

Issuing Office: Office of Administrative Services

Reasonable Accommodations for Individuals with Disabling Conditions

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0908-10-00

PURPOSE

The purpose of this issuance is to describe reasonable accommodations for individuals with disabling conditions and to formalize and procedures for processing requests for reasonable accommodations.

0908-10-05

POLICY

The Health Financing Administration (HCFA), pursuant to laws, rules, and regulations, will make reasonable accommodations to the known physical or mental limitations of individuals with disabling conditions who are applicants or employees unless it can be demonstrated that the accommodation would impose undue hardship on the operations of the Administration's programs or is beyond the limitations of its budgetary constraints. Reasonable accommodations is a basic concept in affirmative action and nondiscrimination for qualified disabled individuals and is applicable to all disabled employees: career, excepted appointment, or temporary. Also, an otherwise qualified individual applicant with disabling conditions may not be rejected for employment on the grounds that accommodations would have to be made.

0908-10-10

QUALIFIED INDIVIDUALS WITH DISABLING CONDITIONS

- A. With respect to employment, a qualified handicapped person is a handicapped person:
1. Who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of the individual or others; and
 2. Who, depending upon the type of appointing authority being used:
 - a. meets the experience and/or education requirements (which may include passing a written test) of the position in question; or
 - b. meets the criteria for appointment under one of the special appointing authorities for handicapped persons.

Special appointing authorities consist of:

- (1) Temporary appointments not to exceed 700 hours—gives disabled employees the opportunity to demonstrate what they can do under a trial appointment; and
- (2) Excepted appointment procedures, which were developed to provide an alternate route for

employment of severely physically disabled individuals. This includes identification and, if required, restructuring or modification of job tasks and work environment of a specific position to accommodate the individual.

There are two types of excepted appointments. The first is a conversion to a Schedule A appointment of the temporary trial appointment and the second permits a direct Schedule A appointment without a temporary trial appointment.

Note: For more information on special appointing authorities you may contact the Selective Placement Coordinator in the Staffing Branch of the Office of Budget and Administration (OBA).

- B. Supervisors may wish to refer to Standard Form (SF) 256, Self-Identification of Medical Disability, for general guidance in determining who qualifies as a disabled individual under Federal regulations. Each employee with a qualifying disability who enters HCFA through the Selective Placement Program is required to file a completed SF-256 with the Selective Placement Coordinator in the Staffing Branch in OBA. Also, 29 CFR 1613.702 gives the Federal definition of individuals with disabling conditions.

0908-10-15

REASONABLE ACCOMMODATIONS

- A. General
 - 1. Reasonable accommodations means an adjustment made to a job and/or the work environment that enables a qualified handicapped person to perform the duties of that position. The accommodations must be job-related and not for exclusively personal use (such as personal hearing aids, ordinary reading glasses, transportation to or from work, or accommodations in the home).

2. In some situations, the disability will limit an individual's ability to perform a particular function. In others, there will be no such limitation. If a limitation exists and it affects essential functions of the job, it must be determined what can be done to remove the impediment. If the limitation does not affect essential functions, other duties the person can perform in lieu of the nonessential functions should be identified. (See 0908-10-45)
3. The need for accommodations can only be determined on a case-by-case basis, taking into consideration: the specific disability and the existing limitations, if any, to the performance of a particular job function; the essential duties of the particular job; the work environment; and the reasonableness of the proposed accommodations. In all cases, the applicant or employee must be consulted before an accommodation is made. Accommodations are highly individualized and what may not be appropriate for another. Also, in many cases, the person may have made adjustments to his/her disability so that no accommodations are needed or wanted.

B. Reasonable Accommodations Put Into Perspective

The general concept of accommodations for employees in the workplace is not a new one. Every time an employer purchases new equipment or functional office furniture, allows flexible working hours, parking, or provides anything that creates a more efficient or productive work place, an accommodation has been made. Just as not all employees avail themselves of these accommodations, so it is that reasonable accommodations for employees with disabling conditions benefit some employees more than others.

C. Specific Examples of Reasonable Accommodations and Relevant Federal, HHS and HCFA Policies

The following sections are specific examples of reasonable accommodations and relevant Federal, HHS and HCFA Policies. However, these are not the only accommodations which will be made. Accommodations not listed will be made where a need has been

identified to overcome a particular limitation, and it is determined that the accommodation is both necessary and reasonable. (See 0908-10-85.B. for a discussion of who determines what is necessary and reasonable.)

0908-10-20

MODIFYING WRITTEN EXAMINATIONS OR TEST

- A. In some instances, modification of the manner in which a test or interview is administered is necessary. Consideration should be given to scheduling individual or small group testing or allowing extra time. Accommodations might also include reading to blind persons or persons with reading disabilities; providing voice, taped or Braille tests for blind persons; writing for persons who have difficulties using their hands; interpreting oral test instructions and oral questions into sign language for deaf or hearing-impaired persons; and interpreting sign language answers into oral English for oral tests or interviews.

- B. A blind person is permitted to provide his or her own reader for a test. (Testing officials may wish to have another person monitor such an examination.) For mathematical computations, a blind person is permitted to use an abacus or a Braille talking or Braille/Tactile display calculator, provided that the memory register is verified as cleared of all data, formulas and programs beforehand.

- C. Modifying Exam Content
If a person's ability causes some part of a test to be unusable or inappropriate, it may be necessary to modify exam content or to develop alternate materials, which measure the same knowledge, skills, and abilities but do not tend to screen out disabled applicants. The purpose here is not to make a test easier, but rather to develop alternative content which allows an individual with disabling conditions to compete on an equal basis. Examination content must be modified by working with appropriate testing officials. Modifications to Office of Personnel Management (OPM) examinations must have prior OPM approval.

0908-10-25

MODIFYING WORKSITE

In many cases, changes in the work environment can enable individuals with disabling conditions to more effectively perform job duties. Alterations may be: rearranging files or shelves for accessibility to wheelchair users; widening access areas between fixtures to allow room for wheelchairs and maintaining hazard-free pathways for blind or mobility-impaired employees; ergonomic raising or lowering of equipment to provide convenient working heights; moving equipment controls to one side or another or modifying them for hand, head or foot operation; and installing special holding devices on desks, machines or benches. It is not only the particular office in which the disabled person works that must be accessible but all facilities, such as meeting and training sites and the restrooms adjacent to those sites.

NOTE: The Selective Placement Coordinator, Equal Employment Opportunity Manager, the Division of Safety and Property Management (DSPM), specifically the Safety Management Branch (SMB) are available to provide assistance and guidance. Implementation of SMB's recommendations will be the responsibility of the Division of Facilities Management, specifically the Real Property Management and Analysis Branch.

0908-10-30

MAKING FACILITIES ACCESSIBLE

Title 41 Chapter 101 of the Code of Federal Regulations, Subpart 19.6, "Accommodations for the Physically Handicapped," is adopted in full and incorporated herein by reference. For buildings which are **not** accessible, provision of accessibility will be a part of reasonable accommodations. In such cases, reasonable accommodation will include physical modification of facilities or relocation of particular offices or jobs so that they are in facilities or parts of facilities that are accessible to and usable by individuals with disabling conditions. (See section 0908-10-85.)

NOTE: When individual barriers are identified, components should bring such problems to the attention of the appropriate Selective Placement Coordinator, Equal Employment Opportunity Program Manager or SMB staff.

0908-10-35

ELECTRONIC ACCESSIBILITY

Department of Education/General Services Administration (GSA) Inter-Agency Committee Guidelines are adopted as follows:

These proposals address management responsibilities for electronic equipment accessibility and functional performance specifications for input, output, and documentation. Under the law, HCFA must provide electronic equipment accessibility as detailed in the guideline proposals as adopted by GSA.

A. Definitions

1. **Electronic Equipment Accessibility.** The application/configuration of electronic equipment in a manner that accommodates the functional limitations of individuals with disabilities so as to promote productivity and provide access to work-related and/or public information resources.
2. **Federal Information Resources Management Regulations (FIRMR).** Regulations promulgated by GSA that address the management, acquisition, and use of certain automatic data processing equipment, records and telecommunications resources by Federal agencies.
3. **Handicapped Individuals or Individuals with Disabilities.** Individuals with impairment(s) that result in a functional limitation with regard to the use of electronic office equipment.
4. **Special Peripheral.** A special needs aid that provides access to electronic equipment that is otherwise inaccessible to an individual with disabling conditions.

B. General Policy

Individuals with disabling conditions and persons without disabling conditions shall have equivalent access to electronic office equipment.

Provision of equivalent access shall include but not be limited to:

Ensuring that end users with disabilities can access and use the same data bases and application programs as other end users;

Ensuring that end users with disabilities shall be supported in manipulating data and related information resources to attain equivalent end results as other end users;

Ensuring that when electronic office equipment is part of a telecommunications system, end users with disabilities can transmit and receive messages in a manner that supports their disability-related needs and have the capability to communicate with end users on their system.

C. Management Responsibilities

The HCFA official for Information Resources Management (IRM), under the Paperwork Reduction Act of 1980, is responsible for assigning an individual the responsibility to implement these guidelines. This individual is responsible for keeping HCFA in step with Federal Policies as they evolve over time. This includes making agency IRM and procurement managers aware of their responsibilities, transferring building accessibility requirements into procurements and ensuring that technical support capabilities are available to introduce new equipment. The IRM official should ensure that appropriate progress is being made through triennial review program inspections.

D. Functional Performance Specifications

The functional performance specifications that follow are a combination of accessibility strategies which exist today, and additional strategies that would improve accessibility in the future. They are not an exhaustive list. The purpose of the specifications is to define an initial and basic level of accessibility, to be modified over time, to ensure that information technology,

leased or purchased, is available to users with disabilities. Many of these specifications will prove useful to all end users.

Depending on the needs of the end users, all or part of these specifications will be included in agency procurement documents as requirements for demonstrable features. HCFA will welcome vendor creativity in responding to the functional requirements. In keeping with Federal procurement policy, each vendor will determine how to best satisfy these requirements. Vendor solutions may range from third-party hardware and software-provided capabilities to hardware "build-ins" and operating system enhancements. Solutions residing in the vendors' hardware and software will have the greatest value to HCFA. Layering, which is the inclusion of additional levels of software between the end user and the operating system or other general purpose software, may provide the necessary functional solutions today, but in the future could adversely impact the ease of maintaining software currency at the operating system level, reduce the mobility of the employee(s) to utilize equipment at different sites within an agency, and result in additional expense. As a result, vendors proposing layered solutions should recognize the government trend in this area. Layered solutions will be evaluated on a case-by-case basis to determine their effect on the overall information processing needs of the agency.

The specifications below are organized by functional requirement(s) associated with input, output, and documentation. This organization reflects the major areas that need to be addressed during agency acquisition planning and procurement. Managers who are determining accommodation strategies for an individual employee with a disability should consult SMB for assistance.

1. Input

Access problems concerning the input interface to a microcomputer differ by the type and severity of the functional limitation of the employee. Some users with disabilities are capable of using the keyboard if it can be modified slightly. Users with multiple disabilities may require an alternate input strategy.

A. Modified Standard Keyboard Controls

The minimum access requirement for users of a modifiable, but standard keyboard, could be achieved by providing the following capabilities:

(1) Multiple Keystroke Control

Currently there are numerous common functions on the computer that require multiple, simultaneous keystrokes (e.g., to reboot, CTRL+ALT+DEL must all be depressed at the same time). Multiple keystroke control would enable the user to execute a sequential option in which multiple keystrokes could be entered serially (e.g., to reboot, a user would depress CTRL, then ALT, then DEL).

(2) Keyboard Repeat Rate

Currently, the computer generates repetitions of a character if the key is held down. This is a problem for those users without sufficient motor control of their fingers to conform to the repeat tolerances of the keyboard. This feature would give the user control over the repeat rate. The user could extend the keyboard tolerances or turn off the repeat function completely.

(3) Input Redundancy

Currently, numerous programs use a mouse as one of the input options. As the use of graphics increases so will dependence on the mouse as an input device. Some users with disabilities cannot use a mouse. This feature would provide an emulation of the mouse using the keyboard and/or other suitable alternative input devices, e.g., joy stick, trackball, voice input, and touchpad.

(4) Toggle Keystroke Control

Currently, toggle keys are for employees who require visual feedback to know if a key is on or off. This feature would provide an alternative mode that does not require visual feedback to know the status of any toggle key.

B. Alternative Input Device

The capability to connect an alternative input device would be available to the user who is not able to use a modified, but standard keyboard. This feature would supplement the keyboard and any other standard input system used. The alternative input capability would consist of a physical port (serial, parallel, game, etc.) or connection capability so that an accommodation aid could augment the keyboard or replace it. The computer would regard this device as its keyboard and the user would be able to input any valid keystroke combination (e.g., CTRL+ALT+DEL) available from the regular keyboard. This alternative input capability would also support the mouse emulation described above.

C. Keyboard Orientation Aids

There are several different keyboards available for current computers. To orient a visually impaired user to a particular keyboard, a set of tactile overlays should be available to identify the most important keys (e.g., ESC, ENTER, CTRL, ALT, and several key letters and numbers). The tactile overlays might be keycap replacements or transparent sticky tape with unique symbols to identify the various keys. To assist a motor disabled user, a keyguard should be available to ensure that the correct keys are located and depressed. A keyguard is a keyboard template with holes corresponding to the locations of the keys.

(1) Output

Output in this section will address auditory output capability and monitor display.

(a) Auditory Output Capability

The auditory output capability on current personal computers is sufficient to beep and play music. Some users with disabilities, however, may require speech capability. For speech to be generated on today's computers, a speech synthesizer must continue to be available in future generations of computers or this capability must be internalized through an upgrade of the

computer's internal speaker. Regardless of the methodology chosen, the volume should be adjustable by the user and a headset jack should be available.

(b) Information Redundancy

Currently, several programs use the speaker to beep warnings or errors to the user. Some programs do not have the capability to present the warning visually to the hearing-impaired user. This feature would allow the user to have information redundancy by presenting a visual equivalent of the beep on the monitor. This might be accomplished by either a manual screen indicator (the user would have to indicate that he has seen the warning indicator by entering a key sequence to remove the indicator from the screen) or an automatic screen indicator; the warning would be presented for a period of time and then removed automatically.

(c) Monitor Display

The requirement to enhance text size, verbally reproduce text, or modify display characteristics is crucial for some users with disabilities. To ensure that this access continues the following capabilities are required:

(i) Large Print Display

This feature increases the size of a portion of the screen for the low vision user. The process might use a window or similar mechanism that allows magnification to be controlled by the user. The user could invoke the large print display capability from the keyboard or control pad for use in conjunction with any work-related applications software. If applications software includes graphics, then enlargement of graphics should also be available.

(ii) Access to Screen Memory for Text

The capability to access screen memory is necessary to support the speech and/or tactile braille

output requirement of many blind users. Currently, blind users are able to select and review the spoken or braille equivalent of text from any portion of the screen while using standard application software. The access to the contents of the screen must continue to provide third party vendors the ability to direct it to an internal speech chip, a speech synthesizer on a serial or parallel port, or a braille display device.

(iii) Access to Screen Memory for Graphics

Information that is presented graphically also needs to be accessed from screen memory in such a manner that as software sophistication improves, it may eventually be interpreted into spoken output.

(iv) Cursor Presentation

When cursors or other indicators on the screen blink, the end user should be able to adjust the blink rate. This feature accommodates persons with seizure disorders who may be sensitive to certain frequencies of flashing light.

(v) Color Presentation

Where colors must be distinguished in order to understand information on the display, color-blind end users should be able to select the colors displayed.

(d) Documentation

The vendor will maintain a copy of all current user documentation on a computer and will be responsive in supplying copies of this documentation in an ASCII format suitable for computer-based auditory review or brailleing.

0908-10-40

ADJUSTING WORK SCHEDULES

Some individuals with disabling conditions possess great productive potential which goes unused because they cannot meet the requirements of a standard 40-hour work week. By taking advantage of the flexibilities of alternative work schedules, accommodations can be made for various disabilities: workers requiring medical treatment may need flexible schedules; persons who need rest periods could adjust their schedules to make up the time at the beginning or end of the work day; and employees with disabilities such as diabetes and epilepsy may need to work only fixed schedules even though others holding comparable jobs are required to work differing shifts. While the use of existing flextime and compressed work week policies will meet many of the requirements in this section, supervisors should work with the Office of Human Resources for guidance and assistance.

0908-10-45

RESTRUCTURING JOBS

Severely disabled employees must be able to perform “the essential functions of the position,” not every function of the position. Job restructuring is one of the principal means by which some qualified disabled workers can be accommodated. First, identify which factor, if any, makes a job incompatible with a worker’s disability. If a barrier is identified in a nonessential job function, either the barrier or the nonessential job function may be eliminated so that the capabilities of the person may be used to the best advantage. Job restructuring does not alter the essential functions of the job. Rather, any changes made are those which enable the disabled person to perform these functions. This will involve changing job content by isolating and eliminating nonessential duties through reassignment. For example: the essential function of a job is typing, but a minimum amount of phone answering is required...a deaf person qualifies for the typing position...reassign the phone duty and give the deaf person additional typing or filing duties.

A. Reassignment

Where an employee with disabling conditions is unable to perform the

essential functions of a position, HCFA will, to the extent feasible, make a reasonable attempt to effect a reassignment.

Components will work with the Selective Placement Coordinator for assistance in locating other satisfactory positions.

B. Nonstandard Positions

If a disabled employee is unable to perform the essential functions of a particular position after considering the use of appropriate accommodations, and a reassignment cannot be made, the component may consider the establishment of a nonstandart position. When this is done, components will work with the Selective Placement Coordinator for guidance and assistance.

0908-10-50

PROVIDING SPECIALIZED EQUIPMENT

A. Numerous assistive devices are available for individuals with disabling conditions. As a general rule, HCFA will purchase specialized equipment if it is for the transaction of official agency business and is not a personal item which the employee should reasonably be expected to provide. Equipment purchased by HCFA remains the property of HCFA. See 0908-10-95, Funding, for a detailed explanation.

B. Before purchasing any specialized equipment, the disabled employee will be consulted as to what is needed. Often the person has adapted to his/her disability in such a way that no specialized equipment is necessary.

C. Some specific examples (this list is not all inclusive) of specialized equipment which will be provided if warranted by particular job duties are:

1. For partially blind persons: lamps, magnifiers, illuminated magnifiers, closed circuit television magnifiers; or large print software and high resolution color monitors for personal computers.

2. For blind persons: Braille writers, Braille paper, tape recorders, dictating equipment, electric correcting typewriters, talking or Braille/tactile display calculators, Optacons, light-sensitive probes, paperless Braille devices, “talking” computerized devices, and Braille/tactile image screens or Braille/tactile keyboards for personal computers.
3. For deaf or hearing-impaired persons: telephone amplifying devices and portable or stationary TDDs (Telephone Devices for the Deaf).
4. For orthopedically disabled employees: ergonomic chairs or desk; speakerphones for those who cannot use a handset; dictating equipment for those who cannot type or write longhand; power wheelchairs, where office carpet makes it difficult to use a hand-pushed chair, or where HCFA creates a mobility problem because of the duty station to which an employee is assigned; electric staplers, electric pencil sharpeners, or electric date stamps, etc., for individuals with limited upper body strength.

0908-10-55

PROVIDING READERS, INTERPRETERS AND PERSONAL ASSISTANTS

Federal laws and regulations (see FPM-306, Subchapter 5) authorize agencies to provide readers for blind persons, interpreters for hearing-impaired persons and personal assistants for otherwise handicapped persons. Three methods are described: First, where vacancies exist, readers, interpreters, or personal assistants may be hired specifically to perform these duties under Schedule A authority. Such employees count against ceiling staff levels except as allowed in Subsection F. Second, persons performing these duties for no pay may be appointed as unpaid Federal employees or, third, current employees may be assigned to perform these functions under “other duties as assigned.” Using these methods, HCFA may accommodate blind, deaf or otherwise disabled employees. These specific job in question and the degree of the disabling condition will dictate the nature and extent of needed assistance.

A. Readers for Blind Persons

When a reader is assigned to provide reading assistance to a specific blind employee, the blind employee will be involved in the selection process, since the reader and blind employee must be compatible and the reader must be able to competently read the printed materials relevant to the blind employee's job. Providing reading assistance to a blind employee does not relieve HCFA of its responsibility to provide the clerical, secretarial, and/or stenographic assistance to that employee normally provided to employees in that position. In most instances, the person providing clerical, secretarial, and/or stenographic assistance to the blind employee will also provide reading assistance. **Note:** A reader is not limited only to reading printed materials to the blind employee. In general, the reader serves as the blind employee's "eyes" and at the direction of the blind employee, may perform those duties which the blind employee would do if he or she had sight; e.g., reading printed materials, filling out forms, pulling materials from files, filing, photocopying, etc.

B. Interpreters for Deaf or Hearing-Impaired Persons

If employees have gained sufficient skill in sign language, they may provide day-to-day communication services for severely hearing-impaired coworkers, after determining that the coworker signing is acceptable to the hearing-impaired employee. If a particular job performed by a deaf or hearing-impaired person requires a degree of interpreting skill not available through the use of coworkers, every effort will be made to locate a qualified volunteer or to hire a qualified interpreter. To the extent possible, the deaf employee will be involved in selection of an interpreter to ensure maximum communication. HCFA recognizes that "certified" interpreters are not available in all parts of the country. Therefore an individual who is acceptable to the deaf employee must be regarded as "qualified" in such situations. HCFA may pay for signing courses for coworkers whenever employees volunteer to be interpreters.

C. Interpreters for Performance-Related Discussions or Employee Counseling

HCFA will provide qualified, outside interpreters for deaf employees for discussions concerning appraisals, performance, adverse action or personnel counseling sessions when requested to do so by a deaf employee. (Certified interpreters should be used where they are available. Where they are not, an individual who is acceptable to the deaf employee will be regarded as qualified.) The objective here is to ensure both full communication and privacy where other communication techniques are not satisfactory.

D. Personal Assistants for Disabled Employees

The need for assistant services varies among severely physically disabled employees depending on the nature of the individual's disability and the specific job to be performed. If an employee is hired who is so severely disabled that he/she needs assistance during meals, arranging work materials, or transferring from a wheelchair to a taxi or other modes of transportation, this assistance will be provided under one of the three methods outlined above (see A, B, or C). If a personal assistant is to be provided, the disabled employee will be involved in the selection process.

Selective Placement Coordinators should be contacted for assistance in recruiting personal assistants.

E. Disabled Employees Traveling on Official Business

1. If a blind, deaf, hearing-impaired or otherwise disabled employee travels on official business, an assistant will be provided where a legitimate work-related need exists. For example, it would be appropriate to provide an assistant, where a blind employee is conducting a review which requires him/her to review paper files. (See FPM 406, Subchapter 5-7.) Departmental policy requires that attendant travel be justified, and that the documentation be attached to the travel order.

2. A consolidated travel order should be prepared for the handicapped employee and the attendant. Travel advances will be issued directly to each individual, as well as travel reimbursement upon completion of the trip. Attendants' travel is subject to the same regulations, policies and procedures as employees of the Federal Government. Compensation of attendants may not be paid from funds for Government training programs.
3. Whenever possible, a resident employee of the site to be visited will serve as an assistant to the employee. An assistant may be procured for services only at the temporary duty or training site. [Selective Placement Coordinators at the point of destination should be able to provide information and assistance in obtaining an assistant at the temporary site.]

F. Special Procedures for Providing Readers, Interpreters or Personal Assistants

HHS has established a centralized pool of full-time equivalent (FTE) positions to be used for readers, interpreters or personal assistants, to be allocated as budget constraints permit. When a request for part or all of an FTE position is granted, it is added to an existing office ceiling as long as it is needed to provide the accommodation for which the request was approved. For information on the use of this special program, contact the HCFA Selective Placement Coordinator.

0908-10-60

LEAVE POLICIES

HCFA will be liberal in granting leave to accommodate the handicapping condition of employees. This supervisory responsibility involves a flexible or liberal application of the policy for excused absences, annual leave, sick leave and leave without pay and use of earned compensatory time.

A. Excused Absence

1. Inclement/Hazardous Weather

In inclement/hazardous weather, it may be dangerous or impossible for employees with mobility impairments to report to work even when HCFA is officially open. Supervisors with the delegated authority are authorized to excuse a reasonable time (up to 2 hours for all employees) when weather conditions make it extremely difficult or hazardous, not just inconvenient, for employees to get to work. (See the Personnel Management Handbook for HCFA Supervisors and Managers, Chapter 6, Section A-1, "Temporary Closing of Workplaces and Related Leave Policies" for more related information in this area.) Employees with disabling conditions may be excused more than 2 hours if inclement or hazardous weather makes it dangerous or impossible to report to or to remain at work. For example, roads that employees must travel may be snow and/or ice-covered. Reporting to work could result in disabled employees becoming stranded and unable to walk to obtain emergency assistance. Snow and/or ice on HCFA walkways also could be dangerous. Providing additional excused absence will forestall inducing such employees to report to or to remain at work in order to avoid loss of leave or pay. Supervisors with disabled employees should discuss the possible need for accommodations with both the employee and the official with the authority to excuse absence prior to the advent of hazardous weather. (If unsure of the delegation of authority within your component, contact your management staff.) However, each decision must be made on a case-by-case basis when the employee requests excused absence. Requests should be followed up in writing on an SF-71.

2. Temporary Adverse Building Conditions

Excused absences may be granted by supervisors with the delegated authority when temporary building conditions such as extremes of heat or cold adversely affect employees with medically documented neurological disorders or respiratory ailments. (If unsure of the

delegated authority within your component, contact your management staff.)

B. Leave Without Pay

Leave without pay may be granted for illness or disability. Leave without pay (LWOP) may be granted regardless of how much annual leave or sick leave the employee has to his/her credit for illness or disability and for retaining employees who become disabled. However, LWOP must be requested by the employee.

C. Annual Leave or Compensatory Time

Supervisors should be flexible and/or liberal in authorizing the use of earned compensatory time or use of annual leave for activities which, while not directly job-related, would enhance the employee's ability to perform his/her job. Such activities might include conferences or meetings specifically targeted for employees with disabilities.

D. Sick Leave

Sick leave can be appropriately used by a handicapped individual (who uses prosthetic devices, wheel chair, crutches, guide dog, or other similar type devices) for equipment repair or guide dog training or medical treatment. (OPM Considers such devices or a guide dog to be an extension of the body.)

0908-10-65

PARKING

Where employee parking is available, disabled employees with mobility impairments will be assigned a space convenient to an accessible entrance to the worksite. GSA regulations require that, after official vehicle needs are met, such disabled employees be given a preference over all other employees. Nondisabled drivers who provide transportation for disabled HCFA employees for whom convenient space assignment is a reasonable accommodation will be

given the same priority parking as disabled drivers. Where all employees pay their own parking costs, a cost-free parking space will not be provided for disabled employees. However, in those situations where, because a commercial parking space near a facility costs a disabled employee more than the amount paid by nondisabled employees who are a greater distance, HCFA funds may be used to pay the cost differential. (See Comptroller General's Decision #B-211812 dated March 26, 1984.)

0908-10-70

MEETINGS, CONFERENCES AND SEMINARS

All HCFA meetings, conferences and seminars held either in public or private facilities will be accessible to individuals with disabling conditions.

Accessibility means access both to facilities and to programs and services. Individuals with sensory and mobility disabilities must be able to fully participate. All conference facilities must meet the minimum requirements set forth in Title 41 Chapter 101 Part 19.6 of the Code of Federal Regulations, "Accommodations for the Physically Handicapped" and such determinations must be made by a person qualified under Title 29 Chapter 1960 Part V Section 2(S) or by a person meeting State Government criteria for certification or licensure as a "Workplace Compliance or Safety Practitioner or Equal."

In addition to accessible facilities, the program will be made accessible to deaf persons through a sign language interpreter and to blind persons through a reader or by Brailled or taped materials. If there are no deaf or blind attendees, sensory impaired accommodation is not required.

All facilities must be determined to be free of architectural barriers before any commitment is made to utilize the facility. If lodging is required to attend the meetings, conferences or seminars, arrangements for lodging will be made by HCFA or its contractor only with hotel/motel facilities that are also barrier free. Non-attendance by mobility-impaired individuals is not a factor and does not diminish this requirement.

Information about sensory impaired attendees is always necessary in advance

of the meeting to make appropriate arrangements. Advance information about mobility impairments is necessary to arrange transportation and direct employees in wheelchairs to barrier-free entrances.

0908-10-75

TRAINING

The Administration will provide handicapped employees full consideration for all training opportunities. Once an employee is selected for training, the Administration will provide reasonable accommodation to the employee to attend and complete the training.

Employees or supervisors should make requests for assistance or accommodation to their administrative office at least 2 weeks in advance of training. This requirement means not only physical access to the training facility, restrooms, lodging, etc., (41 CFR 101.19.6 applies to all) but also includes the following:

- A. Purchase or lease of specialized equipment necessary to complete the training and perform the job.
- B. Adaptation or modification of training and reference materials to accommodate the disabled person.
- C. Providing an interpreter (certified where possible) for any class with deaf trainees.
- D. Attempting to match deaf trainees with on-the-job mentors who know sign language.
- E. Periodically evaluating usefulness of the training by employees with disabling conditions on the same criteria as employees without disabling conditions after they are on the job. Counseling and/or additional training should be offered if necessary.
- F. Providing qualified readers and/or taped or Brailled materials for blind

persons. (See 0908-10-55, subsection F.)

- G. Providing personal assistants for certain employees with disabling conditions, as needed.
- H. Providing, where necessary, one-to-one computer training conducted at the disabled employee's work station.
- I. Granting official time for training on a job-related assistive device, such as an Optacon or a personal computer. (For the policy on training to use seeing eye dogs and similar assistive devices see 0908-10-60, subsection D.)

0908-10-80

REASONABLE ACCOMMODATIONS FOR ALCOHOL AND DRUG ABUSERS

Alcohol and drug abusers have been determined to be individuals with disabling conditions for purposes of reasonable accommodations. If an employee has a known alcohol or drug problem which interferes with work, the supervisor must accommodate the employee by trying to find help. Supervisors should follow established OPM, HHS and HCFA policies and procedures in trying to provide help for the troubled employee by referring such an employee for counseling. However, supervisors may take appropriate action to deal with unacceptable performance or disciplinary action for misconduct while help is being sought. Supervisors should consult the Employee and Health Services Branch, OHR, for specific instructions.

0908-10-85

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATIONS

A. Introduction

1. Component must make every effort to process requests for reasonable accommodations as quickly as possible. (Specific timeframes have not been established since certain accommodations will take longer to approve than others.) Based

upon existing management authority, decisions to approve or deny reasonable accommodations requests will be made at the lowest possible level, since those closest to the situation will generally be in the best position to make sound judgement about the need for accommodations. That individual with the authority to make the final decision will be referred to in these procedures as the “approving official.”

2. In certain instances, immediate supervisors, offices or components will **not** have the authority to make final decisions on the request. Special guidance for these situations will be detailed in the procedures which follow.
3. Technical assistance or advice on reasonable accommodations requests is available from the appropriate Selective Placement Coordinator, Equal Employment Opportunity Manager, or DSPM.

B. Procedures for Processing Requests

1. Employees with Disabling Conditions

The employee with disabling conditions will present a written request (except as noted below) to his/her immediate supervisor using either the Request for Reasonable Accommodations form (Exhibit A), or a memorandum.

- a. The written request will include the employee’s name, organizational unit, grade and job series, and type of disability. The request should also include a description of the accommodations which are being requested and an explanation of the existing situation which gives rise to the request. The employee will prepare a brief justification explaining how the accommodations requested are necessary to overcome an existing limitation.
- b. The employee may initiate and complete the written request independent of, or in consultation with, the

immediate supervisor or the Selective Placement Coordinator.

- c. A written request for accommodations is not required where the Selective Placement Coordinator is involved in making a job placement of a new employee and arranging with a component for needed accommodations. It is also not required where a need for accommodations has been indentified as part of a workplace inspection/survey conducted by HCFA, HHS, or GSA.

Where an employee requesting accommodation has a “hidden” disability condition not previously known by the supervisor, or where a requesting employee not previously disabled now has a disabling condition of which the supervisor is not aware, medical proof of disability may be requested by the supervisor. In such cases, the Selective Placement Coordinator should be contacted for guidance and assistance.

2. Approval Process

The official with delegated authority for approving the request is responsible for receiving, reviewing and evaluating all requests for reasonable accommodations. The request will be approved or denied at the lowest possible level based upon existing lines of authority. If unsure of existing lines of authority in your component consult your management staff.

When evaluating a request, the following should be considered:

- a. Whether the requesting employee is an individual with disabling conditions;
- b. Whether the accommodations are necessary for the performance of the employee’s job duties;
- c. What effect the accommodations will have on the agency’s operation and on the employee’s performance;
- d. To what extent the accommodations compensate for the

- person's limitations; and
- e. Whether the accommodation will enable the person to function, participate or compete on a more equal basis with coworkers.

3. Denial

- a. If the request is denied within the component, the employee will be given a brief written explanation of the reason for the denial and, for bargaining unit employees, will be informed of his/her right to file a grievance under the negotiated grievance procedure, or to file a statutory EEO complaint. (Non-bargaining unit employees may file complaints under the EEO statutory complaint procedure.)
- b. In headquarters, the Director, Office of Human Resources (OHR), Office of Budget and Administration (OBA), will have authority to make determinations with respect to requests for reasonable accommodations. (In the regional offices, the Regional Administrator will have authority to make such determinations.) The Director, OHR, may consult with other Agency staff as appropriate, including the Equal Employment Opportunity Office and Office of Administrative Services, before making a determination on the request.
- c. All approved requests in Central Office shall be forwarded to the Director, Division of Safety and Property Management (DSPM), OBA, to obtain a cost estimate, feasibility determination and funding plan. (See 0908-10-95, Funding.)

4. Informational Copies of Reasonable Accommodations Requests and Final Determinations

Information copies of all reasonable accommodations requests and determinations (whether approved or denied) shall be forwarded

through existing lines of authority to the appropriate Associate or Regional Administrator. These Offices shall forward informational copies to the Central Office HCFA Selective Placement Coordinator who will monitor and review the information to identify trends or problems and to clarification is needed.

0908-10-90

AUTHORITY

Reasonable accommodations for handicapped individuals is required pursuant to Section 501 of the Rehabilitation Act of 1973, as amend; Code of Federal Regulations 29 CFR 1613.704; P.L. 95-454, Civil Service Reform Act of 1978; and Equal Employment Opportunity Commission (EEOC), Management Directive (MD) 713. Title 29 CFR 1613.704 provides: "An agency shall make reasonable accommodations to the known physical or mental limitations of a qualified handicapped applicant or employee unless the agency can demonstrate that the accommodations would impose an undue hardship on the operation of its program. The U.S. courts have ruled that, if an EEO complaint is filed because a request for accommodations is denied, the denying agency has the burden of proving that the requested accommodations was either not necessary or too burdensome.

0908-10-95

FUNDING

A. Facility and/or Work Station Modifications

All approved requests for reasonable accommodations will be fully funded by OAS for headquarters HCFA workplaces. Regional Offices should submit their requests to their Regional Administrative Officers. Certain projects may require submission of requests for expenditures during the normal budget process.

B. Equipment Accommodations

1. New Equipment

All purchases of new equipment suitable for use by multiple employees will be funded by the respective component organization as part of normal operating expenditures. New equipment designed for the exclusive use of disabled employee(s) to assist in overcoming impairment(s) will be funded by OAS.

2. Modifications to Existing Equipment

All modifications to existing equipment except computers to accommodate or overcome a specific operator's disability will be funded by OAS.

C. ADP Equipment Support

All computers configured to overcome or accommodate a specific employee's disability will be funded by the Bureau of Data Management and Strategy.

Exhibit A

REQUEST FOR REASONABLE ACCOMODATIONS

Employee Name: _____

Building: _____

Location: _____

Telephone: _____ **Date of Request:** _____

Accommodations Requested

(Check as Appropriate)

Work Station Modification _____

e.g., desk, chair or other
furniture

Job Task Accommodations _____

e.g., changes to job task,
interpreters

Equipment Accommodations _____

e.g., computers, optacons,
enlargers or Braille machines

Facility Modifications _____

e.g., rest room modifications,
ramps, elevators

Detail the specific accommodation(s) requested:

**Justification for accommodations requested: Continue on plain white
bond, as needed):**

