

HIRING INDIVIDUALS with disABILITIES

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Department of the Treasury

disABILITY Hiring Tool Kit



**A Manager's Guide
to
Employing
Individuals with disABILITIES**



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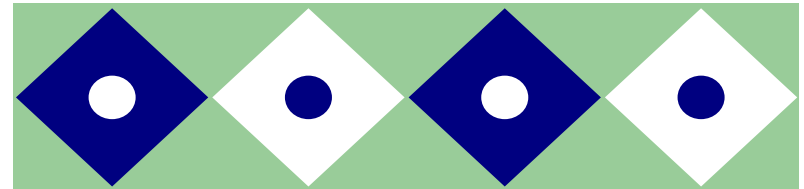
Introduction

Overview & Purpose

Federal agencies are required by law (the Rehabilitation Act of 1973) to promote the hiring and advancement of individuals with disabilities. In addition, the President has called on Federal agencies to be the nation's model employer of individuals with disabilities. For many individuals with disabilities who can and who want to work, gainful employment remains out of reach. It is imperative that society supports their efforts to work. For hiring managers, it simply makes good business sense to consider candidates with disabilities. More than 70 percent of individuals with disabilities want to work—that is an untapped source of 18 million potential applicants.

Treasury's employment of individuals with targeted disabilities has been below the Federal benchmark (set annually by the Equal Employment Opportunity Commission) for several years. In addition, there continues to be a steady exodus of disabled employees from Treasury's rolls each year.

With support of the Secretary of the Treasury, the Diversity Council and its successor, the Human Capital Advisory Council, created an initiative to increase the number of individuals with targeted disabilities employed by the Treasury Department. This initiative is designed to help Treasury become a model employer and reach the Federal Benchmark.



Lions World Services for the Blind

www.lwsb.org

Telephone: (501) 664-7100 or 1-800-248-0734

Operation Warfighter (OWF)

www.militaryhomefront.dod.mil

Vocational Rehabilitation & Employment Services (VR&E)

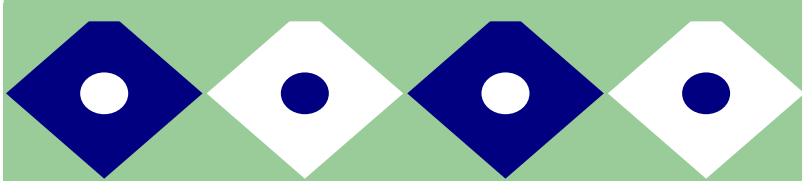
www.vba.va.gov

Workforce Recruitment Program (WRP)

www.wrp.gov

Wounded Warriors Project

www.woundedwarriorsproject.org



Resources

Americans with Disabilities Act (ADA) Technical Assistance Center Hotline

www.adata.org

Telephone: (800) 949-4232

American Association of People with Disabilities

www.aapd.com

Bender Consulting Service

www.benderconsult.com

Telephone: (412) 787-8567 or TTY/DD Relay (800) 654-5988

Department of Labor—Office of Disability Employment Policy (ODEP)

www.dol.gov/odep/

Telephone: (202) 376-6200

Employer Assistance & Recruiting Network (EARN)

www.earnworks.com

Toll Free Hotline: 1-866-EARN NOW or 1-866-327-6669

Job Accommodation Network (JAN)

www.jan.wvu.edu

Telephone: (800) 526-7234 or TTY/DD Relay (877) 781-9403



“Recognize my disabilities, emphasize my possibilities.”

Disability Employment: Myths & Truths

Myth: Adjustments to the workplace to accommodate employees with disabilities are difficult and costly.

Truth: The average cost of workplace accommodations is \$600. The vast majority of workers with disabilities do not require accommodations.

Non-IRS employees:

The Department of the Treasury has signed an interagency Agreement with the Computer/Electronic Accommodation Program (CAP). Through this agreement, CAP provides **FREE** assistive technology, devices, and services to Treasury employees with disabilities upon their request. These technologies can be used to maintain, increase, or improve employees' and applicants' ability to perform essential functions of their positions; enjoy the benefits and privileges of employment; or seek employment. In addition, CAP's Technology Evaluation Center (CAPTEC) will assist the Department in identifying the appropriate electronic accommodation.

IRS employees:

The Internal Revenue Service has the "**Information Resources Accessibility Program (IRAP)**." Much like CAP, IRAP delivers technical guidance and support to determine the appropriate assistive technology, devices, and services for IRS employees with disabilities upon their request. The IRAP Accessibility Lab, located in the New Carrollton Federal Building, contains representative equipment which IRAP personnel use for testing compatibility with products, testing new IRS software accessibility, and performing in-house troubleshooting.

In addition, IRS has the "**Alternative Media Center (AMC)**," which provides multiple alternative media preparation and

**Treasury Inspector General for
Tax Administration (TIGTA)**
[http://www.treas.gov/tigta/careers/
shtml](http://www.treas.gov/tigta/careers/shtml)
(202) 927-7473

Office of Thrift Supervision (OTS)
[http://www.ots.treas.gov/?
p=EqualEmploymentOpportunityEEO](http://www.ots.treas.gov/?p=EqualEmploymentOpportunityEEO)
(202) 906-6477

**Department of the Treasury
Office of Civil Rights and Diversity**
<http://intranet.treas.gov/hr/eqOpDiv/>
(202) 622-1160

EEO Contacts cont'd

Office of the Inspector General (OIG)

http://www.treas.gov/inspector-general/eo_diversity_policy.shtml
(202) 927-5023

United States Mint (MINT)

http://www.usmint.gov/about_the_mint/eo/
(202) 354-7472

Comptroller of the Currency (OCC)

<http://www.occ.treas.gov/jobs/EEO.htm>
(202) 874-5360

delivery services to IRS employees with disabilities, i.e., video captioning, hard copy Braille, large print, etc.

Myth: People with disabilities will file complaints.

Truth: Studies show that disability complaints are infrequent. People with disabilities want jobs not lawsuits, and they are no more of a “legal liability” than other employees. Employees with disabilities should be held accountable to the same job standards as any other employee. Supervisors who can successfully manage people can successfully manage people with disabilities.

Myth: Employees with disabilities are poor performers.

Truth: Individuals with disabilities are generally motivated, capable and dependable employees. In one national study, almost ninety percent of workers with disabilities received “good” or “excellent” performance ratings from their managers. Managers also felt that most employees with disabilities did their jobs as well as—or better than—other employees in similar jobs.

Special Hiring Authorities

Overview of Hiring Authorities for Applicants with Disabilities

Special Hiring Authorities

Hiring managers look for a diverse group of talented applicants to fill their jobs, and people with disabilities represent a largely untapped source of skilled and motivated applicants. People with disabilities may apply and be considered for Treasury jobs in a number of ways (e.g., special hiring authorities, competitive examining and student hiring authorities). The focus of this overview is on three special hiring flexibilities available to Federal managers.

1. The authority for persons with severe physical disabilities, mental retardation, or psychiatric disabilities.
2. The authority for appointment of veterans with a service-connected disability of 30% or more.
3. The Veterans' Recruitment Authority (VRA), for which disabled veterans are eligible.

Advantages to using special hiring authorities

Streamlined hiring process — special authorities may be used without the usual requirements for:

- public notice (advertising) on USAJOBS, the Federal government's job board
- rules for competitive examining (the standard process for Federal hiring)

Valuable flexibility — the ability to:

- conduct targeted recruitment
- convert individuals to permanent, competitive service appointments without further competition

Financial Crimes Enforcement Network (FINCEN)

http://www.fincen.gov/about_fincen/eeo/
(703) 905-5052

Financial Management Service (FMS)

<http://www.fms.gov/aboutfms/index.html>
(202) 874-8330

Internal Revenue Service (IRS)

<http://www.irs.gov/help/content/0,,id=127967,00.html>
(202) 622-5400

IRS Office of Chief Counsel (IRS-CC)

<http://www.irs.gov/>
(202) 622-8779

EEO Office—Contact Information

Alcohol and Tobacco Tax and Trade Bureau (TTB)

<http://www.ttb.gov/eo/index.shtml>
(202) 927-0911

Bureau of Engraving and Printing (BEP)

<http://www.moneyfactory.gov/>
(202) 874-9364

Bureau of Public Debt (BPD)

<http://www.publicdebt.treas.gov/careers/policies.htm>
(304) 480-6527

Departmental Offices/Treasury (DO)

<http://home.do.treas.gov/hr/eo/>
(202) 622-4134

Recruitment

For all three of these special hiring authorities, bureaus may engage in outreach and targeted recruitment. The bureau's Selective Placement Coordinator (SPC), Disability Program Manager (DPM), or Recruiter -- typically housed in the bureau's EEO and/or HR office -- can assist hiring managers in reaching out to appropriate recruitment sources. (*For more detail, see the section "5 Easy Steps to Recruiting Applicants with Disabilities."*)

Navigating the Hiring Process

You should consult with your HR office for more information, since these special hiring authorities must be used in accordance with applicable regulations.

The following provides information that you should know. Your HR office will take care of helping you to navigate through the hiring process. This includes activities such as obtaining and reviewing required documentation (medical documentation is confidential and hiring managers are not permitted to review it), explaining the regulations and ensuring compliance with them.

Excepted Service, Schedule A, 213.3102(u) – Appointment of Persons with Mental Retardation, Severe Physical Disabilities, or Psychiatric Disabilities (hereafter referred to as Disability Authority).

1. **Advertising.** Excepted Service Positions, including those for which the Disability Authority will be used, do not have to be advertised. Keep in mind that competition has to be fair and open.

Special Hiring Authorities cont'd

2. **Targeted Recruitment.** You can conduct targeted recruitment and make selections from among the targeted group.
3. **Veterans' Preference.** Veterans' Preference is paramount in excepted service hiring.
4. **Making Selections.**
 - a. If no veteran preference candidates apply, then the bureau has discretion to decide how to evaluate and refer candidates for selection.
 - b. If veterans' preference candidates apply, then there are rules (very similar to those for competitive service jobs) that must be followed for referring and selecting candidates.
5. **Eligibility.** Applicants with disabilities must:
 - a. Meet the required qualifications for the position, with or without reasonable accommodation.
 - b. Provide proof that s/he is an individual with permanent severe physical disability, mental retardation, or psychiatric disability.
 - c. Show that s/he is ready to perform the job. This can be done in either of two ways:
 - i) Certification of job readiness from an approved source. This is a statement certifying that the individual is likely to succeed in performing the job duties; OR
 - ii) Give the individual a temporary appointment to determine his/her job readiness.

Selective Placement Coordinator. An individual who assists in recruiting, hiring, and accommodating individuals with disabilities.

Substantially Limited. As it relates to a major life activity, is the inability to perform a major life activity, or significant restrictions as to the condition, manner or duration with which a person performs a major life activity compared to the average person.

Targeted Disabilities. One or more of the following disabilities: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine.

Undue Hardship. An action requiring significant difficulty or expense when considered in light of factors such as the Department's size, financial resources, and the nature and structure of the position. Determination of undue hardship is always made on a case-by-case basis, considering factors such as the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the Department.

Vocational Rehabilitation & Employment Services (VR&E). A rehabilitation service for members of the military with service-connected disabilities that provides employers seeking to hire qualified individuals with disabilities access to a nationwide network of job-ready candidates.

Workforce Recruitment Program (WRP). A jointly managed program by the Department of Labor's Office of Disabilities Employment Policy (ODEP) and the Department of Defense which provides a pool of qualified college students with disabilities to the Federal and private sector.

Glossary cont'd

Reassignment. Reasonable accommodation of last resort, 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 a reasonable accommodation. Reassignments are made only to funded vacant positions at the same grade or lower and for employees who are qualified to fill the vacant position. If the employee is qualified for the position, he/she will be reassigned to the job and will not have to compete.

Request for Reasonable Accommodation. 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. A reasonable accommodation request may be submitted orally or in writing, by the employee or applicant or by someone associated with the employee or applicant.

Receiving Official. Treasury personnel designated to officially receive a request for reasonable accommodation from an employee or applicant (or any individual acting on his/her behalf).

Schedule A, Title 5 C.F.R. 213.3102(u). Special appointment authority for persons with severe physical disabilities, mental retardation, or psychiatric disabilities. To be eligible for this excepted service appointment, an individual must provide: (1) proof of disability, and (2) a certification of job readiness, or demonstration of job readiness through a temporary Federal appointment.

6. Type of Appointment.

- a. Appointments may be made on a permanent or temporary basis.
- b. After the employee has completed two years of non-temporary satisfactory service, the bureau may non-competitively convert the employee to a career-conditional appointment in the competitive service.

Veterans Recruitment Appointments: Excepted appointments to positions otherwise in the competitive service (see 5 CFR 307).

1. **Advertising.** Not required.
2. **Targeted Recruitment.** You can conduct targeted recruitment and make selections from among the targeted group.
3. **Veterans' Preference.** Veterans' Preference rules apply. (Not all veterans are entitled to veteran preference.)
4. **Eligibility.** Applicants with disabilities must:
 - a. Meet the required qualifications for the position, with or without reasonable accommodation.
 - b. Be disabled veterans and provide documentation that they are disabled veterans who were separated from military service under honorable conditions.

Special Hiring Authorities cont'd

5. Special rules for VRA.

- a. May be used only for positions through GS-11 (or equivalent).
- b. If a candidate is selected for a VRA, and has less than 15 years of education, s/he must agree to participate in a training or educational program established by the bureau.

6. Making Selections.

Eligible candidates may be appointed without competition. However, if there are two or more qualified candidates, they must be considered in accordance with OPM regulations on the excepted service, which include application of veterans' preference.

7. Type of Appointments.

- a. Excepted service appointments.
- b. Appointments are for a 2-year period. Generally, after the employee has completed two years of satisfactory service, the bureau must non-competitively convert the employee to a permanent appointment (career-conditional or career) in the competitive service.

Major Life Activities. Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Medical Records. Documentation by a health care professional identifying the individual's disability and his/her limitations due to the disability.

Qualified Individual with a Disability. An individual with a disability who satisfies the job-related requirements of the position, who with or without a reasonable accommodation can perform the essential functions of the position.

Reasonable Accommodation. An adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. Please see discussion on page 19.

Proof of Disability. A determination that the individual is likely to succeed in the performance of the duties of the position for which he or she is applying. The certification may be provided by licensed medical professionals (e.g., physicians), licensed state or private vocational rehabilitation specialists, or any Government agency that issues or provides disability benefits.

Glossary cont'd

Essential Functions. The fundamental duties of the position the individual with a disability holds or desires. 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.

Federal Relay Service. A federal government service which allows federal employees who are deaf, hard-of-hearing, deaf/blind and/or have speech disabilities to have equal communication access.

Job Accommodation Network (JAN). A **FREE** consulting service designed to increase the employability of individuals with disabilities.

Job Structuring. Removing the nonessential duties or changing when and/or how essential functions are performed.

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 such impairment, or is regarded as having such an impairment.

Lions World Services for the Blind. An organization which provides employers with prescreened and trained individuals with sight impairments, **FREE** of charge.

How to Fill a Vacancy

5 Easy Steps to Recruiting Applicants with Disabilities:

1. **Contact EEO/HR.** Hiring managers should first contact their bureau's Selective Placement Coordinator (SPC) or Disability Program Manager (DPM) about filling a vacancy.

The hiring manager should coordinate with his/her HR specialist to determine if an appropriate position description already exists. If not, they can work together to develop a position description that identifies the competencies needed to perform the essential duties of the job. The manager, with help from the HR specialist, should ensure the job analysis identifies necessary competencies the ideal candidate should possess, based on the essential duties of the position.

2. **Identify Potential Candidates.** A skilled SPC/DPM, after consulting his/her resources, will be able to identify potential candidates for these special hiring authorities who appear to meet the qualification requirements of the position.

The SPC/DPM or other specialist also can send the position description to networks of job placement contacts, such as those listed below. These organizations may pre-screen applicants and refer candidates for consideration. Examples are:

- Employer Assistance and Recruiting Network (EARN)
- Department of Labor's Workforce Recruitment Program
- Department of Defense's Wounded Warriors Project
- Operation War Fighter
- Lions World Services for the Blind
- Vocational Rehabilitation and Employment's Non-Paid Work Experience

How to Fill a Vacancy cont'd

The pre-screened applications are sent to the HR specialist for review vis-à-vis the qualification requirements, and any necessary rating. The HR specialist can then refer qualified applicants to the hiring manager in accordance with applicable regulations.

3. **Consider Candidates.** The hiring manager reviews resumes, conducts interviews, contacts references, and makes a selection. The hiring manager may consider candidates through other hiring processes, too.
4. **Extend Conditional Job Offer.** Forward selection decision to your HR specialist, who will extend a conditional offer of employment. The offer is contingent upon receipt of documentation from the candidate for the criteria of the applicable special appointment authority and any other pre-employment requirements that must be met.
5. **Make Final Job Offer and Coordinate Any Request for Reasonable Accommodation.** The HR specialist makes the official job offer, and negotiates the starting date upon receipt of the required documentation. The hiring manager should coordinate with the SPC/DPM and the HR Specialist to address any requests for reasonable accommodation before the new employee's first day.

Glossary

Alternate Formats. Written materials that are provided to individuals with visual impairments in different formats including Braille, text file, large print, audiotape, or video captioning.

Computer/Electronic Accommodation Program (CAP).

Through a partnership between the Department of Defense and the Department of the Treasury, CAP provides **FREE** assistive technology and services to Treasury employees with disabilities.

Certification of Job Readiness. A determination that the individual is likely to succeed in the performance of the duties of the position for which he or she is applying. The certification may be provided by licensed medical professionals (e.g., physicians), licensed state or private vocational rehabilitation specialists, or a Government agency that issues or provides disability benefits.

Cognitive Disability. An intellectual impairment, i.e., mental retardation, autism spectrum disorder, etc.

Deciding Official. An individual who has authority to determine whether a requested accommodation will be provided.

Disability. An impairment that substantially limits one or more of the major life activities as defined in §501 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and 29 CFR Part 1630.

Disability Program Manager. An individual who assists in recruiting, hiring, and accommodating individuals with disabilities.

Employee Assistance & Recruiting Network (EARN). A **FREE** service that assists employers in locating and recruiting qualified workers with disabilities. EARN also provides technical assistance on general disability employment related issues.

Frequently Asked Questions cont'd


Where can I find a copy of my Reasonable Accommodations Policy and Procedures?

Reasonable accommodation policy and procedures are available on Treasury and the bureaus' intranet and internet site.

Can I ask an applicant to identify their disability?

NO! In most situations it is illegal for an employer to ask applicants about his/her disability until a tentative offer for employment has been extended. Unless the applicant chooses to disclose information about his/her disability, an employer may not ask any questions about the disability.

Interviewing Applicants with Disabilities

- Interviewing individuals with disabilities is the same as interviewing individuals who do not have disabilities; you will be asking questions to determine their skills and qualifications for the job.
 - Concentrate on the individual, not on the disability.
 - Always focus on the individual's technical and professional knowledge, skills, education, experience and interest in doing the job.
 - Ask only job-related questions that speak to the functions of the job for which the applicant is applying.
 - If the applicant has a known disability, either because it is obvious or was revealed by the applicant, you may ask the individual to describe how s/he will perform the essential functions of the job.
 - If the disability is not obvious or revealed, **DO NOT** ask the individual **any** questions regarding his/her disability until a tentative offer for employment has been extended; this includes questions concerning reasonable accommodations. *The applicant is responsible for informing you of any accommodation needs.*
 - Prior to a job offer, medical examinations are prohibited under the Americans with Disabilities Act (ADA). However, a job offer may be conditional based on the results of a medical examination if all employees entering the position are required to take an examination.
- 

Interviewing Tips

When Interviewing an Applicant Who Uses a Wheelchair

- Don't lean on the wheelchair,
- Get on the same eye level with the applicant if the conversation lasts more than a minute or so.
- Don't push the wheelchair unless you are asked.
- Keep accessibility in mind. Are objects in your office a barrier to a wheelchair user? If so, move them aside.
- Don't be embarrassed to use such phrases as, "Let's walk over to the conference room."

When Interviewing an Applicant Who is Blind

- Immediately identify yourself and others present. If the applicant is visually impaired you can say something like "it's nice to meet you, can I shake your hand?" Or you can touch their hand to indicate that you intend to shake their hand.
- Use verbal cues; be descriptive in giving directions.
- Verbalize chair location, or place the person's hand on the back of the chair, but do not place the person in the chair.
- Don't be embarrassed to use such phrases as, "Do you see what I mean?"
- Don't shout.
- Keep doors either open or closed; a half-open door is a serious hazard.
- Offer assistance with mobility; let the applicant grasp your left arm, usually just above the elbow.

Frequently Asked Questions

How many people are there in the U.S. with disabilities?

According to the Census Bureau, about 49.7 million Americans have a disability, which includes people of all ages. About two-thirds of these individuals have a severe disability. Statistical information about individuals with disabilities can be obtained from the [U.S. Census Bureau](http://www.census.gov/) at <http://www.census.gov/>

How many individuals with disabilities are working?

There are 33.1 million individuals with disabilities aged 16-64, of that only 18.5 million or 55.8% are employed.

Who should I contact to recruit applicants with disabilities?

Contact your Selective Placement Coordinator/Disability Program Manager, EEO Office and/or your Human Resources personnel.

Where can I find qualified individuals with disabilities seeking employment?

There are several resources to locate individuals with disabilities who are seeking employment. See the "Resources" section of this guide for a snapshot of the many recruitment and consulting businesses offering assistance in employing individuals with disabilities.

Who should I contact when I receive a reasonable accommodation request?

Contact your bureau EEO Officer. See the "Contacts" section of this guide.

Bureau Best Practices

The **Office of the Inspector General (OIG)** has had continued success in hiring individuals with targeted disabilities. OIG managers are excited about the opportunity to increase the employment of individuals with disabilities. OIG has taken the following steps which are similar to the Department's disability program:

1. Market the Selective Placement Coordinator (SPC) as the contact person when a vacancy is available.
2. Conduct training targeting the senior staff on Schedule A placements.
3. Register with EARN to supply resumes that match the provided position description.
4. SPC reviews the resume and Schedule A documentation, electronically forwarding resumes to the appropriate managers with a copy to HR.
5. Provide consultation and direction to hiring managers regarding reasonable accommodation, etc.

The **Internal Revenue Service (IRS)**, through a partnership with Lions World Services, has hired 673 individuals with significant visual impairments. IRS partnered with Lions World Services for the Blind in 1967 to form the Lions World Program. Through this partnership, IRS extends commitments to hire qualified individuals with visual impairments upon successful completion of pre-employment training that utilizes adaptive equipment and assistive technologies. In addition, IRS has directly hired 126 visually impaired computer programmers. IRS is proud of its long-standing commitment to hire individuals who can perform successfully, irrespective of disabilities, and its productive relationship and achievements with Lions World Services for the Blind.

IRS's partnership with Lions World Services has earned them the Equal Employment Opportunity Commission's (EEOC) "Freedom to Compete Award" for best practices in employment.

Interviewing Tips, cont'd

- Do not touch an applicant's cane. Do not touch a guide dog when in a harness. In fact, resist the temptation to pet a guide dog.

When Interviewing an Applicant Who is Deaf

- You may need to use a visual signal to get the applicant's attention.
- If the applicant is lip reading, enunciate clearly, keep your mouth clear of obstructions, and place yourself where there is ample lighting. Keep in mind that an accomplished lip reader will be able to clearly understand only 30-35% of what you are saying.
- The best method to communicate is use a combination of voice, gestures and facial expressions. (In the future, you may also want consider learning how to fingerspell, or, if you are more ambitious, taking a course in American Sign Language).
- Don't shout.
- If you don't understand what the applicant is telling you, don't pretend you did. Ask the candidates to repeat the sentence(s).
- When scheduling an interview, ask the applicant if you should arrange for a sign language interpreter. There are different types of sign language (i.e., American Sign Language, Signed English, etc.), so ask the applicant which type of signed language is preferred. Keep in mind that the interpreter's job is to translate, not to get involved in any other way. Therefore, always face and speak directly to the applicant, not the interpreter. Don't say to the interpreter, "Tell her...."

Interviewing Tips, cont'd

- Interviews may pose problems for some deaf and hard of hearing individuals and for those with certain kinds of speech challenges. Do not make assumptions about an applicant's preferred medium of communication. Analyze the needs of the individual in relation to the specific demands of the interview process. In some cases, it may be appropriate for interview committee members to give a written copy of interview questions to deaf or hard of hearing applicants to read prior to the interview.

When Interviewing an Applicant Who has an Intellectual or Cognitive Disability

- Use simple, concrete language, but don't use baby talk.
- When giving instructions or directions, proceed slowly.
- Be patient, and repeat if necessary.
- Ask the applicant to summarize the information you have given to make sure it was understood.
- Give positive feedback whenever possible and appropriate.

How do you handle other employees in the office who inquire about why/how their coworker receives special privileges?

You may not disclose that the employee is receiving a reasonable accommodation because this usually amounts to a disclosure that the individual has a disability. The ADA specifically prohibits the disclosure of medical information except in certain limited situations, which do not include disclosure to coworkers.

If a supervisor is asked about why a coworker is receiving what is perceived as "different" or "special" treatment, the supervisor may respond by emphasizing the policy of assisting any employee who encounters difficulties in the workplace. The supervisor also may find it helpful to point out that many of the workplace issues encountered by employees are personal, and that, in these circumstances, it is the Department's policy to respect employee privacy. It may be effective to reassure the employee asking the question that his/her privacy would similarly be respected if s/he found it necessary to ask for some kind of workplace change for personal reasons.

What are my obligations when I am aware that an employee has a disability or other medical condition?

An employee's medical condition must be kept confidential. All medical information, including information about functional limitations and reasonable accommodation, **must be kept confidential.** The information may be disclosed only to individuals who have a need to know, i.e., supervisors, managers, safety personnel, etc. Medical information should only be disclosed if absolutely necessary and the individual disclosing the information must inform the recipient of the information about the confidentiality requirements.

Reasonable Accommodations cont'd

- the head of office or his/her designee where the accommodation requested involves personnel actions;
- the head of office or the appropriate agency official where the accommodation requested involves a change in policy, practices, and procedures; or
- the employee's immediate supervisor or the head of office, if the accommodation requested is for procured and non-procured property (such as a chair, footrest, fan), and/or procedures (such as extra breaks, buddy system for emergency evaluation).

Note: Before a denial based on "Undue Hardship" is rendered, the Deciding Official must have explored whether other effective accommodations exist which would not impose undue hardship and therefore could be provided.

Who pays for the reasonable accommodation?.

- The requesting employee's office pays for most accommodations. Electronic/computer assistive technology is provided **FREE** to Treasury—Non IRS employees through an agreement between the Department and the Computer/Electronic Accommodation Program (CAP) and IRS employees through the Information Resources Accessibility Program (IRAP).

Note: When evaluating budgetary or administrative concerns to determine if "Undue Hardship" exists, the bureau must consider the budget of the Department not the bureau and/or office budget.

Reasonable Accommodations

What is a reasonable accommodation?

A reasonable accommodation is an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment.

How do individuals request a reasonable accommodation?

The reasonable accommodation process begins as soon as the **request for accommodation is made either orally or in writing**. The 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 he/she chooses, even if he/she has not previously disclosed the existence of a disability. The request does not necessarily mean the employer is required to provide the accommodation.

The individual's request must be considered when an employee makes a request verbally or in writing with his/her immediate supervisor, a supervisor or manager in his/her immediate chain of command, or any office designated to oversee the reasonable accommodation process. When an applicant makes a request, it will be considered if made to any agency employee with whom the applicant has contact in connection with the application process or any other individual designated by the agency.

Reasonable Accommodations cont'd

What should I do when I receive a request for a reasonable accommodation?

- **Do not panic.** Most reasonable accommodation requests are easy to provide and the average cost is only around \$600.

In addition, through the Department's partnership with the Computer/Electronic Accommodation Program (CAP), most electronic assistive technology, devices, and technical guidance is **FREE**. The IRS has a similar program called Information Resources Accessibility Program (IRAP).

- Acknowledge and clarify the request for an accommodation. Make sure you understand the nature of the accommodation requested.
- Contact your bureau's EEO Officer (See Contacts—page 32) to inform him/her that you have received a request for reasonable accommodation.

The EEO Officer will be able to assist you through the process. Requesting a reasonable accommodation is an interactive process. Communication is a priority throughout the entire process. Officials involved in the provision of reasonable accommodation should take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee/applicant requesting the accommodation should also participate, to the extent possible, in helping to identify an effective accommodation. Personnel involved in the interactive process should record their activities.

Note: You are not obligated to provide the individual with the accommodation of his/her choice. However, you should offer a suitable alternative that would achieve the same results.

Can I reassign an employee with a disability as a reasonable accommodation?

Reassignment is an accommodation of last resort. Reassignment will only be considered if a determination is made that no other reasonable accommodations are available to enable the individual to perform the essential functions of his/her current job, or if the only effective accommodation would cause undue hardship.

Bureaus are not obligated to create a position for the purpose of reassignment.

Note: The inability to work for a particular supervisor is not a disability.

Who will approve or deny the request?

Each bureau should have a designated official delegated the principal responsibility for identifying possible accommodations and determining whether an accommodation will be provided. This official may differ depending on whether the request is initiated by an employee or an applicant, or type of accommodation being requested. For example, the official could be:

- the bureau Human Resources Specialist responsible for the recruitment and/or selection process if the request for accommodation is from an applicant;
- the bureau Disability Program Manager if the accommodation requested is for adaptive equipment, a reader or sign language interpreter, removal of an architectural barrier, accessible parking, or materials in alternative formats;