

# PEACE CORPS



## **Standard Operating Procedure for Providing Reasonable Accommodations**

Revised July 2007

*American Diversity Program*

## **I. INTRODUCTION**

The Peace Corps' (PC) Reasonable Accommodation for People with Disabilities (RAPD) program is administered by the American Diversity Program (ADP). The ADP Manager (ADPM) oversees the PC's reasonable accommodation process. The PC's Reasonable Accommodations for People with Disabilities (RAPD) program is designed to provide reasonable accommodations to qualified employees or applicants for employment. An accommodation is a change involving the workplace that enables a person with a disability to enjoy equal employment opportunities. Many individuals with disabilities can apply for and perform jobs without the need for an accommodation. However, where workplace barriers exist, such as physical obstacles or rules regarding how a job is performed, the need for an accommodation may be necessary. A reasonable accommodation serves two fundamental purposes. First, a reasonable accommodation removes barriers that prevent people with disabilities from applying for or performing jobs for which they are qualified. Second, a reasonable accommodation enables the Agency to expand the pool of qualified workers, thus allowing the PC to benefit from the talents of people who might otherwise be arbitrarily barred from employment.

Effective procedures for processing reasonable accommodation request will advance both these goals. They will enable the PC to handle requests in a prompt, fair, and efficient manner; they will assure that individuals with disabilities understand how to approach the system and know what to expect; and they will be a resource both for individuals with disabilities and for PC employees, so that all parties can understand the legal requirements of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990.

## **II. REASONABLE ACCOMMODATION PROCEDURES**

It is the policy of the PC to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990 (the ADA). Under the law, federal agencies must provide reasonable accommodation to qualified employees, and applicants for employment with disabilities, unless to do so would cause undue hardship. "In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities."

All positions in the PC are open to applicants with disabilities who, with or without reasonable accommodation, meet the requirements of the position. Through leadership and teamwork, positive steps can be made in removing the physical and attitudinal barriers that tend to negate employment of people with disabilities.

There are three categories of “reasonable accommodations”.

- (i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- (ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- (iii) Modifications or adjustments that enable a covered entity’s employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.”

Employees or applicants for employment may refer to the Equal Employment Opportunity Commission’s (EEOC) “Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act”. You may visit EEOC’s website at (<http://www.eeoc.gov>) for additional information on the rights and responsibilities of applicants and employees requesting reasonable accommodation.

### **III. REFERENCES**

The guidance in this issuance is pursuant to:

- a. Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C.)
- b. The Rehabilitation Act of 1973, as amended (29 U.S.C. 791 & 794a)  
(Rehabilitation Act);
- c. Executive Orders 13164, 13163 and 13078
- d. 29 CFR Part 1630
- e. Equal Employment Opportunity Commission’s Management Directive  
(MD) 110, MD 712 and MD 713.

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#### **CHAPTER 1. GENERAL**

##### **1-1. PURPOSE**

To provide the Peace Corps (PC) activities with Standard Operating Procedures (SOP) for Requesting Reasonable Accommodation due to a disabling condition.

## **1-2. DISTRIBUTION**

These procedures will be made available to all employees upon issuance, and will be updated as required. The document will be accessible through the Intranet and a copy will be made available to all new employees as part of their orientation to the PC.

## **1-3. BACKGROUND**

On July 26, 2000, President Clinton signed Executive Order which requires each federal agency to establish effective written procedures for processing requests for reasonable accommodation. The Order helps to implement the requirement of the Rehabilitation Act of 1973 that agencies provide reasonable accommodation to qualified employees and applicants with disabilities. It is an important part of the government's national policy to create additional employment opportunities for people with disabilities.

## **1-4. OBJECTIVES**

The objective of the reasonable accommodation program is to offer employees and applicants for employment a means to request reasonable accommodations to assist them in performing the functions of their jobs.

## **1-5. COVERAGE**

The reasonable accommodation program applies to all employees and applicants for employment within the PC. The reasonable accommodation will address all requests for reasonable accommodation and, where appropriate, provide reasonable accommodations to employees and applicants for employment in a prompt, fair and efficient manner.

## **1-6. DEFINITIONS**

- a. Accessible:** Easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability (i.e., site, facility, work environment, service, or program).
- b. Individual with a Disability:** A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of impairment, or is regarded as having such impairment.
- c. Major Life Activity:** Basic activities in which the average person in the general population can perform manual tasks; i.e., walking, seeing, hearing, speaking, breathing, learning, and working.

- d. Qualified Individual With A Disability:** An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
- e. Reasonable Accommodation:** (a) Modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position that the qualified applicant desires; or (b) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables qualified individuals with disabilities to perform the essential functions of that position; or (c) modifications or adjustments that enables a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- f. Undue Hardship:** If a specific type of reasonable accommodation causes significant difficulty or expense, the agency is not required 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.
- g. Vocational Rehabilitation:** Programs designed to assist individuals with disabilities to enter or reenter gainful employment.
- h. Reassignment:** Reassignment is a form of reasonable accommodation that, absent undue hardship, will be 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 and only to employees who are qualified for the position; she/he may be reassigned to the job without competition. Reassignments, by definition, may be made only to a position of equal or lower grade

In considering whether there are positions available for reassignment, the supervisor will work with the agency's Office of Human Resources Management (HRM) and the individual requesting the accommodation to identify:

- (1) all vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and, if none exist, all vacant positions within the department for which the employee may be qualified, with or without reasonable accommodation; and

(2) all positions which personnel or HRM has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified.

The decision maker will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the decision maker will consider vacant lower level positions for which the individual is qualified. Reassignment will be provided only after it is determined by the agency that an employee is unable to perform the essential functions of his or her position even with reasonable accommodation due to a disability.

**i. Extenuating Circumstances:** These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.

## **1-7. TRACKING OF REQUESTS**

The American Diversity Program (ADP) will be given copies of all requests for Reasonable Accommodation to ensure that the agency meets federal reporting requirements. These copies will be confidential and kept separate from all personnel files and be used for reporting purposes and to track the agency's performance with regard to Reasonable Accommodation. Furthermore, these files will be kept only for the duration of the employee's tenure at Peace Corps.

## **CHAPTER 2. PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION**

### **2-1. INTRODUCTION**

A reasonable accommodation process begins as soon as the request for accommodation is made. All requests for reasonable accommodations will be handled by the supervisor of the employee making the initial request. The Office of American Diversity Programs (ADP) will be available to offer advice and guidance on requesting the reasonable accommodation program and process.

### **2-2. REQUEST FOR REASONABLE ACCOMMODATION**

A request for a reasonable accommodation is a statement indicating that in order to (1) apply for a position or (2) perform the duties of a position, an individual requires an adjustment in the application process, a change of his/her position, or a modification of a benefit or privilege of employment for a reason related to a medical condition. Any employee or applicant for employment can make a request for a reasonable accommodation at anytime and whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability.

In addition, a family member, health professional, or other representative may request an accommodation on behalf of a PC employee or applicant for employment. The request should be forwarded to the supervisor/manager.

In order to enable the agency to keep accurate records regarding requests for accommodation, employee and applicants for employment seeking a reasonable accommodation must follow up an oral request by confirming their request in writing to their supervisor/manager or the American Diversity Program Manager (ADPM). Requests for accommodation from employees will be handled by the requesting employee's immediate supervisor. However, Supervisors must not wait until the written request is made to begin processing the claim and contacting the Office of American Diversity Programs (ADP). To ensure that all effective accommodations have been considered, supervisors must talk with the individual requesting the accommodation. Additionally, to eliminate unnecessary levels of review, first-line supervisors are authorized to evaluate and approve requests for reasonable accommodations, absent undue hardship to the operations of the office. However, supervisors that authorize this type of accommodation must inform their supervisor and the ADPM of their intentions prior to granting approval of the accommodation. Certain requests for reasonable accommodation will be facilitated by the ADPM. The ADPM will handle the following:

- Requests for adaptive equipment, including information technology and communication equipment, or specially designed furniture. The ADPM will coordinate adaptive equipment requests and/or coordinate requests with the Chief Information Resource Officer, Management Services, General Counsel and/or other appropriate official and other specialized requests involving computer technology.
- Requests for a reader or sign language Interpreter to enable employees to perform their job functions, and attend training.
- Requests for the removal of an architectural barrier(s), including reconfigured workspaces. After such requests have been reviewed and approved by the appropriate agency officials, the ADPM will coordinate these requests with Building Administration, the General Services Administration or the owner of the building.
- Requests for accessible parking will be coordinated with the ADPM, Building Administration and with other appropriate official(s).



- Requests for materials in alternative formats (e.g., Braille terminals, Print Enlargers, Voice Output, Screen Readers, Braille Embossers, etc.) which cannot be handled by the supervisor/manager or office director.
- Requests for reassignment or job restructuring will be coordinated with the Human Resource Manager.

In addition, the ADPM will be available, as needed, to provide assistance to employees, applicants and deciding officials in the processing of requests. All deciding officials will appoint an alternate to manage reasonable accommodation requests to continue receiving, processing, and providing reasonable accommodations when the deciding official is unavailable. The names of alternates should be appropriately distributed. In the event that a request is made to another agency official, the request shall be submitted to the immediate responsible supervisor within 5 days.

Managers, supervisors or designees should interview employees who make requests for reasonable accommodations and complete the attached Communication/Electronic Accommodation Form. Supervisors can also contact ADP for advice and guidance regarding the Reasonable Accommodation process.

### **2-3. REQUESTS FOR MEDICAL DOCUMENTATION**

Peace Corps is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. If the individual has an obvious disability or previously documented medical condition that qualifies him/her as an individual with a disability and the accommodation request is related to the known disability, the accommodation request shall be considered immediately without the need for further medical documentation.

If the individual does not have an obvious disability or previously documented medical condition that qualifies him/her as an individual with a disability, he/she may be required to provide sufficient and reasonable documentation of his/her medical condition to their supervisor, who will determine, in consultation with the American Diversity Program Manager and/or an agency designated physician, as necessary, whether the requestor is an individual with a disability. The agency has the right to have the medical information submitted by the requestor reviewed by a physician or other medical expert of its own choosing, at its own expense.

The supervisor will request relevant supplemental medical information if information submitted does not clearly explain the nature of the disability, or need for reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or enjoy benefits and privileges of the workplace. In the case of an applicant,

relevant supplemental medical information may be requested to determine the nature of the disability or how the accommodation will assist with the application process.

The supervisor will seek information or documentation about the disability and the functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional. Not all information needs to be medical, as the appropriate information may be received from a social worker or rehabilitation counselor. Only information relevant to making a decision about the accommodation will be requested by the agency. As such, the information requested should cover the following;

- The nature, severity, and duration of the individual's impairment
- The activity or activities that the impairment limits
- The extent to which the impairment limits the individual's ability to perform the activity or activities; and or
- Why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace

The documentation received must be sufficient for the supervisor to determine if the requestor is an individual with a disability. Additional documentation may be requested to make this determination, if necessary. The supervisor shall consult with the agency designated physician, when necessary, regarding the interpretation of medical documentation.

If the information provided by the health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the supervisor to determine if the requestor has a disability, the supervisor may ask for further information. First, however, s/he will explain to the individual seeking the accommodation, in specific terms, why the information that has been provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

The individual may then ask the health care professional or other appropriate professional to provide the missing information. Alternatively, the supervisor and the individual requesting the accommodation may agree that the individual will sign a limited release, and the supervisor may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor.

If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the supervisor may request that a physician chosen by the agency examine the individual, at the agency's expense. The supervisor will be advised, by the physician, of the individual's relevant medical condition and any additional relevant information about the individual's functional limitations, as appropriate.

The failure to provide appropriate documentation or to cooperate in Peace Corps efforts to obtain such documentation can result in a denial of the reasonable accommodation.

All medical information, including information about functional limitations and reasonable accommodation needs, that Peace Corps obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. It also means that any Peace Corps employee who obtains or receives such information is strictly bound by these confidentiality requirements. Confidentiality applies to all aspects of the reasonable accommodation process and to all records related to a request, and these records will be kept in Human Resources in a separate file from the employee's personal file for the duration of their tenure with the agency.

#### **2-4. COLLECTIVE BARGAINING**

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

- Contact the American Diversity Program (ADP) office or an EEO Counselor within 45 days from the date of receipt of the written notice of denial in order to file an Equal Employment Opportunity (EEO) complaint.
- File a written grievance with the union in order to file a collective bargaining claim.

The collective bargaining representative will be notified of all requests for reasonable accommodations from bargaining unit members. Bargaining representatives have a right to bargain over their reasonable accommodation procedures to the extent by law.

Staff members involved in the processing of the request for reasonable accommodation will reclude themselves from any involvement in the processing of an EEO complaint (Pre-complaint or Formal) in connection with that request.

## **2-5. TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATIONS**

The PC will process requests for accommodation and provide accommodations, where appropriate, in as short a time frame as reasonably possible.

The PC recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and the necessity to obtain supporting information.

Expedient processing: in certain circumstances, a request for reasonable accommodation may require an expedient review and decision in less than 15 or 20 business days as discussed below:

This includes situations where a reasonable accommodation is needed: (1) to enable an applicant to apply for a job. Depending on the timetable for receiving the application, 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.

Therefore, the PC will move as quickly as possible to make a decision and, if appropriate, will provide a reasonable accommodation. (2) to enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place within five days.

If a request for an accommodation can be processed by the requesting employee's supervisor or office director, no supporting medical information is required, and if no extenuating circumstances apply, the request will be processed and the accommodation, if granted, provided in no more than 15 business days from the date the supervisor or office director receives the request. Since the deciding official may need the full 15 days to engage in the interactive process and collect all relevant information about possible accommodations, they should not delay beginning this process. Failure to meet this timeframe solely because a deciding official delayed processing the request is not an extenuating circumstance.

If the deciding official believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the deciding official will make such request to the ADPM as soon as possible after his or her receipt of the request for accommodation, but before the expiration of the 15-day period. The need for documentation may not be apparent until after the interactive process has begun. In those situations, the 15-day time limit may be extended.

If the deciding official requests that the ADPM obtain medical information, the 15-day period will be frozen. If the ADPM determines that medical information is not necessary, the 15-day time period resumes as soon as the ADPM notifies the deciding official that he/she can continue processing the request. If the ADPM determines that medical documentation is needed, the decision will be made within 5 days and the accommodation, if granted, will be provided within 5 days from the date the deciding official receives the relevant information from the ADPM.

Where the ADPM is the deciding official, he/she will make a decision on the requests and the accommodation, if granted, will be provided within 20 business days from the date the request was initially made, absent extenuating circumstances. If medical documentation is necessary, the decision will be made within 20 business days from the receipt of the documentation, absent additional extenuating circumstances.

It is PC policy that extensions based upon extenuating circumstances should be limited to circumstances where they are strictly necessary. All PC staff is expected to act as quickly as reasonably possible in processing requests and providing accommodations.

Where extenuating circumstances are present, the deciding official must notify the individual of the reason for the delay, and then approximate a date on which a decision, or provision of the reasonable accommodation, is expected.

If a delay is attributed to the need to obtain or evaluate medical documentation and the PC has not yet determined that the individual is entitled to an accommodation, the individual should be instructed to facilitate the forwarding of the appropriate medical documentation to the PC. It is the responsibility of the employee to provide medical documentation related to the request when the disability is not obvious or already known. The agency will provide temporary accommodations as needed. An accommodation will not be provided until acceptable documentation has been received by the PC.

## APPENDIX 1

### Selected Reasonable Accommodation Resources

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

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 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 are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) [\*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act\*](#), 8 FEP Manual 405:7601 (1999); and (3) *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (*Technical Assistance Manual*). The *Technical Assistance Manual* includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) [\*Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations\*](#) at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995); (2) [\*Enforcement Guidance: Workers' Compensation and the ADA\*](#) at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) [\*Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities\*](#) at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (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\*](#) at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and (5) [\*Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act\*](#) at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

All of the above-listed documents, with the exception of the *Technical Assistance Manual* and the poster, are also available through the Internet at [www.eeoc.gov](http://www.eeoc.gov). All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

### **Job Accommodation Network (JAN)**

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

<http://janweb.icdi.wvu.edu/>

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.

### **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, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

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

(301) 608-0050 (Voice/TT)

<http://www.rid.org/>

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

### **RESNA Technical Assistance Project**

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

<http://www.resna.org/>

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

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

### **Computer Accommodation Program**

(703)681-8813(Voice)  
(703)681-0881(TTY)  
(703)681-9075(Fax)  
[cap@tma.osd.mil](mailto:cap@tma.osd.mil) (E-Mail)

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

CAP provides assistive technology and services to people with disabilities, Federal managers, supervisors, IT professionals, and Wounded Services Members.