

**ADMINISTRATIVE MANUAL
ADMINISTRATIVE INSTRUCTION 2-42**

PROVISION OF REASONABLE ACCOMMODATIONS

SECTION 1. PURPOSE

The purpose of this Administrative Instruction (AI) is to set forth the policy of the U.S. Commission on Civil Rights (USCCR) with respect to the provision of reasonable accommodation and to establish current procedures to carry out the policy.

SECTION 2. AUTHORITY/SCOPE

The Executive Order 13164 “Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation” (Order) requires that each agency adopt procedures for processing requests for reasonable accommodation. The Order helps to implement the requirement of the Rehabilitation Act of 1973 (Pub. L. No. 93-112) that Federal agencies provide reasonable accommodation to qualified employees and applicants with disabilities unless doing so would cause undue hardship.

SECTION 3. DEFINITIONS

01. Reasonable accommodation: In general, a reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job, reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits. USCCR provides reasonable accommodations:

- When an applicant with a disability needs an accommodation to have equal opportunity to compete for a job;
- When an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- When an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).

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Common types of accommodations include:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing telework beyond that provided by the collective bargaining agreement or the relevant AI.
- making changes in workplace policies
- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job.

02. Undue hardship. Agencies are not required to provide reasonable accommodations that would impose an undue hardship on the operation of the agency. An undue hardship means significant difficulty or expense and focuses on the resources and circumstance of the agency, referring not only to financial difficulty, but reasonable accommodations that are unduly substantial or disruptive, or would fundamentally alter the nature of operation of the agency. The agency will assess on a case-by case basis whether a particular reasonable accommodation would cause an undue hardship.

In determining whether an accommodation would impose an undue hardship on the agency, the Commission will consider: (1) the overall size of the agency's program with respect to the number of employees, number and type of facilities and size of the budget; (2) the type of agency operation, including the nature and composition of the agency's workforce; and (3) the nature and cost of the accommodation.

- .03 Essential functions. The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be "essential" if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it.

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SECTION 4. POLICY

It is the policy of USCCR to provide reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities.

Sometimes USCCR may be able to address an employee's impairment-related needs outside the reasonable accommodation process. For example, USCCR may provide ergonomic equipment to employees who may require special equipment to address or prevent various ailments.

SECTION 5. PROCEDURES

USCCR will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with timeframes set forth in these procedures.

USCCR has designated the Human Resources Division (HRD) to oversee the agency's reasonable accommodation program.

SECTION 6. REQUESTING REASONABLE ACCOMMODATION

Generally, an applicant or employee must let the USCCR know that he needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. An individual should request a reasonable accommodation from his/her supervisor; a supervisor or manager in his/her immediate chain of command; the EEO office; HRD; or in connection with the application process, any agency employee with whom the applicant has contact. For applicants, information about contacting the HRD will be in the vacancy announcement and the letter of appointment. (See also Section 16. on how to contact the HRD.)

If an employee makes a reasonable accommodation request to someone other than the HRD, such as her supervisor, or office director, these supervisors/managers should forward the request to the HRD immediately and must do so within 2 business days. **The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager in an employee's chain of command, so it is imperative that the request be forwarded to the HRD within 2 business days.**

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An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the HRD may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication in which an individual asks or states that she needs USCCR to provide or to change something because of a medical condition. A supervisor, manager, or the HRD should ask an individual whether she is requesting a reasonable accommodation if the nature of the initial communication is unclear.

A family member, health professional, or other representative may request an accommodation on behalf of an USCCR employee or applicant. For example, a doctor's note outlining medical restrictions for an employee constitutes a request for reasonable accommodation.

When an individual (or third party) makes an **oral request**, the HRD must ensure that the "**Confirmation of Request**" form is filled out (see Appendix A). The HRD must fill out the Form if the requestor does not.

An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, must submit the "Confirmation" form only for the first request. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the HRD should ensure that an employee's supervisor makes the appropriate arrangements without requiring a request in advance of each occasion. (See Appendix D for information on requesting sign language interpreters.)

SECTION 7. PROCESSING THE REQUEST

The HRD is responsible for processing requests for reasonable accommodation. While the HRD has responsibility for processing requests for reasonable accommodation, the HRD may work closely with an employee's supervisor or office director in responding to the request, particularly those involving performance of the job. The HRD will need to consult with an employee's supervisor and/or office director to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving performance of the job will be provided without first informing an employee's supervisor or, as appropriate, an office director.

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While the HRD will handle all requests for reasonable accommodations, supervisors, managers, and office directors often will need to be consulted about specific requests. Therefore, all management personnel must be familiar with these Procedures and the EEOC's guidance on reasonable accommodations, such as "Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act" (rev. Oct. 17, 2002), which contains significant information on the responsibilities of agency personnel involved in responding to a request for reasonable accommodation, as well as the rights and responsibilities of those requesting accommodation. (This document is available at

<http://www.eeoc.gov/policy/docs/accommodation.html>

SECTION 8. THE INTERACTIVE PROCESS

- .01 Generally. After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the HRD must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs.

The HRD will contact the applicant or employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the HRD may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the USCCR (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations. Appendix E, "Selected Reasonable Accommodation Resources" lists some suggested resources for identifying accommodations.

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When a third party (e.g., an individual's doctor) requests accommodation on behalf of an applicant or employee, the HRD should, if possible, confirm with the applicant or employee that he wants a reasonable accommodation before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the HRD will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable.

The HRD may need to consult with other USCCR personnel (e.g., an employee's supervisor, Information Technology staff) or outside sources to obtain information necessary to make a determination about the request. **The USCCR expects that all agency personnel will give a high priority to responding quickly to a HRD's request for information or assistance. Any delays by USCCR personnel may result in the agency's failing to meet the required time frame and may be cause for disciplinary action (see AI 2-41).**

02. **Procurement.** If a procurement is necessary to provide accommodation, the supervisor will consult with Budget and Finance Division (BFD) to obtain input on the reasonableness of the cost of the requested accommodation.

If there is consensus among the supervisor, HRD and BFD that the request for accommodation is reasonable, the supervisor will submit the request for accommodation and associated documentation, including a procurement request, under cover letter to the Staff Director for approval or disapproval.

If there is no consensus on a reasonable accommodation between the supervisor, HRD and BFD, the supervisor will arrange a time for those parties to meet with the Staff Director to try to resolve any remaining issues. During this process, management can formulate counter proposals for accommodation they agree are reasonable if no consensus can be reached on the original request. After appropriate consultation, the supervisor will submit the original request for accommodation and associated documentation under cover letter to the Staff Director for approval or disapproval.

The Staff Director will inform HRD in writing whether the request is approved or disapproved (cc: to Supervisor). If approved, any actions necessary to implement reasonable accommodation will be taken as quickly as possible. If disapproved, the Staff Director will clearly state the reasons. Optionally, the disapproval can offer alternative proposals for accommodation that management deems reasonable.

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HRD will provide a copy of the Staff Director's approval or disapproval to the requestor. The HRD will also inform the requestor in writing that s/he has the right to pursue a grievance or an equal employment opportunity complaint.

If management disapproves the original request for accommodation but offers an alternative proposal of reasonable accommodation, the requestor can:

- a. accept the alternative proposal;
- b. offer his/her own alternative proposal;
- c. pursue a grievance or equal employment opportunity complaint; or,
- d. accept the decision.

03. **Reassignment**. There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.

- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- In considering whether there are positions available for reassignment, the HRD will work with the employee requesting the reassignment to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which HRD has reason to believe will become vacant within **60 days** from the date the search is initiated and for which the employee may be qualified.

Example

If a search begins on May 1, then the HRD will inquire about any positions that are currently vacant or will become vacant between May 1 and June 30. The HRD does not have to hold open the search until July 1; if she finishes her search on May 15 and learns that no vacancies are currently available or anticipated by June 30, then the search is over and the results should be conveyed to the employee.

- Reassignment may 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, USCCR will not pay for the employee's relocation costs.

SECTION 9. REQUESTS FOR MEDICAL INFORMATION

If a requestor's disability and/or need for accommodation are not obvious or already known, USCCR (specifically the HRD) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. A disability is obvious or already known when it is clearly visible or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by USCCR where the disability and/or need for accommodation are not obvious or already known.

Only the HRD may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the HRD does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a reasonable accommodation. (See Section 10.) about the confidentiality of all medical information obtained in processing a request for accommodation.) If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the HRD of this fact. The HRD will then determine whether additional medical information is needed to process the current request.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the HRD to determine whether the individual has a "disability" and/or that an accommodation is needed, the HRD will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The HRD may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the HRD may ask the individual requesting accommodation to sign a limited release permitting the HRD to contact the provider for additional information. The HRD may have the medical information reviewed by a doctor of the agency's choosing, at the agency's expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the HRD will be guided by principles set forth in the ADA Amendments Act of 2008 (Pub. L. 110-325). Specifically, the ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis.

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Notwithstanding, the HRD may require medical information in order to design an appropriate and effective accommodation.

A supervisor or office director who believes that an employee may no longer need a reasonable accommodation should contact the HRD. The HRD will decide if there is a reason to contact the employee to discuss whether s/he has a continuing need for reasonable accommodation.

SECTION 10. CONFIDENTIALITY REQUIREMENTS

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that USCCR obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any USCCR employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The HRD may share certain information with an employee's supervisor or other agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the HRD will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the HRD will not necessarily need to reveal the name of the requestor and/or the office in which the requestor works, or even the name of the disability.

EXAMPLE

The Administrative Services and Clearinghouse Division (ASCD) generally will be consulted in connection with requests for assistive technology for computers. While ASCD needs to know the employee's functional limitations, it typically has no need to know the employee's specific disability.

In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment or assistance in evacuation; and
- government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

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SECTION 11. TIME FRAME FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATIONS

01. Generally. The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **20 business days from the date the request is made**. This 20-day period includes the 10-day time frame in which the HRD must contact the requestor after a request for reasonable accommodation is made. (See Section 8.01.)

USCCR will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The HRD will strive to process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the HRD. **Therefore, everyone involved in processing a request should respond as quickly as possible.** This includes referring a request to the HRD, contacting a doctor if medical information or documentation is needed, and providing technical assistance to the HRD regarding issues raised by a request (e.g., information from a supervisor regarding the essential functions of an employee's position, information from ASCD regarding compatibility of certain adaptive equipment with USCCR's technology).

If the HRD must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the HRD makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the HRD.

If the disability is obvious or already known to the HRD, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the HRD should not require the full 30 business days to process the request. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for her to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work an eight and a half hour day.

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- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.
02. **Expedited Processing of a Request.** In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:
- **to enable an applicant to apply for a job.** Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
 - **to enable an employee to attend a meeting scheduled to occur soon.** For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.
03. **Extenuating Circumstances.** These are circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond USCCR's ability to control.** When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance. If there is a delay, the agency will investigate whether there are temporary measures that could be taken to assist the individual with a disability.

SECTION 12. RESOLUTION OF THE REASONABLE ACCOMMODATION REQUEST

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the "Resolution of Request" form (see Appendix B), as well as orally.

01. If USCCR grants a request for accommodation, the HRD will give the "Resolution of Request" form to the requestor, and discuss implementation of the accommodation. The "Resolution" form must be filled out even if USCCR is granting the request without determining whether the requestor has a "disability" and regardless of what type of change or modification is approved (e.g., USCCR grants a three-month removal of an essential function, which is not a form of reasonable accommodation but nonetheless must be specified on the Resolution form).

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- A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual's specific requested accommodation and why USCCR believes that the chosen accommodation will be effective.
 - If the request is approved but the accommodation cannot be provided immediately, the HRD will inform the individual in writing of the projected time frame for providing the accommodation.
02. If USCCR **denies a request for accommodation**, the HRD will give the "Resolution" form to the requestor and discuss the reason(s) for the denial. When completing the "Resolution" form, the explanation for the denial will clearly state the specific reason(s) for the denial. This means that USCCR cannot simply state that a requested accommodation is denied because of "undue hardship" or because it would be "ineffective." Rather, the form will state and the HRD will explain specifically **why** the accommodation would result in undue hardship or why it would be ineffective.
- If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the HRD will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the HRD will explore whether there is a reasonable accommodation that will meet the employee's needs.
 - If the HRD offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the HRD will record the individual's rejection of the alternative accommodation on the "Resolution" form.

SECTION 13. INFORMAL DISPUTE RESOLUTION

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Staff Director to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the "Resolution" form. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. (See Section 15. below.)

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SECTION 14. INFORMATION TRACKING AND REPORTING

In order for USCCR to ensure compliance with these Procedures and the Rehabilitation Act, the HRD will complete the “Reasonable Accommodation Information Reporting” form (Appendix C) **within 5 business days** of issuing the decision.

These forms will be the basis of an annual report that will provide a qualitative assessment of USCCR’s reasonable accommodation program, including any recommendations for improvement of USCCR’s reasonable accommodation policies and these Procedures. This annual report **will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals that requested accommodations or the accommodations requested by specific individuals.** Rather, this report will provide only general information, such as the total number of requests for accommodations, the types of accommodations requested, and the length of time taken to process requests.

The agency will maintain the records related to an accommodation for the duration of the employee’s tenure with the agency. In addition, the agency will retain any cumulative records used to track the agency’s performance with regard to reasonable accommodation for at least three years.

SECTION 15. RELATION OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS

These Procedures do not limit or supplant statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. **Requirements governing the initiation of statutory and collective bargaining claims remain unchanged, including the time frames for filing such claims.**

The “Resolution of Request” form (Appendix B) provides information to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue MSPB and/or union grievance procedures.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **must:**

- For an EEO complaint: contact an EEO counselor within 45 days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.

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- For a collective bargaining claim: file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.
- For adverse actions over which the Merits Systems Protection Board has jurisdiction: initiate an appeal to the MSPB within 30 days of the appealable adverse action as defined in 5 C.F.R. 1201.3.

These Procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or the collective bargaining agreement. Executive Order 13164, which requires all Federal agencies to adopt reasonable accommodation procedures, explains in section 5(b) that the procedures are “intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies.”

SECTION 16. INQUIRIES AND DISTRIBUTION

Any employee or applicant wanting further information concerning these Procedures may contact the HRD. For additional information about accommodations, please see the “Selected Reasonable Accommodation Resources” in Appendix E.

These Procedures shall be distributed to all employees upon issuance. They also will be posted on USCCR’s Shared drive, and will be available in USCCR’s library, in the Office of Equal Opportunity, and the Human Resources Division. They will be distributed to all new employees as part of their orientation on their first day of work. These Procedures will be provided in alternative formats when requested from the HRD by, or on behalf of, any USCCR employee.



MARLENE SALLO
Staff Director

APPENDIX A

CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION

1.

Applicant's or Employee's Name

Date of Request _____

Applicant's or Employee's Telephone Number

Employee's Office

2. TYPE OF ACCOMMODATION REQUESTED, IF KNOWN. *(Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change)*

3. REASON FOR REQUEST.

If accommodation is time sensitive, please explain:

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(HRD will assign number)

Log No.: _____

Privacy Act Statement

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

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APPENDIX B

RESOLUTION OF REASONABLE ACCOMMODATION REQUEST

(Must complete numbers 1-3; complete numbers 4-7, if applicable)

1. Name of Individual requesting reasonable accommodation:
2. Accommodation(s) requested:
3. Accommodation(s):

_____ approved as specifically requested

_____ approved but different from original request*

_____ denied

*If the approved accommodation is different from the one(s) originally requested, identify the alternative accommodation(s):

4. If an alternative accommodation was offered, indicate whether it was:

_____ accepted

_____ rejected

5. Request denied because: (may check more than one box)

- Requestor does not have a Rehabilitation Act disability
- Accommodation ineffective
- Accommodation would cause undue hardship
- Medical documentation inadequate
- Accommodation would require removal of essential function
- Accommodation would require lowering performance or production standard
- Other (Please identify) _____

APPENDIX C

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Name of Individual requesting accommodation:

Office of Requesting Individual: _____

1. Reasonable accommodation: (check one)

- _____ Approved (Whether it is what was originally requested or an alternative)
- _____ Denied

(Attach copy of the "Resolution of Reasonable Accommodation Request" form.)

2. Date accommodation requested: _____

Who received request: _____

3. Date accommodation request referred to Human Resources Division, if applicable:

4. Determined that individual does _____ does not _____ have a disability as defined by the Rehabilitation Act; or no disability determination made _____

5. Date accommodation approved or denied: _____

6. Date accommodation provided (if different from date approved):

7. If time frames outlined in the Procedures were not met, explain why.

8. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):

9. Accommodation needed for: (check one)

- _____ Application Process
- _____ Performing Job Functions or Accessing the Work Environment
- _____ Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)

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10. Accommodation(s) requested:

11. Accommodation(s) provided *(if different from what was requested)*:

12. Cost of accommodation provided:

13. Was medical information required to process this request? If yes, explain why.

14. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations *(e.g., Job Accommodation Network, disability organization)*:

15. Comments:

16. Please attach all documentation connected with this request.

APPENDIX D UTILIZING SIGN LANGUAGE INTERPRETERS

SCHEDULING INTERPRETER SERVICES. The individual or office scheduling a meeting or event which will require interpreting services (staff meeting, training, office function, etc.) is responsible for directing the request, via e-mail, to "Interpreting Services." **Please check to see if an interpreter is available before scheduling the date, time, and place of the event.**

Requests for staff interpreters are accepted and scheduled on a first come, first serve basis -- with exceptions considered on a case-by-case basis. Interpreting for official USCCR business always takes priority over interpreting for non-official matters.

Advance scheduling preferably one to two weeks is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.

If a meeting or event will last longer than one half hour, arrangements must be made for more than one interpreter to be present, or the meeting or event must be scheduled to include sufficient rest periods, including a "sign-free" lunch break, if necessary. Generally, one interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the interpreter who is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange). Also remember that an employee may need an interpreter during lunch so there may be a need to have additional interpreters to ensure each interpreter has an appropriate lunch break.

An employee who knows sign language or who is taking a sign language class is **not** an acceptable substitute for an USCCR staff interpreter or a contract interpreter.

1. **WORK EVENTS OUTSIDE THE WORKPLACE.** USCCR will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his/her job, attends a meeting or event outside of the workplace. If the employee attends a conference or training program sponsored by an outside organization, USCCR has the discretion to try to arrange for the sponsoring organization to provide all or part of the interpreting service. However, USCCR recognizes its responsibility to ensure that an employee has interpreting services for such events, and this may include providing an USCCR staff interpreter if necessary.

When an employee attends a meeting, conference, or training program outside the workplace, and USCCR will be providing the interpreter(s), USCCR will assess whether it would be effective to send staff interpreter(s) or contract interpreter(s). If USCCR decides to send staff interpreter(s), and the office of the employee provides transportation for or reimburses the travel costs of the employee, then that office must also provide for/reimburse travel costs for the staff interpreter(s). Similarly, if the office of the employee pays for meals for the employee while attending these types of events, then that office must also pay for the meals for the staff interpreter(s).

2. **OFFICE SOCIAL FUNCTIONS AND SPECIAL EVENTS TO WHICH THE INTERPRETERS ARE INVITED.** Interpreting services are routinely requested for office or Agency social functions or special events -- e.g., Winter Holiday Party, Unity Month Picnic-- scheduled during official government time and which might be attended by employees who are deaf or hard of hearing. If USCCR staff interpreters express the desire to attend these "all-employee" functions in an off-duty capacity, arrangements will be made by the Interpreting Services staff for contract interpreting services.
3. **INTERPRETING PHONE CALLS.** Employees who are deaf or hard of hearing should schedule an interpreter when services are needed to interpret business-related phone calls. The telecommunication relay service is available to all USCCR employees to serve telephone needs when a sign language interpreter is not available.

APPENDIX E
SELECTED REASONABLE ACCOMMODATION RESOURCES

U.S. Equal Employment Opportunity Commission
1-800-669-3362 (Voice) 1-800-800-3302 (TT)

EEOC has published many Americans with Disabilities Act and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

Job Accommodation Network (JAN)
1-800-232-9675 (Voice/TT)
<http://janweb.icdi.wvu.edu/>.

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

ADA Disability and Business Technical Assistance Centers (DBTACs)
1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf
(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project
(703) 524-6686 (Voice) (703) 524-6639 (TT)
<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products),
- centers where individuals can try out devices and equipment,
- assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.