

NRCS Reasonable Accommodation Procedure

Procedures

A. Employee/Others - Requests made by an employee, or on the employee's behalf, for reasonable accommodation under this regulation may be made orally or in writing to his/her immediate or first line supervisor. The request should outline with the kind of accommodation requested, if known.

If the employee has an obvious or previously documented medical condition that qualifies him or her as an individual with a disability, the accommodation request shall be considered immediately. If the employee does not have an obvious or previously documented medical condition that qualifies him or her as an individual with a disability, he or she may be required to provide sufficient documentation of his or her medical condition to the Department's Medical Officer, who will determine, in consultation with the Agency Disability Employment Program Manager, whether the staff member is an individual with a disability.

When the employee is determined to be an individual with a disability and the requested accommodation does not cause undue hardship, the accommodation shall be provided.

Because a reasonable accommodation allows the employee to perform the essential functions of the job satisfactorily, it is expected that the accommodation shall be provided within thirty (30) business days of the request, unless documented extenuating circumstances prevent the provision of the accommodation within this time period.

It is imperative that the process of reasonable accommodation begin as soon as possible after the request for an accommodation is received. The interactive process is crucial and management shall consult with all necessary parties, including, but not limited to:

- (1) The employee;
- (2) Members of the family of the employee;
- (3) The employee's attending physician;
- (4) Rehabilitation counselor;
- (5) TARGET Center;
- (6) Department's Medical Officer;
- (7) Department's Disability Employment Program Manager;
- (8) Agency Disability Employment Program Manager; or
- (9) Job Accommodation Network (JAN).

The Job Accommodation Network is a service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations. JAN can be reached at 1-800-232-9675 (Voice/TTY) or visit their Website at <http://janweb.icdi.wvu.edu/>.

The determination of whether an accommodation would cause an undue hardship shall be made in consultation with the NRCS DEPM. If an accommodation is deemed to cause an undue hardship by the immediate supervisor, he/she shall immediately consult with the Agency's DEPM before issuing the decision. Written documentation shall be required by the immediate supervisor in cases of

granting or denying the accommodation. This documentation shall be provided to the affected staff member and the Agency's DEPM. If denying the accommodation, the documentation must state specifically how the requested accommodation causes an undue hardship and provide written notification to the employee of his/her rights to file a complaint. A copy of the decision goes to the employee, the individual's immediate supervisor and the Agency's DEPM.

B. Supervisor - A first line or immediate supervisor may request consideration for reasonable accommodation on behalf of an employee with a disability.

When the supervisor anticipates or suspects that an employee with a disability needs to be considered for a reasonable accommodation to perform the essential functions of the job he or she is in, or desires, the supervisor may initiate the request. The interactive process is crucial to determine if accommodations are needed. The supervisor shall consult with the employee and others as necessary, to decide what, if any, accommodations are indicated.

When a reasonable accommodation is identified, the supervisor is authorized to initiate the process and/or provide the identified accommodation. The accommodation shall be provided as soon as possible, but within no more than thirty (30) business days after the accommodation has been identified, unless documented extenuating circumstances affects this time period.

C. Applicant – An applicant desiring an accommodation for the application process may make a request to any person they have come into contact with during the application process. This request must identify the accommodation that is needed, and shall be requested at least three (3) work days in advance of the needed accommodation (i.e., testing, interview).

An applicant may be required to submit appropriate documentation to the personnel office in order for determination of eligibility to be made. The representative in the personnel office may consult with the Agency or mission area Disability Employment Program Manager regarding the eligibility of the individual. When a favorable determination is made regarding eligibility, the requested accommodation shall be provided, unless to do so would cause undue hardship.

D. Reassignment to a vacant position – Reassignment is a form of reasonable accommodation. Absent undue hardship, reassignment is considered as a "last resort" effort after all other accommodations have been considered. It may be necessary to reassign when an employee, because of a disability, can no longer perform the essential functions of the position he/she holds, with or without a reasonable accommodation. Reassignments are made available only to vacant positions and to employees who are qualified for the position; he/she will be reassigned to the job and will not have to compete for it.

The employee must be at least minimally qualified for the position (i.e., must satisfy 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 a reasonable accommodation. If the employee is qualified for the position, he/she should be non-competitively reassigned to the job.

In considering whether there are positions available for reassignment, the employee shall provide the Agency Human Resources Office a current copy of his/her qualification (OF-612, resume, or SF-171) within two (2) business days. The Agency Human Resources Office should determine if there is a vacant position to which the employee may be reassigned. If no such position exists within the Agency, the application of the employee shall be forwarded to the Mission Area Human Resources Office for the determination of an appropriate placement. This action shall occur within two (2) business days of receipt of the information from the Agency. If no such position exists, the Mission Area Human Resources Office shall forward the application to the Departmental Human Resources Office for reassignment department-wide. This action shall occur within two (2) business days of receipt of the information from the Mission Area.

At any stage in the above process the employee may be reassigned to a position to which he/she qualifies and can perform the essential functions of the job, either with or without a reasonable accommodation.

The employee shall be notified, in writing by the Agency Human Resources Office, of the outcome of the reassignment process.

Reasonable accommodations are designed to be effective and allow the individual with a disability to perform the essential functions of the job he/she is in, or desires. The interactive process with the employee is important and should be done when appropriate. Most accommodations are simple and inexpensive. Written documentation of the provision of a reasonable accommodation shall be provided by management. However, if the requested accommodation is denied by management, a written denial shall be required, and a reason that the accommodation causes an undue hardship shall be explicitly provided. Although the requested accommodation is not required, full consideration shall be given to the employee's request(s) and, if necessary, an alternative reasonable accommodation shall be identified and offered by management.

Requesting Accommodation for Non-Assistive Technologies

- A. Employee (or other party on behalf of the employee) requests (either orally or in writing) a reasonable accommodation to immediate supervisor, or manager in the employees' chain of command, or the Civil Rights Office, including recommended type of accommodation (30 days begin).
- B. Supervisor can provide accommodation or request assistance from the DEPM or Personnel Office.
- C. Supervisor documents request using [Form AD-1163](#), Confirmation of Request for Reasonable Accommodation.
- D. If immediate supervisor is unable to provide accommodation, then the request goes to next line supervisor.
- E. If request has not been completed within 10 days, it then goes to the DEOO.
- F. [Form AD-1164](#), Reasonable Accommodation Information Reporting, is forwarded to the Agency DEPM.
- G. If request for a reasonable accommodation is denied, complete [Form AD-1165](#), Denial of Reasonable Accommodation Request, and provide a copy to the employee and the Agency DEPM.
- H. NOTE: A family member, co-worker, physician, or other advocate designated by the employee may request an accommodation on his/her behalf.

401.27 Requesting Accommodation for Assistive Technologies

As a result of the agreement signed on August 30, 2002, between the United States Department of Agriculture (USDA) and the Department of Defense (DOD), all assistive technology accommodations will be provided to all USDA agencies at no cost through the TARGET Center by the DOD Computer/Electronic Accommodations Program (CAP).

Procedure:

- (1) Employee or his/her representative requests reasonable accommodation that is an assistive technology to employee's immediate supervisor, or manager in the employee's chain of command, or the Civil Rights Office (30 days begin).
- (2) Local DEPM may be contacted to assist in obtaining assistive technology (AT).
- (3) The request is sent immediately to the USDA TARGET Center in Washington, D.C., at 202-720-2600 (Voice/TTY) with a copy sent to the Agency's DEPM.

(4) Necessary medical documentation will be requested in conjunction with the Mission Area Designee and the Department Medical Doctor.

(5) Employee and Agency's DEPM will be notified upon determination of request for accommodation.

(6) A copy of the accommodation and date it was received shall be sent to the Agency's DEPM.

(7) If request for a reasonable accommodation is denied, [Form AD-1165](#) Denial of Reasonable Accommodation Request is to be completed and a copy is provided to the employee and the Agency's DEPM.