



# Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

A Mandatory Reference for ADS Chapter 110

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# **U.S. Agency for International Development (USAID) Procedures for Providing Reasonable Accommodation for Employees and Applicants with Disabilities**

## **I. PURPOSE**

This document prescribes the U.S. Agency for International Development's (USAID) policy directives and required procedures for processing requests for reasonable accommodation for employees and qualified job applicants with disabilities.

## **II. AUTHORITY**

(a) [The Rehabilitation Act of 1973](#), as amended, provides for reasonable accommodation and prohibited disability based discrimination against Federal employees and applicants for Federal employment.

(b) [Equal Employment Opportunity Commission: "Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation."](#) dated October 20, 2000, requires Federal agencies to establish written procedures for processing requests for reasonable accommodation.

## **III. DEFINITIONS OF KEY TERMS**

### **decision maker**

The person or group of people that handles the request for accommodation is the decision maker. The first-line supervisor, the Bureau/Independent Office (B/IO) director, or the Disability Review Committee (DRC) is the decision maker for requests from employees for a reasonable accommodation. The human resources specialist in the Office of Human Resources is the decision maker for requests from applicants for reasonable accommodation.

### **disability**

The term "disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

### **essential functions**

Job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function may 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;  
or

- The function is specialized and an individual is hired based on his or her ability to perform it.

Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed and not simply the components of a generic position description.

### **major life activities**

These activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

A major life activity also involves the operation of major bodily functions, including, but not limited to functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

### **qualified individual with a disability**

An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the position, with or without reasonable accommodation.

### **reasonable accommodation**

Any change in the work environment or application process that enables a person with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations: (1) changes to a job application process to permit people with disabilities to be considered for jobs; (2) changes that enable people with disabilities to perform the essential functions of a job; and (3) changes that give people with disabilities equal access to the benefits and privileges of employment.

Some examples of reasonable accommodation include:

- Making existing facilities readily accessible,
- Job restructuring,
- Modifying work schedules,
- Acquiring or modifying equipment or devices,
- Providing qualified readers or interpreters, or
- Reassignment to a funded, vacant position.

Reassignment is the accommodation of last resort. When a determination is made that there is no reasonable accommodation that allows the employee to perform the essential function of his or her current position or if the only effective accommodation in that position causes undue hardship, the Agency must consider reassignment. The Agency must search for a vacant, funded position that the employee qualifies for and may perform the essential functions of the position with or without reasonable accommodation. A vacant position is one that (1) is available when the employee asks for the reasonable accommodation or (2) will become available within a reasonable

amount of time. A "reasonable amount of time" is determined on a case-by-case basis considering relevant facts, such as whether it is anticipated that an appropriate position will become vacant within a short period of time.

In the absence of a position at the same grade level, the Agency must offer a reassignment to a vacant position, for which the individual is qualified, at the highest available grade level below the employee's current grade or level. The Office/Bureau director and the Director, Office of Human Resources, must be involved in reassignments.

### **undue hardship**

An action requiring significant difficulty or expense when considered in light of factors such as the nature and cost of the accommodation requested; the mission of the organization that the accommodation would impact; the structure and composition of the organization; and any pertinent legal or agency precedents.

## **IV. USAID POLICY ON REASONABLE ACCOMMODATION**

It is USAID's policy to comply with all of the reasonable accommodation requirements of Federal laws and statutes. USAID is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure that individuals with disabilities enjoy full access to equal employment opportunity at USAID. The Agency provides reasonable accommodations to:

- Enable a qualified job applicant with a disability to have an equal opportunity to participate in the application process and be considered for a job;
- Enable an employee with a disability to perform the essential functions of a position or access the workplace; and
- Allow an employee with a disability to enjoy equal benefits and privileges of employment as similar employees without disabilities.

USAID processes requests for reasonable accommodation and, when applicable, provides it in a prompt, fair, and efficient manner.

## **Requests for Reasonable Accommodation**

### **Initiating a Request**

A request for reasonable accommodation is a written or oral statement that an individual needs an adjustment or change due to a reason related to a medical condition, at work, in the job application process, or with a benefit or privilege of employment. A request does not require special terminology such as "reasonable accommodation," "disability," or "Rehabilitation Act." The reasonable accommodation process begins as soon as the request for accommodation has been made and must be addressed in a timely manner.

## **Who May Make a Request and Where Does the Individual Direct It?**

- An employee may request a reasonable accommodation orally or in writing from his or her supervisor, another supervisor or manager in his or her immediate chain of command, the disability program manager in the Office of Equal Opportunity Programs (EOP), or the Disability Review Committee (DRC) chairperson.
- A job applicant may request a reasonable accommodation orally or in writing from a human resources specialist, Office of Human Resources; servicing personnel; or any USAID employee with whom the applicant has contact related to the application process.
- A family member, health professional, or other representative may request an accommodation on behalf of an employee or job applicant. The request should be sent to an individual covered under the previous two bullet points.

## **Written Requests for Record Keeping Purposes**

In order for USAID to monitor and track requests for accommodation, employees seeking a reasonable accommodation must follow up an oral request either by completing the "Confirmation of Request for Reasonable Accommodation" form (see Appendix A) or confirming their request in writing (e-mail is acceptable) within five working days of the oral request. However, neither noncompletion of the form nor nonsubmittal of a written confirmation relieves the Agency of its obligation to appropriately process the request.

For job applicants seeking a reasonable accommodation, they must follow-up an oral request by submitting a written request to the human resources specialist processing the vacancy. Job applicants do not need to complete a "Confirmation of Request for Reasonable Accommodation" form. If an individual with a disability requires assistance with this requirement, the staff member receiving the request must provide that assistance.

The original receiver of a reasonable accommodation request must also forward a copy of a written request, or document an oral request notifying the disability program manager in EOP that a request for reasonable accommodation has been made.

The Agency does not require additional requests when an individual needs a reasonable accommodation on a repeated basis, for example, the assistance of sign language interpreters.

## **Processing Requests for Reasonable Accommodation**

The receiver of a reasonable accommodation request will forward it to the appropriate person for immediate processing.

The decision maker for a reasonable accommodation request is the first-line supervisor, the B/IO director, or the Disability Review Committee for employees and the human resources specialist for job applicants. The decision maker's specific duties include:

- Identifying the specific reasonable accommodations requested and needed;
- Deciding if medical documentation is necessary to process the request;
- Determining whether the request imposes an undue hardship on USAID, and if so, whether there are alternative accommodations that are appropriate; and
- Approving or disapproving the request for accommodation.

The decision maker and the individual requesting a reasonable accommodation must open a line of communication to discuss the request and the process for determining an accommodation.

### **Disability Review Committee (DRC)**

Most requests for reasonable accommodation may be approved at the supervisory level, particularly those of a minor nature. However, because an accommodation may be complex or require Agency expenditures, it may be appropriate for the request to be referred directly to the DRC for processing.

The DRC is composed of one representative each from EOP; the Office of the General Counsel; the Office of Human Resources; the Office of Administrative Services; and, on an annual rotating basis, an employee from the Agency's disability community that is designated by the Director, EOP. When an accommodation issue will be discussed, the DRC must invite, on a nonvoting basis, a representative from the B/IO that the accommodation would directly affect.

For appeals, see Section XII of this document.

### **The Interactive Process**

Upon receipt of either a verbal or written request for accommodation, the interactive process begins to determine what, if any, accommodation should be provided. This means the individual requesting the accommodation and the decision maker must talk to each other about the request and the process for determining whether an accommodation will be provided.

Communication is a priority throughout the entire process. Ongoing communication is particularly important when the specific limitation, problem, or barrier is unclear; when an effective accommodation is not obvious; or, when the parties are each considering different possible accommodations. If the need for accommodation and the type of accommodation is clear, extensive discussions are not necessary. However, the decision maker and the requesting individual should still talk to each other to ensure that there is a full exchange of relevant information to avoid misunderstandings and problems.



### **Job Applicant Requests for Accommodation**

The human resources specialist must respond in a timely manner that will enable the requester to participate in the job application process prior to the expiration of the vacancy announcement.

### **Employee Requests for Accommodation**

The decision maker must proactively identify and consider all possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should assist in identifying an appropriate solution.

### **Requests for Medical Documentation**

An employee or applicant must notify the Agency that he or she has a covered disability that requires a reasonable accommodation.

- In some cases, the disability and need for accommodation are obvious or otherwise known to the decision maker. In these cases, the Agency cannot seek further medical information to evaluate a request for reasonable accommodation.
- If an employee or applicant requests an accommodation and the disability or the justification for the accommodation is not obvious, the decision maker may request medical documentation of the individual's disability. The decision maker makes a request to the DRC to obtain the medical information. Failure of an employee or applicant to provide appropriate documentation or cooperate with the Agency may result in a denial of the reasonable accommodation.
- If the employee or applicant does not wish to share medical documentation with the first line supervisor or B/IO director, the individual must provide such information to the DRC.

### **DRC Role**

- The DRC makes the determination whether medical documentation is necessary. If it is not necessary, the DRC shall immediately return the request to the decision maker to complete the processing.
- The DRC may seek medical information if it determines that the information is needed to substantiate that the individual has a disability and needs the reasonable accommodation. Only relevant information may be requested. When a disability is not obvious, the DRC may require that the individual submit documentation that:
  - Describes the nature, severity, and duration of the individual's impairment;
  - Describes the activity or activities that the impairment limits and the extent of the limitations on the employee's or job applicant's ability to perform necessary activities;
  - Substantiates why the requested accommodation is needed and how the reasonable accommodation will assist the individual to apply for a job,

perform the essential functions of the job, or equally enjoy a benefit or privilege of the workplace.

- The DRC may require that medical documentation concerning a disability or functional limitation comes from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor.
- In order for a health professional to provide useful information concerning the employee's or job applicant's ability to perform a particular job, the DRC should provide information to the health professional concerning the nature of the position, essential functions the individual would perform in the position, and other information relevant to evaluating the request.
- The DRC may request that the Agency's health professional review an employee's or job applicant's medical information, at the expense of the Agency, to assist in making a determination of the request for reasonable accommodation.
- The DRC has a right to request that an employee or job applicant submit to a medical examination only when:
  - The individual has provided insufficient documentation from his or her health professional to substantiate the existence of a disability and the need for reasonable accommodation.
  - An employee or applicant fails to provide sufficient documentation of his or her disability and the need for reasonable accommodation. Before requesting a medical examination, the DRC must inform the employee or applicant that the previously submitted documentation is insufficient, identify the specific type of information that is being sought, and allow the individual the opportunity to provide the information. If the individual does not provide the information, the DRC may request that a private or State Department health professional examine the employee or the applicant, at the Agency's expense, or that the Agency's health professional contact the individual's health professional to make the appropriate inquiry. In conjunction with this request, the DRC must explain to the employee or applicant that failure to agree to take the medical examination could result in denial of the accommodation.

## Privacy

- Medical documentation may contain sensitive information about an employee or job applicant. This information must be kept confidential and maintained in secure files separate from the individual's personnel file. The disability program manager in EOP must maintain custody of all records obtained or created during the processing of a request for reasonable accommodation. The records must be maintained in accordance with the [Employee Medical File System Records, OPM/GOVT 10](#), and [29 CFR 1611](#).

- Only the decision maker or those persons required to assist the decision maker should review and discuss medical documentation submitted by an employee or applicant for a reasonable accommodation request.
- Medical documentation must only be disclosed to:
  - Direct supervisors and managers and managers who must be informed of the necessary restrictions on the work or duties of the employee and the necessary accommodation.
  - First aid and safety personnel if the disability may require emergency treatment.
  - Government officials who may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act.
  - Safety personnel who provide assistance during an emergency evacuation.
  - Personnel processing worker's compensation claims in certain circumstances.
- Whenever medical information is disclosed, the individual disclosing the information must inform the recipient about the confidentiality requirements that apply.

### **Granting Reasonable Accommodation Request**

When the decision maker determines that a reasonable accommodation must be provided, he or she should immediately convey this information to the individual. If the accommodation cannot be provided immediately, the decision maker must inform the individual of the projected time frame for the accommodation.

For record keeping purposes, the decision maker must complete a "Reasonable Accommodation Information Reporting" form (see Appendix C). A copy of this completed form must be given to the individual making the request and the disability program manager in EOP.

Once a request for a reasonable accommodation has been approved, the employee or applicant does not have to file another request for the same or similar accommodation if he or she requires the accommodation on a continuous basis. A new request must be submitted in accordance with this regulation only if a request for accommodation involves a new or different disability or requires an accommodation that is significantly different than what the Agency previously approved.

### **Denial of Reasonable Accommodation Request**

When the decision maker denies a request for reasonable accommodation, the decision maker must notify the requesting individual in writing through the "Notice of Denial of Reasonable Accommodation Request" form (see Appendix B). A copy of this form must also be given to the disability program manager in EOP. The reasons for denying the

request must be written in plain and understandable language. Absent extenuating circumstances, the decision maker must make this notification within 10 working days.

If the Agency denies a specific reasonable accommodation, but offers an alternate reasonable accommodation, the notice should explain the specific reasons for the denial and the reason that another accommodation is an acceptable alternative.

Reasons for denying a request for reasonable accommodation may include, but are not limited to, the following:

- Medical documentation did not establish that the individual has a disability or needs a reasonable accommodation.
- The requested accommodation would not be effective.
- Providing the requested accommodation would result in an undue hardship to the Agency. Before reaching this determination, the decision maker must explore whether other effective accommodations exist which would not impose undue hardship to the Agency and therefore can be provided.
- The requested accommodation would require lowering a performance or production standard.
- The requested accommodation would require the removal of an essential function.

The written notice of denial must inform the individual making the request for reasonable accommodation of the following rights:

- The employee or applicant has the right to request reconsideration of the denial.
- The employee or applicant has the right to file an Equal Employment Opportunity complaint.
- The employee has the right to participate in the Agency's Alternative Dispute Resolution.

## **Time Frames for Processing Requests and Providing Reasonable Accommodations**

USAID will process requests for reasonable accommodations and provide accommodations as soon as reasonably possible. The amount of time necessary to respond to a request for reasonable accommodation depends on the nature and extent of the disability and the requested accommodation; therefore, we cannot establish a specific time frame for a response to a request. Time frames by which to issue a decision on the request should, however, be as short as reasonably possible, usually within ten working days, absent extenuating circumstances. Once an accommodation is approved, the Agency will provide the accommodation, again in as short a time frame as reasonably possible, absent extenuating circumstances.

## **Expedited Processing**

In certain circumstances, a request for a reasonable accommodation requires an expedited review and decision in less than 10 working days. Expedited review and decision would be required:

- To enable a job applicant to apply for a job before the expiration of the vacancy announcement. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions there may be a need to expedite a request for reasonable accommodation in order 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 in the near future. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five working days.

## **Extenuating Circumstances**

Extenuating circumstances are those situations that could not have been reasonably anticipated or avoided in advance of the request for a reasonable accommodation. Under extenuating circumstances, the time necessary to process a request or to implement an accommodation may be extended as reasonably necessary.

Examples of extenuating circumstances are:

- There is an outstanding initial or follow-up request for medical information.
- The purchase of needed specialized equipment may take an extended period of time because of Federal Acquisition Regulation requirements and USAID Acquisition Policies and Procedures.
- Needed equipment, goods, or services are not immediately available.
- An accommodation involves the removal of architectural barriers.

## **Notification of Delay**

When extenuating circumstances exist, the decision maker must notify the individual requesting the reasonable accommodation of the delay, the reason for it, and the expected date for the decision or implementation of the accommodation.

If there is a delay in providing an accommodation, which has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee during the interim.

## **Appeal Process**

### **Informal Dispute Resolution (Reconsideration)**

Employees or job applicants with disabilities may request prompt reconsideration of a denial of a request for reasonable accommodation.

1. An appeal must be filed within five working days of receipt of the notice of the

denial.

2. The request for reconsideration may be either oral or written and must be communicated directly to the decision maker.
3. The individual may support his or her request by presenting additional documentation not previously considered by the decision maker.

### Decision Makers

- If the decision maker was the supervisor and he or she does not reverse the decision, the requester may appeal to the B/IO director. The director must act on the appeal within 10 working days.
- If the decision maker was the B/IO director and he or she does not reverse the decision, the individual may request reconsideration by the DRC. The DRC must act on this request within 10 working days.
- If the decision maker was the DRC, the requester may request reconsideration through the director of the USAID Office of Equal Opportunity (EOP). The director, EOP, must act on this request within 10 working days.

### Statutory/Other Dispute Resolution Remedies

An individual who chooses to pursue statutory or alternative dispute resolution (ADR) remedies for denial of reasonable accommodation may use these resources:

- **Equal Employment Opportunity Commission (EEOC):** Pursuant to [29 C.F.R. Part 1614](#), contact an Equal Employment Opportunity counselor in EOP within 45 days from the date of receipt of the written notice of denial of the request for reasonable accommodation.
- **Merit System Protection Board (MSPB):** Pursuant to [5 C.F.R., Part 1201](#), present an appeal to the MSPB within 30 days of the effective date of an appealable adverse action.
- **Alternative Dispute Resolution (ADR) (*employee only*):** Contact EOP to initiate a request for participation in the Agency's ADR process.

Note that pursuing any of the informal resolution procedures, such as seeking reconsideration from the decision maker or the director of EOP, does not affect the time limits for initiating statutory claims. An individual's participation in any or all of these informal resolution processes does not satisfy the time frame requirements for bringing a claim under the EEOC or the MSPB.

### Information Tracking and Reporting

The disability program manager must maintain records regarding requests for reasonable accommodation.

- All records must be maintained for the duration of the employee's tenure with USAID.

- All records must be maintained in accordance with the [Employee Medical File System Records, OPM/GOVT 10](#).
- Cumulative records used to track the Agency's performance with regard to reasonable accommodation must be retained for at least three years.
- All records must be maintained separately from personnel files.
- A decision maker must not keep official records of reasonable accommodation requests. The requests and supporting documentation, in particular those concerning medical information, are not to become part of a personnel file.

A decision maker must complete the "Reasonable Accommodation Information Reporting" form (Appendix C) and submit it to the EOP disability program manager within 10 working days of issuing a decision. All records involving reasonable accommodation requests received as part of processing the request must be forwarded to the disability program manager for monitoring, storage, and maintenance.

### **Tracking**

The Agency must track the processing of requests for reasonable accommodation. The disability program manager in EOP must prepare an annual report for the EEOC and made available to Agency employees upon request. The report should contain the:

- Number of reasonable accommodations requested, in total and by type of requested accommodation;
- Number of approved and denied requests, in total and by type of requested accommodation;
- Jobs (including the occupational series, grade level, and agency component) for which reasonable accommodations have been requested;
- Number of reasonable accommodations for each job, by type of requested accommodation, that have been approved, and the number for each job, by type, that have been denied;
- Number of requests for reasonable accommodations, by type of accommodation, relating to the benefits or privileges of employment. In addition, the number by type that have been granted or denied;
- Reasons for denial of requests for reasonable accommodations;
- Amount of time taken to process each request for reasonable accommodation; and
- Sources of technical assistance that have been consulted during consideration of possible reasonable accommodations.

## **Additional Guidelines**

### **Funding**

#### Centralized Fund for Qualified Individuals with Disabilities

The Agency has a centralized fund located in M/AS to pay for reasonable accommodation for qualified individuals with disabilities as defined in the Rehabilitation Act of 1973. The Agency uses the fund to meet its legal obligation to accommodate qualified individuals with disabilities.

Upon receipt of an implementation memorandum from the DRC, the Management Bureau must provide the funds the DRC approves for reasonable accommodations.

#### Ergonomic Equipment

For ergonomic requests, if the individual's condition does not rise to the level of a disability as defined in the Rehabilitation Act of 1973, the respective B/IO must fund the required equipment.

USAID has an obligation to ensure that not only individuals with disabilities but also those experiencing pain or discomfort caused by or associated with workstations are reasonably accommodated.

For questions or concerns regarding ergonomic furniture as a reasonable accommodation, contact the chairman of the DRC, located in EOP.

### **Distribution of Reasonable Accommodation Procedures**

The reasonable accommodation procedures must be distributed to all employees immediately after publication on the website and then annually thereafter. Additionally, the procedures must be posted on the Agency's intranet and external sites as a mandatory internal reference for ADS Chapter 110. A new employee must receive a copy of the procedures as part of his or her orientation. Vacancy announcements must include language about the Agency's policy for providing reasonable accommodation to individuals with disabilities during the job application process.

These procedures are available in alternative formats upon request by contacting EOP.

### **Scheduling Sign Language Interpreters**

The individual office scheduling a meeting or event requiring sign language interpreting services must send a request to the Bureau for Management, Office of Administrative Services. The Bureau strongly encourages advance scheduling. Because it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may require that your meeting be rescheduled to when an interpreter's services are available.



**Inquiries**

Questions concerning these procedures may be directed to the director, EOP, at (202) 712-1110.

**APPENDIX A**

U.S. Agency for International Development

**CONFIRMATION OF REQUEST FOR REASONABLE  
ACCOMMODATION**

**1. REQUESTER INFORMATION**

JOB APPLICANT OR EMPLOYEE NAME

JOB APPLICANT OR EMPLOYEE TELEPHONE NO.

( )

JOB APPLICANT OR EMPLOYEE ADDRESS

EMPLOYEE OFFICE OR OFFICE FOR WHICH JOB  
APPLICANT IS REQUESTING REASONABLE  
ACCOMMODATION

JOB APPLICANT OR EMPLOYEE E-MAIL

DATE OF REQUEST

If you are completing the form on behalf of an employee/applicant, provide your name, address, telephone number, and relationship to employee/applicant.

**2. REASONABLE ACCOMMODATION REQUESTED (Be as specific as possible.)**

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**3. REASON FOR REQUEST**

IF REASONABLE ACCOMMODATION IS TIME-SENSITIVE, PLEASE EXPLAIN THE NEED FOR EXPEDITED SERVICE:

**RETURN FORM TO DISABILITY PROGRAM MANAGER (DPM) IN EOP**

(DISABILITY PROGRAM MANAGER WILL ASSIGN LOG NUMBER)

4. SIGNATURE OF REQUESTER

5. LOG NUMBER

6. NAME OF RECEIVING OFFICIAL (if other than DPM)

7. SIGNATURE OF RECEIVING OFFICIAL (if other than DPM)

This form is necessary for recordkeeping purposes.

## **PRIVACY ACT STATEMENT**

Pursuant to the Privacy Act of 1974, 5.U.S.C. § 522a, USAID furnishes the following statement to individuals supplying information for a request for a reasonable accommodation at USAID.

**AUTHORITY:** Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, 794, 794d.

**PURPOSES AND ROUTINE USES:** USAID collects this information for use in determining whether individuals are entitled to a reasonable accommodation. This information is collected and maintained by USAID.

Information collected in connection with a request for reasonable accommodation is confidential. It is shared only with Agency officials or Agency contractors who need to review the information to make determinations on a reasonable accommodation request.

**EFFECT OF NONDISCLOSURE: Supplying the information is voluntary on your part.** However, without requested information, USAID will not be able to process requests for reasonable accommodation.

## APPENDIX B

U.S. Agency for International Development

### DENIAL OF REASONABLE ACCOMMODATION REQUEST

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1. NAME OF REQUESTER

---

2. TYPE(S) of REASONABLE ACCOMMODATION REQUESTED

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3. REQUEST FOR REASONABLE ACCOMMODATION DENIED BECAUSE (May check more than one box.)

- Medical Documentation Inadequate
- Accommodation Would Require Removal of an Essential Function
- Accommodation Would Require Lowering of Performance or Production Standards
- Accommodation Would Cause Undue Hardship To Agency
- Accommodation Would Be Ineffective
- Other (Please identify.) \_\_\_\_\_
- 

4. DETAILED REASON(S) FOR THE DENIAL OF REASONABLE ACCOMMODATION (Must be specific as to why reasonable accommodation is ineffective or causes undue hardship.) Please submit your response on a separate sheet of paper, attached to this form.

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5. If the requester rejects an offer of an alternate accommodation, describe the alternate proposal and explain the reason for rejection of the offered accommodation and why the Agency believes the alternate accommodation would be effective. Please use a separate sheet of paper for your response if necessary.


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6. APPELLATE RIGHTS (Decision makers must inform the employee/job applicant of these rights.)

Requesters have the right to ask the decision maker to reconsider the denial of a request for reasonable accommodation within five business days of receiving this Notice of Denial of Reasonable Accommodation Request. A requester may present additional information to support this request. If the decision maker does not reverse the decision, please see page 12 of ADS 110 for further options.

Requesters may also use other statutory or informal processes to appeal their case:

- **Equal Employment Opportunity Commission (EEOC):** Pursuant to 29 C.F.R. Part 1614, contact an Equal Employment Opportunity counselor in the Office of Equal Opportunity Programs (EOP) within 45 days from the date of receipt of the written notice of denial of the request for reasonable accommodation.
  - **Merit System Protection Board (MSPB):** Pursuant to 5 C.F.R., Part 1201, present an appeal to the MSPB within 30 days of the effective date of an appealable adverse action.
  - **Alternative Dispute Resolution (ADR) (employees only):** Contact EOP to initiate a request for participation in the Agency's ADR process.
-

7. LOG NUMBER	NAME OF DECISION MAKER (PRINT)	SIGNATURE OF DECISION MAKER
DATE REASONABLE ACCOMMODATION WAS DENIED:	<b>PRIVACY ACT STATEMENT</b> 	

## **PRIVACY ACT STATEMENT**

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## APPENDIX C

U.S. Agency for International Development

### REASONABLE ACCOMMODATION INFORMATION REPORTING

1. REASONABLE ACCOMMODATION <input type="checkbox"/>	APPROVED <input type="checkbox"/>	DENIED (attach a copy of denial notice)
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2. REQUESTER INFORMATION

NAME	TELEPHONE NUMBER
IF EMPLOYEE, PROVIDE USAID OFFICE	IF JOB APPLICANT, PROVIDE ADDRESS

3. DATE OF REASONABLE ACCOMMODATION REQUEST

RECEIVED BY

4. DATE REQUEST REFERRED TO DECISION MAKER	NAME OF DECISION MAKER
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5. DATE REQUEST APPROVED OR DENIED	6. DATE REASONABLE ACCOMMODATION PROVIDED (if different from the approved date)
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7. IF TIME FRAMES OUTLINED IN THE REASONABLE ACCOMMODATION PROCEDURES WERE NOT MET, PLEASE EXPLAIN WHY (continue response on separate sheet of paper if necessary)

8. JOB HELD OR APPLIED FOR BY INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION (including occupational series, grade level, and office)

9. REASONABLE ACCOMMODATION NEEDED FOR (check one):

JOB APPLICATION PROCESS       PERFORMING JOB FUNCTIONS OR ACCESSING THE WORK ENVIRONMENT

ACCESSING A BENEFIT OR PRIVILEGE OF EMPLOYMENT (such as attending a training program)

10. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED

11. TYPE(S) OF REASONABLE ACCOMMODATION PROVIDED (If different from what was requested)

12. WAS MEDICAL INFORMATION REQUIRED TO PROCESS THIS REQUEST?

13. SOURCES OF TECHNICAL ASSISTANCE, IF ANY, CONSULTED FOR PROCESSING REASONABLE ACCOMMODATIONS REQUEST (such as Job Accommodation Network, Computer Electronic Assistance Program)

14. COMMENTS

15. LOG NUMBER

SIGNATURE OF DECISION MAKER

NAME OF DECISION MAKER (Please print.)

TELEPHONE NUMBER OF DECISION MAKER

ACKNOWLEDGEMENT OF RECEIPT

EOP Disability Program Manager



## **PRIVACY ACT STATEMENT**

Pursuant to the Privacy Act of 1974, 5.U.S.C. § 522a, USAID furnishes the following statement to individuals supplying information for a request for a reasonable accommodation at USAID.

**AUTHORITY:** Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, 794, 794d.

**PURPOSES AND ROUTINE USES:** USAID collects this information for use in determining whether individuals are entitled to a reasonable accommodation. This information is collected and maintained by USAID.

Information collected in connection with a request for reasonable accommodation is confidential. It is shared only with Agency officials or Agency contractors who need to review the information to make determinations on a reasonable accommodation request.

**EFFECT OF NONDISCLOSURE: Supplying the information is voluntary on your part.** However, without requested information, USAID will not be able to process requests for reasonable accommodation.

## APPENDIX D

### SOURCES OF INFORMATION ON REASONABLE ACCOMMODATION

#### 1. U.S. Equal Employment Opportunity Commission

1-800-669-4000 (Voice)

1-800-800-6820 (TTY)

Web: <http://www.eeoc.gov/>

The Equal Employment Opportunity Commission's (EEOC) Publication Center provides many free documents on the reasonable accommodation provisions of the Americans with Disabilities Act (ADA), including the statute, 42 U.S.C. 12101 et seq., and the regulation, 29 CFR 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship.

The three main sources of interpretive information for reasonable accommodation are the:

- (1) Interpretive Guidance accompanying the Employment Provisions (Title I) of the Americans with Disabilities Act (also known as the "Appendix"), 29 C.F.R. Part 1630 app. 1630.2(0) and (P), 1630.9;
- (2) [Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act;](#) and
- (3) Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, <http://www.jan.wvu.edu/links/adatam1.html>. The manual includes a 200-page resource directory, listing Federal and state agencies and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has published the following guidance documents that include discussion of reasonable accommodation issues: (1) Enforcement Guidance: Pre-employment Disability Related Questions and Medical Examinations; (2) Enforcement Guidance: Workers Compensation and the ADA; (3) Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities; (4) Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964; and (5) Enforcement Guidance: Disability Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act.

All of these documents provide guidance that applies to Federal agencies per the Rehabilitation Act of 1973, 29 U.S.C. 791.

1 800 669-4000 (Voice)

## **2. Job Accommodation Network**

1-800-232-9675 (Voice/TTY)

<http://www.jan.wvu.edu/>

The Job Accommodation Network (JAN), a service of the U.S. Department of Labor, Office of Disability Employment Policy and formerly the President's Committee on Employment of People with Disabilities, can provide information, free-of-charge about many types of reasonable accommodations.

## **3. Registry of Interpreters for the Deaf**

1-301-608-0050 (Voice/TTY)

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

## **4. Architectural and Transportation Barriers Compliance Board (Access Board)**

1-800-USA-ABLE (Voice/TDD)

Individuals can contact the Access Board for specific information about requirements for accessible design for people with disabilities.

## **5. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Technical Assistant Project**

1-703-524-6686 (Voice)

1-703-524-6639 (TT)

The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) 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 that will 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 may test assistive technology devices and equipment,
- Assistance in obtaining funding for and repairing assistive technology devices, and
  - Assistive technology equipment exchange and recycling programs.

## 6. Computer/Electronic Accommodation Program (CAP)

1-202-712-0110

The Computer/Electronic Accommodation Program (CAP) provides assistive technology and services to people with disabilities and their supervisors.

## 7. USAID

- a. **USAID 508 Initiative:** Section 508 of the Rehabilitation Act requires that USAID-funded Web sites are accessible to users with disabilities. Please review the regulations at <http://www.usaid.gov/policy/ads/300/302mak.pdf>.
- b. **USAID Disability Parking Permit:** Contact the Disability Review Committee (DRC) chairperson in the Office of Equal Opportunity Programs at 1-202-712-1110.
- c. **USAID Sign Language Interpreters Scheduling:** Contact the Bureau for Management, Administrative Services (M/AS/FMD), at 1-202-712-0024.

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