Amico v. New York State Board of Examiners, 1993), and employers and their advising physicians are not the final arbiters of what constitutes a reasonable accommodation (D'Amico v. New York State Board of Examiners, 1993; Harmer v. Virginia Power and Electric Company, 1993). Having stated these general conditions, there are valid, specific decision factors which employers may use in determining whether or not to provide an accommodation. These factors will be discussed next.

Valid accommodation decision factors. The most common reason that employers may cite to refuse a requested accommodation is the cost. The courts have consistently ruled that firms are not required to overburden their resources through the provision of a costly accommodation (Arneson v. Heckler, 1989; Nelson v. Thornburgh, 1983). However, the size of the organization must also be taken into account (Nelson v. Thornburgh, 1983), as must the availability of outside funding to defray the cost of the accommodation (Arneson v. Heckler, 1989). Nelson v. Thornburgh (1983) also allows for the composition of the organization's workforce and its type of operation to be valid factors in the decision-making process. The impact of the accommodation on the job itself (Arneson v. Heckler, 1989) and the past success or failure of similar accommodation efforts (Franklin v. U. S. Postal Service, 1988) may also be factors in the process. The ADA incorporated into statute several rulings which also allowed for the threat that an accommodation may pose to other employees as a decision factor (Breece v. Alliance Tractor-Trailer Training II, Inc., 1993; Kimbro v.
Atlantic Richfield Company, 1989). Finally, the availability of other existing job
vacancies may weigh in as a factor (Coley v. Secretary of the Army, 1987).

Essentially, if the requested accommodation poses a threat to the organization,
its finances, its way of doing business, or its employees, the employer may refuse to
provide the accommodation. However, the employer still has the burden of proof to
show that one of these outcomes is likely or the refusal will probably be overturned.

Invalid accommodation decision factors. There are a few factors which
employers have unsuccessfully defended in court as reasons for not granting
accommodation requests. Simple inconvenience to the employer was rejected by courts
as insufficient cause (Iowa Beer and Liquor Control Department Store 1023 v. Iowa
Civil Rights Commission, 1983). Additionally, the absence of programs in the
community to help the worker or applicant with disabilities was also rejected by the
court (Kimbro v. Atlantic Richfield Company, 1989). Finally, the reactions of other
employees to the accommodation - such as jealousy, fear and anger - were judged to be
insufficient cause for rejection of an accommodation (Anderson v. General Dynamics,
1978; Davis v. Frank, 1989; Frank v. Davis, 1989). Employers are generally given
the benefit of the doubt when not granting an accommodation request, but those reasons
which do not depend on resources, business necessity or employee well-being are likely
to be unsuccessfully defended in a court proceeding.

Requireable accommodation requests. The courts have also ruled concerning
certain types of accommodations which employers are generally required to grant if so
requested by an employee or applicant. In some cases, major re-designing of the position in question can be required of an employer if doing so does not significantly disrupt business (Ackerman v. Western Electric, 1986; Wallace v. Veterans Administration, 1988). This request, though, will also be found in the next section on non-requireable accommodations, as will certain others found in this section. The courts of different federal districts, and at times within the same district, have ruled in opposition to each other on similar points of law regarding disability accommodations. The differing opinions have caused some uncertainty regarding legally binding accommodation responsibilities for many businesses.

Certain rulings have dealt with accommodations which help the applicant or employee complete the tasks required but which do not fundamentally alter the nature of the position. Courts have ruled that oral examinations or instructions may be requested for those with sight or reading difficulties (Stutts v. Freeman, 1983). An increased time allotment to complete jobs may also be requested under certain circumstances (D’Amico v. New York Board of Examiners, 1993). Technological aids may be requested to help in performing job tasks (Davis v. Frank, 1989; Frank v. Davis, 1989). This accommodation was incorporated into the ADA as a requirement except under severe resource constraints. The use of a part-time reader or interpreter may be requested to aid in understanding instructions (Nelson v. Thornburgh, 1983), or an assistant may be requested to help the employee perform tasks when the assistant does not interfere with business or strain organizational resources (Overton v. Reilly,
1992). Employers may also be required to provide higher levels of supervision for certain employees to assist them in completing tasks or to provide a teamwork approach to completion of job requirements (Lamott v. Apple Valley Health Care Center, Inc., 1991). Finally the use of a task list to aid the employee in recalling position requirements can be requested (Lamott v. Apple Valley Health Care Center, Inc., 1991). These requests generally do not change the nature of the job or its task requirements, but they do allow for resources to be provided which help the employee fulfill job requirements.

Other rulings have been concerned with the amount of work to be done by the employee with disabilities. Employees may request that non-essential tasks be delegated to other employees to reduce their task load (Wallace v. Veterans Administration, 1988). They may also ask for light duty assignments (Black v. Frank, 1990), load reduction from full-time to part-time (Perez v. Philadelphia Housing Authority, 1987), or reassignment to positions not requiring direct communication with others (Overton v. Reilly, 1992). Work schedule changes have often been upheld by the courts (Fisher v. Superior Court [Alpha Therapeutic], 1986; Lamott v. Apple Valley Health Care Center, Inc., 1991; Rhone v. U. S. Department of the Army, 1987). Courts have even required allowances for excessive absences by employees with disabilities (Kimbro v. Atlantic Richfield Company, 1989) and for the employee with disabilities to sleep while on the job as long as the work was completed as assigned (Overton v. Reilly, 1992). Finally, if an employee is recovering from a
condition, the employer may be required to allow that employee to work at home
during the recovery period (Vande Zande v. State of Wisconsin Department of
Administration, 1994).

Each of these requireable accommodations is designed to provide employees
with disabilities with sufficient aid so that they may competently fulfill the requirements
of their positions. The employer's defense in not granting these requests is likely to be
viewed unfavorably by the courts unless the organization is sufficiently constrained by
business or resource limitations. The ability to prove such constraint levels may be
difficult given that many of these requests require only extra time or attention and very
little financial outlay by the firm.

Non-requireable accommodation requests. While there are a large number of
accommodation requests which may be incumbent upon employers to provide, the
courts have ruled in favor of the employer in many cases. Employers are not required
to provide all accommodations requested by employees or applicants (Vande Zande v.
State of Wisconsin Department of Administration, 1994). They are also not required to
create new positions or jobs for workers with disabilities (Clarke v. Shoreline, 1986;
Davis v. Meese, 1989; Dean v. Municipality of Metropolitan Seattle-Metro, 1985) or
lower the minimum requirements for obtaining a position (Pandazaides v. Virginia
Board of Education, 1990). In at least one case, the courts ruled that major job re-
design was not necessary (DiPompo v. West Point Military Academy, 1989), and
others have ruled that fundamental alterations to jobs or programs are not necessarily
required (Breece v. Alliance Tractor-Trailer Training II, Inc., 1993; Carrozzi v.
Howard County, Maryland, 1994; Duquette v. Dupuis, 1984).

Rulings have also considered the relaxing of time and task requirements placed
upon employees with disabilities. Employers are not required to allow unlimited time
for tasks to be completed (Pandaziales v. Virginia Board of Education, 1992), nor are
they required to allow the employee to work at home instead of at the job site (Langon
v. Health and Human Services Department, 1990). Employers are not required to
provide multiple shift assignments to employees (Rhone v. U. S. Department of the
Army, 1987), to violate the rights of other employees (Shea v. Tisch, 1989), or to alter
security levels to accommodate persons with disabilities (Kimbro v. Atlantic Richfield
Company, 1989). The re-assignment of tasks to other employees may be considered an
excessive request (Hill v. Florida Department of Health and Rehabilitative Services,
1992; Johnston v. Morrison, Inc., 1994), as are the hiring of a full-time assistant
(Nelson v. Thornburgh, 1983) and the acceptance of non-employee work (Halsey v.

Other less common requests have also been ruled upon. Employers are not
required to return a disabled or injured employee to the position they held before the
disabling condition surfaced (Bolton v. Scrivner, Inc., 1993). They are not required to
provide a smoke-free environment to accommodate an employee with respiratory
difficulties (Harmer v. Virginia Electric and Power Company, 1993). Finally, they are
not required to accommodate an employee with an infectious disease by inoculating all
other employees who might come into contact with that person (Kohl v. Woodhaven Learning Center, 1987).

Employers are required to provide the resources necessary for all employees to adequately complete the position's tasks as long as those accommodations do not significantly and negatively affect the business, its resources or its employees and customers. Employers may reject certain accommodations based upon these negative effects, but they carry the burden of proof in court when they do so. The courts are not unsympathetic to the needs of business, but they are likely to view assistance to both current and prospective employees with disabilities as a responsibility of the firm and take a dim view of a firm's ignorance or refusal to help wherever possible. Employers must show good faith efforts to accommodate and assist persons with disabilities in all cases where reasonable requests are made.

Discrimination claims rulings

This last section of the judicial history covers rulings concerning the rights of persons with disabilities to sue for redress based upon a claim of disability discrimination. While these rulings may not have been the deciding factor in the cited cases, they have assisted in the definition of situations which may be cause for filing suit. In some cases, the rulings have limited the legitimacy of the plaintiff's claim as a result of actions committed or conditions fostered by that plaintiff.

Courts have ruled that the simple discriminatory effect of a company policy or action may be the basis for a discrimination claim (Alexander v. Choate, 1985). This
ruling is similar to the racial discrimination ruling found later in Ward's Cove. Also, if the employer revises position requirements or job tasks so as to exclude applicants or employees with disabilities from holding that position, a claim may be filed (Frank v. Davis, 1989). Any employer action which seeks to preclude the placement of a person with disabilities into a particular position, whether intentional or not, will be poorly viewed by the courts.

However, plaintiffs with disabilities may also find that the courts are not necessarily willing to hold the employer responsible for all possibly discriminatory actions. Simply being disabled does not provide a basis for a discrimination claim (Linares v. City of White Plains, 1991). Employers are also allowed to engage in legitimate non-discriminatory disparate treatment of employees or applicants based on disability status (McDonnell Douglas Corporation v. Green, 1973; Prewitt v. U. S. Postal Service, 1985; Texas Department of Community Affairs v. Burdine, 1981). If employers make decisions which may have the effect of seeming discriminatory, but they do not rely on disability information while making those decisions, the employer may not be liable (Greene v. Union Pacific Railroad Company, 1981; Linares v. City of White Plains, 1991; O'Keefe v. Niagara Mohawk Power Corporation, 1989).

Employees or applicants may injure their ability to file claims as well. Those who fail to notify their employers of the existence of a disabling condition may forfeit their discrimination claims (Fogel v. Trustees of Iowa College, 1989), and those
employees who recover from the disabling condition may find that the courts will disqualify their claims (Parrack v. Texas A & M University, 1991).

In sum, the issue of the right to sue for damages depends greatly on the circumstances surrounding the alleged discriminatory action. If the plaintiff does not have a persistent and disabling condition which provides major life impairment, and which is disclosed to the employer prior to the discriminatory action, the plaintiff is unlikely to be successful in court. Alternatively, if an employer engages in action which may or may not be intentionally discriminatory, but which has the effect of discrimination, the employer must be willing and able to justify those actions on the basis of a business necessity.

Judicial History Conclusion

The courts have consistently ruled that disabling conditions do not necessarily provide a basis for requesting accommodations or for filing claims of discrimination. A person with disabilities must prove disabled status, must show that the condition impairs his or her abilities to perform required job functions and that the accommodation requested is necessary for successful completion of job tasks. Employers, on the other hand, must show just cause for rejecting or terminating persons with disabilities based upon those conditions and for refusal to grant accommodation requests which are reasonable and effective in assisting persons with disabilities. The courts are willing to uphold the rights of persons with disabilities to fair and equal access to employment positions and benefits, but they seem unwilling to
force employers to place their firms, their employees or their customers in jeopardy in order to provide equal treatment or accommodations to persons with disabilities.

Legislative and Judicial Review Conclusion

The review of legislative and judicial history in this chapter may lead one to the general conclusion that the legal environment facing the employer in this area of employment disability is one of disorganization and conflicting opinions. Legislation conflicts with regulations and court rulings conflict with each other as well. There also seems to be an increasing amount of legal attention focused on this area so that the volatility of the legal environment is increasing as well. An employer facing this environment might well choose to "wait and see" before attempting any accommodations which were not specifically required or obviously reasonable under the law. The prudent employer might easily be the one with the best legal protection and the more conservative approach to the disability issue.

Chapter Conclusion

The next chapter will focus on the model to be used in this study as suggested by a thorough review of the literature with regard to the prediction of individual intentions and behavior. The proposed model is a combination of two models from different fields of research, one model having thirty years of replicative research behind it and the other a more recent development in the sociological field. The proposed model will form the basis for the hypotheses delineated at the end of the chapter.
CHAPTER 2

LITERATURE REVIEW AND MODEL FOR STUDY

Did you ever expect a corporation to have a conscience when it has no soul to be damned, and no body to be kicked?

Baron Thurlow

Chapter Introduction

Chapter 1 introduced the legal pressures facing small business executives (SBEs) concerning the accommodation of workplace disabilities for both applicants and current employees. The question for serious study in this dissertation, though, is not whether or not SBEs should obey these laws. That is a matter for lawyers, ethicists and policy makers. Rather, this dissertation is focused on whether or not SBEs intend to obey federal regulations requiring compliance with the Americans with Disabilities Act of 1990 (ADA) and whether this compliance or non-compliance can be predicted. Chapter 1 focused on the general legal environment and specific disabilities regulations with which SBEs must comply. This chapter focuses on a model of compliance which integrates the work of social psychologists and criminal sociologists. Chapter 3 will examine how the model is tested in this study.

However, before the model is examined, it is important to discuss an underlying issue which is at the core of this study: the integrity of firms and the people within them.
to do what is morally, ethically and legally right. While there are times that not all
three of these can be accomplished at the same time, it will be assumed that, without
evidence to the contrary, firms may comply with the ADA’s provisions without
violating basic principles of integrity. French (1996) maintains that integrity involves
not merely sticking to one’s principles but sticking to moral principles. His concern is
also about the ability of corporations to have integrity since it is difficult for them to
have the human qualities of thought and planning which are critical to integrity and
ethical actions. More about his concepts of corporate intentionality will be shown in
the section on intentions later in this chapter.

Laufer (1996) finds that the current state of corporate law and sanctions assumes
that corporations can act and think like humans. As such, this law assumes as well that
corporations can have integrity by proper compliance procedures with statutory
regulations as would any human being. Laufer, contends, though, that corporate
integrity, in practice, takes on a different form. He says:

A corporation’s intention to pursue proper moral principles, and the truth of its
convictions ... reflects the virtue of corporate integrity. This virtue is captured
in law by the concept of organizational due diligence. Due diligence is an
organizing principle of behavior that imposes both ethical and legal obligations
on corporations and its agents. It requires the articulation of ethical standards of
conduct. ... It compels the acceptance of responsibility, and the affirmative
obligation to disclose practices that violate the law. Diligent action hinges on
responsible proactive and reactive corporate behavior consistent with prescribed
standards of conduct. ... In, short, the concept of organizational due diligence
encompasses far more than minimal "legal compliance." (pp. 159, 160, 161)

Laufer is quite explicit in his belief that corporations, to show integrity, must do
more than what the current law requires of them or else they run the risk of appearing
amoral rather than immoral or moral members of the community. His final assessment seems to be that corporate ethics is effectively becoming "institutionalized insurance" to limit corporate liability rather than ethical leadership and integrity. More on this line of thought will be found in the later section on deterrence and compliance.

The Model for Study

This section of the chapter will present the basic model for study in this dissertation. A graphic representation of this model is found in Appendix A. There are four independent variables in the model which are hypothesized to predict the criterion variable: behavioral intention. The independent variables are: attitudes toward a behavior; perceived subjective norms of critical referents toward that behavior; perceived personal control to perform or refrain from performing a behavior; and empathy with real or perceived offenders who have not complied with prescribed behavioral standards. The first three variables are products of the work of Ajzen and Fishbein (1980) and Ajzen (1988) in their theories of reasoned action and planned behavior. These theories also produced the criterion variable, intention to perform a behavior, as well as a second criterion variable which is not studied in this dissertation, observed or reported performance of the behavior.

For this study, the criterion variable to be predicted is that of SBE intentions to comply with the employment provisions of the ADA. Subjects are expected to provide information regarding: their beliefs and attitudes about the ADA's employment provisions and compliance with them; important referents and the referents' perceived
beliefs about compliance with those provisions; their perceptions of their own abilities
to comply with those provisions; and their level of empathy with others who have been
found guilty of non-compliance with those provisions. Using the methodology
suggested by Ajzen and Fishbein (1980), at least some of the independent variables
should have predictive power with reference to the subjects' self-reported intentions to
comply with these provisions.

The original models also attempt to predict either observable or self-reported
behavior, however such a prediction in this study would have been almost impossible.
The ADA is quite specific in that it does not allow any information regarding actual
disabilities or the individuals with those conditions to be disseminated to anyone
without specific need for and legal right to the information. The revelation of that
information, then, as noted in chapter 1, would have been non-compliance itself with
the ADA's regulations.

The Ajzen/Fishbein variables have been the subject of intensive study in many
academic fields. The section that follows will attempt to review in depth this body of
work in order to show how these variables may in fact be of use in predicting ADA
compliance among SBEs. The section after that examines the criminal sociologist's
work in determining the variables which have been of use in predicting compliance with
the law, mostly among individuals but periodically among organizations as well. These
variables have been useful to a more recent study which forms the basis for the offender
empathy variable in this dissertation. An examination of Feather's (1996) study will
further describe the rationale behind the use of this variable in the proposed model.

The chapter will end with an introduction of the hypotheses to be tested.

The Ajzen and Fishbein Models

Icek Ajzen and Martin Fishbein (1980) published their theory of reasoned action (TRA) proposing, in essence, that human behavior is the result of intentions which are formed by attitudes toward the behavior and subjective norms about the behavior. Attitudes are the result of beliefs about the consequences of the behavior and of evaluations about those outcomes. Subjective norms result from referent influences with regard to the behavior and personal motivations to comply with referent opinions. Attitudes and subjective norms, in varying degrees, exert an influence on a person’s intentions to engage in or refrain from a certain behavior, and these intentions then theoretically influence the person’s actual behavior.

Ajzen (1988) parted from the original theory in stating that a third influence, perceived behavioral control, helped shape personal intentions. His revision is called the theory of planned behavior (TBP). This variable was different from the concept of locus of control because situational factors might determine a person’s ability to perform specific actions without regard to the center of control that they defended in more general terms. As Ajzen said, "[A] person may believe that, in general, her outcomes are determined by her own behavior (internal locus of control), yet at the same time she may also believe that her chances of becoming a commercial airplane pilot are very slim (low perceived behavioral control)" (p. 183).
This concept of perceived control might cause a person, who otherwise would intend to perform certain actions, to refrain from performing those actions. While the TRA attitude variable accounts for this to some extent, the perceived control variable allows for more detailed input concerning internal and external pressures which might affect the person's perceived ability to perform an action which they otherwise would intend to perform.

The attitude component of each model, or the belief that certain outcomes or consequences will result from the performance of a behavior, can have both affective and cognitive characteristics. Affective components would be such influences as attitudes about people or institutions involved with the behavior as well as personality-based traits which would cause specific attitudes to evolve regarding expected outcomes of the behavior. Cognitive aspects would include informational sources which would provide rational bases for decisions (e.g., education or occupation) as well as abilities to analyze situations with regard to their hypothetical consequences. This variable is entirely internal and personal, although external forces may shape its formation within the individual.

In 1977, Ajzen and Fishbein stated that attitudes and the specific behavior in question must correspond well to each other in order for valid conclusions to be drawn about the ability of the former to predict the latter. In other words, general beliefs about general behaviors cannot predict specific behaviors. McClenney & Neiss (1989) concluded that the relationship between beliefs and attitudes needs to be strong and
specific before a definite causal path can be drawn. One theorist has questioned the affective component of attitudes (Barnum, 1993), though others have supported it and its ability to predict intentions (Gorsuch & Wakeman, 1991; Montano & Taplin, 1991). While one study questioned the strength of the role played by attitudes (Michie, Marteau & Kidd, 1992), others have reaffirmed its role and its superiority to other model variables in its predictive abilities (Babrow, Black & Tiffany, 1990; Faucett & Velsmid, 1993; Traeen & Nordlund, 1993). The attitudinal variable has been further linked to perceived behavioral control through its variability. Sparks, Hedderly and Shepherd, (1992) found that attitude variability was negatively related to perceived control, or that less stable attitudes indicated a lower perceived control over behavioral performance. Additionally, a positive attitude toward a subject has been linked to a low external locus of control (deWeerdt, Visser, Kok & Van der Veen, 1990) and to increased levels of compliance behaviors (Lansana, 1992).

A subjective norm is the belief that most of a person’s important others (referents) believe that he or she should (or should not) perform a certain action (Ajzen & Fishbein, 1980). A second aspect of this construct is that the person must also place some level of weight on the opinions of those referents. If no weight were given to another’s opinions about one’s actions, that person would have no effective normative influence on those actions. A subjective norm refers not to the individual’s attitude toward his or her own actions, but rather it expresses that individual’s beliefs about what social peers, family members, friends and others may feel about the performance
of a particular action. These referents need not be any one person or any one group in particular. They may instead represent one’s beliefs about the social environment, the persons within that environment and the normative pressures arising from that larger whole. Ajzen and Fishbein make these distinctions in order to remove the effect of personal ties one may have to specific influential individuals other than how they function within the larger social environment. General normative pressures are the focus of this variable.

Other research has included other types of norms within or alongside subjective norms as pressures on individual intentions. Allen (1987) included personal norms as one major factor in intention formation. These would be similar to Beck and Ajzen’s (1991) perceived moral obligations, although the latter would seem to indicate a debt or actions as the result of some other motivation (e.g., guilt). Moral concerns themselves, often the basis for social normative pressures, were suggested by Raats, Shepherd and Sparks (1993) as similar influences on intentions. DeBarr (1993) found that including a behavioral norm in the model increased predictive abilities about intentions. Studies have noted that norms can influence other variables in the model such as beliefs (Myeong & Crawley, 1993) and attitudes (Vallerand, Deshaies, Cuerrier, Pelletier & Mongeau, 1992). The role of family pressures also has been documented separately from the similar role played by peer pressures (East, 1993). Finally, normative pressures can also mediate the influence that expected results, a variable explained later, can have on intentions (Miller & Grush, 1988).
As mentioned earlier, perceived behavioral control essentially indicates the perceived ability of the subject to complete a given task under study. It has been shown that the more weight that control is given in a situation by a subject, the stronger the variable’s link to intentions (Madden, Ellen & Ajzen, 1992). Additionally, in situations where goal direction is important, perceived behavioral control is better able to predict intentions (Netemeyer, Burton & Johnston, 1991). This variable has been less well established as a part of the model than norms and attitudes, but, as Appendix B shows, a good number of recent studies have verified its effect on intentions. It appears that Fishbein and TRA followers have not accepted control as a variable with the model, and this has caused a good number of studies to attempt to empirically indicate the superiority of one model over the other or over other similar models (e.g., Kimiecik, 1993). The influence of perceived behavioral control on intentions may also be affected by situational variables. Some studies have indicated its effectiveness as a predictor when studying such behaviors as visiting public drinking places (Traeen & Nordlund, 1993) or compliance with medical regimens (McBride, 1993). Other studies of such behaviors as use of condoms (Eagleson, 1992) have found little evidence to support control as a predictor.

It is possible that situational variables affect each of these three variables (attitudes, norms and control) and their abilities to predict intentions. It is quite likely that in certain situations attitudes and control may be of greater importance than norms, whereas in others a different subset of variables could be the better predictors. The
task for the researcher, then, would not be to determine which variable set works best in all situations, but rather which set seems to have better predictive success under certain conditions for specific behaviors. Succumbing to the temptation to over-generalize from one’s results may invalidate those results when viewed by the academic community. The task for this study, then, would seem to be to determine which variables from TRA and TPB best seem to predict a small firm’s intentions to comply with governmental employment regulations, especially those found in the ADA.

Intentions themselves are difficult to link with behaviors. Wicker’s (1969) caution that intentions do not necessarily translate into behaviors is of interest here. Wicker suggested the researcher should get overt behavioral evidence before concluding that the intention-behavior link in a situation is strong. Davis and Warshaw (1991) also caution that the choice set given to respondents to indicate intention preferences may invalidate results by suggesting alternatives previously unconsidered or by modifying intentions already formed. The respondent may glean from the study the responses the researcher appears to favor, and the respondent might simply acquiesce to echoing the researcher’s implied preferences rather than indicate his or her own preferences. They also indicate that the research often reports behavioral expectations for TRA or TPB rather than intentions through this same process.

Research has also cautioned that study content may influence predictive ability. Attitudes which are not stable over time do not predict intentions well (Doll & Ajzen, 1992), so, Davis and Warshaw’s (1991) cautions aside, focusing on a single behavior
with explicit alternatives seems to improve the model's effectiveness (Sheppard, Hartwick & Warshaw, 1988). This is similar to the earlier suggestion from Ajzen and Fishbein (1980) to firmly link attitudes and behaviors. Attempting to predict general types of behaviors (e.g., eating) or behaviors for general populations (e.g., voters in America) would provide the researcher less chance for success with either TRA or TPB. Lindstrom (1993) strongly cautions against this type of general research. Finally, Granberg and Holmberg (1990) suggest that the study must also indicate intentions which validate respondents' self-identity and past behavior before future behavior can be predicted. A study which would overtly call into question the respondent's actions or which would indicate that the respondent was likely to be prosecuted for past actions would produce less reliable results than a study which resisted the temptation to engage in such behavior. This conclusion is of great interest in this study.

A variety of other internalized variables have been suggested by researchers using either TRA or TPB. Beliefs about a behavior, a group or a situation may also influence intentions. Ajzen and Fishbein (1980) have linked this variable with attitudes, but some researchers have separated them. At least seven studies since 1989 have validated this variable as a predictor of intentions in one form or another (Ajzen & Driver, 1991; Brubaker & Wickersham, 1990; Dubinsky & Loken, 1989; Gordon, 1990; Lansana, 1992; Tedesco, Keffer & Fleck-Kandath, 1991; and Valois, Desharnais, Godin & Perron, 1993). One other study found no relationship between
the two (Komlos, 1991). Most studies, though, indicate that beliefs simply generate
certain respondent attitudes (Crawley & Black, 1992; Wille, 1992) or intensify those
attitudes (Pryor, 1990). At least one study has indicated that beliefs can influence not
only attitudes but also subjective norm and perceived behavioral control responses
(Crawley & Black, 1992). Pancer, George and Geotys (1992) echoed Ajzen and
Fishbein's (1980) remarks that salient beliefs are critical to the changing of attitudes
and intentions. Salient beliefs are those which stand out or are well-defined, thus
exerting a different pressure on intentions than those beliefs which are trivial or ill-
defined. A subject with salient beliefs could reasonably be predicted to have better
defined intentions or, if developing salient beliefs, be expected to change or define
intentions in the future.

Past experience is another variable which could be added to the model. Since
1989, at least twelve studies have found a positive link between past experience (or
behavior) and intentions to perform the same or a similar behavior (East, 1993;
Meadows, 1993; Meissen, Mason & Gleason, 1991; Norwich & Duncan, 1990;
Norwich & Jaeger, 1989; Pederson, 1993; Rosen, 1992; Ross & McLaws, 1992; and
Schlegel, D'Avernas, Zanna & DeCourville, 1992). One study (Montano & Taplin,
1991) indicated a negative link between the two variables, and the subject (breast self-
examinations) could be related to respondent preconceptions or concerns about the
behavior, not to faults in the model. Other studies have found that experience may alter
the effect of primary model components on intentions. Schaalma, Kok and Peters (1993) found that past experience negated the positive effects of attitudes and norms on intentions, perhaps again due in part to the subject under study (adolescent condom usage). Experience and attitudes have not been significantly correlated (Koslowsky, Hoffman & Lazar, 1990), but the level of experience of the respondent has been linked to whether norms (low experience) or attitudes (high experience) have the strongest effect on intentions (Crowley, 1989).

Habits, or current behaviors, also are linked with intentions. At least four studies have shown a positive relationship between the two variables (Fishbein, Chan, O’Reilly & Schnell, 1993; Godin & Gionet, 1991; Godin, Valois & Lepage, 1993; and Godin, Valois, Lepage & Desharnais, 1992). Fishbein, Chan, O’Reilly and Schnell (1993) also found that habits had an influence on reported attitudes and subjective norms. It would be assumed that current behaviors should be a reasonably good predictor of future behaviors, as long as those behaviors were relatively well correlated and as long as internal or external variables did not intervene in the relationship.

Sociocultural factors also have been of interest to researchers recently. Weaknesses in TRA and TPB abroad seem to be the result of a sociocultural bias inherent in the models. Lee (1988) and Lee and Green (1991) suggest that the models are too culturally bound to be accurate across cultures. Social pressures of a greater degree than those commonly found in the U.S. seem to be the culprit in these two pieces of research. Cochran & Mays (1993) extend this fault to all intention-behavior
research and seem to feel that the problem is an intrinsic difference between cultures, even those found with a geographically contiguous set of populations. Granberg and Holmberg (1990), though, seem to believe that intentions can be linked strongly to behaviors across cultures within the TRA and TPB frameworks. If this is true, perhaps the real difficulty lies in determining the set of variables which accurately predict intentions. These might vary widely between cultures based upon the presence or absence of strong social pressures, the establishment of strong societal expectations about behaviors, the delineation of definite legal restrictions on behavior, and other similar behavior-encouraging or -discouraging variables.

The consequences of behavior add another dimension to the model. Perceived outcomes, or the expected results of a behavior, have been mentioned in other research in the context of utility (cost-benefit) analysis. Clearly, although this is a significant facet of the variable for analysis, utility is only one aspect of the dimension under study. The expectancy model (Vroom, 1964) plays a role in this area as well. Respondents, through this variable, express attitudes or intentions based upon the consequences of a set of actions under consideration and upon their evaluation of those consequences. Some research has found that expected outcomes and the beliefs about them affect attitudes (Babrow, 1989; Montgomery, 1989; Ronis & Kaiser, 1989; and Wille, 1992), intentions (Dzewaltowski, 1989; and Raats, Shepherd & Sparks, 1993), and behaviors (Dubinsky & Loken, 1989; Monge, Cozzens & Contractor, 1992; and Rise, 1992). The perceived efficacy of one's actions has been considered important to
the model (Martin & Newman, 1990), and another study has suggested that these expectations may distinguish cultural differences between respondent groups (Marin, Marin, Perez-Stable & Otero-Sabogal, 1990). At least one study has suggested that intentions influence expected outcomes rather than the reverse (Brubaker & Wickersham, 1990).

Another outcome based variable is that of risk. There are a variety of risk factors which may affect intentions, and the next section on compliance research will more deeply discuss the subject. Within TRA and TPB research, general and specific types of risk have been determined to affect the likelihood of establishing an intention to perform an action. At least six studies since 1983 have positively concluded that risk is a factor (Aberg, 1993; Basen-Engquist, 1992; Fishbein, Chan, O'Reilly and Schnell, 1993; Gottlieb, Gingiss & Weinstein, 1992; Komlos, 1991; and Riggs & Noland, 1983). Two more have concluded that risk is not a serious factor in the model (Fishbein, Trafimow, Francis & Helquist, 1993; and Stasson & Fishbein, 1990). Aberg's (1993) claim is that detection risk, or the risk of being caught, is a significant model variable in that it determines those who are less likely to comply with regulations. Stasson and Fishbein (1990) believe that risk is only indirect in its influence on intentions through the effects of attitudes and subjective norms.

One interesting area of study is that of commitment to the behavior. The level of formation of intentions, or how well-constructed the plans are to do something, affects the ability of attitudes to influence intentions and behavior (Bagozzi & Yi,
Set goals have a similar effect on attitudes, norms and perceived behavioral control (Crawley & Black, 1992). If a respondent has developed an action plan, the likelihood that intentions predict behavior is much higher (Netemeyer & Burton, 1990). The amount of effort required to perform an action has a negative relationship to intentions (Bagozzi, Yi & Baumgartner, 1990), but the presence of preventive factors can also highly influence the intention-behavior relationship (Norwich & Duncan, 1990). The level of commitment to the action and intermediate steps taken to begin it have the very logical effect of increasing the likelihood that the action will be attempted by the respondent. The presence of discouraging factors - say laws, impediments or budget constraints - will make the execution of the act much less likely.

In conclusion, the theories of reasoned action and planned behavior have general acceptance in the literature as partial explanatory models for human and organizational behaviors. The basic model variables may include attitudes about the behavior and related subjects, subjective and personal norms, perceived behavioral control and intentions. The presence of other significant variables is most likely controlled largely by situational factors which must also be considered. No one version of the model has been shown to be effective in predicting intentions or behavior across situations and even the relationship of intentions to behaviors has been called into question by some researchers.
Compliance Research

The concept of compliance has been merged with discussions on deterrence theory in much of the literature. Some research has been designed to look at the superiority of one method or the other (agency disciplinary research often discusses deterrence methods versus incentive methods). For this dissertation, though, the superiority issue is laid aside. Additionally, no clear decision has been made in the literature as to which method is best for all situations (Braithwaite, Braithwaite, Gibson & Makkai, 1994). It is likely that, as with the theories of reasoned action and planned behavior, situational variables will dictate a preferred manner of inducing compliance with desired standards of behavior. Edelman, Petterson, Chambliss and Erlanger (1991) have also commented that compliance is a process, not an event, indicating that the research should focus on a goal of maintaining a level of compliance rather than a single act which brings the organization into compliance. This concept will be followed here.

Social pressures

One of the earliest studied compliance forces was that of social pressures on individuals to conform to group norms. Steiner (1954) theorized that these pressures, whether real or perceived, were equally strong within an individual as an inducement to action. He also believed that the level of development of the group's norms would help to determine the likelihood that individuals would comply. Groups with better formed and established normative cultures would find compliance-gaining efforts easier than
those with less well-formed or less established norms. The literature since then has generally supported these lines of thought (Lascu, Bearden & Rose, 1995). Each society is thought to create a covertly- but well-known set of rules of conduct known as "social knowledge" which prescribe strict behavioral rules for its members, and these rules are expected to be accepted and observed by all members of that society (Farrell, 1976). Observed or perceived peer compliance with a set of norms or regulations leads other peers to comply with those same standards (Alm, 1991; Curtis, Thurman & Nice, 1991; and Geerken & Gove, 1975). The opposite is also true in that peer non-compliance leads to similar actions in others (Bearden, Rose & Teel, 1994). This study found that group members attempt to model themselves after other members of the group in order to conform, a process they referred to as social modeling. In fact, this social modeling concept appears to be strong enough to cause individuals to ignore societal pressures regarding behavioral norms as long as other group members are performing the non-conformist behavior that the individual wants to do (Nisbett & Borgida, 1975).

The acceptance of a group norm is also a key factor. If a group member accepts the norms, he or she is much more likely to conform to them (Alm, 1991), and this acceptance leads to specific group-acceptable actions being performed (Russell & Russell, 1992; and Viswanathan, 1992). Simply having conventional commitments to something in society increases the likelihood of compliance with its norms (Paternoster, Saltzman, Waldo & Chiricos, 1983), and commitment to society itself further increases
this probability (Geerken & Gove, 1975; and Grasmick & Bursick, 1990). Larger
groups tend to produce higher compliance rates (Lascu, Bearden & Rose, 1995), though
people often simply conform to what they feel are the perceptions of their group about
societal issues (Bearden, Rose & Teel, 1994; and Curtis, Thurman & Nice, 1991). A
perceived social benefit that will result from acceptance of the societal standard also
aids compliance (Alm, 1991; Alm, Jackson & McKee, 1992a; and Clark, 1993).

Groups can provide the individual with the means to reject the societal norm.
Geerken and Gove (1975) found that individuals who rely on their peer groups for
information about a societal standard are less likely to comply with that standard than
those who get the information themselves. These individuals are more likely to retrieve
non-compliance information from their group and therefore follow a non-compliance
path. Since individuals desire to maintain positive relations with their group and form
interpersonal impressions about members within the group (Clark, 1993), they often
desire to improve their own image within the group. This desire for status
enhancement leads individuals to take actions based upon what they feel is most likely
to raise that status, including non-compliance (Couch, 1992; Hill, Kelley, Agle, Hitt &
Hoskisson, 1992; Sonnefeld & Lawrence, 1978; and Stone, 1975). Group members
often crave peer association and reinforcement and therefore engage in activities
designed to secure them (Akers, Krohn, Lanza-Kaduce & Radosevich, 1979). However
observation of extreme peer actions does not necessarily lead to the individual choosing
to engage in such extreme behavior, nor does it cause them to internally accept such behaviors as permissible (Nisbett & Borgida, 1975).

Groups use a variety of means to induce compliance among their members. It is generally accepted that the informal social sanctions applied by groups are much more effective means of compliance and deterrence than formal societal sanctions such as fines and incarceration (Meier & Johnson, 1977; Paternoster, Saltzman, Waldo & Chiricos, 1983; and Tunnell, 1992). Meier and Johnson (1977) conclude that extra-legal influences are more powerful than legal influences in most situations because of the relationships and connections formed in smaller group memberships. While some research has indicated that the risk of shame before one’s peer group induces compliance, Greenberg (1981) found no such relationship. It is likely that group ties and desire for status among one’s peers account for the strong group influence on decisions. Overt pressures to comply with social or group norms may actually lead to non-conformist behavior in an individual if that individual believes that his or her perceived behavioral freedom has been restricted beyond a comfortable threshold (Brown, 1998). Research from Warr (1993) shows that families wishing to keep their children from falling into association with peer groups that they consider unacceptable need to intensify their attachments to their children. These attachments and the amount of time spent with the children to create them reduce the influence of outside peer groups toward engaging in non-compliant behavior. Similar organizational and societal recommendations could probably be made.
From a business perspective, the marketplace often provides compliance influences. Customers and supervisors exert the greatest influences on organizational employees (Gallagher, 1993), and consumer buying habits have been known to greatly influence organizational strategies (Brazee, 1994). The role of activist groups is less well established since some studies have found relationships between these groups and firm activities (e.g., Brazee 1994) and others have failed to find those relationships (e.g., Greening & Gray, 1994). Again, situational differences could account for this disparity. However, the role of a dissatisfied society in shaping a business' activities is probably a generally accepted premise (Namiki, 1984). If a business finds itself under attack from society, that organization is likely to change its activities, at least superficially, to conform to societal perceptions.

Companies that do not make those changes or who are sanctioned by agencies for improper behavior often find a swift reaction to that news from the stock market (Davidson, Worrell & Cheng, 1992; and Dranova & Olsen, 1994). Clarkson (1995) found that firms more often concern themselves with stakeholder issues than societal issues, so the stock market's influence could greatly affect corporate policy. Donaldson and Preston (1995) argue that the stakeholder perspective increases corporate performance in the long term and is morally superior to other perspectives. The corporate social performance model includes both cost-benefit (utility) analyses and social norms and would therefore see firms as making decisions from more than a "bottom line" perspective (Swanson, 1995). Quinn and Jones (1995), in an agent
morality model, prefer to think that, if a conflict arises, firms would generally choose the ethical alternative over the profit motive. The literature has yet to decide this issue.

Compliance problems

Cost of compliance is one of the most popularly researched compliance problems and one which, according to the literature, is fairly well established as a compliance deterrent. Research has determined that the larger the cost of compliance or, additionally, the greater the resources required for compliance (labor, capital, reserves, etc.) the less it is likely that a person or firm will comply with a regulation (Alm, Jackson & McKee, 1992a; Burgess, 1992; Clark, 1993; Epple & Visscher, 1984; Gallagher, 1993; Langbein & Kerwin, 1985; Moore, 1993; Srinivasan & Ratchford, 1991; and Wallschutsky & Gibson, 1994). The commitment to compliance with the regulation must outweigh the resources required to implement the project. While this may seem to be a utilitarian viewpoint, the marketplace finds that stockholders view public announcements of regulation violations as an increased cost of compliance, thereby impacting share prices and expected earnings (Dranova & Olsen, 1994). Research also finds that increasing costs of compliance lead to increasing usage of expert assistance to deal with the regulation (e.g., tax accountants and lawyers) (Beck & Jung, 1989).

The increased usage of expert assistance has been known to increase the likelihood of compliance with a regulation (Alm, 1991). These experts have special
knowledge or connections which seem to increase the probability that a firm can maintain a compliant stature in the marketplace if so desired. If, though, there is a fair amount of uncertainty in the environment, the usage of experts in the compliance process actually decreases the probability of compliance (Klepper, Mazur & Nagin, 1991). In these instances, the level of uncertainty is inversely related to the level of compliance such that the experts appear to be using their knowledge to aid clients in avoiding compliance under the veil of ambiguity. These experts would seem to know how to avoid compliance while maintaining a compliant posture.

Uncertainty itself has a significant effect on the compliance process (Alm, 1991; and Gardner, 1982). Several researchers have found that the presence of a particular level of uncertainty in the environment leads to higher compliance through ambiguity regarding the likelihood of government agencies detecting violations (Moore, 1987; and Russell & Russell, 1992). Alm, Jackson and McKee (1992b), though, found that this phenomenon occurred only when a public good was not perceived as a result of compliance with the regulation. Friedland (1982) found that uncertainty increased compliance only when sanction risks and size were relatively small. Other researchers have found that the ambiguity in environmental uncertainty actually decreases the likelihood that an organization will comply with the law (Alm, Jackson & McKee, 1992b; Beck & Jung, 1989; and Hartl, 1992). Beck and Jung’s (1989) work found that only risk averse individuals were not affected in this way by uncertainty. Alm, Jackson and McKee (1992b) determined that the presence of a perceived public good was a
necessary condition for this compliance decrease to occur. If a party viewed a law as
doing something positive for the community, the more uncertainty that was present in
the environment, the less likely that compliance resulted. Apparently, organizational
altruistic tendencies would be suppressed by environmental ambiguity.

Top management support of compliance is also a key factor in compliance
policy (Shoemaker, Robin & Robin, 1992). Some recent research has determined that
this support quite logically increases organizational compliance levels (Greening &
Gray, 1994; and Konrad & Linnehan, 1995). This would seem to occur as a result of
the increased involvement that these executives have in the compliance process of their
organizations, thereby shaping the firm’s culture and tactics (Holcomb & Sethi, 1992;
and Kaplan, Dakin & Smolin, 1993). In any case, if a firm’s executives are seen to
agree with a regulation and efforts to comply with it, the entire firm is likely to follow
suit. This point would agree with the social pressure research already examined and
has implications which will be further discussed in paragraphs concerning the role of
communication in compliance.

A variety of other compliance problems have been noted in the literature. First,
the risk of compliance error, or errors made while making a good faith effort to comply
with a law, has the effect of decreasing compliance levels (Eppe & Visscher, 1984).
Other forms of general ambiguity and difficulty decrease the likelihood of compliance
as well (Gardner, 1982; and Wallschutsky & Gibson, 1994). Increased standards levels
decrease compliance (Langbein & Kerwin, 1985), as do increased time commitments
required for compliance (Wallschutský & Gibson, 1994). Organizations have been
known to place such stringent restrictions on managerial actions to the point that
compliance is all but impossible (Greening & Gray, 1994). The effectiveness of the
law itself in accomplishing its goals has also been known to directly affect compliance
(Moore, 1993). It would appear that while a few factors may increase compliance
levels, a great many more tend to keep organizations from complying.

Interestingly, ethical and religious convictions do not appear to necessarily help
to induce compliant behavior. Glover (1997) found that, in fact, the intensity and
conservativeness of an individual’s beliefs have an inverse relationship with the level of
ethical reasoning that he or she uses to make decisions. Another study found that there
was no significant relationship between an individual’s ethical reasoning and whether or
not that person had a religious affiliation or religious or ethical training (Ponthieu,
Jones & Mayer, 1993). Additionally, that study found that while legality and ethicality
were usually positively related as concepts, individuals often chose to view certain
illegal acts as being ethical. Moral training or atmosphere would not appear, then, to
necessarily lead to individuals with increased levels of ethical reasoning, although this
is not to say that religiously and ethically trained or affiliated people are prone to
unethical acts more than the general populace. Rather, these persons may rely on other
means to select proper behaviors instead of using the ethical reasoning frameworks
promoted in the literature.
Audit, detection, prosecution and conviction for violations

The risk that an organization will be caught and punished for a violation appears to have merit as a deterrence strategy. Note that this is slightly different from employing these as compliance strategies. The central difference is that deterrence attempts to punish a violator for an offense while compliance attempts to encourage a party to conform to the law, usually before an offense occurs. However, deterrence strategy has its limitations. Complex enforcement strategies, whether required by the law or implemented by an agency, have a negative effect on compliance with the law (Burby & Paterson, 1993). To simplify matters, and because of budget constraints, most agencies ignore some infractions because it would be too costly to try to apprehend all violators (Cremer, Marchand & Pestieau, 1990).

These budget limitations also have the effect of creating enforcement strategies which are efficient but neither productive nor effective (Sanchez & Sobel, 1993). They cause agencies to avoid engaging in high cost inspections, preferring instead to utilize less costly and less far-reaching strategies (Jones & Scotchmer, 1990). Organizations are well aware of the results of agency enforcement strategies and litigation effort (Rach, 1985), and as a consequence, corporate crime is much more difficult to detect, discourage and defeat (Braithwaite & Geis, 1982). Since the size of a crime has no apparent relationship to its likelihood of being detected (Epple & Visscher, 1984), individuals are much less likely to report organizational violations of the law in an
ambiguous environment (Gibson, 1992) where the certainty of enforcement actions, and therefore organizational compliance, would be unknown.

Other economic factors have an impact on enforcement which might not be immediately discernible. Deily and Gray (1991) report that government agencies enforce the law differently based upon the impact of enforcement on the local economy. Firms that employ a large number of workers are less likely to become an enforcement target than those which have a smaller workforce. Apparently, firms which are targeted for enforcement are much more likely to close, thus laying off their entire staff. This study, though, also concludes that communities which are already in trouble are more likely to be hurt by enforcement action. There is a significantly higher rate of enforcement actions in communities with higher than average unemployment rates than in those with lower than average to average unemployment rates. Whether this is the result of a dedicated government strategy or whether it simply indicates that firms in such locations are more likely to engage in illegal behavior, and therefore become enforcement targets, has not yet been established. What has been established is that the newer sentencing guidelines recently put into effect regarding corporate crime have had a positive effect on the number of cases prosecuted and the number of convictions obtained (Cohen, 1992b).

Agencies that wish to reduce violations should simply increase their level of enforcement. Several studies have found that increases in enforcement actions lead to decreases in future violations (Bartel & Glenn-Thomas, 1985; Block, Nold & Sidak,
Cook (1982) states that the visible presence of an enforcement body and of arrests on violators reduced future violations by observers. Straub, Carlson and Jones (1993) found that increases in publicity about enforcement actions brought about a similar result. However, only major enforcement increases have the effect of reducing violations. Minor increases have no significant effect on the rate of future violations (Cloninger & Sartorius, 1979).

The risk that a firm will be audited, or that a governmental agency will look into its activities, has a general deterrent effect on violations (Ahn, Jackson & McKee, 1992a; Dubin, Graetz & Wilde, 1990; Gray & Jones, 1991; Kaplan, Dakin & Smolin, 1993; Malik, 1993; and Whitaker, Phillips, Haas & Worden, 1985). Snyder (1995) encouraged that these audits need to be on-site investigations in order to be effective deterrent measures. Beck and Jung (1989) explain that this effect is the result of an increased incidence of obtaining expert advice on compliance by these firms. Konrad and Linnehan (1995) theorize that an increase in compliance structures in these firms causes the increase in compliance and reduction of violations. The simple explanation may be that, whatever action is taken, a firm that perceives its probability of being audited as relatively high is either less likely to engage in illegal actions or is more likely to implement strategies designed to reduce violations or at least the appearance of being in violation.
The next step in the enforcement process is that of detection. Research shows that, in general, the higher the perceived risk of detection, the fewer violations that an organization will tolerate or initiate (Aim, 1991; Burgess, 1992; Claster, 1967; Friedland, 1982; Klepper & Nagin, 1989; Malik, 1993; Tunnell, 1992; and Viswanathan, 1992). An organization that believes itself to be more vulnerable to detection, especially if directly investigated, seems to be an organization which is less likely to violate the law. These investigations, though, cannot be superficial or the increase in compliance will be lost (Gray & Scholz, 1991). Frequent audits of firms for violations seem to decrease violations (Burby & Paterson, 1993), but the greatest reduction in violations appears to occur through the first few audits in which the greatest improvements in organizational knowledge about the law can be effected (Gray & Jones, 1991). At least one study differs with these conclusions about detection risk affecting compliance rates. Braithwaite and Makkai (1991) found that no significant relationship existed between perceived detection risk and compliance rates. If the relationship is weak for a firm, it could be that these mentioned secondary factors (e.g., superficial investigations) may be interfering with the effects of detection risk.

The risks of prosecution and conviction also seem to have a deterrent effect. Klepper and Nagin (1989) found a positive relationship between the perceived risk of prosecution and increases in compliance. Two other studies (Payne, Hartman, Villere, Nelson & Baxter, 1992; and Viswanathan, 1992) found that the risk of conviction produced similar results in reducing non-compliance. Agencies which have high rates
of violation detection may get further compliance inducement through increasing the perception among firms that violators will be prosecuted and convictions obtained. Those agencies which are unable to establish this connection may find it hard to compel firms to reduce violations since firms will believe they are unlikely to be successfully punished for non-compliance.

Sanctions

The ability of sanctions to effectively deter infractions is two-part: the risk of receiving a sanction and the size of the sanction received. The first part refers to the chance that a firm convicted of a violation will be punished. Research generally supports the theory that the risk of receiving some type of sanction for a violation has a deterrent effect on future violations. Greenberg (1981) theorized that the real relationship was not from sanction risk to compliance but the reverse. Parties that perceived a higher risk of sanctions did so because of a past compliance history, often produced by earlier sanctions for violations. But, Hearn (1993) found that sanctions had no anti-agency attitude effect, so any increases in compliance should not be at the expense of the enforcement agency's reputation or popularity.

The other part of the deterrent effect of sanctions is the size of the sanctions themselves. The theory is that laws that carry a higher sanction for violations will benefit from higher compliance rates. It is possible that the logical conclusion to this line of thought would be to impose a capital sanction for any violation of any law in order to induce the highest possible compliance rate for all laws. Practically, however,
this is ludicrous. While several studies have found a positive relationship between sanction size and compliance rates, a good number have found no such relationship.

These latter studies have usually concluded that it is the risk of receiving a sanction, not the size or type of sanction, which causes people and organizations to comply with a law. Beck and Jung (1989) found that the size of the sanction was directly related to the use of expert advice for compliance, but Cohen (1992b) found that increases in sanction sizes had no significant effect on compliance efforts. Alm, Jackson and McKee (1992b) agreed that these increases had no perceptible relationship to rates of compliance or compliance efforts in general.

Whether sanctions actually have any effect on compliance, regardless of risk or size, is still not certain. Since the basis of deterrence theory is that violators will be punished and that punishment has the effect of deterring future violations, the linking of sanctions to compliance is crucial in justifying agency strategies based on this policy. Certain studies have established this link (e.g., Block, Nold & Sidak, 1981). A few others have questioned it (e.g., Claster, 1967; and Tucker, 1992). Sanctions have been found to increase overall firm performance (Hearn, 1993), and the size of sanctions may increase the positive affective and cognitive evaluations of a firm (Trevino & Ball, 1992). But these changes are often linked to the perception of a "just world" by the firm’s management (Ball, Trevino and Sims, 1994) and to the perception of a "just management" (Trevino & Ball, 1992). Ball, Trevino and Sims (1994) comment that the effectiveness of sanctions to deter violations is linked to receiver perceptions that the
sanctions are just, equitable and appropriate to the violation. The study also showed
that the ability of the receiver to choose the type or severity of sanction received is
apparently an effective compliance enhancement strategy for agencies.

Braithwaite and Geis (1982) have noted that sanctions appear to be more
effective in deterring corporate violations than individual violations. Yet sanctions are
also criticized for harming the innocent more than the guilty because violator firms
often pass on the cost of a sanction to their customers or stockholders rather than
absorb it (Metzger, 1987). Increasing the control firms have over their sanctions (size,
timing, type, etc.) supposedly increases the level of citizenship behavior displayed by
firms. Perhaps the real phenomenon is that the new sentencing guidelines are
encouraging proactivity in firms through the reduction of sanction sizes, hinting that
stronger punishment may be imposed if organizational commitments to compliance are
not realized (Dalton, Metzger & Hill, 1994).

Burby and Paterson (1993) suggest that a better alternative to increased
compliance rates is through cooperative compliance building programs to increase
organizational awareness of the need for compliance. Baucus and Dworkin (1991)
counter that violator firms will simply create a facade of compliance through
philanthropic gestures designed to obscure their non-compliant actions. Braithwaite,
Braithwaite, Gibson and Makkai (1994) found that, rather than comply with certain
regulations, some firms simply "drop out" of the process and become renegades. These
firms no longer respect, nor do they respond to, agency attempts to get them to comply
with the law. These firms would, theoretically, reduce their ties to more mainstream firms and, logically, increase their ties to other non-compliers, lessening even further the likelihood of future regulatory compliance (Massey & Krohn, 1986).

Other deterrence and compliance variables

Firms make deliberate decisions about whether or not to comply with regulations. Some of the factors which have been found to increase the likelihood of compliance are: an interest in the area of regulation and/or knowledge about it (Lansana, 1992; Srinivasan & Ratchford, 1991); experience with the regulated topic (Cook, 1982; and Srinivasan & Ratchford, 1991); knowledge of the existence of victims or category individuals related to the area (Lord, Desforges, Ramsey, Trezza & Lepper, 1991); and knowledge that a violation is considered inappropriate behavior by society (Ladouceur & Mercier, 1984).

However, cognitive decisions to comply with a regulation are often made only under some type of pressure. These pressures include stress (Barr, 1991) and deregulation (Hopkins, 1986; and Lipinski, 1990). Stockholder power can also force firms to choose to comply with or ignore a regulation based not on managerial preference but on market forces (Klein, 1987). If these decisions about compliance are made within a culture of cognitive diversity of opinion, the likely result is an increased stockpile of options to choose from (Kwun, 1993). But, continued cognitive diversity after the brainstorming process will probably reduce the efficiency and effectiveness of
the decision making process. These options may be reduced further by new regulations which limit managerial prerogatives (Lenoir, 1987).

On the other hand, organizations do not necessarily make good decisions under pressure. Lambert and Wedell (1991) found that firms make more extreme decisions under pressure than they would otherwise. Firms often act against their own best interests when under stress and when unable to rationally deliberate the consequences of their actions (Metzger, 1987). Pressured situations have also been known to produce rationalizations and decreased compliance in order to satisfy organizational goals (Albrecht, Wenz & Williams, 1995; and Thurman, St. John & Riggs, 1984). In sum, firms may make quicker decisions under pressure, but those decisions cannot be assumed to be aimed at increasing regulatory compliance. Agency actions which cause firms to feel pressured may find that the opposite decisions have been made, not those which were desired and expected.

Utility or cost-benefit analysis is one method that firms often use to make rational decisions. This method has been found to be commonly used by firms in deciding between compliance alternatives, and non-compliant firms are found to use it exclusively for making decisions (Carroll, 1978; Ehrenberg & Schumann, 1982; and Ehrlich, 1972). Several studies have noted that financial incentives to comply have a strong positive predictive power on compliance rates (Alm & Beck, 1991; Holcomb & Sethi, 1992; Murray, 1995; and Sethi, 1994). However, financial incentives can also have the opposite effect and encourage violations (Lundberg, 1991; and Piliavin,
Thornton, Gartner & Matsueda, 1986). High-quality non-compliance options are especially prone to induce violations (Klepper, Mazur & Nagin, 1991; and Klepper & Nagin, 1989), especially if the crime is easily concealed (Albrecht, Wernz & Williams, 1995).

Financial pressures on the firm (low performance history, economic difficulties, etc.,) tend to decrease compliance rates (Albrecht, Wernz & Williams, 1995; Allison, 1972; Baucus & Near, 1991; and Clinnard & Yeager, 1980). These pressures seem to cause firms to seek higher than normal risk opportunities in order to reverse firm performance, and, ironically, this strategy seems to work, further reinforcing the non-compliant policies of the firm (Miller & Leiblein, 1996). Successes by firms using this approach cause other firms to repeat the example (Staw & Szwajkowski, 1975). It also encourages more serious violations than would normally be found in the industry (Simpson, 1986). These policies are typically employed by firms using a short-term approach to profits, especially among managers concerned about organizational or personal economic survival (Couch, 1992; and Hill, Kelley, Agle, Hitt & Hoskisson, 1992). The risk/return requirements of different industries vary between each other and therefore no one level of risk or return required should be expected to trigger violations in multiple industries (Baird, 1986).

The attitude of firms regarding compliance has also been explored by the compliance and deterrence literature. Several studies have found that firms with a moral attitude tend to have an increased rate of regulatory compliance (Grasmick &
Bursick, 1990; Paternoster, Saltzman, Waldo & Chiricos, 1983; Teevan, 1976; Thurman, St. John & Riggs, 1984; and Viswanathan, 1992). Greenberg (1981) found that no such relationship existed. As before, the nature and severity of the compliance request, as well as the culture and structure of the industry itself, may dictate the effect that expressed moral attitudes have on compliance. A positive attitude toward compliance seems to be a reliable predictor (Moore, 1993), as does a self-perception as a complier (Claster, 1967). Viewing violations as trivial, harmless, victimless or temporary will tend to reduce compliance rates (Albrecht, Wernz & Williams, 1995; and Erickson, Gibbs & Jensen, 1977). Firms wishing to remain anonymous with regard to compliance should refrain from complaining about regulations because agency auditors tend to view those who criticize the law as being more likely to break it ("Ten warnings…", 1993). In sum, firm attitudes toward compliance seem to indicate either an intention to comply with or to ignore the law.

Other organizational factors may also be predictors of compliance rates. Rach (1985) found that organizations understand the regulations they work under, but they still choose to violate them. Elsback and Sutton (1992) found that organizations often support non-compliant individuals in the background while taking a public stance against such activities. This would tend to support the conclusion that corporate culture and structure affect the compliance posture taken by the organization’s employees (Shoemaker, Robin & Robin, 1992). Organizations that create a culture of social responsibility and a high level of minority acceptance increase compliance rates since
employees see the example of adoption of compliance standards by management and imitate it (Kaplan, Dakin & Smolin, 1993; Konrad & Linnehan, 1995; and Nimiki, 1984).

The implementation of in-house monitoring programs increases compliance rates and reduces the threat and size of sanctions facing the firm (Holcomb & Sethi, 1992; and Kaplan, Dakin & Smolin, 1993). However, structural decentralization reduces compliance by reducing supervisory contact with employees (Russell & Russell, 1992). The same culture which may define and encourage a policy of compliance for employees may also define a repeat offender profile for those organizations that repeatedly refuse to adopt regulations (Baucus & Near, 1991; and Finney & Lesieur, 1982). A repeat offender culture should identify for an agency a firm that is less likely to comply with regulations in general and therefore a future target for investigation.

Organizational size has been proposed by some research as a compliance factor. Large firms have more often been found to be non-compliant than small firms (Baucus & Near, 1991; Clinnard & Yeager, 1980; Finney & Lesieur, 1982; Scherer, Kaufman & Ainina, 1993; Simpson, 1986; Vaughn, 1982; and Yeager, 1986). This non-compliance has been attributed to such factors as organizational complexity (Finney & Lesieur, 1982), less employee supervision (Vaughn, 1982), and the ability of these firms to afford imposed sanctions (Clinnard & Yeager, 1980; and Yeager, 1986).

However, a good number of studies dispute the conclusion that large firms are more non-compliant than small ones (Asch & Seneca, 1975; Clinnard, Yeager,
Brissette, Petrashek & Harries, 1979; Greening, 1991; Hay & Kelley, 1974; and Hill, Kelley, Agle, Hitt & Hoskisson, 1992). Asch and Seneca (1975) and Hay and Kelley (1974) find that large firms are simply more likely to be investigated than small firms, thereby detecting violations that occur in firms regardless of size. Greening (1991) finds that large firms are actually more compliant for this very reason.

Cohen (1992b) and Shapiro and Votey (1984) challenge these findings and argue that small firms are actually more likely to be investigated by agencies, though some research has found that this is untrue at the federal level (Scherer, Kaufman & Ainina, 1993). Even so, Droitsch (1988) contends that small firms generally do not comply with regulations, for whatever reason. Humphreys, Robin, Reidenbach and Moak (1993) concluded that small business owners and their customers share similar ethical perspectives and use the concepts of justice and fairness to guide their decision making. Whether small firms are more or less ethical or compliant would seem to be, at least partially, a function of market forces if this last study is correct. Agencies wishing to have the greatest enforcement impact, given the limitations already discussed concerning organizational motivations to comply, should focus on firms with 100 to 500 employees. Gray and Scholz (1991) discovered that this group of firms was more likely to be positively impacted by enforcement efforts than either larger or smaller firms.

The literature also has some suggestions for how legislative bodies can improve the effectiveness of the regulations they impose on business. Mandatory programs have
a significantly higher compliance rate than voluntary programs (McEwen & Maiman, 1986; and Ward & Gleiber, 1993), and regulations seen as part of a major program also have higher compliance rates (Curtis, Thurman & Nice, 1991). The earliest regulatory initiatives to correct a problem seem to have the best success in reducing violations (Lewis-Beck & Alford, 1980). This study also found that more specific regulatory goals increase compliance as do strong regulatory language, strong enforcement provisions and a limited target population.

Bartel and Glenn-Thomas (1985) suggest that regulations need to be aimed at the real cause of the problem, not simply at its symptoms or effects. Several studies point to the need for programs and agencies with perceived fairness and legitimacy (Kinsey & Grasmick, 1993; McEwen & Maiman, 1986; and Viswanathan, 1992). The regulations should also encourage employees to report violations with the least possible recriminations for doing so (Ehrenberg & Schumann, 1982). Finally, the literature suggests that deterrence strategies through direct controls and sanctions are a cheaper alternative (if not more successful) than compliance strategies using incentives (Malik, 1992). Essentially, a regulation needs to be clear, have teeth and be viewed as fair and just in order to enhance compliance rates. This is an important conclusion given the earlier discussions regarding the Americans with Disabilities Act’s problems of ambiguity and subjectivity as perceived by the marketplace.

Enforcement agencies are also given a few suggestions by the literature to increase compliance. First, state agencies achieve higher compliance success than
federal agencies, perhaps because federal agencies are seen to be biased toward certain groups (Braithwaite & Makkai, 1991; Payne, Hartman, Villere, Nelson & Baxter, 1992). Federal agencies might then wish to delegate enforcement responsibilities to state agencies or to agencies with fair reputations where possible, since research shows that no significant loss in compliance should be expected (Grierson & Singh, 1990). More progressive forms of enforcement using cooperative compliance arrangements rather than sanctions should be explored according to Fenn (1993), and agencies should use feedback communications, regulation implementation monitoring, and technical information means to increase small firm compliance rates (Droitsch, 1988). Whether any of these suggestions is practical or even possible would clearly depend on the latitude afforded the agency in the law and the management attitudes present.

Perhaps a key and underlying point to the entire discussion is whether or not corporations can be treated as human organisms. This may seem a fundamental concept, but in reality, it is at the heart of the disagreement between compliance camps. The opening quote to this chapter mentioned how difficult it is to view a corporation in human terms because of the very inorganic nature of a corporation. Boatright (1996) contends that society has attempted to protect non-shareholder stakeholders’ rights in the community by forcing on corporations four rules of engagement: (1) explicit contracts; (2) implicit contracts; (3) judicial interpretations of imperfect and/or incomplete contracts; and (4) government regulation when all else fails. These rules
have led society to three main remedies for improper corporate action according to Boatright: tort actions, interventions with management and political action.

These actions would seem to treat the corporation as an entity which can be forced to do what society wishes it to do. Societal norms can, thus, be compelled onto a firm, whether or not it wants to conform to those standards of conduct. Phillips (1996), however, faults Boatright's theory in that he contends that corporations simply do not act like human beings would act, and that therefore expecting animate actions from inanimate entities is folly. This would attempt to explain why, in the face of all apparent reason, corporations may simply choose to act irresponsibly from a social standpoint even when strong and devastating consequences may result.

This literature seems to be torn between the camps of deterrence and compliance, or the theories of punishment and incentives. While this review does not seek to resolve this conflict, it does seem that each camp has some significant variables which would appear to be successfully used across a variety of industries and situations. This flexibility may be a key in fashioning a model of regulatory violations which explains why some firms in certain industries decide to ignore conformity requests from governmental agencies. Until a clear solution to the debate is found, use of the best variables from each camp seems to be the prudent alternative.

Offender Empathy Research

In the first part of this chapter, the TRA and TPB variables were discussed. It was found that there was a general acceptance in the academic community that a
person's stated intentions usually had some predictive ability toward his or her observable behavior. The literature also agrees that, situational factors aside, a person's behavioral attitudes, subjective norms and perceived behavioral control have a measure of predictive ability toward his or her intentions. While no one version of either TRA or TPB is applicable across all situations, the relationships have been given general acceptance of reliability and validity when correctly used in research experiments.

The section previous to this one discussed the literature from behavioral and criminal sociologists as they have attempted to predict or at least understand why people break the law. As with the Ajzen/Fishbein controversy, no one general and universal model has been found. There is a general level of consensus that several factors are relevant to the discussion, however. Some of them are:

1. the perceived risk of:
   - audit or investigation,
   - detection of wrongdoing,
   - prosecution for offenses,
   - conviction for offenses, and
   - sanction for offenses
2. the perceived seriousness of:
   - the offense,
   - the sanction for the offense, and
   - the social stigma for conviction
3. attitudes toward:
   - the law's rightness,
   - the judicial system's rightness or fairness, and
   - the sanction's rightness or fairness
4. social normative pressures toward:
   - compliance with societal norms,
   - compliance with group norms, and
   - mimicking other group members' behaviors
While this is by no means an exhaustive list, it does illustrate a good number of factors that may lead to a person’s decision to break or comply with a law.

Some similarities between the TRA/TPB variables and this list exist. The TRA/TPB behavioral attitude variable is similar to the attitudes discussed in number three above. Numbers one, two and four strongly link with the subjective norm variable. Numbers one and two refer to the formal governmental norms of the system, and number four compares with the personal influences that family and peers may exert on an individual. While the perceived control variable does not appear above, the earlier literature review did discuss the organizational policy and resource factors which may influence a non-compliance decision.

Feather (1996) investigated the links between a subject's opinions toward an offense and the sanctions meted out for the offense as they related to his or her attitudes toward the offender. The underlying hypothesis was that persons whose attitudes were more favorable toward an offender and an offense, and more negative toward the sanction, would be those persons with less regard for societal norms and, perhaps, with a greater tendency toward non-compliance behaviors of their own. Feather's hypotheses were largely confirmed, though general non-compliance labels cannot be attached on the basis of limited crime scenarios. For example, a person who may favor non-compliance with the speed limit laws should not be targeted for supervision regarding felony theft or murder.
Feather's investigation examined four areas which appeared to link with a positive or negative affective reaction to an offender. They were:

1. the perceived responsibility of the offender for the action,
2. the perceived seriousness of the offense,
3. the offender's deservingness of the sanction, and
4. the perceived harshness of the sanction

Persons who are judged more responsible for an offense are perceived to have committed it with greater intention than those who are judged to have accidentally broken the law. Offenses which are judged more serious seem to merit stronger sanctions than minor ones. Offenders in situations with mitigating circumstances are more likely to be judged worthy of mercy from others than are those who "deserve" stricter punishment. And sanctions which appear to fit the crime, the criminal and the circumstances receive greater observer support than do those judged too lenient or too harsh. Although a linear model is examined, Feather concedes a reciprocal linkage between all four areas and empathy for an offender exists. This could indicate that the study's methodology develops a single predictor for intentions to comply with the law, and it is in this vein that Feather's work is included in this study.

Feather's work has previously been linked with the Ajzen/Fishbein models (Caska, 1998) as a result of earlier work in attitudes and intentions (Feather, 1990; Feather, 1992; Feather, 1993; Feather & O'Brien, 1987). A major conceptual departure, though, is Feather's use of illustrative scenarios on which the respondent
bases his or her answers. Ajzen and Fishbein advocate the use of simple statements or questions regarding concepts that the respondent understands. Feather uses the methodology of operationalized or real-life scenarios in order to gauge variations in the respondent's values. For this study, as will be explained in the next chapter, each researcher's methodology is kept intact.

Chapter Conclusion

This chapter has examined three models of human behavior, portions of which will be used in this study to investigate SBE compliance with certain employment provisions of the ADA. The hypotheses, which are reviewed at the beginning of chapter three, predict that a person's behavioral attitudes, subjective norms, perceived behavioral control and empathy for offenders can influence his or her intentions to comply with those regulations. The literature lends credence to the separate and combined use of these predictors in other areas of study. This dissertation attempts to verify their applicability to the area of employment disability.
CHAPTER 3

STUDY METHODOLOGY

Chapter Introduction

This chapter explains the methodology of the study undertaken for this dissertation and is designed to describe the specific steps taken to complete the study from beginning to end. The results of this study are more fully described in chapter four. This chapter begins with a review of the hypotheses introduced in chapter two and then develops these through the definition and operationalization of key terms and variables. This operationalization is accomplished by using the methodology outlined by Ajzen and Fishbein (1980) and by Feather (1996). The chapter then explains how the instrument was generated through the use of pilot studies with business executives and business students. It concludes with a description of how the final study was planned and executed.

Research Hypotheses Review

The hypotheses below were introduced in chapter two based upon a model proposed in that same chapter. This model attempts to predict regulatory compliance intentions of small business executives (SBEs) through variables suggested by Ajzen and Fishbein (1980), Ajzen (1991) and Feather (1996). The model (TRA & TPB) has been found to be a good predictor of both individual and organizational behaviors, and
thus is worthy of use in this study (Elliot, Jobber & Sharp, 1995). These are the hypotheses to be tested in this study:

Hypothesis 1: SBE behavioral attitudes regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent's firms.

Hypothesis 2: SBE perceived subjective normative pressures regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent's firms.

Hypothesis 3: SBE perceived behavioral control regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent's firms.

Hypothesis 4: SBE empathy with convicted offenders of the employment provisions of the Americans with Disabilities Act of 1990 (ADA) will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent's firms.

These hypotheses embody the work described in the literature review section of chapter two. Essentially, persons are expected to act according to their intentions (whether stated or unstated). This model attempts to predict what those intentions will be using the four variables highlighted in the hypotheses. A person's behavioral attitudes are a function of their beliefs about certain outcomes which may be reasonably expected to occur as a result of performing a certain action and the values of those outcomes to the actor (Ajzen and Fishbein, 1980). This indicates that a person's attitudes are not merely a set of theoretical beliefs about the rightness or wrongness or importance or unimportance of an action. Rather, behavioral attitudes are
operationalized and evaluated beliefs regarding the person's performance of the behavior, not abstractly but in the real world. If correctly measured, behavioral attitudes reveal a person's inner feelings about performing a behavior irrespective of outside pressures regarding the performance of the behavior. The items measuring those attitudes, though, must refer to specific behaviors rather than general behaviors (e.g., voting in the next election for a certain candidate versus voting in general) in order for the variable to be a valid intention predictor (Ajzen & Fishbein, 1977).

Subjective normative pressures are those outside pressures which attitudes are supposed to ignore. They are expected to influence a person's intentions through "peer" pressure about the performance of a certain behavior (Ajzen & Fishbein, 1980). Many sociologists have indicated the importance of social pressures on individual behaviors (e.g., Merton, 1957; and Parsons, 1951). However, this model specifies that certain nameable persons or groups may be identified as important for forming intentions to perform definable actions, and these normative referents may change from action to action, from situation to situation, or even from one type of actor to another. Sociologists have typically written of general referent groups as universally important to subjects for almost all of their behaviors (parents, friends, teachers, etc.). The theories of reasoned action (TRA) and planned behavior (TPB), rather than prescribing which referents are likely to be important for a particular study, encourage the researcher to identify these referents through the use of pilot studies with a sample of respondents from the target population. Subjects in the final study will then compare
their beliefs about how these referents would have them act with how much they depend on those referents for the impetus to perform the action in question. A person may believe that someone or some group may feel strongly about an issue without attaching any real importance to that referent’s opinions.

Perceived behavioral control was suggested by Ajzen (1988) as a modification to the original TRA model to adjust for what was apparently a flaw in its explanatory scheme. He reasoned that even if a person is strongly pushed toward performing an action, whether internally or externally, the person is unlikely to intend to perform the action if he or she does not have the resources needed to succeed. These resources may be time, capital, authority, knowledge or any other item which would make it possible or impossible to perform the behavior, even with sufficient internal and external pressure. Ajzen uses an example of a person who would like to fly an airplane, who has positive reinforcement from peers to fly a plane, but who will not seriously intend to fly the plane due to a lack of proper training and authority to fly the plane.

Feather (1996) studied the attitudes of persons toward performing illegal or unethical behaviors and compared those attitudes with their attitudes toward authority. His work uses real or fictional scenarios of people similar to the respondent behaving improperly and asks the respondent to express his or her empathy with the offender and the improper action. By asking subjects about their feelings regarding the actor and the consequences of the action (sanctions, etc.), Feather hopes to solicit a subject’s actual beliefs about the action rather than the subject’s expectation of what the researcher or
society wants to hear. His conclusions warrant further research in the compliance area, and they are included here because of their potential to add a fourth dimension to the original Ajzen/Fishbein model.

One portion of both TRA and TPB which is excluded from this study is that of the link of behavioral intentions with the behaviors themselves. The key to successful behavioral research is the ability to predict a subject's behaviors using the independent variables of attitudes, norms, control and intentions. This dissertation, however, excludes a discussion of the prediction of behavior for the reason that an accurate measurement of ADA compliance in employment disabilities is either illegal or impractical. The ADA specifically prohibits employers from divulging disabilities related information to anyone who does not have a specific and legal need for the information. Unless information about specific disabilities and the specific accommodations made for those disabilities could be relayed by the employer or observed by the researcher, only general disabilities accommodations could be catalogued. This general information - for example, enlarged bathroom stalls or widened parking spaces and wheelchair ramps - could actually be the result of accommodations made for customers or accommodations required by building codes rather than accommodations made by employers for conditions related to specific employees on staff.

Therefore, finding observable, physical reasonable accommodations made by employers for disabled applicants or employees, as the ADA requires, could be quite a
daunting task. This dilemma was discussed at more length in the first chapter while discussing the difficulties of complying with both the ADA and the National Labor Relations Act (NLRA). This conflict between legislation was the result of the NLRA's requirement of the disclosure of all management information about employees to members of the collective bargaining team and the ADA's prohibition of such a disclosure. The only reasonable solution appeared to be a more general disclosure without reference to specific employees or specific accommodations. This same restriction would be placed upon this study, thus making it difficult to legally verify ADA compliance by SBEs.

It would be relatively easy to find TDD devices used by hearing-impaired employees answering telephones and braille documents used by sight-impaired employees. However, should back braces used by employees lifting heavy objects be considered accommodations for current disabilities or preventive devices used to forestall future disabilities? Asking the employer to divulge whether specific employees were using them preventively or as an accommodation would put the employer at risk for divulging the employee's disability status in violation of the ADA. Yet, without such identification, it would be hard to quantify the number of accommodations provided by the employer versus the number which may have been requested. The level of or rate of compliance behavior for each firm would still be highly dependent on respondent self-reporting, and most SBEs would be unlikely to openly admit a pattern of non-compliance to anyone.
Additionally, there is a concern that requesting past behavior information as a proxy for future behaviors is theoretically problematic. A self-report item about behaviors is most likely to elicit information on past behaviors, and trying to predict past behaviors with current attitudes, norms and control beliefs is theoretically incorrect (Albarracin, Fishbein & Middlestadt, 1998). The current opinions should predict the future actions of the respondent gathered at a later date. Use of past behaviors as a proxy is also incorrect in that the lessons learned from those behaviors should have been incorporated into the current opinions of the respondent if he or she learns anything from life experiences (Albarracin, Fishbein & Middlestadt, 1998). In other words, if the respondent experienced some sort of legal sanction from an earlier compliance problem, the lessons learned from that instance should be reflected in his or her current attitudinal and normative beliefs at the very least.

As the first chapter also indicated, physical accommodations are not the only ones required under the law. Indeed, research quoted in that chapter showed that many of the most common disabilities currently accommodated under the ADA are unrelated to the conditions Congress cited such as impairments of sight, hearing and mobility. Depression and other mental conditions are becoming increasingly cited for accommodation by employees, and compliance with these requests usually takes the form of release time for therapy or medical sessions and/or the allowance for self-medication at work. At times, work schedule revisions are made to reduce stress-inducing situations for those with stress-related conditions. Obviously, employers
cannot indicate which employees might fall under one of these conditions, nor which employees may have requested an accommodation and been denied. Again, the lack of specific information would reduce the credibility of any conclusions drawn as to verifiable compliance with the law.

This difficulty should not reduce the effectiveness of the present research study, however. As referenced earlier, Appendix B demonstrates a number of studies which have validated the relationship between stated intentions and respondent behavior. This study will attempt to establish a link between the independent variables of attitude, norms, control and offender empathy and the dependent variable behavioral intention. It will assume that, based upon past research, the link between intentions and behaviors is likely to exist, but no conclusions about that link will be made. In fact, the more likely that the intentions and behaviors are linked temporally, the greater the chance that there is a strong relationship between them (Finlay, Trafimow & Jones, 1997). While this cannot be claimed in the present study, the ADA's pressures for compliance are a current priority for many small firms, and that urgency of compliance should translate into at least a closer temporal relationship between ADA intentions and behaviors.
Hypothesis Development

Hypothesis Terminology

The following paragraphs better define certain terms found within these hypotheses or within the operationalization which follows. Further explanations of certain terms is also included in the pilot study section of this chapter. Additionally, key terms are discussed in both the first and second chapters in sections on business regulation and academic studies of human behavior.

Small business executive (SBE). The term "small business" is generally defined either operationally or demographically, especially by the government, given that in different industries different sizes of firms are considered small. For example, Kreitner (1998) partially defines the term by requiring that the firm be profit-seeking and independently-owned and operated. This would rule out an organization that is not-for-profit, although the ADA includes these organizations within its scope. It would also rule out certain chains or franchises where a significant corporate presence exists.

Other definitions revolve around workforce or financial size. One such definition allows firms as large as 500 or 1500 employees to be considered small (Robbins, 1997; and U. S. Small Business Administration, 1997), although others put the limit at 100 (Dugan, 1996; and Kreitner, 1998). Lader (1997) prefers to limit the financial size of the firm by restricting net income to $2,000,000 annually and net worth to $6,000,000. Others use annual sales, sales compared to competitors and market share domination. The U. S. Small Business Administration (USSBA) (1997)
combines the use of annual sales and labor force size and applies different criteria based upon industry standards. For example, general building contractors are limited to $17,000,000 annual sales, but agricultural crop production firms are limited to $500,000. Radiotelephone communications firms can have as many as 1500 employees, but coal mining firms may only have 500 employees and still be considered small. If these standards are inappropriate for the industry, though, the USSBA may employ a different standard. Small electrical services firms may produce no more than 4,000,000 megawatt hours and small banks may have no more than $100,000,000 in assets.

For this study, a small firm is one that has at least 20 employees but no more than 200. The minimum staff size requirement is imposed by the ADA. It requires, as quoted in the next section, at least 15 employees during a substantial portion of the workyear. By requiring at least 20 employees for respondent firms, the study hopes to avoid sampling firms that may periodically but irregularly meet the ADA's size requirements. The 200 upper limit is a compromise between the estimations earlier cited.

Employee and employer. The ADA is quite specific about who it considers an employee and an employer for its provisions. An employee is "an individual employed by an employer" (§101(4)). While this seems either obvious or overly general, the definition of an employer explains the relationship better.
Employer: A person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. (§101(5)(A))

This definition would require the study to focus on firms actually employing persons in a commercial venture or one affecting commercial ventures. This would exclude firms whose workforce consists of a large number of volunteers with few if any paid workers. For the purposes of this study, only for-profit firms with at least twenty paid workers for at least twenty weeks in the last two calendar years are eligible.

Reasonable accommodation. There are two types of reasonable accommodations which the ADA defines as requireable for employers: physical facilities and working conditions. The Act requires that firms make "existing facilities used by employees readily accessible to and usable by individuals with disabilities" (§101(9)(A)). Working conditions, though, are defined using examples of types of accommodations which may be requested. These include:

... job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. (§101(9)(B))

For the purposes of this study, specific facilities and conditions changes were not mentioned in the instrument since employers might have varying requirements of each type placed upon them. More general allusions to working space, time requirements, etc. were used to make the instrument more widely applicable to all employers. Future research efforts could attempt to focus on specific industries, thus
allowing the researcher to determine specific accommodations which might be common
to all members of the target population, improving the validity and reliability of the
instrument.

Disability. The ADA has three separate definitions for what may be considered
a legal work disability. In section 3(2) of the Act, it defines a disability as:

(A) A physical or mental impairment that substantially limits one or
more of the major life activities of [an] individual.
(B) A record of such an impairment.
(C) Being regarded as having such an impairment.

The instrument for this study mentions specific disabilities only within specific
contexts. While speaking with SBEs to develop the earliest versions of the instrument,
it was found that, for certain employers, mobility was a critical issue, but for others in
similar fields, vision or hearing were more important. Still others might have placed
more emphasis on mental alertness and stability due to customer or safety
considerations. Thus, unless the sample was carefully drawn from a highly specific
type of firm within an industry, the mention of specific disabling conditions would
likely reduce both reliability and validity of the instrument. If such a sample were
drawn, the specificity of sample group characteristics would greatly reduce the number
of respondents who would be eligible for the study and would limit the generalizability
of the results.

For most questions, then, reference was made to only general disabilities and
disabled employees rather than to those individuals with specific conditions. The
scenario section suggested by Feather (1996) did use specific conditions because actual
adjudicated cases served as the situations to which respondents were to react. The conditions were a heart ailment, epilepsy and hearing loss. Each of these would be defined as a disability by the ADA under section 3(2)(A).

Qualified individual with a disability (QUID). The ADA defines such a person as one who can perform the essential duties of the position in question "with or without reasonable accommodation" (§101(8)). This term is not specifically used within the instrument, but it is used in the operationalization of the hypotheses in the next section. Additionally, each question and scenario is worded so that the person being referred to is a QUID according to ADA standards. This person, then, must be able to perform the "essential" functions of the position, and the concept of "essential" functions is covered in more depth in the first chapter. In brief, "essential" functions are critical to successful performance of a position, but not all position functions are considered "essential" for successful performance. If the function can be delegated to another person or eliminated entirely without materially affecting the job performance of the employee, the function is not considered "essential."

Attitude. Ajzen and Fishbein (1980) define this term as "a person's general feeling of favorableness or unfavorableness for [a] concept" or as being "in favor of or against performing [a] behavior." Ajzen (1988) further refines this concept as being an individual's "positive or negative evaluation of performing [a] particular behavior of interest." These definitions indicate that a person's interest or disinterest in performing a behavior may arise from personal, internal feelings about the behavior, about
performing that behavior and about outcomes or results associated with the performance of the behavior. This term will be defined more precisely for use in this study in the next section, but this general concept is the guiding definition of attitude used throughout the dissertation.

Subjective norm. Ajzen and Fishbein (1980) define this term as the "perception that most people who are important to [a person] think he should or should not perform the behavior in question." Accordingly, these authors believe that these influential persons or groups - referents - will sway a person's actions through personal contact. This concept is quite close to the sociological term of peer pressure. In fact, Ajzen (1988) alludes to this term in defining subjective norms as one's "perception of social pressure to perform or not to perform the behavior under consideration" while explaining his revision of the original theory. This pressure is an external force or influence on one’s behavioral intentions. It is used accordingly throughout this study. Further discussion of this term is found in the next section.

Perceived behavioral control. Ajzen (1988) added this concept to the original model as a result of numerous studies that strengthened the intention-behavior relationship by including some measure of personal control to the equation. Ajzen does not define this variable as an internal locus of control (i.e., whether the person believes that he or she has personal control over his or her actions or life), but rather as an objective conclusion as to whether the person can perform the action given the available authority and resources under his or her control. Ajzen believes this variable describes
the perceived ease or difficulty of performing a behavior, and it is assumed to reflect past experiences as well as anticipated impediments and obstacles. Some studies have attempted to include prior behavior as a variable to improve the model's explanatory success for intentions and behavior. Based upon Ajzen's definition, this study assumes that the control variable includes this concept within the term, and it is not included as a separate variable for study. Further information on perceived behavioral control will also be found in the next section.

Offender empathy. Feather's (1996) work does not include this term as a predictor variable per se, but he uses a more general "affective reaction" term instead. His work uses specific reactions to scenarios in two forms: positive affective reaction to penalty, and sympathy for offender. This study expands the offender reaction concept but limits the scope to empathy rather than the more emotional sympathy used in Feather's work. The result is a semantic change rather than a procedural or theoretical one, however. The same questions are posed to respondents, and the model is similarly adjusted for the semantic differences. The results are much the same. Empathy for an offender is still the degree to which a respondent identifies with a scenario's offender, his or her actions, and the penalty resulting from those actions. To the extent that a respondent's empathy for an offender is high, a respondent could be assumed to be more likely to intend to engage in similar illegal or unethical actions (Feather, 1996; Merton, 1957). This study will use the affective reaction of offender empathy to attempt to better predict a respondent's intentions to comply with the ADA's
employment provisions. A further operationalization of this concept is found in the next section.

Behavioral intentions. Ajzen (1988) echoes his work with Fishbein (1980) in defining this term. He writes:

Intentions are assumed to capture the motivational factors that have an impact on a behavior; they are indications of how hard people are willing to try, of how much of an effort they are planning to exert, in order to perform the behavior. These intentions remain behavioral dispositions until, at the appropriate time and opportunity, an attempt is made to translate the intention into action. (p. 113)

Intentions are, then, more than simple illusionary desires or "what ifs" about possible behaviors. They are, rather, dedications to perform or not to perform certain specified actions within a given time period. The more certainly these intentions are expressed, the more likely it is that the respondent will pursue those intentions.

French (1996) agrees that a definition of intentions cannot simply be desires or wishes, although he has not always held that opinion. He explains:

At the base of my earlier view was the widely-held position that intentionality should be understood in terms of a desire/belief complex. That position is flawed; indeed, it is downright wrong. To intend to do something is to plan to do it. ... In fact, desires and beliefs are, at most, only tangentially involved. My plans and my commitments to those plans are at the heart of my intentions. (p. 148)

While this view is quite logical, it is more strict than the one proposed by Ajzen and Fishbein. They do not measure intentions by visible or observable plans or preparations. The link to behaviors would probably be much stronger if the model did employ this strategy, but this study intends to replicate where possible the methodology
of TRA and TPB, not make major changes to it. This study uses the term behavioral intentions in the manner of Ajzen and Fishbein to attempt to predict a respondent's likelihood of wanting to comply with the ADA. A more detailed description of this term and some difficulties with it follow shortly.

Hypothesis Operationalization

A brief explanation of how each variable in the hypotheses is operationalized follows. A more in-depth look at this operationalization is included in the next major section regarding the development of the instrument through pilot studies. Attitudes are accessed both indirectly and directly as suggested by TRA/TPB as respondent opinions to statements concerning providing reasonable work accommodations to persons with disabilities. Indirect attitudes are found using short-phrase descriptions such as "attractive" or "useless" or "necessity." Direct attitudes are those which are directed at specific accommodation-related activities or results such as "filling employment needs" or "increased training time."

Subjective norms and referents are more standardized. Important referents include "the government" and "other businesses." Perceived control issues include such things as "available workspace" and "available appropriate positions." These areas are suggested by the pilot study's respondents and by the literature available on providing reasonable accommodations to the work disabled which has been reviewed in the first chapter. Feather's (1996) statements are used as is with the exception of modifying the scenario actor and actions as needed. The scenarios themselves came
from cases found in federal court reviews and cited in the reference section of this
work. The names of all parties to the cases have been revised to minimize the chance
for the respondent to react to the offender rather than to the facts of the case.

Intentions are stated in three sentences which are further explained in the pilot
study section. These statements specify that the respondent is (or is not) interested in:
(1) providing requested reasonable accommodations to disabled applicants and
employees; (2) hiring qualified disabled applicants for available positions; and (3)
complying with all applicable provisions of the ADA in general. These statements
follow the guidelines provided by Ajzen and Fishbein (1980) regarding intentions and
behaviors using the TRA/TPB methodology.

What is missing from this study is a discussion of demographic factors affecting
compliance. The reason for this omission is that these factors have consistently been
found to have little or no relation to intention and behavior prediction using TRA/TPB.
Gender, size, age, geography and the like have been tested as co-explanatory,
mediating or modifying variables with very little success. Ajzen and Fishbein (1980)
explain this theoretically by saying that demographics are unlikely to have explanatory
significance as long as they do not indicate some significant population importance.
For example, in this study larger businesses with national contacts and budgets would
have a greater likelihood of complying with the ADA than would smaller firms.
However, this is largely because the courts would hold them to a different standard than
they would a smaller firm. This is discussed more in the first chapter’s area of legal
defenses against compliance. Accordingly, defining the sample group as smaller firms both homogenizes the sample and helps to remove a possible confounding, not explanatory, variable.

Pilot Study

Initial Variable Definitions

As suggested by Ajzen and Fishbein (1980), a first step in following their methodology is to define the operationalized model components in terms of the topic under study. This involves stating the behavioral criterion, the behavioral intention criterion, and the attitude and normative predictor variables. Ajzen's (1988) control variable and Feather's (1996) offender empathy variable should be stated at the same time. Even though actual respondent behavior is not a part of this study, it must be stated because each of the other variables are stated in terms of how to accurately predict it.

Under the TRA/TPB, behavior refers to an action not to an outcome of an action (Ajzen & Fishbein, 1980). Therefore, the process of dieting or exercising is a behavior, but weight loss is an outcome. In this study, providing a requested reasonable accommodation or employing a person with a work disability would be a behavior, but having disabled staff members or reserved disabled parking spaces would be an outcome. The authors also place four element requirements on a well-stated behavioral criterion: action, target, context and time. Action is the specific behavior of interest. Target is the person or group to whom the behavior is directed. Context
delineates the conditions under which the behavior is performed. Time defines the
temporal restrictions for the behavior's performance (e.g., before next Tuesday,
between April and June, or every day). These restrictions helped form the following
behavioral criterion statements:

(1) The respondent, ceteris paribus, always employs a qualified
individual with a work disability just as he or she would employ an individual
without a work disability in any position for which the applicant is qualified.

(2) The respondent always complies with all requests for reasonable
work accommodations made by applicants or employees who are qualified
individuals with work disabilities.

The actions are the provision of employment and/or accommodations. The target is any
QUID. The context is the reasonability of the request or the availability of the position.
The time constraint is always, since the ADA does not allow for partial compliance or
periodic observation of the law.

The next step is to state the behavioral intention criterion. This is the criterion
that will actually be the focus of this study. TRA/TPB requires that this intention be an
actual disposition to perform the behavior, not merely a good feeling or "wish" about
the behavior. The intensity of the intention may be gauged by either of two methods.
Respondents may indicate a numerical probability that they will perform an action
(e.g., "I am 98% sure that I will go to bed after midnight tonight.") or they may simply
indicate the likelihood that they will perform the behavior on a Likert-type scale (e.g., "I am very likely to go to bed after midnight tonight.").

Davis and Warshaw (1992) dispute this methodology. They state that people either intend to perform or not to perform a behavior or don’t know if they will perform it or not. It is their contention that "slightly intending" to do something - say, bicycle twenty miles in the rain - is impossible. The varying of intentions by degrees actually indicates behavioral expectations, or the likelihood that someone will do the action, not how strong a person’s intentions are to perform a behavior. They also believe that the restricted response choices given to respondents (closed-end, Likert-scaled statements) limit the ability of respondents to state their true beliefs and intentions (Davis & Warshaw, 1991). They conclude that this methodology will limit the validity of the predictor-criterion relationship in TRA/TPB.

While these objections may be true, it does not appear that they have raised objections which have been taken up by a host of other researchers. Also, no one has apparently proposed a major revision of TRA/TPB or their methodology to address these objections. Other concerns have been voiced, however, which would affect this study. Parker, Manstead, Stradling and Reason (1992) have found that a response bias is likely when socially desirable or undesirable behaviors are studied. This would indicate that respondents might declare stronger intentions to comply with the ADA than they really have. Kohl and Horrocks (1994) have noted that reticence to answer sensitive questions leads to higher levels of neutral or incomplete responses from
subjects. Young, Lierman, Powell-Cope, Kasprzyk and Benoliel (1991) bring up other concerns. Their research demonstrates that an instrument may actually alter a respondent's intentions rather than reflect current intentions. The instrument may, on the other hand, simply divulge the researcher's own opinions which the respondent mirrors out of politeness or a desire to be helpful. They also are concerned that a social bias may be mimicked in the respondent's answers instead of an elicitation of true beliefs.

To help overcome this bias, some researchers have used open-ended intention questions, but the great majority have used closed-ended questions such as:

- deWeerdt, Visser, Kok, and Van der Veen (1990): "Do you intend to perform home blood glucose monitoring regularly in the near future?" [Response: certainly (+2) to definitely not (-2)]

- Laschsinger and Goldenberg (1993): "I intend to care for any patient who is HIV-positive to whom I am assigned." [Response: very unlikely (+1) to very likely (+7)]; and, "My conviction to care for any patient who is HIV-positive to whom I am assigned is:" [Response: weak (+1) to strong (+7)].

- Madden, Ellen and Ajzen (1992): "I intend to listen to an album in the next two weeks."; "I will try to listen to an album in the next two weeks."; and, "I will make an effort to listen to an album in the next two weeks." [Response: definitely (+7) to definitely not (+1)].

For this study, the following intention statements were used:

1. If given the opportunity to employ a person with a disability, I would seriously consider hiring him or her.

2. If a disabled employee requested an accommodation, I would do everything reasonable to provide that accommodation.

3. I intend to comply with all sections of the Americans with Disabilities Act as they apply to my business.
All responses were answered on a Likert-type scale of strongly agree (5) to strongly disagree (1). The responses were then averaged to determine the overall intention score for each respondent. This scoring procedure is similar to Ajzen’s (1988) revised scoring methodology for each of the items (attitudes, norms, control and intentions).

Initial Salient Study

Next, the attitudinal, normative and control items needed to be written. The methodology prescribed by Ajzen and Fishbein requires a small pilot study with representative members of the target population. Ten small business executives (either managers or owners) with firms employing at least twenty persons on a regular basis were asked to submit to personal interviews. They were each asked the same questions in the same order by the same interviewer to ensure, at this early stage, that the information gained from each respondent would be pertinent to the topic of study. This is consistent with Ajzen and Fishbein’s methodology. Only ten people were asked these questions because the answers began to repeat often enough that most relevant opinions and concerns had probably been elicited (Kurtz, Perez-Woods, Tse & Snyder, 1992). These respondents were asked the following TRA/TPB questions, and the answers were either recorded on audiotape or on paper, whichever the respondent preferred.

A. Global Attitudes:
   01. How does the average businessperson feel about employing & working with disabled persons in his/her place of business?
02. How does the average businessperson feel about providing any requested physical workspace accommodations for current or potential workers with disabilities?

B. Positive Outcomes:
01. What are some positive outcomes associated with employing & working with disabled persons?
02. What are some positive outcomes associated with making any requested physical workspace accommodations for your current or potential workers with disabilities?

C. Negative Outcomes:
01. What are some negative outcomes associated with employing & working with disabled persons in a place of business?
02. What are some negative outcomes associated with making any requested physical workspace accommodations for current or potential workers with disabilities?

D. Referents:
01. Which individuals or groups would have strong opinions about whether or not the average businessperson employed & worked with disabled persons in his/her place of business?
02. Which individuals or groups would have strong opinions about whether or not the average businessperson made any requested physical workspace accommodations for current or potential workers with disabilities?

E. Control Barriers:
01. What, if anything, might make it difficult for the average businessperson to employ & work with disabled persons in his/her place of business?
02. What, if anything, might make it difficult for the average businessperson to make any requested physical workspace accommodations for current or potential workers with disabilities?

These questions are similar to those asked in the Ajzen/Fishbein documents as well as in the research reports for various replicative studies (e.g., deWeerdt, Visser, Kok & Van der Veen, 1990, and Kurtz, Perez-Woods, Tse & Snyder, 1992). The
answers were grouped into similar categories for each major variable (attitude, norms, etc.), and statements were written for an instrument to be pilot tested among college business students for readability and ease of response. This methodology is often used at the early stages of instrument generation (e.g., Madden, Ellen & Ajzen, 1992; and Robin, King & Reidenbach, 1996), and Fishbein recently included such a description in a study using TPB questions (Albarracin, Fishbein & Middlestadt, 1998).

In order to write this first set of questions, past TRA/TPB studies were used as a template along with the earlier Ajzen/Fishbein documents. Examples of questions in each area are:

Indirect Attitudes:

Madden, Ellen & Ajzen (1992). "Listening to an album is: (+3) Good ... (-3) Bad // (+3) Useful ... (-3) Useless."

Netemeyer, Burton & Johnston (1991). "For me to vote in the October 24th election is: (+3) Good ... (-3) Bad // (+3) Useful ... (-3) Useless." and "For me to lose weight in six weeks is: (+3) Good ... (-3) Bad // (+3) Useful ... (-3) Useless."

Direct Attitudes:

Ajzen & Fishbein (1980). "Having major side effects from the use of birth control pills is: (+3) Good ... (-3) Bad" and "Using birth control pills will cause major side effects: (+3) Likely ... (-3) Unlikely."

deWeerdt, Visser, Kok & Van der Veen, (1990). "If I perform blood tests more regularly, I can regulate my blood sugar better: (5) Likely ... (1) Unlikely" and "Regulating my blood sugars better is: (-2) Negative ... (+2) Positive."

Laschsinger & Goldenberg (1993). "I believe that caring for HIV-positive patients puts me at risk to contract it: (1) Very Likely ... (7) Very Unlikely" and "I believe that to contract the HIV virus is: (1) Bad ... (7) Good."
Subjective Norms:

Ajzen & Fishbein (1980). "My husband thinks I _____ have an abortion: (+3) Should ... (-3) Should Not" and "How much do you want to do what your husband wants you to do? (0) Not At All ... (+3) Strongly".

deWeerdt, Visser, Kok & Van der Veen, (1990). "Does your partner think that you should perform high blood glucose monitoring regularly? (+2) Certainly ... (-2) Definitely Not" and "How much do you care about your partner's opinions? (6) Very Much ... (0) Nothing".

Laschsinger & Goldenberg (1993). "My spouse expects me to care for HIV-positive patients: (1) Definitely Not ... (7) Definitely Yes" and "I usually do what my spouse expects me to do: (1) Definitely Not ... (7) Definitely Yes".

Madden, Ellen & Ajzen (1992). "Most people who are important to me think that I should listen to an album during the next two weeks: (7) Strongly Agree ... (1) Strongly Disagree" and "When it comes to listening to an album, I want to do what most people who are important to me want me to do: (7) Strongly Agree ... (1) Strongly Disagree".

Netemeyer, Burton & Johnston (1991). "Most people who are important think I ________ lose weight in the next six weeks: (7) Should ... (1) Should Not" and "Most people who are important would ________ my losing weight in the next six weeks: (7) Approve Of ... (1) Disapprove Of" and "Most people who are important would ________ my losing weight in the next six weeks: (7) Support ... (1) Oppose".

It is important to note that each of the direct attitude and subjective norm items contains two components, a content component and an intensity component. According to Ajzen and Fishbein, these two components are multiplied together and then all items can be either aggregated or averaged in order to generate the general predictor variable (Ajzen, 1988; Ajzen, 1991; and Ajzen & Fishbein, 1980). Depending upon the scale for each component, the Likert scale values of 1 to 7 could result in a low item value of 1 to a high of 49. In a recent article by Albarracin, Fishbein and Middlestadt (1998),
the authors discuss the probable need to standardize the item values in order to reduce
the possible overweighting of the DATT and NORM components as a result of this
multiplicative process. This was not done for this study because early tests of better
predictive ability using this study's data after standardization showed no discernible
differences in results.

Perceived Behavioral Control:

Ajzen (1988). "How much control do you have over breast-feeding your baby? (7) Complete Control ... (1) Very Little Control" and "For me to breast feed my baby is: (7) Easy ... (1) Difficult" and "If I wanted to, I could breast feed my baby: (7) Extremely Likely ... (1) Extremely Unlikely".

Madden, Ellen & Ajzen (1992). "For me to listen to an album in the next two weeks would be: (7) Very Easy ... (1) Very Difficult" and "If I wanted to, I could easily listen to an album in the next two weeks: (7) Strongly Agree ... (1) Strongly Disagree".

Norwich & Duncan (1990). "If I try to learn science during science lessons, I will not understand what will be taught: (1) Agree Strongly ... (7) Disagree Strongly" and "If I try to learn science during science lessons, the teacher will teach well: (1) Agree Strongly ... (7) Disagree Strongly" and "If I try to learn science during science lessons, I will want to relax and take it easy: (1) Agree Strongly ... (7) Disagree Strongly".

These examples should show that although the studies use basically the same
methodology, the actual questions and responses vary, sometimes significantly, from
study to study. The questions used for the present study were fashioned using the
format that appeared to fit both the methodology prescribed for TRA/TPB as well as
the nature of the data and the respondents. The lower and upper item values of 1 and 5
were chosen largely because they appeared to be a compromise between the low range
of 1 to 3 of some studies and 1 to 7 of others. Neither of the original TRA/TPB
authors specifies the Likert values which must be used in all studies. It is left to the discretion of the researcher to determine the values appropriate for the study.

Initial Pilot Studies

Using these examples as a template, though, the statements found in Appendix C were used in the initial pilot study. The subjects were 35 upper-division business students at a small, private Midwest university, and the instrument, along with the consent form, were administered by the teacher of the class. This group was chosen because of the anticipation that these upper-division students would soon be in the workforce and could represent at a macro level the opinions of the larger target group of SBEs. This methodology is consistent with other studies when attempting only to test an initial instrument for reliability and readability (e.g., Nordstrom, Huffaker & Williams, 1998).

As a result of the factor analysis which was completed using SPSS and according to the methodology suggested by Kim and Mueller (1978a; and 1978b), the statements marked as "deleted" in Appendix C were removed from the instrument. These statements loaded singly onto their own factors and were not part of the factor loadings which comprised the majority of statements. The Cronbach's alpha for reliability of the original document was 0.91. To reduce the size of the document even further, certain items were rewritten to improve readability or to reduce confusion, at times accomplished by combining two or more like items into one (Nordstrom, Huffaker & Williams, 1998; Robin, King & Reidenbach, 1996). Some studies have
randomly selected for removal items that proved acceptable through factor analysis but which helped to shorten the document by their absence without a critical loss of data (e.g., Robin, King & Reidenbach, 1996). This was not necessary for the present study. Through removal and editing, the 56 original items were reduced to 38 more concise and accurate items for the study.

Ajzen and Fishbein (1980) specify no particular method of reducing the total number of items to a manageable size. They suggest that any number of methods could be used (e.g., the top ten means, the most commonly selected, or random selection from acceptable items). The methodology used for this survey attempted to retain as much objectivity as possible while also creating a useable and readable document. This is a goal that is strongly urged by Converse and Presser (1986), and it was an important goal for this study as well. It was also important to write the questions in such a way that they mimicked the concerns of the business persons who had contributed them. This was considered vital to reducing the chance that respondents would simply supply socially-acceptable answers on a survey discussing a sensitive subject like ADA compliance. This is a common problem with survey research in these types of areas (e.g., Nordstrom, Huffaker & Williams, 1998).

The items for Feather’s (1996) portion of the study also needed to be tested. Additionally, it was important to test enough scenarios so that only those which appeared to elicit very similar responses (one measure of reliability) would be chosen for the final document. The following six scenarios were tested by surveying a senior-
level business class at another small, private Midwestern college. Sixteen students were asked by the instructor to read the scenarios and answer the questions which followed each one. Each scenario was chosen from a real adjudicated case concerning an ADA violation. The names of the firms involved were disguised so that reactions to the real companies would not invalidate the results.

Scenario 1. IBLC discharged an employee who developed a heart condition which no longer allowed her to lift moderately heavy objects. A civil rights commission reviewed the discharged employee's complaint of disability discrimination and determined that the business could have accommodated the employee's condition even though it might have caused the business a fair amount of inconvenience. The business was found to have not made its decision based upon the nature of the occupation and was ordered to reinstate the employee with back pay for time lost and accommodate her condition.

Scenario 2. FCS Supermarkets, under the advice of a physician, discharged a meat cutter for an epileptic seizure on the job (the first in eight years) claiming that further seizures could endanger both the epileptic employee and co-workers. The employee claimed that it was unlikely that further seizures would occur and that epilepsy was a protected condition under law which needed to be accommodated. The court sided with the discharged employee and demanded that the employee be rehired, be paid back pay, have his condition accommodated and be paid compensatory damages.

Scenario 3. USP Deliveries refused to hire a deaf applicant for the position of a "time & attendance clerk" since she could not answer the phone (a requirement added to the job description after the applicant had applied for the vacancy) and since other employees would have had difficulty communicating with her. A court ruled that this action was discriminatory, that phone answering was not an essential duty of the position, and that USP must hire the applicant and accommodate her condition by reassigning certain communication duties to other employees.

Scenario 4. A Wisconsin sheriff's department refused to hire an applicant who could not pass the required vision exam. The state's superior court ruled that the department must hire the applicant unless it can show other reasons not to and that it must revise its vision standards for field officers.
Scenario 5. ABC Service Agency terminated an employee with apraxia (an inability to perform complex coordinated movements) as unable to perform the office duties of his position with reasonable accommodations. The court ruled that ABC must rehire the applicant and consider such accommodations as providing him with an assistant or transferring him to a semi-private office.

Scenario 6. A local agency terminated an employee for failure to pass a physician's exam after psychiatric treatment and for sleeping on duty. The employee claimed that the condition was a disability under law, that the medication used to treat the condition caused the sleepiness, and that all required work was completed even though he slept on the job. An ex-supervisor testified that the employee made mistakes like a new hire but that he was improving with time. The court ruled that the agency must rehire the employee and accommodate sleeping if all required work was completed.

The Cronbach's alpha for reliability for all six scenarios was 0.94. Six scenarios would have enlarged the final document too much, and it appeared that although the Cronbach's measure was high enough, two scenarios (four and six) were not being answered quite the same as the others. Appendix C shows the means and standard deviations for each of the six scenarios. Scenarios four and six were suspected of not eliciting the same level of concern for the offender that the other scenarios elicited based upon means which were, at face value, lower than the other four. Appendix C also shows the correlation table for the six scenarios. In addition to means differences, only four of the scenarios demonstrated some level of similarity to the others as evidenced by significant correlation coefficients. Those scenarios which showed no significant correlation with any of the others were, again, scenarios four and six.

A repeated measures analysis was run using this data and scenarios four and six indeed had significantly different means than the other four scenarios (F = 6.55,
p < .001). These scenarios were removed. The resulting Cronbach’s alpha for the four remaining scenarios was 0.95. Four scenarios was still too long for the final survey, so at random the fifth scenario was also removed. This methodology is consistent with that proposed by both Feather (1996) and Robin, King and Reidenbach (1996). The document was now ready for testing with actual members of the target population.

Final Pilot Study

The sample group for the final pilot study consisted of small manufacturers in the Detroit, MI metropolitan area. The Michigan Manufacturers Directory (1994) was consulted to determine which areas close to the geographical target had the highest concentration of small manufacturers, reducing the time and expense of delivering the surveys to the sample group. Three relatively close zip code areas contained 130 such firms according to the directory, so these were selected as the sample group members.

The following methodology was used. All members of the sample group that could be reached would be hand-delivered a survey packet and asked to fill it out and return it. It was hoped that the process of hand-delivering the surveys would improve the return rate in several ways. First, the location and existence of the business could be verified so that surveys would not be sent to non-existent or non-functioning locations. Second, sight-verification of the size of the business should have helped to restrict the delivery of surveys only to businesses that were small and not those that were in-house subsidiaries of larger firms (this is common in the automotive industry.
and surrounding areas). Third, physical contact with someone at the firm has been shown to improve the chances that the survey will be completed and returned (Webster, 1997). Fourth, the personal appeal ["Please fill this out for me so that I can graduate."] of the researcher to the intended recipient or his or her representative has also been shown to increase return rates (Webster, 1997). However, it was also assumed that the sensitive nature of the subject would likely reduce return rates as would the fact that the respondent was allowed to fill out the surveys and return them later at his or her convenience and anonymously. While this anonymity should increase the honesty with which the surveys would be answered, it would also have the effect of reducing the pressure on the respondent to finish the project, reducing final return rates (Robin, King & Reidenbach, 1996).

All SBEs that could be approached were asked to take a survey and return it before a specified due date. The due date was orally communicated to the person receiving the survey (either the actual SBE or his or her personal representative) and was written on an accompanying form to be kept by the respondent. Of the approximately 130 firms sought, 25 were either no longer in business or were found to be too large to meet the basic criteria of the study. Another 20 refused to take the survey or to admit the researcher onto the premises. Eighty-five firms received the survey packet and promised to return the survey before the due date. The firms were approached over a period of about 10 days.
The survey packet consisted of an informational release to be signed and returned with the survey, an informational piece about the survey project itself, the survey instrument, and a 6" by 9" envelope with a pre-affixed return address, a pre-affixed mailing address, and sufficient postage for the package to be returned with all documents including a business card from the respondent. These methods have been shown to have some positive impact on return rates (Adams & Schvaneveldt, 1985). The returnable informational piece included information about a random drawing which would award at least ten percent of the respondents with a $10 gift certificate to one of four local restaurants in the area. The respondent was to select which restaurant he or she wished to attend if chosen as a winner.

From the 85 surveys distributed, 20 surveys were returned by the deadline specified. Appeals to the remaining respondents elicited two more surveys for a final count of 22 (26% response rate). While this was not as large as hoped, it was sufficient to test the reliability and validity of the model in light of past testing with college students.

This testing was considered critical for both this stage and the actual study to follow. Mitchell (1986) discusses issues surrounding validity and reliability in survey research. He first addresses internal validity, or the extent to which the results of the study (effect on criterion) can be attributed to the treatment of the study rather than external variables. In this study, no treatment or causality is attempted, but the concept is still of concern. The intentions expressed by the subjects need to be the result of the
predictor variables rather than the effect of the subjects response to the study itself or spurious variables related to the study (e.g., the restaurant coupons). Construct validity refers to the validity associated with the instrument itself and its underlying theoretical basis. For example, it is important that attitudes, norms, control and offender empathy have a sound theoretical tie to intentions and that the instrument, used correctly, identifies each of these constructs correctly. By following the methodology of all three authors, it was hoped that this concern could be reduced if not completely eliminated.

Mitchell also discusses two other areas of validity. Statistical conclusion validity refers to the stability of the data, measures to capture the data, methods of statistically testing the data and the conclusions based upon the process. For this problem, the tests suggested by the original authors were used to test and treat the data so that results similar to theirs or replicative studies could be expected. While this would not cure this problem if inherent in the original methodology, it would at least prevent new validity questions in this area from being created by the study. External validity refers to the generalizability of the results of the study to other persons, times, situations, etc. In this study, no generalizations to groups or regulations outside those studied have been intended. The TRA and TPB have been shown to be valid in a variety of situations and with a variety of topics as can be seen in Appendix B. Feather's study, however, is too new to have been sufficiently replicated to make claims of generalizability. None is intended in this work.
With the final pilot study, it was possible that non-respondents differed somewhat in their answers from respondents. In fact, Mitchell (1986) claims that this is a likely conclusion, and Kalton (1983) agrees. Some of those who took the survey with the stated intent of returning it were probably simply being polite before they disposed of the packet outside of my sight. One non-respondent called later to say that he had read through the survey and simply could not return it because of the sensitivity of the topic. Although none of the sample group who were personally contacted were vocally anti-ADA, it is possible that those who did not return the survey were more reactive to the topic than those who returned it. They also may have simply forgotten about it or left it undone or unreturned for another reason (e.g., loss of the return envelope). In any case, while the concern regarding the opinions of non-respondents is a valid one, the testing phase of the project did not rely as heavily on the opinions themselves but rather on the interrelationship of opinions and stated intentions. It is quite likely that non-response bias had some effect on the study, but it is less clear that non-response invalidated the pilot study's test of the reliability of the instrument.

Appendix C shows the results of the final pilot test. The statistical tests run were used to identify that the main components of the model functioned as they were supposed to function and that the model had at least one component (both globally and in the main model) that would predict the global intention variable. The factor analysis done on the global variables (GA = global attitude; GC = global control; and GN = global norm) indicated that all three variables loaded onto the same factor. This should
indicate, if the results are generalizable, that GA, GC and GN operate on the same level in attempting to predict intentions. The regression equation using GA, GC and GN to predict intentions (GI) shows that only GA was a significant predictor of GI. Ideally, all of the global variables would predict the global intentions variable, but that is not necessary for the model to be valid. It is also not completely baffling since there were only 22 surveys returned by the sample group. What should be expected is that, if only GA predicts GI, then one or both of the attitude variables should predict GI, but probably not the others.

Appendix C also shows the results of the factor analysis and regression equation using the model variables (IATT = indirect attitudes; DATT = direct attitudes; NORM = subjective norms; CTRL = perceived control; SCEN = offender empathy). As the factor analysis tables show, all model variables load onto the same factor. This is especially important for this study because it indicates that the offender empathy variable (SCEN) based upon Feather’s work evokes similar concepts in this sample group. It does not guarantee that the variable will predict GI, but it does seem that inclusion of SCEN into this study may have some analytical value.

The regression analysis using the model variables shows that only indirect attitudes (IATT) were a significant predictor of GI. NORM and SCEN were the next closest significant predictors, again reinforcing the thought that offender empathy might be a theoretically valid predictor of intentions. In fact, Raats, Shepherd and Sparks (1995) found that moral obligation has some relationship to intentions, and Feather does
indicate that this concept has some bearing on his framework. Finlay, Trafimow and Jones (1997) indicate that usually attitudinal variables carry more significance and larger beta weights in regression equations with the TRA/TPB model because, in general, attitudes (under personal volitional control) are stronger motivational forces than external pressure by known or unknown groups. That conclusion coincides with the results of this final pilot study.

Final Study Methodology

From the results of the initial pilot study using college students and the final pilot study using actual SBEs, the instrument appeared to be ready to use in the actual study. It was important to have a sample of sufficient size in order to prevent problems of sample size from either reducing or enhancing the significance of the study beyond the level found in the population. Too small a sample could limit the power of the model to effectively describe the dynamics being tested. Too large a sample could make variables appear to be significant simply because of the number of firms responding to the instrument.

Cohen (1977) suggests that the sample size can be determined based upon the expected size of the effect (e.g., size of the expected correlation coefficient between two significantly related variables), the desired power of the statistical test, and the significance level required for the test. Statistical power is explained by Cohen to be the likelihood or probability that a null hypothesis will be rejected, and it is a function of the level of significance required by the researcher for acceptance of the alternative
hypothesis. In most research, Cohen suggests that unless a researcher knows what the results of a series of statistical analyses should be, he or she should use the medium level of power expected (0.80) and medium level of effect size (varies by test) in determining the sample size. The significance level for this study was p < 0.05.

The equations for determining the sample size are available in Cohen’s work, but most of the time he provides tables for easier access to the required information. For a test for differences in means (paired samples t-test), Cohen suggests that the effect size be 0.50 (a visible difference in means, or that two variables look like they might have different means) that the power be 0.80 (medium level). Using the proper table, the sample size was determined to be 50.

Correlations had been described in most TRA/TPB research, and the average significant correlation coefficient varied widely between studies. Cohen’s suggestion is to use the medium level of $r = 0.30$ in the absence of any other evidence. A review of the studies shows that several have coefficients of about this size reported (e.g., Ajzen & Madden, 1986; Beck & Ajzen, 1991; and Konkoly & Perloff, 1990), but others have much higher coefficients [0.60 to 0.80 or higher] (e.g., Ajzen, Nichols & Driver, 1995; Petkova, Ajzen & Driver, 1995; and Reinecke, Schmidt & Ajzen, 1996;). A smaller expected correlation coefficient ceteris paribus translates into a larger sample size, and while the larger correlation coefficients might be expected in some studies, those studies are in areas that have been tested various times with the TRA/TPB model. It was deemed prudent then to expect a more moderate effect size (0.30) for this study.
The proper table then suggested that the sample size should be 84 in order to expect a p-value of no higher than 0.05.

The regression sample size also needed to be calculated. Cohen suggests that a moderate regression effect is \( r^2 \) of 0.15. A review of the literature again found some studies with similar coefficients (e.g., Beck & Ajzen, 1991), while others have suggested single-variable coefficients of as much as 0.40 and higher (e.g., Konkoly & Perloff, 1990; and Reinecke, Schmidt & Ajzen, 1996). Again, a larger expected \( r^2 \) reduces the required sample size, so the more conservative approach was to again follow Cohen’s suggestion and use the smaller effect size. Use of five variables (IATT, DATT, NORM, CTRL and SCEN) to predict GI required a power coefficient (based upon an effect size of 0.15) of 12.83, and the equation to determine sample size \([(12.83/.15)+5+1]\) calculates a required sample of 91.53 or 92 persons. The same equation at a four-variable equation would require 85 persons in the sample \([(11.94/.15)+4+1]\).

The number of persons required in the sample, then, was in the area of 90 if all five variables were to be expected to significantly predict GI. This was not expected (a review of Appendix B shows that most studies did not find all of the TRA/TPB predictors were significant), but again the more conservative approach was to have a sample large enough to be able to reasonably expect the results to be justifiable. However, if about 90 persons were to be sampled, and if the final pilot study’s return rates could be expected to hold true, 544 firms would need to be selected for the
sample, and 439 businesses would need to be visited. If the non-existent or improper rate were to hold true as well, 355 firms would need to be successfully recruited to participate in order to achieve Cohen's suggested power level. A different method of collecting data than the methodology used for the pilot study was deemed necessary.

Mailed questionnaires to candidates was considered, but return rates for this methodology is considered excellent at 20%. This study's sensitive topic was likely to reduce the rate to a fraction of that, perhaps as low as five or ten percent. Secondly, sending out questionnaires would not afford the ability to verify the size and suitability of the firm for inclusion in the study. While mailed questionnaires are easy to prepare and distribute, the requirements for a successful study in the compliance area suggested that it might not be the more prudent path to follow.

It was determined to have senior-level students in the Dallas metroplex area personally approach firms of the proper size to distribute the surveys and collect the data. A small business class was assigned the task of approaching at least two firms in the metroplex area fitting the size requirements of the study and ask the SBE on-site to complete the survey. Research by Webster (1997) has shown that this methodology is acceptable if: (1) students are required to provide some means of verifying the existence of the firm that was approached (e.g., an SBEs personal business card); students receive credit for collecting the data, but no class value is placed on the opinions which are expressed on the survey (to keep the student from skewing the data toward one viewpoint or another); and (3) that the participation of the SBE can be and is verified,
at least on a random basis. Webster also suggests that, to improve the effectiveness of the request for participation, students may make an appeal that this project will help them achieve a class goal (altruistic approach) without any effect on the data collected. Requiring the students to collect fully completed questionnaires reduces missing data and does not adversely affect the data itself (Webster, 1997). Students were also expected to personally collect the completed surveys, stay on-site with the respondent while the survey was completed (unless either physically or prudently impossible), and explain the nature of the experiment to the respondent before securing his or her permission to participate. Additionally, no institution could receive more than one survey from the student to reduce the chance that multiple recipients would collaborate on answers.

All surveys were returned to the instructor either by hand from the student or by fax directly from the respondent. This process produced 105 completed surveys. The surveys and their authors were then perused to determine which ones might be invalid for the study. Twenty (19.0%) studies were found to be incompletely filled out, completed by firms or persons not meeting the study criteria, or completed in duplicate by the same person (someone filled out two or more surveys). The participation of the respondents was verified by the instructor by telephone to eliminate the chance that students had completed the surveys without approaching SBEs. The remaining 85 (81.0%) studies was short of the 92 required for use in a five-variable regression
equation, but all five variables were not expected to be significant predictors. The sample size was determined to be large enough to successfully analyze the data.

This methodology was also determined to be helpful in improving the construct validity of the study by reduction of method variance. Fiske (1982) and Mitchell (1986) suggest that multiple survey distributors and multiple sites can help overcome method variance problems which arise from one researcher at one site distributing a survey filled out by all respondents [perhaps affecting the quality of the data collected]. The number of students (about 55) and number of sites (about 100) should have sufficiently met this requirement. While this is not expected to account for all possible validity concerns, it does aid in reducing the threat to validity which could otherwise result from method variance problems.

Chapter Conclusion

This chapter has defined the experiment which was conducted for this study and the conditions under which it was completed. The methodology of the study followed the prescriptions of Ajzen, Fishbein and Feather, the authors of the various studies which formed the basis of the variables considered for the model. The results of the final study are reported in chapter four with appropriate tables in Appendix D. The conclusions to be drawn from the study are found in chapter five.
CHAPTER 4

RESULTS

Chapter Introduction

In this chapter, the results of the final study are presented with an analysis of their meaning. Chapter five will discuss in more detail the conclusions which can be based upon these results. This chapter, though, will have as its focal point the testing of the hypotheses which were presented and discussed in chapters two and three. First, the data will be examined for descriptive statistics and normality. Then, the main variables (global and model components) will be examined, and the discussion of the hypotheses follows. Then the instrument’s items will be reviewed in preparation for chapter five’s recommendations on replicative efforts.

Item Descriptive Data and Normality

Appendix D begins with descriptive data on the global and model component variables as well as the underlying items from which they were generated. The mean and median values for several of the global and component variables seem to register a bit more positive than would be expected from a completely random generation of data using the middle response point as the mean. One variable CTRL, is actually below the expected mean and median (3.00) for that variable as is NORM (9.00). Each of the
other variables registers somewhere between slightly positive to very positive. This phenomenon will be examined in more detail later in the chapter.

Tests for normality (kurtosis and skewness) were also generated for each of these main variables. Each of the main variables has skewness and kurtosis values within the acceptable range for normality (Hair, Anderson, Tatham & Black, 1992). Perusal of the information for the individual items which were used to generate the final variables finds that not all of the items meet these conditions. Specifically, two of the three GI underlying items have excessive kurtosis readings (outside the -2/+2 range), though the skewness values are within acceptable limits (-2/+2). One of the DATT items also has an elevated kurtosis level but an acceptable skewness level.

Hair, Anderson, Tatham & Black (1992) caution that an excessively positive kurtosis level (leptokurtosis) indicates a relatively peaked distribution. This would describe data which does not seem to spread out sufficiently to satisfy normality assumptions. However, the aggregated or averaged variables which these items are part of do not have elevated levels, so it appears that the other items reduce the effect of this positive kurtosis. This does not mean that there should be no concerns about these items. These concerns will be further discussed in chapter five. However, it may indicate that the power of the larger model is sufficient to overcome individual item anomalies.
Without major problems occurring in the item sets or the subsequent predictive and criterion variables, data analysis was continued toward the testing of the hypotheses proposed in chapter two. The first data tested were the global variables.

Global Attitudes, Norms, Control and Intentions

Appendix D shows the descriptive statistics for the global variables first. These items are the single statement (or three statements averaged in the case of GI) measurements of attitudes, norms and control to predict intentions. Ajzen and Fishbein (1980) prescribe these types of statements at the first of an instrument as a check on the overall predictability of the global intentions measure. Successful prediction of the GI by GA, GN and/or GC will provide the researcher, in their estimation, with evidence of a general relationship between the theoretical constructs. Feather (1996) provides no similar global empathy variable to test. Since 3.00 is the middle of the scale for each of GA, GN, GC and GI (low 1.00 to 5.00 high), the registry of all four global variables above 3.00 indicates that the sample group, as a whole, appeared to be in favor of ADA compliance. To test for non-neutrality (mean = 3.00), a one-sample t-test was run on all four global variables. The mean of each of the four variables was found to be significantly greater than 3.00 at the 0.01 level or stronger. This indicates that the sample group, as a whole, registered positive opinions about the global statements. Only GN had a median of 3.00, and the mode for GI was 5.00, total compliance. This phenomenon was apparent from the testing in the previous section on normality.
These results seemed interesting, if not possibly suspicious. It was not unexpected that respondents might register a higher degree of compliance and agreement than they really felt. Research cited earlier in fact predicted such a possibility (e.g., Nordstrom, Huffaker & Williams, 1998). It was of interest, though, that the reported intention to comply with the ADA’s provision appeared to be more positive than the variables meant to predict it. To test this observation, a paired samples t-test was run on each of the predictor variables against GI. In each case, GI was more positive (closer to 5.00) than the predictor, and all at the 0.000 level of probability. This does not call into question the validity of the instrument, but it does suggest caution when concluding from the data that SBEs in the Dallas - Fort Worth metroplex are very interested in compliance with the ADA. Such conclusions will not be attempted in this study.

What is more important for this study is the determination of whether or not the TRA/TPB model with Feather’s offender empathy variable is useful in predicting compliance intentions, even with an inflated intentions variable. The relationship between each of the predictor variables (GA, GN and GC) with the criterion (GI) was tested using the Spearman’s rho correlation procedure. All four variables registered correlation coefficients which were larger than those planned for with Cohen’s power analysis, and all coefficients were significant at the 0.01 level. Finlay, Trafimow and Jones (1997) suggest that the attitude component is generally more strongly tied to intentions than is the normative component. There are several studies where this has
not been true (e.g., Rickman, 1992; and Robinson, 1992), and they have at times dealt
with observance of the law (e.g., Brehmer, 1994; and Parker, Manstead, Stradling,
Reason & Baxter, 1992 [both dealt with driving violations and traffic safety issues]).

The high level of correlations between the variables is evidence for TRA/TPB
that there is a predictive power for at least some of the global variables on intentions.
To test the construct validity of these predictors, Carmines and Zeller (1979) suggest a
cautious use of factor analysis to establish that the variables are measuring a similar
construct. Appendix D shows the results of a principal components factor analysis with
varimax rotation (as suggested by Kim and Mueller [1978b] for researchers with limited
experience in the procedure). The initial communalities suggest that a single factor
may be measured by the three variables (GA, GN and GC), and in fact a single
component is extracted with an eigenvalue of 2.236 and a variance explanation of
74.53%. The matrix did not need rotation, and all of the predictors loaded onto the
factor at a value of 0.838 or higher, sufficiently significant for Kim and Mueller
(1978a). The three variables, then, appear to have an acceptable level of validity from
one standpoint in attempting to measure a common construct. Additionally, the
Cronbach’s alpha generated using Carmines and Zeller’s (1979) theta approximation
provided a value of 0.83, quite acceptable by their standards to indicate at least some
measure of reliability.

According to Ajzen and Fishbein, before the main hypotheses can be tested
(IATT, DATT, NORM, CTRL and SCEN predicting GI), the global variables and their
relationships must be tested first. The more specific model components cannot
reasonably or theoretically be expected to be valid predictors if the more general
variables do not have some predictive ability as well. Global intention was regressed
separately onto each of the global predictors. These results are also found in Appendix
D. Each of GA, GN and GC independently significantly predicted GI at the p=0.000
level. The adjusted R-square values for each were .259, .314 and .201 respectively.
As with the correlation coefficients, GN predicted more of the variance of GI than did
GA, and its constant was smaller and beta was greater than GA in the resulting
equation. Although in most TRA/TPB studies the reverse is usually true, this study
seems to have indicated that for this sample group the global norms had more impact on
intentions than did global attitudes. Whether this trend continues in the model
components will be discussed in the next section.

After determining that each of the globals independently predicted intentions, a
stepwise multiple regression procedure was attempted with all three variables according
to Ajzen's and Fishbein's suggestions. The results found in Appendix D show that GN
and GC were part of the multivariate equation, but GA was not included in the final
equation. The two independent variables accounted for 33.8% of the variance
(adjusted) in GI at a 0.000 level of significance. GN accounted for the largest portion
of that variance (30.3%) with GC contributing the balance (3.5%). This level of
prediction was over twice the level planned for in Cohen's power analysis equation,
indicating that more respondents were included than were necessary for successful testing of the data.

Ajzen and Fishbein require that at least one of the global variables must predict the GI criterion in a multiple regression equation, and it is preferable that two or all three be successful in that prediction if possible. In this study, GA independently predicted GI but was not part of the multiple variable equation. The correlation coefficient between GA and GN was one of the highest, so it is possible that the two variables describe similar beliefs among the respondents in the study. This is not an uncommon occurrence in the literature as reviewed by Ajzen and Fishbein (1977). It would appear that the GN item simply did a more accurate job of predicting GI than GA, even if they jointly represent interchangeable values. The success of the global variables to predict GI allowed for the use of the model components in a similar data analysis process.

Model Components

The descriptive data for the model components has been referred to earlier in the chapter, but it is worth re-examining certain of the points. While none of the model components generated skewness or kurtosis values outside the acceptable limits, the values of the means and medians for these variables was periodically beyond that which would have been expected from randomly generated data around the middle value choice for each variable. NORM and CTRL were both below the middle value choice for their items (9.00 and 3.00 respectively), and IATT, DATT and SCEN were above
their middle values (3.00, 9.00, and 3.00 respectively). It is important to remind the
reader that both NORM and DATT are composite variables generated by multiplying
the values for two associated items and averaging the values of all composites, while
IATT, CTRL and SCEN are simply averaged values for their items.

To test the possibility that these variables might have means significantly
different from neutrality (what might be expected if the sample was evenly distributed
between persons generally positive or negative about the study’s concepts), a series of
one-sample t-tests using the middle value choice for each variable were conducted. The
results in Appendix D show that the means for IATT, CTRL and DATT were all
significantly different from the middle value choice. SCEN and NORM were not
significantly different from their middle values. IATT and DATT had means that were
higher than the middle value, and CTRL’s mean was significantly lower than its middle
value. This should indicate that the stated attitudes for respondents toward the ADA
and its implementation were more positive than would be expected from a random
sample including equal numbers of positively-, neutrally- and negatively-oriented SBEs.
Fowler (1988) would predict such an occurrence in a sensitive survey (as would
others), and the anonymous assurances to respondents may not have induced as many
negative responses as could be expected. On the other hand, it is possible that all
respondents were completely honest and had fewer reservations or complaints about the
ADA than would be anticipated. While this is unlikely, it must be considered as a
possible result of the survey process.
As with the global variables, a first step in TRA/TPB data analysis is a correlation matrix. Twelve of the fifteen relationships between IATT, DATT, NORM, CTRL, SCEN and GI were significant at the 0.05 level or better. The coefficients were lower on average than those for the global variables where all relationships were significant at the 0.01 level. The coefficients ranged from a low of .263 to a high of .543 compared to the values of .402 and .556 for the global variables. The component variables are constructed of more diverse underlying concepts than are the global variables, however, so some loss of significance and predictive power is not unexpected. Still, the average significant coefficient of .389 (compared to the globals' average of .492) is higher than the .30 allowed for in Cohen's power analysis.

With most of the components registering a significant relationship to each other, it was important to determine that they all were measuring more or less the same construct before testing the study's hypotheses. The results of a factor analysis with a varimax rotation are found in Appendix D. One factor was generated by the principal components procedure, and all component variables loaded onto the factor at .543 or greater, values within the acceptable range for Hair, Anderson, Tatham and Black (1992) and Kim and Mueller (1978b), though the lower loadings for IATT and SCEN could indicate that these variables are less related to the others that would be desired. The extraction accounts for only 46.706% of the variance among the variables. Although this is not as large as would be liked, it is still a significant portion of the
variance. Additionally, the Cronbach’s alpha generated for this subset of the data is 0.72 which is a respectable reliability level for data in the TRA/TPB area.

Once the components were found to have significant correlational relationships between themselves and the criterion variable, and were found to be relatively homogenous in representing a single construct, Ajzen and Fishbein suggested that the variables be put to a regression test. In fact, the hypotheses for this study are based upon being able to regress the global intentions variable onto each of the predictors singly and in combination. The regression analysis was, therefore, performed with each of the predictors separately before attempting a multivariate equation.

Hypothesis 1: SBE behavioral attitudes regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent’s firms.

GI was regressed onto each of the attitudinal variables (IATT and DATT) separately, and the results are found in Appendix D. IATT was a significant predictor of GI at the 0.01 level with an adjusted R-square of 0.067. This is not a large amount of variance predicted, and in fact it is the variable that explains the least variance in GI of the five predictors. DATT was a significant predictor at the 0.000 level with an adjusted R-square of 0.256. This is a much larger amount of variance predicted, second only to CTRL as a single predictor. These results give support to the first hypothesis that behavioral attitudes can account for a significant amount of variance in intentions to comply with the ADA. DATT, however is the better predictor of the two
and will be used in the final multivariate equation instead of IATT (Ajzen & Fishbein, 1977).

Hypothesis 2: SBE perceived subjective normative pressures regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent’s firms.

GI was then regressed onto NORM in the same manner as had been done with IATT and DATT. NORM was also a significant single predictor of GI at the 0.000 level with an adjusted R-square of 0.223. This was the third highest level of variance predicted, but its level is still higher than the 0.15 allowed for in the power analysis. The second hypothesis, then, was also supported.

Hypothesis 3: SBE perceived behavioral control regarding employing and reasonably accommodating disabled workers in general will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent’s firms.

CTRL was then used as the predictor variable for GI. This variable accounted for the largest amount of variance (adjusted R-square of 0.342) at the 0.000 significance level. This variable accounted for more than one-third of the variance in GI, and it registered the lowest constant value of any of the linear equations generated at this step. Madden, Ellen and Ajzen (1992) suggest that this indicates that the sample group feels that their level of control over ADA compliance is relatively low, so CTRL now accounts for more of the intention to or reluctance to comply with the ADA than might be found in situations where SBEs felt more in control of their abilities to successfully comply with the law.
Hypothesis 4: SBE empathy with convicted offenders of the employment provisions of the Americans with Disabilities Act of 1990 (ADA) will predict SBE intentions to employ and reasonably accommodate disabled workers in the respondent's firms.

Finally, GI was regressed onto SCEN to see if Feather's work could contribute significantly to compliance prediction. For this study, offender empathy was a significant predictor of GI at the 0.004 level with an adjusted R-square of 0.087. This was the fourth highest level of explanation of the five variables. The scenarios in this study had some predictive ability, but it is too early to wholeheartedly proclaim the new variable as a member of the TRA/TPB framework.

Each of the component variables was found to significantly predict intentions, although some were more explanatory than the others. The average adjusted R-square value was 0.195, still above that allowed for by the power analysis equation. In fact, the average of 0.195 for each linear equation, when substituted back into Cohen's power equation results in a power value of 0.99, much higher than the 0.80 allowed for in generating the sample size. The variables have shown a much higher and more powerful ability to predict GI than should be attributable to mere chance.

A multiple regression analysis was then undertaken using DATT, NORM, CTRL and SCEN. IATT was removed from the attitudinal portion as a result of the superiority of DATT in predicting GI. The resulting equation includes only CTRL and NORM as significant predictors at the 0.05 level. Together they account for 41.2% of the adjusted variance for GI. This is quite significant, both compared to the amount allowed for in the power analysis, and for the amount seen for other studies as
referenced in the third chapter. The equation is significant at the 0.000 level. The
CTRL variable again appears to cause the constant beta to be lower than what was seen
for the linear equations, and the addition of NORM to the equation drives it even
lower. Both of these variables had means that were lower than the middle values for
their scales (only CTRL was significantly lower, however), and it would appear that
these estimations of perceived external factors could be strong because of the negative
beliefs of the respondents to these areas of concern (even in the face of higher than
expected intentions values). This discussion will continue in the next chapter.

Another look at the regression data reveals that DATT and SCEN are not far
from being included in the equation. Relaxing the significance level to 0.06 allows
DATT to be introduced into the equation with no loss of significance level for the entire
equation (0.000) and an increase of 2.1% in the adjusted R-square. The significance
level must be relaxed to 0.20 to allow SCEN to enter, however, and the resulting
increase in explanatory value is only 0.6%.

Even at the 0.05 level, the power of TPB to predict the intentions of this group
of SBEs to comply with the ADA’s employment provisions seems to be supported.
Two of the three model components are significant at this level, and the third (DATT)
is included by a small relaxation of the significance level criteria. Offender empathy
does not appear to be a significant predictor in this equation, but further testing with
this interesting construct may produce better items which could be of use in the future.
Chapter Conclusion

All four hypotheses proposed in chapter two were supported by the data collected from 85 Dallas - Fort Worth metroplex SBEs. The inclusion of offender empathy into a larger multivariate equation was not suggested by this data, however, although the variable did linearly predict compliance intentions when GI was regressed onto it alone. Chapter five will discuss conclusions which may be drawn from this study as well as suggestions for future research.
CHAPTER 5

CONCLUSIONS

Chapter Introduction

This study undertook the investigation of the relationship between predictor variables authored by Ajzen (1988), Ajzen and Fishbein (1980) and Feather (1996) and the criterion variable of behavioral intentions. This final chapter will review the conclusions which follow from this study in reverse chapter order so that the recent study results can be commented upon first. Then methodological concerns will be addressed, and finally conclusions concerning the impact of the Americans with Disabilities Act of 1990 on the business community.

Results from the Experiment

The results reported in chapter four supported all four hypotheses that TRA/TPB predictor variables and offender empathy can significantly predict the sampled SBEs stated intentions to comply with the employment provisions of the ADA. These hypotheses were based upon the literature regarding both research areas and were not intended to generate new variables or relationships which had not already been tested. What was of importance to this study was the chance to apply the TRA/TPB model to SBE compliance intentions with the ADA and to determine if the previous research from Feather (e.g., 1990, 1993 and 1996) could be merged with the TRA/TPB
field more directly than had been accomplished before. It would appear from the results of this study that there is merit in further investigation of these relationships, although no definitive conclusions have been offered in this study. The significance of this study lies in its application of these constructs to a relatively untested theoretical area for both. The success of the study provides evidence that behavioral attitudes, subjective norms, perceived behavioral control and, perhaps, offender empathy can be used to investigate the compliance intentions of SBEs with federal regulations. Insufficient corroborative evidence exists in the literature to state the relationships at this point.

It is interesting that the newer variable, offender empathy, was as easily meshed with the TRA/TPB model as it was. Periodic attempts to add new variables to the model occur in the literature (e.g., self-efficacy and past behavior), and variables from other fields, especially sociology and psychology, are tested from time-to-time. This construct is borrowed from the criminological investigations of sociologists and appears to fit well with the concept of compliance intentions. It would probably be of less use when investigating the TRA/TPB model in areas of condom use, breast examinations, physical exercise programs and smoking cessation attempts, favorite areas for TRA/TPB research studies. This variable is much more suited to criminologists than to recreation therapists, and so a broader application of the construct is not likely to be successful.
It is also interesting that the results of the regression analysis from the final pilot study differed so greatly from the same analysis on the larger study. There are several possible explanations. Although the studies used the same instrument, the Michigan study focused on a relatively homogenous sample: small manufacturers tied largely to the automotive industry. This sampling group allowed a small number of respondents to test the instrument and provide good feedback on its merits and readability. The Texas sample, however, was composed of a variety of industries, including manufacturers, retailers and service providers. This variety may have contributed to the differing results, and only further studies with both homogenous and heterogenous groups will help to determine if the composition of the sample is responsible. It is likely that certain industries are much more affected by legislation like the ADA, and firms with more flexibility in facilities and working conditions will probably have more ability to adapt than will firms that are relatively restricted in their abilities to accommodate the disabled.

It is also possible that the methodology of selecting the sample respondents and collecting the data is responsible for some of the differences. Even though students chose the respondents and retrieved the data, it is not clear that the data itself is suspect. It is quite likely that the respondents simply reflected a diversity that was present in the students who chose them. The Michigan respondents were chosen by the researcher based upon strict guidelines for inclusion. The student-selected group still met the same inclusion criteria (staff size), but the criteria for industry type was
relaxed, allowing students to collect acceptable data from a broader spectrum of firms. This did not hurt the credibility of the study, but rather it made the data less descriptive of a specific industry and more prone to variability than the Michigan study. Use of a similar data spectrum in the pilot study would probably have given the impression that the model was less effective in predictive ability than it actually was.

A geographic difference may also be apparent. The Detroit area is not as prosperous currently as the Dallas area, and the businesses that were sampled in Michigan were tied more strongly to a single, older industry than were the Texas firms. This difference in geography and economics may have contributed to differences in perceptions as well. The strength of the attitudinal component in Michigan, and the unimportance of norms and control concerns to those firms, may have reflected a greater sense of perceived personal abilities among the Detroit firms and less reliance on external forces for motivation. It is also possible that research in those firms during periods of protracted labor difficulties in the automotive industry could generate different results than were seen before.

There are certainly other possible explanations for the differences in regression results between the studies, including sample sizes and incentives for participation (personal gain [restaurant certificates] versus altruism). It would appear that though those concerns are worth further investigation in future research efforts, the lessons learned from this study are largely those of the ability to apply the constructs from Ajzen, Fishbein and Feather to a new area of research. The success of this effort
should provide impetus to continue research in the area to better determine the ability of the TRA/TPB, modified or not, to predict SBE intentions to comply with regulations. That research will be continued.

Methodological Concerns

The methodological concerns that will be raised are not specific to this study but are connected with the TRA/TPB model and Feather’s work as a whole. Young, Lierman, Powell-Cope and Kasprzyk (1991) question the use of an attitudinal item that poses difficulty for respondents that disagree with the content statement and then must provide an intensity measure of that disagreement. In some TRA/TPB research, they cite, respondents are asked to respond to statements like "having a cigarette is bad for my health" and then to "having bad health from a cigarette is bad in my life." If the respondent disagrees with the first statement, and maybe the second as well, how will the person best and truthfully respond to the item? This methodological question follows directly from early TRA work and continues to the present in some studies. Controversial or debatable topics may cause respondents to have difficulty answering all questions honestly and completely. For this study, the difficulty in creating proper intensity items led to the use of important/unimportant instead of the more common likely/unlikely for each of the direct attitude beliefs. It isn’t the first time that importance was the intensity indicator instead of probability, but the debate over behavioral expectations (probability) versus behavioral intentions - as cited in the second chapter - was the deciding factor. Use of the likelihood item could have
generated different answers, but Davis and Warshaw's work (1991 and 1992) would tend to discount that possibility. They also believe that the multiplicative attitudinal item is unlikely to generate a unidimensional construct to predict intentions, and they may very well be correct (see also Brody & Dietz, 1997). Further research in this is necessary.

Young, Lierman, Powell-Cope and Kasprzyk (1991) also are concerned that the fixed opinion choices inherent in the TRA/TPB model research will hamper true opinion generation, not because of the fixed nature of the items (as Davis & Warshaw point out), but rather in the variability of people's opinions over time and circumstance. As noted in the preceding section, changing the time or circumstances that one is surveyed on a subject may profoundly affect the results of the survey. Although the facts are not at hand, it would be logical to assume that more Americans are concerned about terrorism from within since the Oklahoma City bombing than were concerned before the event occurred. This difference can only be accommodated by longitudinal studies rather than one point in time windows of research. The same concerns could be raised for the current study. Replication across geography, culture, industry and time will help to determine the real worth of these predictor variables to the compliance area.

Finally, Young, Lierman, Powell-Cope and Kasprzyk (1991) are concerned that the redundancy inherent in a TRA/TPB study may confuse respondents into believing that certain questions have been answered more than once. This could lead to less
honest or correct answers and validity questions for the study. In this case, the instrument used for the present study was crafted so that as few redundant questions were asked as possible. This could raise questions of single-item validity problems, so other means of reducing validity errors (multiple cites, multiple data gatherers) were undertaken. These measures do not account for all validity problems, but they do reduce the risk to more acceptable levels.

Impact of ADA and Chapter Conclusion

The Americans with Disabilities Act of 1990 has had a major impact on the business community in terms of both employment and customer accommodations that must be made. Chapter one discussed in detail the legislative and judicial efforts which have been made to make it easier for the disabled to work in a modern environment. The cost to business has been a loss of flexibility in some ways, and an increase in certain accommodation costs in others. While business prefers the least level of regulation possible in the marketplace, the public clearly is in favor of measures which make it easier for all Americans to work safely and competitively. The ADA’s intentions to help in that effort have not always been met with enthusiasm, and some court rulings seem to be taking the ADA to areas of application that were not intended or imagined by the Congress that passed it or the President that signed it. With such uncertainty in the air over such a wide-sweeping law, it should be no wonder that SBEs would comply with only what portions of the law are critical to their firms and would
avoid the rest. Perhaps further research in intentions can help us to better understand
the area of compliance and the businesses that it affects.
APPENDIX A

PROPOSED MODEL FOR THIS STUDY:

RESEARCH VARIABLES FROM AJZEN (1988),
APPENDIX B

SELECTED STUDIES TESTING THE RELATIONSHIPS OF

AJZEN/FISHBEIN MODEL PREDICTOR & CRITERION VARIABLES
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<th>CTRL &gt; INT</th>
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<td>1995</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td>Condom use behaviors</td>
</tr>
<tr>
<td>Nguyen, Otis &amp; Potvin</td>
<td>1996</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td></td>
<td>Adoption of a low-fat diet</td>
</tr>
<tr>
<td>Norman &amp; Bonnett</td>
<td>1995</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>Intentions to comply with managerial assessment</td>
</tr>
<tr>
<td>Norman &amp; Smith</td>
<td>1995</td>
<td>✗</td>
<td></td>
<td>✗</td>
<td>✗</td>
<td>Beginning a regular exercise program</td>
</tr>
<tr>
<td>Parker, Manstead, Stradling, Reason &amp; Baxter</td>
<td>1992</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td>Refrain from committing driving violations</td>
</tr>
<tr>
<td>Prislin &amp; Kovrijla</td>
<td>1992</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>College class attendance</td>
</tr>
<tr>
<td>Renfroe, O'Sullivan &amp; McGee</td>
<td>1990</td>
<td>0</td>
<td>✗</td>
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<td></td>
<td>Nurses optimal documentation behavior</td>
</tr>
<tr>
<td>Richard, Dedobbeleer, Champagne &amp; Potvin</td>
<td>1994</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td>Use of child restraint devices in cars</td>
</tr>
<tr>
<td>Ritter</td>
<td>1988</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Long-term changes in cocaine usage</td>
</tr>
<tr>
<td>Rizzo &amp; Wright</td>
<td>1987</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
<td>Teaching disabled students</td>
</tr>
<tr>
<td>Ross &amp; McLaws</td>
<td>1992</td>
<td>0</td>
<td>✗</td>
<td></td>
<td></td>
<td>Homosexual condom use</td>
</tr>
<tr>
<td>Schilter &amp; Ajzen</td>
<td>1985</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td>Weight reduction behaviors</td>
</tr>
<tr>
<td>Singh, Leong, Tan &amp; Wong</td>
<td>1995</td>
<td>✗</td>
<td></td>
<td>0</td>
<td></td>
<td>Singaporean voting intentions</td>
</tr>
<tr>
<td>Sparrow, Shrinkfield &amp; Karnilowicz</td>
<td>1993</td>
<td>✗</td>
<td>✗</td>
<td></td>
<td></td>
<td>Intentions to include mentally retarded persons participate in group activities</td>
</tr>
</tbody>
</table>

✗ - Significant Positive Relationship Established // 0 - No Significant Relationship Established
APPENDIX C

EARLIEST PILOT STUDY RESULTS

AND

FINAL PILOT STUDY RESULTS
### C1. Indirect Attitude Items

"Employing the disabled in the average workplace _______ ."

<table>
<thead>
<tr>
<th>Item</th>
<th>Mean</th>
<th>Std.</th>
<th>Factor 1</th>
<th>Factor 2</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>requires patience</td>
<td>1.83</td>
<td>0.57</td>
<td>----</td>
<td>----</td>
<td>Deleted</td>
</tr>
<tr>
<td>is pleasant</td>
<td>3.37</td>
<td>0.84</td>
<td>0.626</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>is a necessity</td>
<td>3.21</td>
<td>0.91</td>
<td>----</td>
<td>0.504</td>
<td></td>
</tr>
<tr>
<td>is foolish</td>
<td>4.26</td>
<td>0.74</td>
<td>0.773</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>is our responsibility</td>
<td>3.29</td>
<td>0.99</td>
<td>----</td>
<td>0.632</td>
<td></td>
</tr>
<tr>
<td>is attractive</td>
<td>3.09</td>
<td>0.85</td>
<td>0.643</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>is an ethical issue</td>
<td>3.40</td>
<td>0.91</td>
<td>----</td>
<td>0.768</td>
<td></td>
</tr>
<tr>
<td>is useless</td>
<td>4.26</td>
<td>0.56</td>
<td>0.821</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>makes me apprehensive</td>
<td>3.06</td>
<td>0.84</td>
<td>----</td>
<td>----</td>
<td>Deleted</td>
</tr>
<tr>
<td>intimidates me</td>
<td>3.60</td>
<td>0.88</td>
<td>0.528</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>is good</td>
<td>3.97</td>
<td>0.79</td>
<td>0.898</td>
<td>----</td>
<td></td>
</tr>
</tbody>
</table>

### C2. Subjective Norms

"______ wants me to employ the disabled," & "I usually do what ______ wants me to do."

<table>
<thead>
<tr>
<th>Item</th>
<th>Mean</th>
<th>Std.</th>
<th>Factor 1</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>the government</td>
<td>14.97</td>
<td>3.75</td>
<td>0.603</td>
<td></td>
</tr>
<tr>
<td>my customers</td>
<td>13.21</td>
<td>3.76</td>
<td>0.708</td>
<td></td>
</tr>
<tr>
<td>Congress</td>
<td>14.44</td>
<td>4.25</td>
<td>0.725</td>
<td>merged with</td>
</tr>
<tr>
<td>the disabled</td>
<td>13.38</td>
<td>4.21</td>
<td>0.496</td>
<td></td>
</tr>
<tr>
<td>my friends</td>
<td>12.00</td>
<td>3.49</td>
<td>0.781</td>
<td></td>
</tr>
<tr>
<td>other employees</td>
<td>11.00</td>
<td>4.21</td>
<td>----</td>
<td>Deleted</td>
</tr>
<tr>
<td>other businesses</td>
<td>10.09</td>
<td>3.58</td>
<td>0.647</td>
<td></td>
</tr>
</tbody>
</table>
## C3. Direct Attitude Items

### "Employing the disabled in the average workplace ______"

<table>
<thead>
<tr>
<th>Item</th>
<th>Mean</th>
<th>S/D</th>
<th>F1</th>
<th>F2</th>
<th>F3</th>
<th>F4</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>fills an employment need.</td>
<td>13.09</td>
<td>4.87</td>
<td>0.70</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>causes co-workers to suspect special treatment.</td>
<td>7.94</td>
<td>2.28</td>
<td>0.53</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>gives the disabled liberty.</td>
<td>14.94</td>
<td>5.92</td>
<td>-----</td>
<td>-0.61</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>disrupts the normal flow of business.</td>
<td>9.70</td>
<td>4.28</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-0.67</td>
<td>---------</td>
</tr>
<tr>
<td>provides few opportunities for the disabled.</td>
<td>9.03</td>
<td>2.71</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is a financial burden on the business.</td>
<td>10.16</td>
<td>3.92</td>
<td>-----</td>
<td>-----</td>
<td>0.52</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is something I really want to do.</td>
<td>11.70</td>
<td>5.25</td>
<td>0.59</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>would not allow me to hire who I want to.</td>
<td>9.09</td>
<td>3.33</td>
<td>0.46</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>allows the disabled to play an important role.</td>
<td>15.52</td>
<td>4.58</td>
<td>0.56</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>may reduce planned business expansions.</td>
<td>8.70</td>
<td>3.79</td>
<td>0.61</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is fine if only small changes are needed.</td>
<td>8.15</td>
<td>2.46</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>results in increased training time for the disabled.</td>
<td>8.71</td>
<td>3.13</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>0.50</td>
<td>---------</td>
</tr>
<tr>
<td>is already done in most locations.</td>
<td>11.82</td>
<td>5.12</td>
<td>0.55</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is another government requirement on business.</td>
<td>7.27</td>
<td>2.23</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is fine even if major changes must be made.</td>
<td>12.63</td>
<td>5.24</td>
<td>0.64</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is good for both the mentally &amp; physically disabled.</td>
<td>12.58</td>
<td>4.55</td>
<td>-----</td>
<td>-----</td>
<td>0.44</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>causes a loss in business productivity.</td>
<td>10.13</td>
<td>4.10</td>
<td>0.62</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>helps the disabled care for their families.</td>
<td>16.15</td>
<td>4.62</td>
<td>-----</td>
<td>-----</td>
<td>0.57</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is bad since the disabled train slower for jobs.</td>
<td>10.63</td>
<td>4.30</td>
<td>-----</td>
<td>0.58</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>improves the self-esteem of the disabled worker.</td>
<td>18.06</td>
<td>4.73</td>
<td>0.79</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>reduces the profit a business makes.</td>
<td>9.22</td>
<td>3.87</td>
<td>0.60</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>improves society’s view of the disabled.</td>
<td>16.15</td>
<td>6.10</td>
<td>0.61</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>is bad since they may not be able to do the job.</td>
<td>10.12</td>
<td>3.50</td>
<td>-----</td>
<td>0.50</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>improves customer relations.</td>
<td>13.91</td>
<td>4.68</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>0.40</td>
<td>---------</td>
</tr>
<tr>
<td>causes major changes in the physical work area.</td>
<td>8.55</td>
<td>2.85</td>
<td>-----</td>
<td>-----</td>
<td>0.83</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>improves employee morale.</td>
<td>12.94</td>
<td>4.86</td>
<td>0.59</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>provides more business workspace.</td>
<td>7.62</td>
<td>3.28</td>
<td>0.72</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
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</tr>
</tbody>
</table>
### C4. Perceived Control Items

All items are self-contained statements.

<table>
<thead>
<tr>
<th>Item</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>F1</th>
<th>F2</th>
<th>F3</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Available work space would not keep me from being able to make requested physical accommodations.</td>
<td>3.47</td>
<td>0.93</td>
<td>0.733</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>I would have difficulty finding appropriate positions to employ the disabled.</td>
<td>2.91</td>
<td>0.93</td>
<td>0.593</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>Employing the disabled would not be expensive.</td>
<td>2.62</td>
<td>0.78</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>Deleted</td>
</tr>
<tr>
<td>I am not sure of what needs to be done to employ the disabled.</td>
<td>2.12</td>
<td>0.81</td>
<td>----</td>
<td>0.567</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>I generally know what the average disabled worker is capable of doing if employed.</td>
<td>2.76</td>
<td>0.78</td>
<td>----</td>
<td>----</td>
<td>0.736</td>
<td></td>
</tr>
<tr>
<td>Some of my equipment is permanently stationed and cannot be moved.</td>
<td>2.53</td>
<td>0.93</td>
<td>----</td>
<td>----</td>
<td>-.605</td>
<td></td>
</tr>
<tr>
<td>I have a sufficient supply of disabled applicants to employ some of them.</td>
<td>3.00</td>
<td>0.49</td>
<td>0.556</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>The amount of time investment needed to employ the disabled would limit who I could employ.</td>
<td>2.79</td>
<td>0.77</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>Deleted</td>
</tr>
<tr>
<td>There are very few disabilities severe enough to keep me from hiring the disabled.</td>
<td>3.24</td>
<td>0.82</td>
<td>----</td>
<td>0.636</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>I already have too many disabled workers on staff.</td>
<td>3.38</td>
<td>0.65</td>
<td>0.460</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>The disabled usually know which jobs they can perform in the workplace.</td>
<td>3.65</td>
<td>0.73</td>
<td>0.561</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
</tbody>
</table>

### C5. Scenarios Constructed According to Feather’s (1996) Methodology

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Firm Name</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IBLC</td>
<td>4.675</td>
<td>1.136</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>FCS</td>
<td>4.150</td>
<td>1.624</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>USP</td>
<td>4.657</td>
<td>1.879</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Sheriff</td>
<td>2.810</td>
<td>1.543</td>
<td>Deleted</td>
</tr>
<tr>
<td>5</td>
<td>ABC</td>
<td>4.154</td>
<td>1.718</td>
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</tr>
<tr>
<td>6</td>
<td>Agency</td>
<td>2.731</td>
<td>1.383</td>
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</tr>
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</table>
C6. Correlation Table for Scenarios \( [r (p)] \)

<table>
<thead>
<tr>
<th>Scenario</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.276 (.302)</td>
<td>** .659 (.005)</td>
<td>-.035 (.898)</td>
<td>.418 (.107)</td>
<td>.161 (.551)</td>
</tr>
<tr>
<td>2</td>
<td>.08 (.768)</td>
<td>** .569 (.021)</td>
<td>** .631 (.009)</td>
<td>-.245 (.360)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>-.153 (.571)</td>
<td>.417 (.109)</td>
<td>.492 (.053)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td>.398 (.127)</td>
<td>-.286 (.283)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>.047 (.862)</td>
<td></td>
</tr>
</tbody>
</table>

** Correlation coefficient is significant at the .05 level.
Final Pilot Study

C7. Descriptive Statistics

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA</td>
<td>22</td>
<td>2.00</td>
<td>5.00</td>
<td>3.9091</td>
<td>.8112</td>
</tr>
<tr>
<td>GN</td>
<td>22</td>
<td>1.00</td>
<td>5.00</td>
<td>3.1364</td>
<td>.8888</td>
</tr>
<tr>
<td>GC</td>
<td>22</td>
<td>2.00</td>
<td>5.00</td>
<td>3.8182</td>
<td>.6645</td>
</tr>
<tr>
<td>GI</td>
<td>22</td>
<td>3.00</td>
<td>5.00</td>
<td>4.0455</td>
<td>.4153</td>
</tr>
<tr>
<td>IATT</td>
<td>22</td>
<td>2.78</td>
<td>4.44</td>
<td>3.4141</td>
<td>.3790</td>
</tr>
<tr>
<td>DATT</td>
<td>20</td>
<td>6.13</td>
<td>16.20</td>
<td>11.2502</td>
<td>2.2610</td>
</tr>
<tr>
<td>NORM</td>
<td>22</td>
<td>2.00</td>
<td>12.20</td>
<td>8.0455</td>
<td>2.5694</td>
</tr>
<tr>
<td>CTRL</td>
<td>22</td>
<td>1.89</td>
<td>3.67</td>
<td>2.6497</td>
<td>.4388</td>
</tr>
<tr>
<td>SCEN</td>
<td>22</td>
<td>1.21</td>
<td>4.24</td>
<td>2.9587</td>
<td>.9105</td>
</tr>
</tbody>
</table>

C8. Factor Analysis of Global Variables GA, GC & GN

Total Variance Explained

<table>
<thead>
<tr>
<th>Component</th>
<th>Total</th>
<th>% of Variance</th>
<th>Cumulative %</th>
<th>Total</th>
<th>% of Variance</th>
<th>Cumulative %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1.739</td>
<td>57.967</td>
<td>57.967</td>
<td>1.739</td>
<td>57.967</td>
<td>57.967</td>
</tr>
<tr>
<td>2</td>
<td>.891</td>
<td>29.712</td>
<td>87.679</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>.370</td>
<td>12.321</td>
<td>100.000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.

Component Matrix

<table>
<thead>
<tr>
<th>Component</th>
<th>Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

GA       | .834      |
GC       | .506      |
GN       | .887      |

Extraction Method: Principal Component Analysis.

a. 1 components extracted.

Rotated Component Matrix

a. Only one component was extracted. The solution cannot be rotated.
### C9. Global Variable Regression Analysis

#### Coefficients

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>(Constant)</td>
<td>2.982</td>
<td>.387</td>
<td>7.710</td>
</tr>
<tr>
<td></td>
<td>GA</td>
<td>.272</td>
<td>.097</td>
<td>.531</td>
</tr>
</tbody>
</table>

a. Dependent Variable: GI

#### Excluded Variables

<table>
<thead>
<tr>
<th>Model</th>
<th>Beta ln</th>
<th>t</th>
<th>Sig</th>
<th>Partial Correlation</th>
<th>Collinearity Statistics</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>GC</td>
<td>.247</td>
<td>1.315</td>
<td>.204</td>
<td>.289</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>GN</td>
<td>.071</td>
<td>.288</td>
<td>.777</td>
<td>.666</td>
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</table>

a. Predictors in the Model: (Constant), GA
b. Dependent Variable: GI
C10. Model Variable Factor Analysis

<table>
<thead>
<tr>
<th>Component</th>
<th>Total</th>
<th>% of Variance</th>
<th>Cumulative %</th>
<th>Total</th>
<th>% of Variance</th>
<th>Cumulative %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>53.093</td>
<td>2.655</td>
<td>53.093</td>
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<tr>
<td>2</td>
<td>.947</td>
<td>18.940</td>
<td>72.033</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>.509</td>
<td>10.180</td>
<td>82.212</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>.476</td>
<td>9.528</td>
<td>91.740</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>.413</td>
<td>8.260</td>
<td>100.000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.

Component Matrix

<table>
<thead>
<tr>
<th>Component</th>
<th>1</th>
<th>IATT</th>
<th>DATT</th>
<th>NORM</th>
<th>CTRL</th>
<th>SCEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component</td>
<td>1</td>
<td>.807</td>
<td>.808</td>
<td>.419</td>
<td>.780</td>
<td>.752</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.
a. 1 components extracted.

Rotated Component Matrix
a. Only one component was extracted. The solution cannot be rotated.
### C11. Multiple Regression Model Using All Model Variables

**Regression Coefficients for Model Variables**

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
</tr>
<tr>
<td>1</td>
<td>(Constant)</td>
<td>1.135</td>
</tr>
<tr>
<td></td>
<td>IATT</td>
<td>.863</td>
</tr>
</tbody>
</table>

a. Dependent Variable: GI

**Excluded Variables**

<table>
<thead>
<tr>
<th>Model</th>
<th>Beta In</th>
<th>t</th>
<th>Sig</th>
<th>Partial Correlation</th>
<th>Collinearity Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tolerance</td>
</tr>
<tr>
<td>1</td>
<td>DATT</td>
<td>-.697</td>
<td>-.437</td>
<td>.668</td>
<td>-.105</td>
</tr>
<tr>
<td></td>
<td>NORM</td>
<td>-.324</td>
<td>-1.740</td>
<td>.100</td>
<td>-.389</td>
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<tr>
<td></td>
<td>CTRL</td>
<td>.240</td>
<td>1.108</td>
<td>.283</td>
<td>.259</td>
</tr>
<tr>
<td></td>
<td>SCEN</td>
<td>.313</td>
<td>1.518</td>
<td>.148</td>
<td>.345</td>
</tr>
</tbody>
</table>

a. Predictors in the Model: (Constant), IATT  
b. Dependent Variable: GI
APPENDIX D

FINAL STUDY STATISTICAL ANALYSIS RESULTS
## Statistics for Final Study

### D1. Descriptive Statistics & Normality Tests

#### Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>Missing</th>
<th>Observation</th>
<th>Mean</th>
<th>Median</th>
<th>Mode</th>
<th>Std. Deviation</th>
<th>Skewness</th>
<th>Kurtosis</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA10</td>
<td>80</td>
<td>0</td>
<td>80</td>
<td>0.00</td>
<td>0.975</td>
<td>0.95</td>
<td>0.886</td>
<td>0.164</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA12</td>
<td>70</td>
<td>8</td>
<td>62</td>
<td>8.00</td>
<td>8.285</td>
<td>8.00</td>
<td>6.685</td>
<td>0.913</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA13</td>
<td>70</td>
<td>5</td>
<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
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<tr>
<td>DA14</td>
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<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
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<td>2.06</td>
</tr>
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<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
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<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA17</td>
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<td>5</td>
<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA18</td>
<td>70</td>
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<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA19</td>
<td>70</td>
<td>5</td>
<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
<tr>
<td>DA20</td>
<td>70</td>
<td>5</td>
<td>65</td>
<td>5.00</td>
<td>5.454</td>
<td>5.00</td>
<td>2.531</td>
<td>0.585</td>
<td>0.978</td>
<td>1.26</td>
<td>2.06</td>
</tr>
</tbody>
</table>

* Multiple tables per page. The smallest value is shown.
### Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>N</th>
<th>Mean</th>
<th>Median</th>
<th>Mode</th>
<th>Std. Deviation</th>
<th>Skewness</th>
<th>Kurtosis</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>GB</td>
<td>84</td>
<td>4.2500</td>
<td>4.2500</td>
<td>4.2500</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td>1.0000</td>
<td>5.0000</td>
</tr>
<tr>
<td>NC</td>
<td>85</td>
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<td>3.2421</td>
<td>3.2421</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td>1.0000</td>
<td>5.0000</td>
</tr>
<tr>
<td>SC</td>
<td>85</td>
<td>2.9036</td>
<td>2.9036</td>
<td>2.9036</td>
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<td>0.0000</td>
<td>0.0000</td>
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<td>4.0100</td>
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</table>

Note: Multiple modes exist. The smallest value is shown.
Global Variable Statistical Tests

D2. One-Sample Test for Non-Neutrality

One-Sample Test

<table>
<thead>
<tr>
<th></th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
<th>Mean Difference</th>
<th>95% Confidence Interval of the Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA</td>
<td>8.142</td>
<td>84</td>
<td>.000</td>
<td>.9529</td>
<td>.7202, 1.1857</td>
</tr>
<tr>
<td>GN</td>
<td>3.514</td>
<td>84</td>
<td>.001</td>
<td>.3765</td>
<td>.1634, .5895</td>
</tr>
<tr>
<td>GC</td>
<td>6.662</td>
<td>83</td>
<td>.000</td>
<td>.8095</td>
<td>.5576, 1.0512</td>
</tr>
<tr>
<td>Gl</td>
<td>21.550</td>
<td>84</td>
<td>.000</td>
<td>1.3490</td>
<td>1.2245, 1.4735</td>
</tr>
</tbody>
</table>
D3. Paired Samples T-Test Comparing Global Intentions Mean with All Global Means

Paired Samples Statistics

<table>
<thead>
<tr>
<th>Pair</th>
<th>Mean</th>
<th>N</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pair 1</td>
<td>GA</td>
<td>3.9529</td>
<td>85</td>
<td>1.0791</td>
</tr>
<tr>
<td></td>
<td>GI</td>
<td>4.3490</td>
<td>85</td>
<td>.5771</td>
</tr>
<tr>
<td>Pair 2</td>
<td>GI</td>
<td>4.3490</td>
<td>85</td>
<td>.5771</td>
</tr>
<tr>
<td></td>
<td>GN</td>
<td>3.3765</td>
<td>85</td>
<td>.9877</td>
</tr>
<tr>
<td>Pair 3</td>
<td>GC</td>
<td>3.8095</td>
<td>84</td>
<td>1.1137</td>
</tr>
<tr>
<td></td>
<td>GI</td>
<td>4.3413</td>
<td>84</td>
<td>.5761</td>
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</tbody>
</table>

Paired Samples Test

<table>
<thead>
<tr>
<th>Paired Differences</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
<th>95% Confidence Interval of the Difference</th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pair 1 GA - GI</td>
<td>-.3961</td>
<td>.9237</td>
<td>.1002</td>
<td>-.5953 - .1968</td>
<td>-3.953</td>
<td>84</td>
<td>.000</td>
</tr>
<tr>
<td>Pair 2 GI - GN</td>
<td>.9725</td>
<td>.9135</td>
<td>8.625E-02</td>
<td>.7971 - 1.1480</td>
<td>11.021</td>
<td>84</td>
<td>.000</td>
</tr>
<tr>
<td>Pair 3 GC - GI</td>
<td>-.5317</td>
<td>.9914</td>
<td>10.82</td>
<td>-.7469 - -.3166</td>
<td>-4.918</td>
<td>83</td>
<td>.000</td>
</tr>
</tbody>
</table>
## D4. Nonparametric Correlations of Global Variables

### Correlations

<table>
<thead>
<tr>
<th>Spearman’s rho</th>
<th>Correlation Coefficient</th>
<th>GA</th>
<th>GN</th>
<th>GC</th>
<th>Gl</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1.000</td>
<td>.556**</td>
<td>.568**</td>
<td>.470**</td>
</tr>
<tr>
<td>GA</td>
<td></td>
<td>.556**</td>
<td>1.000</td>
<td>.402**</td>
<td>.497**</td>
</tr>
<tr>
<td>GN</td>
<td></td>
<td>.589**</td>
<td>.402**</td>
<td>1.000</td>
<td>.438**</td>
</tr>
<tr>
<td>GC</td>
<td></td>
<td>.470**</td>
<td>.497**</td>
<td>.438**</td>
<td>1.000</td>
</tr>
<tr>
<td>Gl</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sig. (2-tailed)</th>
<th>GA</th>
<th>GN</th>
<th>GC</th>
<th>Gl</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>GA</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>GN</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>GC</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Gl</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N</th>
<th>GA</th>
<th>GN</th>
<th>GC</th>
<th>Gl</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85</td>
<td>85</td>
<td>84</td>
<td>85</td>
</tr>
<tr>
<td>GA</td>
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<td>85</td>
<td>84</td>
<td>85</td>
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<tr>
<td>GN</td>
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<td>84</td>
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<tr>
<td>GC</td>
<td>85</td>
<td>85</td>
<td>84</td>
<td>85</td>
</tr>
</tbody>
</table>

**. Correlation is significant at the .01 level (2-tailed).
D5. Global Predictor Variable Factor Analysis

Communalities

<table>
<thead>
<tr>
<th></th>
<th>Initial</th>
<th>Extraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA</td>
<td>1.000</td>
<td>.830</td>
</tr>
<tr>
<td>GN</td>
<td>1.000</td>
<td>.703</td>
</tr>
<tr>
<td>GC</td>
<td>1.000</td>
<td>.703</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.

Total Variance Explained

<table>
<thead>
<tr>
<th>Component</th>
<th>Initial Eigenvalues</th>
<th>Extraction Sums of Squared Loadings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>% of Variance</td>
</tr>
<tr>
<td>1</td>
<td>2.236</td>
<td>74.533</td>
</tr>
<tr>
<td>2</td>
<td>.494</td>
<td>16.467</td>
</tr>
<tr>
<td>3</td>
<td>.270</td>
<td>9.000</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.

Cronbach's Alpha (Thetas): Carmines & Zeller (1978)
\[(n/[n-1])(1-[1/L]) = (3/[3-1])(1-[1/2.236]) = 0.83\]

Component Matrix

<table>
<thead>
<tr>
<th></th>
<th>Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA</td>
<td>.911</td>
</tr>
<tr>
<td>GN</td>
<td>.838</td>
</tr>
<tr>
<td>GC</td>
<td>.839</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Component Analysis.
a. 1 components extracted.
Regression Analyses for Global Predictors (GA/GN/GC) & Global Intentions

D6. Global Behavioral Attitudes > Global Intentions

Model Summary

<table>
<thead>
<tr>
<th>Model</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of the Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.517(^a)</td>
<td>.268</td>
<td>.259</td>
<td>.4969</td>
</tr>
</tbody>
</table>

\(^a\) Predictors: (Constant), GA

ANOVA\(^b\)

<table>
<thead>
<tr>
<th>Model</th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regression</td>
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<td>30.329</td>
<td>.000(^a)</td>
</tr>
<tr>
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<td>20.491</td>
<td>83</td>
<td>.247</td>
<td></td>
<td></td>
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<tr>
<td>Total</td>
<td>27.979</td>
<td>84</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) Predictors: (Constant), GA

\(^b\) Dependent Variable: GI

Coefficients\(^a\)

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
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<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
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<td>.000</td>
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<td>.277</td>
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\(^a\) Dependent Variable: GI
### Model Summary

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[^a]: Predictors: (Constant), GN

### ANOVA[^b]

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[^a]: Predictors: (Constant), GN
[^b]: Dependent Variable: GI

### Coefficients[^a]

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[^a]: Dependent Variable: GI
D8. Global Perceived Control > Global Intentions

Model Summary

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* a. Predictors: (Constant), GC

ANOVA

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* a. Predictors: (Constant), GC
b. Dependent Variable: Gl

Coefficients

<table>
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<th>Standardized Coefficients</th>
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* a. Dependent Variable: Gl
D9. All Global Predictor Variables > Global Intentions (STEPWISE)

**Model Summary**

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a. Predictors: (Constant), GN
b. Predictors: (Constant), GN, GC

c. Dependent Variable: Gl

**ANOVA**

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<tr>
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<th>Sum of Squares</th>
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<th>Sig.</th>
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a. Predictors: (Constant), GN
b. Predictors: (Constant), GN, GC
c. Dependent Variable: Gl
### Coefficients\(^a\)

<table>
<thead>
<tr>
<th>Model</th>
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\(^a\) Dependent Variable: Gl

### Excluded Variables\(^c\)

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<td>GA</td>
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\(^a\) Predictors in the Model: (Constant), GN
\(^b\) Predictors in the Model: (Constant), GN, GC
\(^c\) Dependent Variable: Gl
### Model Component Variable Statistical Tests

#### D10. One-Sample Test for Non-Neutrality

**One-Sample Test**

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<td>IAI</td>
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</tr>
<tr>
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<tr>
<td>SCEN</td>
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</table>

**One-Sample Test**

<table>
<thead>
<tr>
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<tbody>
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<td></td>
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</tr>
<tr>
<td>IAI</td>
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</tr>
<tr>
<td>NORM</td>
<td>-.571</td>
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</table>
## D11. Nonparametric Correlations of Model Component Variables

**Correlations**

<table>
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<tr>
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<th>NORM</th>
<th>CTRL</th>
<th>SCEN</th>
<th>GI</th>
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</thead>
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<td>.342**</td>
<td>.273*</td>
<td>.193</td>
<td>.124</td>
<td>.339**</td>
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<tr>
<td>DATT</td>
<td>.342**</td>
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<td>.392**</td>
<td>.427**</td>
<td>.265*</td>
<td>.460**</td>
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<tr>
<td>NORM</td>
<td>.273*</td>
<td>.392**</td>
<td>1.000</td>
<td>.370**</td>
<td>.205</td>
<td>.432**</td>
</tr>
<tr>
<td>CTRL</td>
<td>.193</td>
<td>.427**</td>
<td>.370**</td>
<td>1.000</td>
<td>.285**</td>
<td>.543**</td>
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<tr>
<td>SCEN</td>
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<td>.265*</td>
<td>.205</td>
<td>.285**</td>
<td>1.000</td>
<td>.336**</td>
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<td>GI</td>
<td>.339**</td>
<td>.460**</td>
<td>.432**</td>
<td>.543**</td>
<td>.336**</td>
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</tbody>
</table>

**Sig. (2-tailed)**

<table>
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<th></th>
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<th>DATT</th>
<th>NORM</th>
<th>CTRL</th>
<th>SCEN</th>
<th>GI</th>
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<tr>
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<td>.000</td>
<td>.000</td>
<td>.017</td>
<td>.000</td>
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<td>.000</td>
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<td>.000</td>
<td>.060</td>
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<td>.000</td>
<td>.000</td>
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<td>.000</td>
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**N**

<table>
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<td>80</td>
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<td>CTRL</td>
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<td>80</td>
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<td>85</td>
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<td>85</td>
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<tr>
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<td>85</td>
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**. Correlation is significant at the .01 level (2-tailed).**

**. Correlation is significant at the .05 level (2-tailed).**
D12. Model Component Factor Analysis

Communalities

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<tr>
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Extraction Method: Principal Component Analysis.

Total Variance Explained

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<td>% of Variance</td>
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Extraction Method: Principal Component Analysis.

Cronbach's Alpha: \( \frac{5}{5-1} \left(1-\frac{1}{2.335}\right) = 0.715 \)

Component Matrix* 

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<td>NORM</td>
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<td>CTRL</td>
<td>.758</td>
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<tr>
<td>SCEN</td>
<td>.543</td>
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</table>

Extraction Method: Principal Component Analysis.

* a. 1 components extracted.
Linear Regression Analyses with Model Components

D13. Indirect Attitudes > Global Intentions

Model Summary

<table>
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<tr>
<th>Model</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of Estimate</th>
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<td>1</td>
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a. Predictors: (Constant), IATT

ANOVA

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<th>Model</th>
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<th>df</th>
<th>Mean Square</th>
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<td>2.180</td>
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</tr>
<tr>
<td>Total</td>
<td>27.979</td>
<td>84</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Predictors: (Constant), IATT
b. Dependent Variable: GI

Coefficients

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
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<tbody>
<tr>
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a. Dependent Variable: GI
**D14. Direct Attitudes > Global Intentions**

**Model Summary**

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<th>Std. Error of the Estimate</th>
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a. Predictors: (Constant), DATT

**ANOVA**

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<th>Mean Square</th>
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<th>Sig.</th>
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a. Predictors: (Constant), DATT
b. Dependent Variable: GI

**Coefficients**

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<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
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a. Dependent Variable: GI
D15. Subjective Norms > Global Intentions

Model Summary

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a. Predictors: (Constant), NORM

ANOVA

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a. Predictors: (Constant), NORM
b. Dependent Variable: Gl

tCoefficients

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a. Dependent Variable: Gl
D16. Perceived Control > Global Intentions

**Model Summary**

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a. Predictors: (Constant), CTRL

**ANOVA<sup>b</sup>**

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a. Predictors: (Constant), CTRL
b. Dependent Variable: GI

c. **Coefficients<sup>a</sup>**

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a. Dependent Variable: GI
**D17. Offender Empathy > Global Intentions**

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a. Predictors: (Constant), SCEN

### ANOVA

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a. Predictors: (Constant), SCEN

b. Dependent Variable: GI

### Coefficients

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a. Dependent Variable: GI
Multiple Regression Analyses with Model Components

D18. DATT, NORM, CTRL & SCEN > Global Intentions (p<=.05)

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<sup>a</sup> Predictors: (Constant), CTRL
<sup>b</sup> Predictors: (Constant), CTRL, NORM

ANOVA<sup>c</sup>

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a. Dependent Variable: Gl

### Excluded Variables

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a. Predictors in the Model: (Constant), CTRL
b. Predictors in the Model: (Constant), CTRL, NORM
c. Dependent Variable: Gl
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<sup>a</sup> Predictors: (Constant), CTRL
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<sup>c</sup> Predictors: (Constant), CTRL, NORM, DATT

### ANOVA<sup>d</sup>

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<sup>a</sup> Predictors: (Constant), CTRL
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a. Dependent Variable: GI

### Excluded Variables

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b. Predictors in the Model: (Constant), CTRL, NORM
c. Predictors in the Model: (Constant), CTRL, NORM, DATT
d. Dependent Variable: GI
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d. Predictors: (Constant), CTRL, NORM, DATT, SCEN  

e. Dependent Variable: GI

### ANOVA

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<td></td>
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<td>Total</td>
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a. Predictors: (Constant), CTRL  
b. Predictors: (Constant), CTRL, NORM  
c. Predictors: (Constant), CTRL, NORM, DATT  
d. Predictors: (Constant), CTRL, NORM, DATT, SCEN  
e. Dependent Variable: GI
## Coefficients

<table>
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<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
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<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
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<tr>
<td>1</td>
<td>(Constant)</td>
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<td>CTRL</td>
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<td>(Constant)</td>
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<td>CTRL</td>
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a. Dependent Variable: GI

## Excluded Variables

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<th>Sig.</th>
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<th>Collinearity Statistics</th>
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<tr>
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<td>NORM</td>
<td>.298&lt;sup&gt;a&lt;/sup&gt;</td>
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<td>SCEN</td>
<td>.163&lt;sup&gt;a&lt;/sup&gt;</td>
<td>1.730</td>
<td>.088</td>
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<td>2</td>
<td>DATT</td>
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<td>1.969</td>
<td>.053</td>
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<td>SCEN</td>
<td>.140&lt;sup&gt;b&lt;/sup&gt;</td>
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<td>.176</td>
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<td>3</td>
<td>SCEN</td>
<td>.117&lt;sup&gt;c&lt;/sup&gt;</td>
<td>1.304</td>
<td>.196</td>
<td>.149</td>
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</table>

a. Predictors in the Model: (Constant), CTRL
b. Predictors in the Model: (Constant), CTRL, NORM
c. Predictors in the Model: (Constant), CTRL, NORM, DATT
d. Dependent Variable: GI
APPENDIX E

REVISED MODEL FOR THIS STUDY:

RESEARCH VARIABLES FROM AJZEN (1988)

AND AJZEN & FISHBEIN (1980)
APPENDIX F

FINAL QUESTIONNAIRE
Please complete the following section using the abbreviations given below. Circle the abbreviation which corresponds with the answer that best reflects your opinion.

**RESPONSE KEY**

- **SA** = Strongly Agree with the Statement
- **AG** = Agree with the Statement
- **NT** = Neutral about the Statement
- **DG** = Disagree with the Statement
- **SD** = Strongly Disagree with the Statement

<table>
<thead>
<tr>
<th>Statement</th>
<th>SA</th>
<th>AG</th>
<th>NT</th>
<th>DG</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am in favor of employing the disabled in my business.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Most people who are important to me think that my business should employ the disabled.</td>
<td></td>
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<tr>
<td>I believe that my business can employ the disabled.</td>
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</tr>
<tr>
<td>If given the opportunity to employ a person with a disability, I would seriously consider hiring him or her.</td>
<td></td>
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</tr>
<tr>
<td>If a disabled employee requested an accommodation, I would do everything reasonable to provide that accommodation.</td>
<td></td>
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</tr>
<tr>
<td>I intend to comply with all sections of the Americans with Disabilities Act as they apply to my business.</td>
<td></td>
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</tr>
<tr>
<td>I have enough workspace to accommodate most disabilities.</td>
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<td></td>
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<tr>
<td>I would have difficulty finding appropriate jobs for the disabled.</td>
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</tr>
<tr>
<td>I know what needs to be done to employ a disabled worker.</td>
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<tr>
<td>I have enough disabled applicants to employ qualified ones.</td>
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</tr>
<tr>
<td>Some equipment cannot be moved to make accommodations.</td>
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<tr>
<td>I have a good idea of what the average disabled worker can do.</td>
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</tr>
<tr>
<td>There are some disabilities that I cannot accommodate.</td>
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<tr>
<td>I do not have enough disabled workers on staff.</td>
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<tr>
<td>Most disabled believe they can do more than they really can.</td>
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<td></td>
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</tr>
<tr>
<td>The government wants me to employ the disabled.</td>
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</tr>
<tr>
<td>My customers want me to employ the disabled.</td>
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<td></td>
</tr>
<tr>
<td>The disabled want me to employ the disabled.</td>
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</tr>
<tr>
<td>My friends want me to employ the disabled.</td>
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<tr>
<td>Other businesses want me to employ the disabled.</td>
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</tr>
<tr>
<td>I usually do what other businesses want me to do.</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I usually do what my friends want me to do.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>I usually do what the disabled want me to do.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>I usually do what my customers want me to do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I usually do what the government wants me to do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employing the disabled is pleasant.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Employing the disabled is a necessity.</td>
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</tr>
<tr>
<td>Employing the disabled is foolish.</td>
<td></td>
<td></td>
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<tr>
<td>Employing the disabled is our responsibility.</td>
<td></td>
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</tr>
<tr>
<td>Employing the disabled is attractive.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Employing the disabled is an ethical imperative.</td>
<td></td>
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</tr>
<tr>
<td>Employing the disabled is useless.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employing the disabled intimidates me.</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Employing the disabled is good.</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
RESPONSE KEY

SA = Strongly agree
AG = Somewhat agree
NT = Neutral
DG = Somewhat Disagree
SD = Strongly Disagree
VI = Very Important Issue
SI = Somewhat Important Issue
NT = Neutral Issue
SU = Somewhat Unimportant Issue
VU = Very Unimportant Issue

(Please answer once in each column [agreement & importance])
EXAMPLE: SA AG NT DG SD VI SI NT SU VU

EMPLOYING THE DISABLED IN MY BUSINESS:
... helps me fill my employment needs.
SA AG NT DG SD VI SI NT SU VU
... keeps me from hiring who I want to.
SA AG NT DG SD VI SI NT SU VU
... is fine even if there are major changes that must be made.
SA AG NT DG SD VI SI NT SU VU
... improves the disabled worker’s self-esteem.
SA AG NT DG SD VI SI NT SU VU
... reduces my business’ profits.
SA AG NT DG SD VI SI NT SU VU
... improves society’s opinions about the disabled worker.
SA AG NT DG SD VI SI NT SU VU
... improves employees’ morale.
SA AG NT DG SD VI SI NT SU VU
... reduces my business’ productivity.
SA AG NT DG SD VI SI NT SU VU
... is a financial burden on my business.
SA AG NT DG SD VI SI NT SU VU
... is good regardless of the disability in question.
SA AG NT DG SD VI SI NT SU VU
... causes major physical workspace changes.
SA AG NT DG SD VI SI NT SU VU
... disrupts the flow of business.
SA AG NT DG SD VI SI NT SU VU
... results in increased training time for the disabled.
SA AG NT DG SD VI SI NT SU VU
... helps the disabled to care for their families.
SA AG NT DG SD VI SI NT SU VU
... improves my business’ customer relations.
SA AG NT DG SD VI SI NT SU VU

PLEASE CONTINUE ONTO THE NEXT PAGE
Read each scenario and respond to the statements which follow.

Scenario 1
IBLC discharged an employee who developed a heart condition which no longer allowed her to lift moderately heavy objects. A civil rights commission reviewed the discharged employee’s complaint of disability discrimination and determined that the business could have accommodated the employee’s condition even though it might have caused the business a fair amount of inconvenience. The business was found to have not made its decision based upon the nature of the occupation and was ordered to reinstate the employee with back pay for time lost and accommodate her condition.

I believe that IBLC was:
not responsible at all for the offense ① ② ③ ④ ⑤ very responsible for the offense
I believe that IBLC:
deserves the judgment very much ① ② ③ ④ ⑤ doesn’t deserve the judgment
I believe that not accommodating this type of condition is:
not a serious offense at all ① ② ③ ④ ⑤ a very serious offense
I believe that not accommodating this type of condition is:
an unacceptable business action ① ② ③ ④ ⑤ an acceptable business action
I believe that reinstatement and back pay as judgment for this action is:
too harsh ① ② ③ ④ ⑤ too lenient

Scenario 2
FCS Supermarkets, under the advice of a physician, discharged a meat cutter for an epileptic seizure on the job (the first in eight years) claiming that further seizures could endanger both the epileptic employee and co-workers. The employee claimed that it was unlikely that further seizures would occur and that epilepsy was a protected condition under law which needed to be accommodated. The court sided with the discharged employee and demanded that the employee be rehired, be paid back pay, have his condition accommodated and be paid compensatory damages.

I believe that FCS was:
not responsible at all for the offense ① ② ③ ④ ⑤ very responsible for the offense
I believe that FCS:
deserves the judgment very much ① ② ③ ④ ⑤ doesn’t deserve the judgment
I believe that not accommodating this type of condition is:
not a serious offense at all ① ② ③ ④ ⑤ a very serious offense
I believe that not accommodating this type of condition is:
an unacceptable business action ① ② ③ ④ ⑤ an acceptable business action
I believe that rehiring, back pay and damages as judgment for this action is:
too harsh ① ② ③ ④ ⑤ too lenient
Scenario 3

USP Deliveries refused to hire a deaf applicant for the position of a "time & attendance clerk" since she could not answer the phone (a requirement added to the job description after the applicant had applied for the vacancy) and since other employees would have had difficulty communicating with her. A court ruled that this action was discriminatory, that phone answering was not an essential duty of the position, and that USP must hire the applicant and accommodate her condition by reassigning certain communication duties to other employees.

I believe that USP was:

- not responsible at all for the offense
- very responsible for the offense

I believe that USP:

- deserves the judgment very much
- doesn't deserve the judgment

I believe that not accommodating this type of condition is:

- not a serious offense at all
- a very serious offense

I believe that not accommodating this type of condition is:

- an unacceptable business action
- an acceptable business action

I believe that forced hiring and duty changes as judgment for this action is:

- too harsh
- too lenient

This is the end of the survey. Thank you very much for your help.
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