

Procedures for Providing Reasonable Accommodation to Individuals with Disabilities

Table of Contents

I. Selective Service Policy on Reasonable Accommodation	2
II. Reasonable Accommodation Procedures	6
A. Initiating the Reasonable Accommodation Process	6
B. Processing Requests for Reasonable Accommodation	8
C. The Interactive Process	9
D. Requests for Medical Information	11
E. Confidentiality Requirements	12
F. Timeframe for Processing Requests and Providing Reasonable Accommodation (Including expedited processing and extenuating circumstances)	13
G. Resolution of the Reasonable Accommodation Request(s)	14
H. Certification of Funds Availability	16
I. Re-evaluation of Work Schedule Accommodation	16
J. Informal Dispute Resolution	17
K. Information Tracking and Reporting	17
L. Relation of Procedures to Statutory Claims	17
M. Inquiries and Distribution	18
Appendix A – Confirmation of Request for Reasonable Accommodation Form	19
Appendix B – Resolution of Reasonable Accommodation Request Form	20
Appendix C – Reasonable Accommodation Information Reporting Form	23
Appendix D – Certification of Funds Availability Form	25
Appendix E – Requesting Sign Language Interpreters	27
Appendix F – Personal Assistance Services	29
Appendix G – Selected Reasonable Accommodation Resources	30

I. Selective Service System Policy on Reasonable Accommodation

Purpose – The Selective Service System policy and corresponding reasonable accommodation procedures govern the process of requesting reasonable accommodation under Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 United States Code (U.S.C.) § 791 *et seq.*, and Executive Order 13164. This policy and procedures update is based on EEOC’s feedback with respect to Equal Employment Opportunity Council’s (EEOC’s) Final Rule: Affirmative Action for Individuals With Disabilities in Federal Employment, Rehabilitation Act 29 Code of Federal Regulations (C.F.R.) § 1614.203 (January 3, 2017), (Final Rule). Selective Service has clarified its procedures as required by EEOC.

Authority – The Rehabilitation Act of 1973, as amended, requires federal agencies to provide reasonable accommodation on the basis of disability to qualified individuals. 29 U.S.C. Section 791 *et seq.*; 29 C.F.R. § 1614.203; Title I (Employment) of the Americans with Disabilities Act (ADA) of 1990, as amended, 42 U.S.C. § 12101 *et seq.*; 29 C.F.R. § 1630; Executive Order 13164, 65 Federal Register 46565; and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, PL 110-325 (S. 3406).

Definitions –

The term “*disability*” is the same as defined in the Americans with Disabilities Act of 1990 (ADA), and has a broad definition. ADA defines a disability as –

- A physical or mental impairment that substantially limits one or more major life activities;
- A record or past history of such an impairment¹; or
- Being regarded as having such an impairment. This means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment, whether or not that impairment substantially limits, or is perceived to substantially limit a major life activity.²

A disability does not have to be permanent or severe to meet the ADA definition of disability.

The “*Interactive process*” is defined as the step where Selective Service as the employer initiates an informal, interactive meeting with the individual with a disability to determine the need and appropriate reasonable accommodation that may be necessary for the applicant or employee to be effective in performing the application process or duties as hired. This interactive process should

¹ 29 C.F.R. § 1630.2(k)(1)

² 29 C.F.R. § 1630.2(l)(1)

identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.³

The term “*qualified*” refers to the ability of the individual with disability to satisfy the necessary skills, experience, education, and other job-related requirements of the employment position such individual holds or desires. Furthermore, the individual with disability can perform the essential duties of the position, with or without reasonable accommodation.⁴

An “*undue hardship*,” in general, means with respect to the provision of an accommodation, significant difficulty or expense incurred by the agency. There are several factors to be considered when determining whether an accommodation would impose an undue hardship on the agency.⁵ These are –

- The nature and net cost of the accommodation;
- The overall financial resources of the directorate or directorates involved in the provision of the reasonable accommodation, the number of persons employed at such directorate, and the effect on expenses and resources;
- The overall financial resources of the agency, the overall size of the agency with respect to the number of its employees, and the number, type, and location of its directorates and regions;
- The type of operation or operations of the agency, including the composition, structure, and functions of the workforce of the agency, and the geographic separateness and administrative or fiscal relationship of the directorate or directorates in question to the agency; and
- The impact of the accommodation upon the operation of the directorate, including the impact on the ability of other employees to perform their duties and the impact on the directorate’s ability to conduct business.

Policy – It is the policy of the Selective Service System to provide equal opportunity for individuals with disabilities in accordance with the Rehabilitation Act of 1973, as amended, and to fully comply with other legal and regulatory requirements to ensure that all aspects of employment, including the application process, are made fully accessible to all employees and applicants. No qualified employee may be denied the benefits of a program, training, or activity conducted, sponsored, funded, or promoted by the Selective Service System, or otherwise be subjected to discrimination on the basis of disability.

³ 29 C.F.R. § 1630.2(o)(3)

⁴ 29 C.F.R. § 1630.2(m)

⁵ 29 C.F.R. § 1630.2(p)(2)

The Selective Service System is committed to meeting its responsibilities to support applicants and employees with disabilities by providing reasonable accommodations. In doing so, Selective Service strives to be a model employer of individuals with disabilities and to give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities by incorporating the Section 501 requirement to be cognitively engaged in the affirmative action for individuals with disabilities.

Executive Order 13164 requires all federal agencies to establish procedures on handling requests for reasonable accommodation. These procedures outline how the Selective Service System (SSS) will meet that requirement.

Selective Service System provides reasonable accommodations, which fall into three categories:

- Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille);
- Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); and
- Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an office cafeteria).

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 such as kitchens, parking lots, and office events.

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 what is stated in the agency's telework policy
- Making changes in workplace policies

- Providing assistive technology, including information technology and communications equipment or specially designed furniture
- Providing a reader or other personal assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff (See Appendix F for information on hiring for personal assistance services.)
- Removing an architectural barrier, including reconfiguring work spaces
- Ensuring facilities are accessible
- Providing materials in alternative formats (e.g., Braille, large print)
- Providing a reassignment to another job

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

Selective Service has designated a Reasonable Accommodation Officer (RAO) to facilitate the reasonable accommodation process agency-wide.⁶ Requests for reasonable accommodation will be handled by the RAO. If a request is given to a manager or supervisor rather than directly to the RAO, the manager or supervisor should forward the request immediately and must do so within two (2) business days. When an employee makes a request for reasonable accommodation that involves performance of the job, the RAO will work with the employee's manager or supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position. (See Section II.A. on how to contact the RAO.)

As part of the reasonable accommodation interactive process, the RAO will obtain and evaluate documentation supporting an accommodation request (such as medical documentation demonstrating that the requestor is an individual with a disability) whenever the disability or need for accommodation is not obvious. For instance, employees in need of ergonomic equipment to address or prevent various ailments should contact the RAO. Or, an employee with carpal tunnel syndrome may request a keyboard and/or wrist pad.

While the RAO will facilitate the request for reasonable accommodation, the employee's supervisor, manager, and respective Associate Director will be consulted about specific requests. Therefore, all management personnel must be familiar with these procedures and the EEOC's "Enforcement

⁶ Selective Service has an agency-wide budget, administered by the Financial Management (FM). RAO will make a written request to FM for funds required to cover the costs associated with providing reasonable accommodations if the employee's office does not have the funds to cover the costs of accommodations. These costs include procuring for sign language interpreting services, furniture, technology, and other significant reasonable accommodation items.

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. Applicants, employees, and employers may wish to consult this guidance (<http://www.eeoc.gov/policy/docs/accommodation.html>) to better understand the reasonable accommodation process.

The Selective Service *may* take steps to accommodate an individual with disabilities, solely at the agency’s discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.

II. Reasonable Accommodation Procedures

A. Initiating the Reasonable Accommodation Process

Generally, an applicant or employee must let the SSS know that he or she 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.⁷ An applicant or employee may request a reasonable accommodation at any time, orally or in writing. An individual should request a reasonable accommodation from the Reasonable Accommodation Officer (RAO).⁸

The Reasonable Accommodation Officer (RAO) is:

Jennifer Burke
1515 Wilson Blvd, Suite #524
Selective Service System
Arlington, VA 22209
(703) 605.4006 (Fax)
Jennifer.Burke@sss.gov

To request an accommodation, employees:

- Do not need to use medical terminology or explain their disability or condition (they may use “plain English”).

⁷ If an SSS official knows that a disability, such as an intellectual disability (formerly referred to as “mental retardation”), prevents a person from asking for a reasonable accommodation, and it appears that one may be needed, the official should ask the RAO whether accommodation is needed. The timeframe for processing a request begins when the official makes the inquiry on behalf of an employee.

⁸ See Appendix E for information on how employees may directly schedule sign language interpreters without going through a supervisor or other manager.

- May ask for a workplace adjustment without specifically referring to the Americans with Disabilities Act (ADA) or using the words “accommodation” or “reasonable accommodation.”
- Should specify that the request is related to a disability.
- May ask a third party to request the accommodation on their behalf (medical professional, vocational rehabilitation counselor, job coach, etc.).

If an employee makes a reasonable accommodation request to someone other than the RAO, such as his or her manager or supervisor in his or her immediate chain of command, the manager or supervisor should forward the request to the RAO immediately and must do so within two (2) business days. Because the reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager or supervisor in an employee’s chain of command, it is imperative that the request be forwarded to the RAO within two (2) business days.

For applicants, information about contacting the RAO will be in the vacancy announcement and the letter of appointment. (See also Section II.A. on how to contact the RAO).

The applicant may also request a reasonable accommodation with anyone he or she has had contact with in the agency. For example, once an agency hiring manager contacts the applicant for an interview, the applicant may then at any time contact the hiring manager to submit a reasonable accommodation request.

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 he or 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 RAO 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 family member, health professional, or other representative may request an accommodation on behalf of an SSS 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 RAO must ensure that the “Confirmation of Request” form is filled out (see Appendix A). The RAO must fill out the form if the requestor does not. The individual (or third party) will be asked to review the Confirmation of Request form to thoroughly cover all accommodations known at the time when making the initial request.

An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, must submit the “Confirmation of Request” form only for the first request. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. Appropriate advance notice is defined as the

reasonable amount of time needed to procure and/or implement the approved reasonable accommodation.

If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the RAO should ensure that the employee's manager or supervisor makes the appropriate arrangements without requiring a request in advance of each occasion. (See Appendix E for information on requesting sign language interpreters).

B. Processing Requests for Reasonable Accommodation

The Reasonable Accommodation Officer is responsible for facilitating the process for requests for reasonable accommodation. The RAO will assist or coordinate in providing reasonable accommodation and ADA training to all employees and managers and supervisors to inform them of these procedures for handling and processing reasonable accommodation requests.

While the RAO has the responsibility for processing requests for reasonable accommodation, the RAO may work closely with an employee's manager, supervisor, region or Associate Director in responding to the request, particularly those involving performance of the job.

How to Recognize a Requests for Reasonable Accommodations: Since the interactive process starts when an employee with a disability makes a request for reasonable accommodation, it is important for the manager or supervisor to be able to recognize a request. According to the EEOC, 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 he or she needs SSS to provide or to change something because of a medical condition. If the nature of the initial communication is unclear, then the manager, supervisor, or the RAO should ask the individual whether a reasonable accommodation is being requested. Therefore, any time an employee indicates that he or she is having a problem and the problem is related to a medical condition, the employer should consider whether the employee is making a request for accommodation under the ADA. The EEOC (Reasonable Accommodation and Undue Hardship (EEOC Guidance) at <http://www.eeoc.gov/policy/docs/accommodation.html>) provides the following examples:

Example A: An employee tells his supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm under going." *This is a request for a reasonable accommodation.*

Example B: An employee tells her supervisor, "I need six weeks off to get treatment for a back problem." *This is a request for a reasonable accommodation.*

Example C: A new employee, who uses a wheelchair, informs the employer that his wheelchair cannot fit under the desk in her office. *This is a request for reasonable accommodation.*

Example D: An employee tells her supervisor that he would like a new chair because her present one is uncomfortable. *Although this is a request for a change at work, her statement is insufficient to put the employer on notice that she is requesting reasonable accommodation. She does not link his need for the new chair with a medical condition.*

Tip: Err on the side of caution. If a manager or supervisor is not sure whether an employee has requested an accommodation, the manager or supervisor should ask the employee to clarify what is being requested and why.

The RAO will need to consult with an employee's manager, supervisor, region or Associate Director to gather relevant information necessary to respond to a request and to collaboratively assess whether a particular accommodation will be effective. No reasonable accommodation involving performance of the job will be provided without first informing the employee's manager, supervisor, or region or Associate Director.

Individuals will receive a final decision regarding their reasonable accommodation request(s) in writing from the RAO.

C. The Interactive Process

1. Generally

After a request for reasonable 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 RAO 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 if there are any other alternative accommodations that may be equally as effective in meeting an individual's needs.

The RAO 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 reasonable accommodation request. In some instances, the RAO may need to get additional 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 SSS (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, 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 RAO, along with the manager or supervisor should work

together to identify effective accommodations. Appendix G lists some suggested resources for identifying accommodations.

When a third party (e.g., an individual's doctor) makes a request for reasonable accommodation on behalf of an applicant or employee, the RAO should, if possible, confirm with the applicant or employee if he or she wants a reasonable accommodation before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the RAO 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 RAO may need to consult with other SSS personnel (e.g., an employee's supervisor, Information Technology staff, Logistics Office) or outside sources to obtain information necessary to make a determination about the request. When the accommodation involves leave (e.g., sick leave, LWOP, etc.), the manager, supervisor, or region or Associate Director needs to be informed for QuickTime certification.

The expectation is that all agency personnel will give a high priority to responding quickly to a RAO's request for information or assistance. Any delays by SSS personnel may result in the agency's failing to meet the required timeframe.

2. 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 RAO will work with both the Human Resources Office and the employee requesting 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 Human Resources 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 RAO will inquire about any positions that are currently vacant or will become vacant between May 1 and June 30. The RAO does not have to hold open the search until July 1; if the RAO finishes 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, SSS will not pay for the employee's relocation costs.

D. Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, SSS (specifically the RAO) 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 or employee to provide appropriate medical information requested by SSS where the disability and/or need for accommodation are not obvious or already known.

Only the RAO may determine whether medical information is needed and, if so, may request such information from the employee, or individual requesting reasonable accommodation, and/or the appropriate health professional. Even if medical information is needed to process a request, the RAO 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 II.E. 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 RAO of this fact. The RAO 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 RAO to determine whether the individual has a "disability" and/or that an accommodation is needed, the RAO will explain what additional information is needed. If necessary, the individual should then ask his or her health care provider or other appropriate professional to provide the missing information. The RAO 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 and 60 days has lapsed, the RAO may close the case due to lack of response for the requested additional information. The requestor and his or her manager or supervisor will receive written notice of closing the request for reasonable accommodation due to insufficient information. For other questionable cases, the RAO 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 RAO will be guided by principles set forth in the ADA Amendments Act of 2008. 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. Notwithstanding, the RAO may require medical information in order to design an appropriate and effective accommodation.

A manager, supervisor, region or Associate Director who believes that an employee may no longer need a reasonable accommodation should contact the RAO. The RAO will then contact the employee to discuss whether he or she has a continuing need for reasonable accommodation.

E. 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 SSS 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 SSS employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The RAO 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 RAO 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 RAO 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 Office of Information Technology generally will be consulted in connection with requests for assistive technology for computers. While IT 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:

- Managers and supervisors 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.

F. Timeframe for Processing Requests and Providing Reasonable Accommodations

1. Generally

The timeframe for processing a request (including providing accommodation, if approved) is as soon as possible but no later than 30 business days from the date the request is made. This 30-day period includes the 10-day timeframe in which the RAO must contact the requestor after a request for reasonable accommodation is made. (See Section II.C.1.)

Selective Service will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The timeframe above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The RAO 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 timeframe begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the RAO.⁹ Therefore, everyone involved in processing a request should respond as quickly as possible. This includes referring a request to the RAO, having the requestor or someone on behalf of the requestor contact a doctor if medical information or documentation is needed, and providing technical assistance to the RAO regarding issues raised by a request (e.g., information from a manager or supervisor regarding the essential functions of an employee's position, information from IT regarding compatibility of certain adaptive equipment with SSS's technology).

If the RAO must request medical information or documentation from a requestor's doctor, the timeframe will stop on the day that the RAO makes a request to the individual to obtain medical information or sends out a request for information or documentation up to 60 days, and will resume on the day that the information or documentation is received by the RAO.

If the disability is obvious or already known to the RAO, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the RAO 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 timeframe:

⁹ If an SSS official knows that a disability, such as an intellectual disability (formerly referred to as "mental retardation"), prevents a person from asking for a reasonable accommodation, and it appears that one may be needed, the official should ask the RAO whether accommodation is needed. The timeframe for processing a request begins when the official makes the inquiry on behalf of an employee.

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test his 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 a full shift day.
- 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.

2. 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.

3. Extenuating Circumstances

When all the facts and circumstances known to the agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the agency shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency.

G. Resolution of the Reasonable Accommodation Request(s)

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by using the “Resolution of Request” form (see Appendix B), as well as orally. The RAO will coordinate a meeting with the employee who made a request for reasonable accommodation and the employee’s manager or supervisor to discuss the resolution of the employee’s accommodation request as the final step of the interactive process. During this meeting, the RAO will have the manager or supervisor verify funds availability within the respective cost center for the purpose of procurement standpoint.

- 1) If SSS grants a request for accommodation, the RAO 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 SSS 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., SSS 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).

- 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 SSS believes that the chosen accommodation will be effective.
 - If the request is approved but the accommodation cannot be provided immediately, the RAO will inform the individual in writing of the projected timeframe for providing the accommodation.
- 2) If SSS denies a request for accommodation, the RAO will provide a written denial notice to the requestor at the time the request for accommodation is denied. Further, the notice will explain the reasons for the denial and notify the job applicant or employee of any available internal appeal or informal dispute resolution processes.

The explanation for the denial, on the “Resolution” form, will clearly state the specific reason(s) for the denial. This means that SSS cannot simply state that a requested accommodation is denied because of “undue hardship” or because it would be “ineffective.” Rather, the form 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 RAO will explore with the individual and manager or supervisor 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 RAO will explore whether there is a reasonable accommodation that will meet the employee’s needs.
- If the RAO offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the RAO will record the individual’s rejection of the alternative accommodation on the “Resolution” form.

The Resolution form includes information about the individual’s right to file an EEO complaint pursuant to 29 C.F.R. § 1614.106 and to invoke other statutory processes, as appropriate. (See Section L. Relation of Procedures to Statutory Claims)

Resources for Managers and Supervisors – Since the deciding official is typically the first-line manager or supervisor, it is advised that managers and supervisors reference resources from EEOC's website before making a decision:

- EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000)
<https://www.eeoc.gov/policy/docs/guidance-inquiries.html>
- EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002)
<https://www.eeoc.gov/policy/docs/accommodation.html>

H. Certification of Funds Availability

The agency officials who determine the requests for accommodations or make hiring decisions must be aware that to deny an accommodation merely on cost, must consider all other resources available to the agency as a whole, excluding resources designated by statute for a specific purpose that does not include reasonable accommodation, pursuant to 29 C.F.R. § 1614.203(d)(3)(ii)(A).

For those accommodations which require procuring, the RAO will conduct the market research and cost analysis benefits for the specific accommodation requested and equally effective alternative accommodation(s) as needed for comparison. Once the cost has been determined or a price quote guarantee has been confirmed with a vendor, then during the meeting to discuss the "Resolution of Reasonable Accommodation Request," the RAO will first follow up with the employee's manager or supervisor to verify whether or not the manager or supervisor can make the purchase using his or her inner office's funds.

A "Certification of Funds Availability" form (See Appendix D) is to be completed by the manager or supervisor certifying whether or not the funds are available using the office's funds to purchase the accommodation. Note, this certification will be filed with the employee's request and the manager or supervisor will be provided with a copy of the form.

If the manager or supervisor will make the purchase, the respective office budget COR or staffer will then initiate the procurement process.

If there are no funds available within the employee's office, the RAO will forward the request for certification of funds availability to Financial Management for processing.

The Reasonable Accommodation Case Log Number needs to be provided for reference on the Certification of Funds Availability form and coordination sheet.

I. Re-evaluation of Work-Schedule Accommodation

For individuals granted work-schedule accommodation, the manager or supervisor can ask for a re-evaluation of the accommodation based on the agency's operational requirements and the

employee's request for the work-schedule accommodation. In those cases, the employee may be asked to provide a justification update for the continued need for the work-schedule accommodation.

In cases where an employee's work-schedule accommodation is determined to create a hardship to the agency's operational mission, the RAO will be asked to coordinate a meeting with the employee and the employee's manager or supervisor to discuss whether there is a continued need for work-schedule accommodation, to determine if any adjustments can be made to the work-schedule accommodation, and to possibly reintegrate the employee back to the workforce internally.

Work-schedule accommodations are provided to the extent that the employee's disability necessitates it. Both the agency and the employee should be flexible in working out a schedule so that the employee's work is done in a timely manner in aligned with the duties assigned. Additionally, the agency and the employee will need to discuss how the employee will be supervised in cases of work-schedule accommodations.

J. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the EEO 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 or statutory claims. (See Section II.L. below.)

K. Information Tracking and Reporting

In order for SSS to ensure compliance with these procedures and the Rehabilitation Act, the RAO 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 to provide a qualitative assessment of SSS's ability to reasonably accommodate individuals with disabilities, including any recommendations for improvement of SSS's reasonable accommodation policies and procedures. This report will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals who 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.

L. Relation of Procedures to Statutory Claims

These procedures do not limit or supplant statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims remain unchanged, including the timeframes 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 Merit System Protection Board and/or employee grievance procedures.

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

- For an EEO complaint: contact the EEO Officer within 45 calendar 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.
- For adverse actions over which the Merits Systems Protection Board (MSPB) 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 or any other law. 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.”

M. INQUIRIES AND DISTRIBUTION

Any employee or applicant wanting further information concerning these procedures may contact the Reasonable Accommodation Officer (RAO) by e-mail at Jennifer.Burke@sss.gov.

These procedures shall be available to all employees on the agency’s employee portal under the EEO tab, as well as posted on SSS’s website. They will be highlighted 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 RAO by, or on behalf of, any SSS employee.

Donald M. Benton
Director

APPENDIX A

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION

1.

<hr/>	<hr/>
Applicant's or Employee's Name	Date of Request
<hr/>	<hr/>
Applicant's / Employee's Telephone & Email	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 the accommodation is time sensitive, please explain.*)

4. **Log No.:** _____ (**Assigned by RAO**)

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.

APPENDIX B

RESOLUTION OF REASONABLE ACCOMMODATION REQUEST

Numbers 1-3 must be completed. Complete numbers 4-7 only 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

APPENDIX B continued

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) _____
6. Detailed reason(s) for denial (Must be specific, e.g., why accommodation would be ineffective or cause undue hardship):
7. If the deciding official offered an accommodation that is different from the one originally requested, explain: (a) the reasons for the denial of the accommodation originally requested; and (b) why the alternative accommodation would be effective.
8. An individual who disagrees with the resolution of the request may ask the EEO Director to reconsider that decision within 10 business days of receiving the "Resolution" form. Note that requesting reconsideration does not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

APPENDIX B continued

9. If you are dissatisfied with the resolution and wish to pursue administrative, statutory, or collective bargaining rights, you must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor within 45 days from the date of receipt of this Form or a verbal response (whichever comes first).

- For adverse actions over which the Merit Systems Protection Board has jurisdiction, initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

Printed name of Associate Director

Signature of Associate Director

Printed name of Supervisor/Manager

Signature of Supervisor/Manager

Printed name of Employee

Signature of Employee

Printed name of Reasonable Accommodation Officer

Signature of Reasonable Accommodation Officer

Date reasonable accommodation denied/approved _____

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 (Full explanation will be attached to this document)
- In Progress

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

2. Date accommodation requested: _____

Who received request: _____

3. Date accommodation request referred to Reasonable Accommodation Officer, if applicable:

4. Determined that individual does _____ or 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 timeframes outlined in the procedures were not met, explain why.

APPENDIX C continued

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 Function or Accessing the Work Environment
 - Accessing a Benefit or Privilege or Employment (*e.g., attending a training program or social event*)
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

CERTIFICATION OF FUNDS AVAILABILITY

A request for reasonable accommodation was submitted to the Reasonable Accommodation Officer. The employee's disability has been vetted and documented, as well as any supporting document as needed for processing the request. For any accommodation that requires procuring, there is a verification of funds availability made in the final step of the interactive process.

The checklist below certifies whether or not the funds are available to procure the items requested for accommodation. First, the supervisor needs to verify if there are funds in his/her cost center. If not, the Reasonable Accommodation Officer will then check with Financial Management for available funds.

INSTRUCTIONS: The employee's supervisor is to check the appropriate box to certify whether or not funds are available within his/her cost center. If no funds are available, the Reasonable Accommodation Officer will forward the request for funds availability to Financial Management. Then, Financial Management will certify availability of funds for the requested accommodation.

Reasonable Accommodation Log No. : _____

Supervisor:

Funds are available within the office's cost center to purchase the approved reasonable accommodation. The office's budget staffer / COR will process this request for reasonable accommodation using the office's respective cost center.

Funds are NOT available within the office's cost center to purchase the requested accommodation. I certify this fact is true and forward the request for funds to the Reasonable Accommodation Officer to give to Financial Management to request for available funds.

Supervisor's Signature

Supervisor's Printed Name

Date

APPENDIX D (continued)

CERTIFICATION OF FUNDS AVAILABILITY

If the funds are NOT available using the employee's respective cost center, the request for funds will be certified by Financial Management. This portion is only completed if the request for funds is submitted to Financial Management for certification.

Financial Management:

Funds are available for procuring the requested accommodation.

Funds are NOT available for procuring the requested accommodation.

If the funds are NOT available, please explain when the funds will be available or if the request presents an undue financial hardship to the agency.

Chief Financial Management Officer's Signature

Printed Name of CFO

Date

APPENDIX E

REQUESTING SIGN LANGUAGE INTERPRETERS

1. 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 the Reasonable Accommodation Officer. **Please check to see if interpreter service is available before scheduling the date, time, and place of the event.**

Requests for interpreters are accepted and scheduled on a first-come, first-serve basis – with exceptions considered on a case-by-case basis. Interpreting for official SSS 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 an interview, meeting, or event will last longer than one half hour, arrangements may be made for more than one interpreter to be present, or the interview, 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 a contract interpreter.

2. WORK EVENTS OUTSIDE THE WORKPLACE. SSS 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, SSS has the discretion to try to arrange for the sponsoring organization to provide all or part of the interpreting service. However, SSS recognizes its responsibility to ensure that an employee has interpreting services for such events, and this may include providing a contract interpreter if necessary.

When an employee attends a meeting, conference, or training program outside the workplace, and SSS will be providing the interpreter(s), SSS will send or hire on site a contract interpreter(s). If SSS provides transportation for or reimburses the travel costs of the employee, it will also provide for/reimburse travel costs for the contract 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 contract interpreter(s).

3. 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, Diversity Day Picnic – scheduled during official government time and which might be attended by employees who are deaf or hard of hearing. Arrangements will be made for contract interpreting services for these events. Any fees associated for the attendance of the contract interpreter(s) will be borne by SSS.

4. 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 Federal Relay Service, telecommunication relay service available to all SSS employees may serve telephone needs when a sign language interpreter is not available.

APPENDIX F

PERSONAL ASSISTANCE SERVICES

1. **PERSONAL ASSISTANCE SERVICES.** The SSS will provide for personal assistance services, if appropriate. Personal assistance services are sign language interpreters, readers, and assistants who perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a charge file. The investigator will perform the essential functions of the position – e.g., conduct the investigation and draft documents – and the assistant would only perform the physical task.

2. **REQUEST FOR PERSONAL ASSISTANCE SERVICES.** Requests for hiring a personal assistant must be referred to the Reasonable Accommodation Officer (RAO) from the SSS staff member who received the request. The RAO will first determine whether personal assistants already hired by the SSS can fulfill an employee's needs. The RAO also will determine if an employee's needs could be met by contracting for services (e.g., a contract interpreter), and if so, will make the necessary arrangements. If the RAO grants the request to hire a personal assistant, the employee's Associate Director, in consultation with the Human Resources Officer, if necessary, should prepare a Request for Personnel Action (SF-52) and a position description. The employee with a disability must play an integral part in the interview and selection process of an interpreter, reader, or assistant.

3. **USE OF PERSONAL ASSISTANCE SERVICES.** Positions for personal assistants are to be used **only** to hire interpreters, readers, and assistants as a reasonable accommodation for employees with disabilities. Personal assistants hired shall be shared to provide assistance to more than one employee with a disability, where appropriate. These personal assistants **may not** be assigned any other duties unless the person they were hired to assist has no work for them to perform at that time. Before assigning other duties to the personal assistant, the employee with the disability shall be consulted to determine when personal assistance services are not needed. If the supervisor is not the employee with a disability, he or she must consult with the employee with a disability regarding the personal assistant's performance evaluation.

In no case should a personal assistant be called upon – by management or by the employee(s) to whom he or she is assigned – to perform the essential functions of the job held by the employee with the disability.

4. **HIRING AUTHORITY.** Readers, interpreters, or assistants hired to fill approved positions may be appointed under the non-competitive Schedule A authority, 5 CFR 213.3102 (II) ["II" is double "L"]. Persons with disabilities hired as readers, interpreters, or assistants may also be hired under the 213.3102 (u) authority.

5. **RELEASE OF POSITIONS.** When the need for a personal assistant is reduced or eliminated, the employee's supervisor shall notify the RAO who will take appropriate steps.

APPENDIX G

SELECTED REASONABLE ACCOMMODATION RESOURCES

1. U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice); 1-800-800-3302 (TT)

<https://www.eeoc.gov>

EEOC has published many ADA 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.

2. Job Accommodation Network (JAN)

1-800-526-7234 (Voice); 877-781-9403 (TTY)

<https://askjan.org/>

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.

3. 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.

4. Registry of Interpreters for the Deaf

(703) 838-0030 (Voice); (571) 257-3957 (VP)

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

5. RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<https://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

6. Computer/Electronic Accommodations Program (CAP)

<http://www.cap.mil/>

Provides reasonable accommodation solutions to DoD members and participating agencies.

7. U.S. Department of Agriculture: TARGET Center

<https://www.targetcenter.dm.usda.gov/>

Provides assistive technology and ergonomic solutions to assist Federal employees with disabilities.