



DM 4300-2

# REASONABLE ACCOMMODATION PROCEDURES

## REASONABLE ACCOMMODATION PROCEDURES

### TABLE OF CONTENTS

	<u>Page</u>
Table of contents	i
Foreword	ii
1 Purpose	1
2 Definitions	1
3 Roles/Responsibilities	3
4 Requesting an accommodation	5
5 Written requests for record keeping purposes	6
6 Interactive process	6
7 Determining if the individual requesting the accommodation has a disability. Requests for medical information	8
8 Confidentiality requirements regarding the reasonable accommodation process	9
9 Time frames for processing requests and providing reasonable accommodation	10
10 Granting a reasonable accommodation request	12
11 Denial of reasonable accommodation request	12
12 Information tracking and reporting	12
APPENDICES	
A Confirmation of request for reasonable accommodation form	A-1
B Reasonable accommodation information reporting form	B-1
C Denial of reasonable accommodation request form	C-1
D Equal Employment Opportunity Commission Resources	D-1

## FOREWORD

The Department of Agriculture (USDA) recognizes that all its employees need the tools necessary to be productive, and that making reasonable accommodation is simply a way of providing the tools needed to accomplish its mission. An employee with a disability need only request an accommodation of the immediate or first line supervisor, who, in many instances is authorized via these procedures to provide the accommodation.

This manual sets forth the procedures to be used, if necessary, when considering the provision of reasonable accommodation to employees and applicants with disabilities. In the majority of situations, providing a reasonable accommodation is simple, quick and inexpensive. The procedures set forth in this manual shall be used for record keeping purposes to document reasonable accommodation requests, grant or deny requests. The procedures shall also be used to request documentation in cases when the disability and/or the need for accommodation is not obvious.

Requests for accommodation must be considered on a case-by-case basis, and, in the majority of cases, can be resolved between employee and supervisor. It is imperative for the employee with a disability to be involved and consulted regarding specific accommodations needed and other aspects of reasonable accommodation through an interactive process. These procedures outline who may be involved in this interactive process.

USDA agencies have been directed to establish central funds for accommodations within their own budgets so that agencies' individual offices or units are not reluctant to fund accommodations that cost money. Although some accommodations, (e.g., equipment, hardware, software) may cost money, many others (e.g., alternative work schedules, leave, modifying policy or procedures, relocating an office) to name a few, cost little or nothing to implement. **Therefore, using "monetary cost" as a basis for an undue hardship claim is not easily defensible.**

USDA is committed to a simple and streamlined process for providing reasonable accommodation. As a model employer and pursuant to Departmental Regulation (DR) 4300-8, USDA may take steps, as appropriate, beyond those required by the reasonable accommodation process.

These reasonable accommodation procedures will help make USDA the "Employer of Choice".

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		Number: 4300-002
SUBJECT: Reasonable Accommodation Procedures	DATE: July 5, 2002	
	OPI: Office of Human Resources	

## 1 PURPOSE

The purpose of this Departmental Manual is to transmit the procedures to implement DR 4300-8 Reasonable Accommodations for Employees and Applicants with Disabilities as required in Executive Order 13164 Requiring Federal Agencies To Establish Procedures to Facilitate the Provision of Reasonable Accommodation; and, the Rehabilitation Act of 1973, as amended. This document specifically:

Establishes written procedures to use when implementing DR 4300-8, Reasonable Accommodations for Employees and Applicants with Disabilities. These procedures demonstrate a commitment to a quick, simple means to request and obtain reasonable accommodation.

## 2 DEFINITIONS

a Disability - With respect to an individual, means

- (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; or,
- (2) a record of such an impairment, or;
- (3) being regarded as having such an impairment.

(a) An example of “a record of such an impairment” includes having a history of, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(b) An example of “being regarded as having such an impairment” includes having an impairment that does not substantially limit a major life activity but is treated by USDA as constituting such limitation; having an impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment; or, having none of the impairments described in this section, but being treated by USDA as having a substantially limiting impairment.

In regard to Reasonable Accommodation, **ONLY** those employees or applicants who meet part (1) or (2) of the above definition for “Disability” shall be considered eligible for a reasonable accommodation. Reasonable accommodation is not considered for those individuals who “have a record of” or are “regarded as” having an impairment. Individuals with a relationship or association with a person with a disability are not entitled to receive reasonable accommodation. However, the protections provided by other aspects of the Rehabilitation Act of 1973 provide other protections for individuals who meet these other definitions.

- b Essential Functions - are the fundamental job duties of the employment position the individual with a disability holds or desires. The reasons a function may be essential may include, but not be limited to:
  - (1) the reason the position exists is to perform that function;
  - (2) the limited number of other employees who could perform that function; and/or,
  - (3) the function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the particular function.Determination of the essential functions of a position must be conducted on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.
- c Major Life Activities - are functions such as, but not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing, reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running and working.
- d Mental Impairment - any psychological or mental disorder, e.g. mental retardation, organic brain syndrome, emotional or mental illness or specific learning disability.
- e Physical Impairment - any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin or endocrine.
- f Qualified Individual with a Disability - an individual with a disability who satisfies the requisite skill, experience, education, and other job related requirements of the employment position such individual holds or desires, and, who, with or without reasonable accommodation, can perform the essential functions of such position.
- g Reasonable Accommodation - a change in the work environment or the application process that would enable a qualified individual with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:

- (1) changes to a job application process to ensure that applicants with disabilities will have an equal opportunity to participate in the application process and to be considered for jobs;
  - (2) changes to enable an employee with a disability to perform the essential functions of the job or to gain access to the workplace; and
  - (3) changes to provide people with disabilities equal access to the benefits and privileges of employment.
- h Substantially Limits - means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
- i USDA TARGET Center - the USDA's resource center that provides on-site workplace assessments and demonstrations of assistive technology and ergonomic solutions to ensure appropriate implementation of reasonable accommodations for USDA's workforce.
- j Undue Hardship - a specific accommodation requiring significant difficulty or expense. This determination is made on a case-by-case basis and considers the nature, cost of the accommodation, the financial resources of USDA as a whole, and/or impact of the accommodation on the operations of the particular office or facility involved.

### 3 ROLES/RESPONSIBILITIES

- a Employee - Any employee who wishes to be considered for an accommodation under these procedures may bring to the attention of his/her first line supervisor, division head or Disability Employment Program Manager (DEPM), a need for reasonable accommodation. The accommodation would modify or adjust the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable the employee to perform the essential functions of the position, or allow the employee to enjoy equal benefits and privileges of employment. The employee must participate in the interactive process or designate someone to do so, and shall provide reasonable documentation in accordance with these procedures, when necessary. Requests for reasonable accommodation may also be made to any agency official proposing to take a performance or conduct action. This request may be oral or in writing.
- b First Line Supervisor – Receives, processes and documents the reasonable accommodation request and is authorized to approve and provide the accommodation or forward the request to the appropriate official for consideration; participates in the interactive process; responds expeditiously; maintains confidentiality, and; consults

with the Employee Relations staff when accommodation is requested in conjunction with an anticipated or pending performance and/or conduct based action.

- c Mission Area and Agency Disability Employment Program Managers - May receive the accommodation request; shall advise managers and staff regarding their rights and responsibilities under this regulation; maintain records for tracking and reporting reasonable accommodation requests and decisions as outlined in Section 12 of these procedures; maintain confidentiality, and; confer with Employee Relations staff in situations where performance and/or conduct issues are involved. They shall be required to successfully complete training provided by the Department.
- d Departmental Disability Employment Program Manager - Has overall responsibility for reasonable accommodation policy and procedures. Provides guidance, assistance and oversight of the disability employment program and serves as a consultant, when appropriate, regarding any aspect of these procedures.
- e USDA Medical Officer - Serves as consultant, reviews and interprets medical documentation, when necessary, for the purpose of assisting the Mission Area when determining if the individual requesting accommodation is an individual with a disability as defined in these procedures.
- f Mission Area Designee - Has overall responsibility to ensure Mission Area compliance with its obligations to provide reasonable accommodation to qualified employees. The Mission Area shall designate an official who will make a determination, when necessary, if the individual requesting accommodation is an individual with a disability as defined in these procedures. They shall maintain, review and interpret all documentation, medical and non-medical, to make this determination and report their decision to appropriate officials. They shall consult with the USDA Medical Officer when making this determination based on medical documentation, if necessary. They shall be required to successfully complete training provided by the Department.
- g Decision Makers – Those individuals or offices charged with the responsibility of making decisions regarding various aspects of the reasonable accommodation process. There are four possible decision makers: a Personnel Office, an interviewing official, an employee's first line supervisor, and the Mission Area Designee.
  - (1) Requests for accommodation from applicants with disabilities will be handled by the Personnel Office responsible for the recruitment process for a particular announcement of a vacant position (excluding the interview).
  - (2) Requests for accommodation from applicants with disabilities for the interview process will be handled by the interviewing official.

- (3) Requests for accommodation from employees with disabilities will be handled by the employee's first line supervisor.
- (4) Requests for determination as to whether or not an applicant or employee requesting an accommodation has a covered disability will be handled by the Mission Area Designee.

For whatever reason, in the event these offices or individuals designated as "decision makers" are unable to fulfill this responsibility, the request for accommodation shall be forwarded to an appropriate office or individual. In these instances, the time frames outlined in Section 9 are applicable.

- h USDA TARGET Center - Provides on-site workplace assessments and demonstrations of assistive technology and ergonomic solutions and makes specific recommendations regarding reasonable accommodations. Responsible for collecting data, maintaining records and reporting results as required. The USDA TARGET Center can be reached at (202) 720-2600 (v/tty), or through their web page at [www.usda.gov/oo/target.htm](http://www.usda.gov/oo/target.htm).

#### 4 REQUESTING AN ACCOMMODATION

- a Employee - Requests made by an employee for reasonable accommodation under these procedures may be made orally or in writing to his/her immediate or first line supervisor, division head, Agency or Mission Area DEPM. Requests may also be made to any agency official proposing to take a performance or conduct action. The request should outline the kind of accommodation requested, if known.
- b Applicant for employment - Requests made by an applicant for reasonable accommodation under these procedures may be made orally or in writing to the personnel office to which he/she is applying. This request should identify the accommodation needed, if known. Although an applicant with a disability may request a reasonable accommodation at any time during the application process, the applicant should, to the greatest extent possible, make the request as soon as he/she is aware of a barrier in the process. Applicants with a disability contacted for an interview, shall be asked, "is an accommodation needed for the interview?" and if the answer is "yes", then shall be asked, "what type of accommodation?" Accommodation for the interview shall be the responsibility of the interviewing official.
- c Family member, health professional, immediate supervisor or other representative - Requests made by such a person on behalf of an employee or applicant shall go to the same person to whom the employee or applicant would make the request. The request may be oral or in writing.



## 5 WRITTEN REQUESTS FOR RECORD KEEPING PURPOSES

To enable USDA to keep accurate records regarding reasonable accommodation, **employees** seeking a reasonable accommodation, or the receiver of the request, must follow up an oral request either by completing the attached **“Confirmation of Request for Reasonable Accommodation”** (see **Appendix A**) form or otherwise confirming the request in writing including by e-mail. While either the employee or receiver of the request may document the request, the receiver is responsible for completing written documentation.

**An employee gives an applicant seeking a reasonable accommodation the “Confirmation of Request for Reasonable Accommodation” form** from the personnel office where the applicant is submitting his/her application.

Although a written document is required for record keeping purposes, the written document is not required to begin processing the request itself. The request, if made orally, shall be processed in accordance with time lines outlined in these procedures. Regularly occurring accommodations needed on a repeated basis (e.g., sign language interpreter, reader, personal assistant) do **not** require written confirmation. The initial or subsequent request should contain language describing the accommodation as “recurring and continuing”, and to the greatest extent possible, appropriate notice must be given each time the accommodation is needed.

If a written or oral request is made to a USDA employee who determines he/she does not have the authority to provide the accommodation, that request shall be forwarded as soon as possible, but in no more than five business days, to the appropriate USDA official.

## 6 INTERACTIVE PROCESS

As stated in the foreword of this document, the interactive process is extremely important. In the majority of situations, the individual with the disability will be able to provide information regarding the type of accommodation needed. Communication is a priority throughout the process. Most accommodation requests can be handled between the employee with a disability and the first line supervisor. However, either or both parties are permitted to include others in the interactive process if a specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are choosing between different possible reasonable accommodations. The following list of resources who may be included in the process is not exhaustive, but merely an example:

- a member of the employee’s family
- rehabilitation counselor
- TARGET Center
- Department’s Medical Officer

- e Departmental Disability Employment Program Manager
- f Mission Area or Agency Disability Employment Program Manager
- g Employee Relations Office
- h Job Accommodation Network
- i any employee representative

The Job Accommodation Network (JAN) is a service of the Department of Labor, Office of Disability Employment Policy. JAN can provide information, free-of-charge, about many types of accommodations. JAN can be reached at 1-800-232-9675 (Voice/TTY), or via their Web Site at <http://janweb.icdi.wvu.edu/>.

There are specific considerations in the interactive process when responding to a request for reassignment. Reassignment will only be considered if no other accommodations are available to enable the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it.

In considering whether there are positions available for reassignment, the decision maker will work with the agency's personnel office or the Office of Human Resources Management (OHRM) and the individual requesting the accommodation to identify: (1) all vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and, if none exist, all vacant positions within the Department for which the employee may be qualified, with or without reasonable accommodation; and (2) all positions which personnel or OHRM has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified. The decision maker will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the decision maker will consider vacant lower level positions for which the individual is qualified. Reassignment will be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, USDA is not obligated to pay for the employee's relocation costs.

## 7 **DETERMINING IF THE INDIVIDUAL REQUESTING THE ACCOMMODATION HAS A DISABILITY. REQUESTS FOR MEDICAL INFORMATION**

USDA is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. If the individual **has an obvious disability or previously documented medical condition that qualifies him/her as an individual with a disability** and the accommodation request is related to the known disability, the accommodation request shall be considered immediately without the need for further medical documentation.

**If the individual does not have an obvious disability or previously documented medical condition that qualifies him/her as an individual with a disability**, he/she may be required to provide sufficient and reasonable documentation of his/her medical condition to the Mission Area Designee, who will determine, in consultation with the USDA Medical Officer, as necessary, whether the requestor is an individual with a disability.

The Mission Area Designee will request relevant supplemental medical information if information submitted does not clearly explain the nature of the disability, or need for reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or enjoy benefits and privileges of the workplace. In the case of an applicant, relevant supplemental medical information may be requested to determine the nature of the disability or how the accommodation will assist with the application process.

The Mission Area Designee will seek information or documentation about the disability and the functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional. Not all information need be medical, as the appropriate information may be received from a social worker or rehabilitation counselor. The documentation received must be sufficient for the Mission Area Designee to determine if the requestor is an individual with a disability. Additional documentation may be requested to make this determination, if necessary. In order for appropriate and useful information to be obtained, all requests should describe the nature of the individual's job, the essential functions and any other relevant information. The Mission Area Designee or other decision maker shall consult with the USDA Medical Officer, when necessary, regarding the interpretation of medical documentation.

If the information provided by the health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the Mission Area Designee to determine if the requestor has a disability, the decision maker may ask for further information. First, however, s/he will explain to the individual seeking the accommodation, in specific terms, why the information that has been provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

The individual may then ask the health care or other appropriate professional to provide the missing information. Alternatively, the Mission Area Designee and the individual requesting the accommodation may agree that the individual will sign a limited release, and the Mission Area Designee may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor.

If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the decision maker may request that a physician chosen by the Mission Area Designee examine the individual, at the Mission Area or Agency's expense. The decision maker will be advised, by the physician, of the individual's relevant medical condition and any additional relevant information about the individual's functional limitations, if necessary.

The failure to provide appropriate documentation or to cooperate in USDA's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

## **8 CONFIDENTIALITY REQUIREMENTS REGARDING THE REASONABLE ACCOMMODATION PROCESS**

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and reasonable accommodation needs, that USDA obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. It also means that any USDA employee who obtains or receives such information is strictly bound by these confidentiality requirements. Confidentiality applies to all aspects of the reasonable accommodation process.

The Mission Area Designee will maintain custody of all medical records obtained or created during the process of a request for reasonable accommodation and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and information regarding these records, or any aspect of the process, may be disclosed only as follows:

- a supervisors and managers who need to know may be told about the determination of eligibility as an individual with a disability, the necessary restrictions on the work or duties of the employee and about any recommended accommodations, but medical information should only be disclosed if strictly necessary;
- b first aid and safety personnel may be given specific medical information, when appropriate, if the disability might require emergency treatment;

- c government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act;
- d in certain circumstances be disclosed to worker's compensation offices or insurance carriers, in accordance with EEOC regulations; or,
- e the USDA medical officer when consulting with him/her regarding the interpretation of medical documents.

Whenever information is disclosed, the individual disclosing it must inform the recipient of the confidentiality requirements as well as the requirement to comply with applicable provisions of the Privacy Act. For bargaining unit employees, information maintained by the agency may be disclosed to the Union having exclusive recognition in conjunction with representation functions related to the reasonable accommodation process.

## **9 TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATION**

Because a reasonable accommodation provides an opportunity for the employee to perform the essential functions, and in most cases all functions of the job, or access a benefit or privilege of employment, and allows an applicant access to the application process, it is expected that the accommodation shall be provided as soon as reasonably possible. Special circumstances may influence timing of this process. In cases such as applying for a job or attending a USDA sponsored function scheduled to occur shortly may require expediting the reasonable accommodation request immediately. Most other accommodation decisions can be made and the accommodation provided within a few days, however the time lines indicated below shall be followed:

- a the process to consider a reasonable accommodation request should begin immediately upon the receipt by the appropriate official of an oral or written request by the individual asking for the accommodation, or their representative. However, the process shall begin in no more than five business days from the date of the oral or written request;
- b in situations where the individual has an obvious disability or previously documented medical condition that qualifies him/her as an individual with a disability and the accommodation requested is related to limitations caused by that medical condition, the first line supervisor must determine if the accommodation is effective and, if so, provide the accommodation in no more than 30 business days from the date of the written or oral request.
- c in situations where the individual does not have an obvious or previously documented medical condition that qualifies him/her as an individual with a disability, the individual to whom the request is made shall forward the request to the Mission Area or

Agency DEPM within three business days from the date of the written or oral request. The Mission Area or Agency DEPM shall forward the request to the Mission Area Designee within two business days;

- d with permission of the employee, the Mission Area Designee shall request any needed additional documentation from the appropriate source within five business days;
- e upon receipt of the documentation, the Mission Area Designee shall within five business days consult with the USDA Medical Officer, as necessary, and make a decision regarding whether the employee **is** or **is not** an individual with a disability and so inform the requestor's first line supervisor and the Mission Area or Agency Disability Employment Program Manager of the decision within this same five business day period;
- f in situations where medical documentation is necessary, the thirty business day period for the first line supervisor to determine if the accommodation is effective and to provide the accommodation begins on the date the Mission Area Designee issued his/her decision identified in (e) above.

It may be necessary to extend the above-mentioned time frames. Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When these circumstances occur, the time for processing a request and providing the accommodation will be extended as reasonably necessary. All USDA employees are expected to act as quickly as possible to determine eligibility and provide needed accommodation. Below are a few examples of extenuating circumstances:

- the purchase of equipment may take longer than 30 days;
- the employee with a disability needs to try out equipment before purchase can be made;
- new staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

In the event of an extenuating circumstance, the employee's supervisor shall notify the employee of the reason for the delay, and the approximate date on which a decision, and/or provision of the reasonable accommodation is expected. The supervisor shall investigate whether temporary measures can be taken to assist the employee. A temporary measure may be taken even when the delay is caused by the need to obtain or evaluate medical documentation to determine if the employee has a covered disability. This in no way obligates USDA to continue or offer further accommodations if the determination is made that the employee does not have a covered disability.

## 10 GRANTING A REASONABLE ACCOMMODATION REQUEST

As soon as a decision to provide a reasonable accommodation is made, that decision shall be immediately communicated to the requestor. The attached **“Reasonable Accommodation Information Reporting Form”**(see **Appendix B**) is completed by the decision maker. A copy of this completed form shall be given to the individual making the request, the individual’s immediate supervisor and the Mission Area/Agency DEPM. If the accommodation cannot be provided immediately, the decision maker must inform the individual of the projected time frame for providing the accommodation.

## 11 DENIAL OF REASONABLE ACCOMMODATION REQUEST

As soon as a decision is made that an accommodation is denied, that decision shall be immediately communicated to the requestor using the attached **“Denial of Reasonable Accommodation Request Form”** (see **Appendix C**). A copy of this completed form shall be given to the individual making the request, the individual’s immediate supervisor and the Mission Area/Agency DEPM. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. Where a specific requested accommodation was denied, but an offer of a different one in its place is provided, the denial notice will explain both the reasons for the denial of the requested accommodation and the reasons that the decision maker believes that the offered accommodation will be effective. Reasons for the denial of a request shall include specific reasons, for example, **why the accommodation would not be effective or why it would result in undue hardship.**

The written notice of denial also informs the individual that she/he has the right to file an equal employment opportunity complaint and may have rights to pursue a grievance or Merit Systems Protection Board procedures. The notice also explains procedures available for alternative dispute resolution along with appropriate encouragement to use this process to resolve issues associated with the denial to accommodate.

## 12 INFORMATION TRACKING AND REPORTING

The Mission Area/Agency DEPM’s are responsible for maintaining records, tracking and reporting all reasonable accommodation decisions. They shall maintain these records for the longer of the employee’s tenure with USDA or five years. The Mission Area/Agency DEPM will prepare annually a report to the Departmental Disability Employment Program Manager. The report will contain the following information, presented in aggregate:

- the number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied;
- the jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;
- the types of reasonable accommodations that have been requested for each of those jobs;
- the number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied;
- the number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- the reasons for denial of requests for reasonable accommodation;
- the amount of time taken to process each request for reasonable accommodation; and,
- the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.



Appendix A

**CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION**

Applicant or Employee Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Employee Only: Occupational Series \_\_\_\_\_ Grade \_\_\_\_\_

Applicant or Employee E-mail address: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Employee's Agency: \_\_\_\_\_

**1. Accommodation Requested (be as specific as possible)**

**2. Reason for Request**

**3. If accommodation is time sensitive, please explain:**

**This request form shall be given to your immediate supervisor or Mission Area/Agency Disability Employment Program Manager. This form is necessary for recordkeeping purposes only and will not delay the processing of your initial request.**

**Today's Date:** \_\_\_\_\_

AD-1163

4/2002

Appendix B

**REASONABLE ACCOMMODATION INFORMATION REPORTING FORM**

Name of Individual Requesting Accommodation: \_\_\_\_\_

Agency and Office of the Requesting Individual: \_\_\_\_\_

1 Reasonable Accommodation (check one)

\_\_\_\_\_ Approved - Name & Title of Deciding Official: \_\_\_\_\_

\_\_\_\_\_ Denied (attach form AD-1165 "DENIAL OF REASONABLE ACCOMMODATION REQUEST")

2 Date accommodation requested and date referred, if applicable: \_\_\_\_\_

3 Name & position of individual to whom request was made: \_\_\_\_\_

4 Date accommodation approved or denied: \_\_\_\_\_

5 Date accommodation provided: \_\_\_\_\_

6 If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why:

7 Job held or desired by individual requesting accommodation (include occupational series, grade level and office):

8. Accommodation required for:

\_\_\_\_\_ application process

\_\_\_\_\_ performing job functions or accessing work environment

\_\_\_\_\_ accessing a benefit or privilege of employment (e.g., attending training, social event)

9 Type(s) of accommodation requested:

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (continued)

10 Type(s) of accommodation provided:

11 Was medical information required to process this request? If yes, explain why:

12 Cost, if any, of accommodation:

13 Sources of technical assistance, if any, consulted (Job Accommodation Network, family member, rehabilitation counselor, other)

Disability Employment Program Manager (DEPM) Name: \_\_\_\_\_

DEPM Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix C

**DENIAL OF REASONABLE ACCOMMODATION REQUEST**

Name of Individual Requesting Accommodation: \_\_\_\_\_

1 Type(s) of reasonable accommodation requested:

2 Request for accommodation denied because (may check more than one)

- Accommodation ineffective
- Accommodation would cause undue hardship
- Medical documentation inadequate
- Accommodation would require removal of an Essential Function
- Accommodation would require lowering of performance/production standard
- Other (please specify)

3 Detailed reason(s) for the denial of the accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship)

4 If the requestor proposed one type of reasonable accommodation and the request is denied, and rejected an offer of an alternative accommodation, explain the reason for denial of the original requested accommodation and how the offered alternative accommodation would be effective.

\_\_\_\_\_  
Name & Title of Deciding Official

\_\_\_\_\_  
Signature of Deciding Official

\_\_\_\_\_  
Date reasonable accommodation denied

## DENIAL OF REASONABLE ACCOMMODATION REQUEST (continued)

If an individual wishes to request reconsideration of this decision, s/he may take the following steps:

- ask the decision maker to reconsider the denial and provide additional supporting information;
- if the decision maker does not reverse the denial, and the decision maker is the individual's supervisor, the individual may ask the office chief/director to review the request;
- if the decision maker is the office chief/director, the individual can ask the Agency Disability Employment Program Manager to review the request;
- if the decision maker is the Agency Disability Employment Program Manager, the individual can ask the Departmental Disability Employment Program Manager to review the request

If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures if applicable, s/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor **within 45 days from the date of this notice of denial of reasonable accommodation**; or
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or Administrative grievance procedure as appropriate; or
- Initiate an appeal to the Merit Systems Protection Board **within 30 days of an appealable adverse action** as defined in 5 C.F.R. § 1201.3; or
- Utilize the Alternative Dispute Resolution (ADR) process as outlined in Secretary's Memorandum 4710-1 (3/23/00). **Pursuing the ADR process does not relieve the individual from adhering to the other time frames indicated above.**

AD-1165  
4/2002

## Appendix D – Equal Employment Opportunity Commission Resources

The Equal Employment Opportunity Commission (EEOC) provides a wealth of resources regarding disability issues and enforcement guidance. In addition to the resources outlined in these Reasonable Accommodation Procedures, please use the EEOC for additional assistance. The following is a sample of resources available at [www.eeoc.gov](http://www.eeoc.gov):

*EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000)*

*EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (March 1, 1999)*

*EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000)*