

All federal agencies are required to have their reasonable accommodation procedure posted on their public websites. Below is an abbreviated version of how the RRB processes requests for reasonable accommodation that are submitted by employees or job applicants. If you would like to obtain a copy of the entire document please contact Lynn Cousins, Director of Equal Opportunity at lynn.cousins@rrb.gov.

U.S. Railroad Retirement Board



Procedure for Providing Reasonable Accommodation for Individuals with Disabilities

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Railroad Retirement Board (RRB) Procedure for Providing Reasonable Accommodation for Individuals with Disabilities

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I. RRB Policy on Reasonable Accommodation

It is the policy of the RRB to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973. Under the law, federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. This policy does not pertain to the general or railroad public to whom the RRB provides service.

The RRB is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at the RRB. The RRB provides reasonable accommodations:

- ◆ when an applicant with a disability needs an accommodation in order to be considered for a job;
- ◆ when an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; and
- ◆ when an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

The RRB will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair and efficient manner. The Director of HR will appoint a Reasonable Accommodation Coordinator, who is responsible for overseeing the RRB's procedure for processing requests for reasonable accommodation.

II. Definition of Key Terms

- ◆ ***Reasonable Accommodation.*** A change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.
- ◆ ***Qualified Individual with a Disability.*** An individual with a disability is qualified if (1) s/he satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) s/he can perform the essential functions of the position, with or without reasonable accommodation.
- ◆ ***Essential Functions.*** Those job duties that are so fundamental to the position that the individual holds or desires that s/he cannot do the job without performing them. A function can be "essential" if, among other things:
 - ◆ the position exists specifically to perform that function;
 - ◆ there are a limited number of other employees who could perform the function; or
 - ◆ the function is specialized and the individual is hired based on his/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.

- ◆ **Reassignment.** Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions at the same or lower grade and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it. Employees have no rights under this procedure to be reassigned from a lower to a higher grade.
- ◆ **Undue Hardship.** If a specific type of reasonable accommodation causes significant difficulty or expense for the RRB, then the RRB does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the agency.

III. Responsibilities

Employees. Employees and applicants for employment requesting reasonable accommodation are responsible for:

- ◆ Completing Section A of RRB Form G-142, Request for Reasonable Accommodation, to document the request;
- ◆ Providing appropriate medical documentation, if requested; and
- ◆ Cooperating in the interactive process to facilitate timely response to the request.

Management Officials. Management officials—including supervisors, bureau/office heads, members of the Executive Committee and all other management or administrative officials (such as employees handling job postings) contacted in connection with a request for reasonable accommodation—are responsible for:

- ◆ Promptly forwarding misdirected requests to the appropriate official for response;
- ◆ Notifying the Reasonable Accommodation Coordinator and any other appropriate official of the receipt of the request;
- ◆ Processing the request within the time frames outlined in this procedure;
- ◆ Adhering to RRB and government-wide procedure in processing and making decisions on requests;
- ◆ Participating in the interactive process with the employee/applicant to facilitate an appropriate response to the request;
- ◆ Completing the appropriate section(s) of the G-142 to document actions and recommendations/decisions; and
- ◆ Forwarding all paperwork to the Reasonable Accommodation Coordinator when processing of the request is complete.

Reasonable Accommodation Coordinator. The Reasonable Accommodation Coordinator in HR is responsible for:

- ◆ Overseeing the processing of all requests for accommodation to ensure that time frames are met and procedures followed;
- ◆ Providing assistance regarding RRB and government-wide procedures to employees and managers in processing requests;
- ◆ Maintaining records of all accommodation requests processed under this procedure according to the standards provided herein; and

- ◆ Providing statistical reports with respect to processing requests for reasonable accommodation, as required.

IV. Requests for Reasonable Accommodation

A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for accommodation is made.

A request does not have to use any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability.

All requests for reasonable accommodation from employees will be processed by the individual’s immediate supervisor. Therefore, we recommend that all requests be directed to the supervisor. However, the agency will accept and process requests made by an employee to any of the following:

- ◆ his/her immediate supervisor (or designee, if absent);
- ◆ another supervisor or manager in his/her supervisory chain;
- ◆ the Reasonable Accommodation Coordinator in HR; or
- ◆ staff in the Office of Equal Opportunity (OEO).

Any statement, written or oral, made to one of these individuals regarding a need for accommodation should be treated as initiating a request. If the official to whom the statement is made is uncertain as to whether the statement constitutes a request for accommodation, the official must ask the employee whether s/he is making an accommodation request. If the employee responds that s/he is requesting accommodation, then the official should proceed according to the procedures set out in Sections V through XIV below.

An **applicant** may request a reasonable accommodation, orally or in writing, from any RRB employee with whom the applicant has contact in connection with the application process. HR is responsible for training staff that is involved in the application process to recognize requests for reasonable accommodation and to handle them appropriately.

A family member, health professional, or other representative may request an accommodation on behalf of an RRB employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.

V. Written Requests for Record Keeping Purposes

To enable the RRB to keep accurate records regarding requests for accommodation, all individuals seeking a reasonable accommodation must confirm the request in writing by completing Section A of RRB Form G-142. “***Request for Reasonable Accommodation***” (attached as Appendix A).

If an individual with a disability requires assistance with this requirement, the staff member receiving the request will provide that assistance.

- ◆ The employee/applicant should complete Section A and return the G-142 within 5 business days of the request. Receipt of the form is not, however, required to initiate processing of the request. The RRB will begin processing the request as soon as it is made, whether or not the formal request form has been received.

VI. The Interactive Process

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 official processing the request must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

- ◆ **Communication is a priority throughout the entire process.** The supervisor (or employee handling the job posting, if the request is from an applicant) will have the principal responsibility for identifying possible accommodations. S/he should take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation. Resources that are available to help both the supervisor and the individual requesting the accommodation to identify possible accommodations are listed in Appendix C. The Reasonable Accommodation Coordinator is also available to provide assistance.

VII. Does the Individual Requesting the Accommodation Have a Disability? Requests for Medical Information

The RRB is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. In some cases the disability and need for accommodation will be obvious or otherwise already known to the decision-maker. In these cases, the RRB will not seek any further medical information. However, when a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the decision-maker, the RRB may require that the individual provide acceptable documentation about the disability and his or her functional limitations.

Once the medical documentation is received, the supervisor (or employee handling the job posting) will evaluate it, in consultation with the Reasonable Accommodation Coordinator and/or a health care professional chosen by the RRB, if necessary.

The failure to provide appropriate documentation or to cooperate in the RRB's efforts to obtain such documentation can result in a denial of the reasonable accommodation. The burden of proof that an applicant's or employee's disability warrants a reasonable accommodation lies with the individual applicant or employee. If the applicant or employee declines to provide appropriate documentation, or authorize the agency to obtain medical documentation or contact the appropriate health care provider, then the deciding official will make his/her decision based upon the information previously provided.

VIII. Confidentiality Requirements Regarding Medical Information Obtained in the Reasonable Accommodation Process

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that **all medical information, including information about functional limitations and reasonable accommodation needs, that the RRB obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file or from other files (e.g., files kept by a supervisor, bureau/office director or Resource Management Center) maintained with respect to the employee.** It also means that any RRB employee who obtains or receives such information is strictly bound by these confidentiality requirements.

IX. Time Frames for Processing Requests and Providing Reasonable Accommodations

The RRB will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. The RRB recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

X. Granting a Reasonable Accommodation Request

As soon as the decision-maker determines that a reasonable accommodation will be provided, that decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the decision-maker must inform the individual of the projected time frame for providing the accommodation. The initial notice need not be in writing but the approval should be documented on the G-142 and the file forwarded to the Reasonable Accommodation Coordinator as outlined in Section XIV below. A copy of the G-142 should be provided to the individual for his/her records within 5 business days from the date of approval.

XI. Denial of Reasonable Accommodation Request

As soon as a decision-maker determines that a request for reasonable accommodation will be denied, s/he must provide a written notice of the denial to the individual requesting the accommodation. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. The G-142 should also be annotated and copies distributed in the same manner as for approvals.

XII. Informal Dispute Resolution (Reconsideration)

Individuals with disabilities may request prompt reconsideration of a denial of reasonable accommodation.

If an individual wishes reconsideration, s/he should first ask the decision-maker to reconsider the decision. The individual may present additional information in support of his/her request. The decision-maker will respond to the request for reconsideration within 5 business days.

If the decision-maker does not reverse the decision, the individual may ask the Senior Executive Officer (SEO), or the Inspector General for OIG employees, to do so. The SEO or IG will respond to this request within 10 business days.