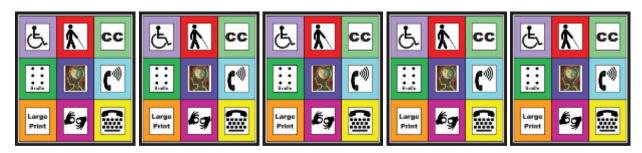
# Reasonable Accommodation for Employees and Applicants with Disabilities



The Department of Labor (DOL) is committed to providing individuals with disabilities equal access to all employment opportunities. As part of that commitment, DOL will provide reasonable accommodations to its employees and applicants for employment with disabilities to ensure that all individuals have the ability to participate equally and be fully successful in all aspects of DOL employment opportunities.

#### Who is entitled to a reasonable accommodation?

Under Federal law, an individual with a disability is entitled to a reasonable accommodation. An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such impairment, except, however, that an individual who is solely regarded as having a disability without meeting one of the other definitions is not entitled to reasonable accommodations.

## What is a reasonable accommodation, and what are some examples?

Reasonable accommodations are adjustments or modifications provided by an agency to enable people with disabilities to enjoy equal employment opportunities. Accommodations may vary depending upon the needs of the individual employee or applicant, and not all people with disabilities (or even all people with the same disability) will require the same accommodation. Reasonable accommodations may include, but are not limited to:

- Making existing facilities used by employees and applicants readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to vacant positions;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

### When must DOL provide a reasonable accommodation?

An agency is <u>required</u> to make a reasonable accommodation to the known disability of a qualified employee or applicant if it would not impose an "undue hardship" on the operation of the agency. An employee or applicant is qualified if, with or without reasonable accommodation, he or she can perform the essential functions of the job in question. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of particular factors including, but not limited to, an agency's size, financial resources, and the nature and structure of the agency.

### How does a DOL employee or applicant request a reasonable accommodation if needed?

An employee who seeks an accommodation, or an individual seeking an accommodation on his or her behalf, should:

• Make a request for a reasonable accommodation to the immediate supervisor or to an agency

official either orally or in writing. The agency official may be any supervisor in the employee's chain of command. The employee must let the supervisor know that s/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual need not use the phrase "reasonable accommodation."

- Describe the functional impairment(s) necessitating the accommodation.
- Describe the accommodation, if known, that will permit the employee to perform the essential functions of his or her job, and/or enable the employee to enjoy the same opportunities, benefits and privileges in the workplace as employees who are not disabled.
- If the disability or need for the requested accommodation is not obvious or already known, provide medical documentation upon request that supports or confirms the functional impairment(s) and the requested accommodation.

A DOL job applicant who seeks a reasonable accommodation should make his or her request to and discuss the need for an accommodation with the human resources specialist listed on the vacancy announcement. The human resources specialist will decide whether to grant or deny the accommodation, or offer an alternative accommodation.

### How will the Agency respond when a request for a reasonable accommodation is made?

Once a request for an accommodation is received, the supervisor and employee will engage in an interactive discussion regarding the nature of the disability and the employee's functional limitation(s) in order to identify an effective accommodation to meet the employee's needs. The supervisor will evaluate the request and either grant the request, offer an alternative, or deny the request. Where more than one accommodation would work, the supervisor may choose the one that is less costly or that is easier to provide. The supervisor should handle the reasonable accommodation request as promptly as possible. If the supervisor concludes that he or she needs assistance to evaluate the request, the supervisor will consult with the relevant agency's EEO Manager who may arrange for the Civil Rights Center (CRC) to contact the Federal Occupational Health (FOH) Service to conduct a medical assessment of the accommodation request.

- **Granting an accommodation**. If the employee's request is granted, the supervisor will promptly inform the employee and document all actions taken on the request.
- **Offering an alternative accommodation.** If an alternative accommodation is available that would better serve the Department's legitimate organizational needs and still meet the needs of the employee, the supervisor may offer the alternative accommodation to the employee after consultation with the agency EEO Manager, Office of the Solicitor (SOL) and CRC.
- **Denying an accommodation.** If, after reviewing all of the documentation (including a medical assessment from FOH), the supervisor concludes that there is no accommodation that will permit the employee to perform the essential functions of his or her current position, the option to explore reassignment to other positions for which the employee may qualify will be offered. If the employee declines reassignment or if the search yields no results, the supervisor will consult with the agency EEO Manager, SOL and CRC, and the employee will be informed in writing of the denial, the reasons for the denial and the employee's appeal rights.

**Use your DOL resources:** Consult your agency EEO Manager and/or the CRC for guidance: DOL's Reasonable Accommodation Hotline: 202-693-6569; TTY 202-693-6515; and DOL's Reasonable Accommodation Resource Center: 202-693-7828; TTY 202-693-7755. Also available is DLMS 4 – Chapter 306 Reasonable Accommodation for Employees and Applicants with Disabilities (on LaborNet). The Job Accommodation Network (JAN) is another excellent resource. JAN is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues; see <a href="http://askjan.org">http://askjan.org</a> or call 800-526-7234; TTY 877-781-9403.