

Date Number

MANUAL December 3, 2002 1430.1 Chg. 1 ER

## Reasonable Accommodation for the Federal Emergency Management Agency

#### **Foreword**

- **1.** <u>Purpose</u>. This transmits changes to FEMA Manual 1430.1, "Reasonable Accommodation for the Federal Emergency Management Agency" (FEMA), dated August 22, 2001. Requests for reasonable accommodations will be processed by FEMA, and where appropriate, provided in a prompt, fair and efficient manner.
- **2.** <u>Action</u> Required. Holders of FEMA Manual 1430.1, shall file this transmittal sheet in front of the Manual for reference purposes.
- **3.** <u>Change Lines.</u> A vertical line in the right or left margins immediately opposite the new or revised material indicates new or revised material appearing on the change page.

<u>Insert</u>	Remove
New Table of Contents	Old Table of Contents
Pages 1-1, 1-2, and 1-3	Page 1-1 and 1-2
Pages 2-1	Page 2-1 and 2-2
Page 3-1	Page 3-1
Page 4-3	Page 4-3
Page 5-1, 5-2 and 5-3	Page 5-1 and 5-2
Pages 8-1 and 8-2	Pages 8-1 and 8-2
	/s/
	Joe M. Allbaugh

Director

**Distribution:** J(AllPersHQFld) ) http://www.fema.gov/library/femainfo.shtm

## Contents

<u>Page</u>	<u>Paragraph</u>
1-1	1-1
1-1	1-2
1-1	1-3
1-1	1-4
1-1	1-5
1-1	1-6
1-2	1-7
1-2	1-8
1-3	1-9
tions	
2-1	2-1
2-1	2-2
3-1	3-1
3-1	3-2
3-1	3-3
3-1	3-4
4-1	4-1
4-2	4-2
4-3	4-3
5-1	5-1
5-1	5-2
ion Request	
6-1	6-1
6-1	6-2
6-2	6-3
	1-1 1-1 1-1 1-1 1-1 1-1 1-1 1-1 1-2 1-2

i

	<b>Page</b>	<b>Paragraph</b>
Chapter 7 - Claims		
Statutory and Collective Bargaining Claims	7-1	7-1
<b>Chapter 8 – Assistance Information</b>		
Tracking and Reporting	8-1	8-1
Inquiries	8-1	8-2
Distribution	8-1	8-3
Resource Assistance	8-2	8-4

## Appendix A - FEMA Form 14-13, "Request for Reasonable Accommodation"

<u>Appendix B - FEMA Form 14-13A, "Reasonable Accommodation Information Reporting Form"</u>

<u>Appendix C - Department of Defense (DOD) – CAP (Computer Accommodation Program)</u> <u>Accommodation Request Form</u>

## ii Chapter 1

#### **General Information**

- **1-1.** <u>Purpose</u>. This manual establishes the policy and procedures for the Federal Emergency Management Agency (FEMA) on reasonable accommodation.
- **1-2.** <u>Applicability and Scope</u>. The provisions of this manual are applicable to permanent full-time and part-time employees, Cadre On-Call Response (CORE) employees, Disaster Assistance Employees (DAEs), disaster local hires and applicants for any of these positions at FEMA.
- **1-3.** <u>Policy.</u> FEMA's policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973. Under the law, Federal agencies must provide reasonable accommodations to qualified individuals with disabilities, except in cases where this would cause undue hardship. (See Section 1-8 for definitions of "Qualified Individual With a Disability" and "Undue Hardship.")
- **1-4. Procedures.** Requests for reasonable accommodation can be made as follows:
- **a.** An employee may request a reasonable accommodation orally or in writing from his/her immediate supervisor or the Disability Program Manager. Any request must be documented on Form 14-13, "Request for Reasonable Accommodation" (Appendix A).
- **b.** An applicant for employment may request a reasonable accommodation orally or in writing from any FEMA employee with whom s/he has contact in connection with the application process. Such employee must forward the request to the appropriate decision maker (as delineated in Section 1-7) as soon as possible. An applicant for employment may also request reasonable accommodation from the Disability Program Manager in the Office of Equal Rights. An oral request must be documented on Form 14-13, "Request for Reasonable Accommodation" (Appendix A).
- **c.** A family member, health professional, or other representative may request an accommodation on behalf of a FEMA employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.
- **1-5.** <u>Authority</u>. Section 501 of the Rehabilitation Act of 1973. Under this law, Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, except in cases where this would cause undue hardship to the Agency.
- **1-6. References**. Title 29, Code of Federal Regulations (CFR) Part 1614.

**1-7.** <u>Responsibilities.</u> The FEMA staff member who first receives the request from an employee must forward it to the individual's first line supervisor who will be the decision maker. The FEMA staff member who first receives the request from an applicant for employment at FEMA Headquarters, one of the regions, or for a CORE or DAE position must forward it to the Deputy Director, Human Resources Division who will be the decision maker. The FEMA staff member who first receives the request from an applicant for employment as a local hire in a disaster must forward it to the FCO or his/her designee who will be the decision maker in conjunction with the Equal Rights Officer servicing that disaster.

### 1-8. <u>Definition of Key Terms</u>.

- **a.** Reasonable Accommodation: Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to have employment opportunities equal to those of an individual without a disability. Reasonable accommodations may include:
  - (1) Making existing facilities accessible;
  - (2) Part-time or modified work schedules;
  - (3) Acquiring or modifying equipment; and
  - (4) Providing qualified readers or interpreters.
- **b.** <u>Disability</u>: A physical or mental impairment that substantially limits a major life activity (i.e., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working).
- **c.** Qualified Individual with a Disability: An individual with a disability is qualified if: (1) he/she satisfies the requisite skill, experience, education, and other job-related requirements of the position; and, (2) he/she can perform the essential functions of the position, with or without reasonable accommodation.
- **d.** Essential Functions: Those job duties that are so fundamental to the position that the individual holds or desires that he/she 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.
- **e.** <u>Undue Hardship</u>: FEMA must provide reasonable accommodation for a disability unless it would cause significant difficulty or expense. 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.

## **1-9.** Forms Prescribed. This manual prescribes the use of the following forms:

FEMA Form 14-13, "Request for Reasonable Accommodation" (Note: the reverse of this form is "Management Response to Request for Reasonable Accommodation"); FEMA Form 14-13A, "Reasonable Accommodation Information Reporting Form." These FEMA forms, may be obtained through the Agency's Printing, Publications and Graphics Arts Branch, Program Services and Systems Branch, Administration and Resource Planning Directorate or by accessing the FEMA electronic forms website at <a href="http://DocNet.fema.gov">http://DocNet.fema.gov</a>. This manual also prescribes the use of the Department of Defense (CAP) form, which may be obtained from the Office of Equal Rights.

## 1-3 Chapter 2

#### **Requests For Reasonable Accommodation**

## 2-1. Reasonable Accommodations.

- **a.** A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application for employment, 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.
- **b.** 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. However, the individual must make the manager aware that he/she has a disability at the time of the request. Special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" do not necessarily have to be used in making the request.
  - **c.** For specific procedures, (See 1-4).

### 2-2. Written Requests.

- **a.** To enable FEMA to keep accurate records regarding requests for accommodation, employees and applicants for employment seeking a reasonable accommodation should follow up an oral request by completing the attached "Request For Reasonable Accommodation" form (Appendix A) and providing it to the decision maker.
- **b.** The "Request for Reasonable Accommodations" form should be filled out as soon as possible following an oral request, but it is not a requirement for processing the request itself. FEMA will begin processing the request as soon as it is made, whether or not the form has been filled out. If an employee does not fill out the form, the decision maker on the request should do so.
- **c.** The "Request for Reasonable Accommodations" form is not required to be filled out when an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters or readers). The written form is required only for the first request although appropriate notice by the employee must be given each time the accommodation is needed.

## 2-1 Chapter 3

#### **Examples of Accommodations:**

- **3-1.** <u>Computer and Electronic Assistive Devices.</u> FEMA has an interagency agreement with the Department of Defense (DOD), to provide computer and electronic assistive devices to accommodate employees with disabilities. Examples of such accommodations include voice recognition/keyboards, telecommunication devices, training on assistive technology, screen readers/magnification, assistive listening devices, and captioning services. To request such an accommodation the employee must complete DOD's Computer Accommodations Program (CAP) form and have it approved by his/her supervisor and coordinated with the Disability Program Manager in the Office of Equal Rights.
- **3-2.** Reader or Sign Language Interpreter. When an employee has a recurring, predictable need for accommodation, such as a reader or sign language interpreter, FEMA may be obligated to provide it, whether or not the employee has requested it. When an employee does make such a request, it can be handled by the employee's immediate supervisor. Readers and sign language interpreters may not always be immediately available. Therefore, supervisors should plan activities requiring such services in advance to ensure their availability. The Deputy Director, Human Resources Division will handle requests from applicants for employment at Headquarters, the regions, and for applicants for employment as CORE and DAE employees. The FCO or his/her designee(s) in conjunction with the Equal Rights Officer at disaster sites will handle requests from applicants for employment for positions as local hires. The Disability Program Manager in the Office of Equal Rights is available to provide technical assistance and information regarding resources for sign language interpreters.
- **3-3.** Accessible Parking and Materials In Alternative Formats. Requests from employees for accessible parking and materials in alternative formats can be handled by the employee's immediate supervisor or the Disability Program Manager. The Deputy Director, Human Resources Division will handle requests from applicants for employment at Headquarters, the regions, and for applicants for employment as CORE and DAE employees. The FCO or his/her designee(s) in conjunction with the Equal Rights Officers at disaster sites will handle requests from applicants for employment for positions as local hires.
- **3-4.** <u>Telework.</u> Telework is available only to permanent full-time, permanent part-time and CORE employees. Requests for telework as a reasonable accommodation for a disability must be made in accordance with the procedures outlined in the FEMA Manual "Program Guidance for Flexible Workplace Environment" (FEMA Manual 3000.3/July 2000). Such requests must include sufficient medical documentation to substantiate the need for telework. When submitting the "Telework Application Form" to the supervisor, the box for "medical" must be checked under "Application Type."

## 3-1 Chapter 4

#### **Interactive Process**

**4-1.** <u>Interactive Process</u>. The parties need to discuss the issue to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the FEMA decision maker 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 FEMA decision maker will have the principal responsibility for identifying possible accommodations. He/she will 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. The Disability Program Manager is also available to provide assistance.

- **a.** The FEMA decision maker will: (1) explain to the applicant or employee that he/she will be making the decision on the request; and, (2) describe what will happen in the processing of the request. This initial discussion should happen as soon as possible.
- **b.** On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided, are clear, extensive discussions are not necessary. Even so, the decision maker and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.
- **c.** The decision maker or any other FEMA official who receives information in connection with a request for reasonable accommodation must keep the information confidential. He/she may share information connected with that request with other agency officials only when the agency official(s) need to know the information in order to make a determination on a reasonable accommodation request.
- **d.** There are specific considerations in the interactive process when responding to a request for reassignment.
- (1) Reassignment is a form of reasonable accommodation that must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position he/she holds, with or without reasonable accommodation. Reassignment is a "last resort" accommodation that must be considered if there are no effective accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other possible accommodations would impose undue hardship on the Agency.

- (2) Reassignment is available only to employees, not to applicants. In addition, reassignment may be made only to a vacant position. The law does not require that agencies create new positions or move employees from their jobs in order to create a vacancy.
- (3) In considering whether there are positions available for reassignment, the Disability Program Manager will work with the Human Resources Division, the offices identifying the vacancies, and the individual requesting the accommodation to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and, (2) positions which the Human Resources Division has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified. The agency 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, FEMA will consider vacant lower level positions for which the individual is qualified.
- (4) Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, FEMA will not pay for the employee's relocation costs.
- **4-2.** Requests for Medical Information. FEMA 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, FEMA 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, FEMA may require that the individual provide documentation about the disability and his or her functional limitations. A request for medical documentation may be made to the individual and/or the individual may be asked to obtain information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. The information may include:
  - **a.** The nature, severity, and duration of the individual's impairment;
  - **b.** The activity or activities that the impairment limits;
- **c.** The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or,
- **d.** Why the individual requires the particular reasonable accommodation requested, as well as how the accommodation will assist the individual in applying for a job, performing the essential functions of the job, or, enjoying a benefit of the workplace.
- (1) If a decision maker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, he/she should coordinate such request with the Disability Program Manager in the Office of Equal Rights prior to requesting such information.

- (2) When medical documentation is submitted to the decision maker, he/she must provide all such documentation to the Disability Program Manager at the conclusion of the process for record keeping purposes.
- **e.** In order to get the most helpful information possible, all requests for medical documentation should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.
- **f.** The individual requesting the accommodation will be asked to sign a limited release of medical information specific to the accommodation requested.
- **g.** If the information provided by the health professional, or by the individual requesting the accommodation, is insufficient to determine whether an accommodation is appropriate, the decision maker may ask for further information.
- (1) However, he/she will explain to the individual seeking the accommodation, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.
- (2) The individual may then ask the health care, or other appropriate medical professional to provide the missing information. FEMA may submit a list of specific questions for this purpose.
- (3) 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 decision maker, in consultation with the Disability Program Manager, may request that the individual be examined by a physician chosen by FEMA, at FEMA's expense.
- **h.** In some cases, the individual requesting the accommodation will supply medical information directly to the decision maker without being asked. In these cases, the decision maker will consider such documentation and if additional information is needed, the decision maker will follow the process as set forth in this section. The failure to provide appropriate documentation or to cooperate in the Agency's efforts to obtain such documentation can result in a denial of the reasonable accommodation.
  - i. Any exceptions to this process will be handled on a case-by-case basis.
- **4-3.** Confidentiality Requirements. All requests for reasonable accommodation much be kept confidential. Under Section 501 of the Rehabilitation Act of 1973, medical information obtained by FEMA in connection with the reasonable accommodation process must be kept confidential. This includes medical information about functional limitations and reasonable accommodation needs. Requests for reasonable accommodation must also be kept in files separate from the individual's personnel file. Any FEMA employee who obtains or receives such information is strictly bound by these confidentiality requirements.

- **a.** The Disability Program Manager will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act, the requirements of 29 C.F.R. 1611 and this guidance document.
  - **b.** This information may be disclosed only as follows:
- (1) Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the accommodation(s), but medical information should only be disclosed if strictly necessary;
- (2) First aid and safety personnel may be informed, when appropriate, should the disabled employee require emergency treatment;
- (3) Government officials may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act; and,
- (4) The information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers.
- **c.** Whenever medical information is disclosed, the recipient of the information must be informed of the confidentiality requirements.

## 4-4 Chapter 5

#### **Time Frames**

- **5-1. Processing Requests.** FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA 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. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:
- **a.** Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.
- **b.** If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, provided within 15 business days from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.
- (1) If the decision maker 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 decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.
- (2) In cases where medical documentation is needed, the accommodation, if granted, will be provided within ten (10) business days for an applicant, and within 15 business days for an employee, from the date the decision maker receives the relevant information, absent any extenuating circumstances.
- **c.** Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.
- **5-2.** 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 on a case-by-case basis. Such extensions may be

granted by the second level supervisor, in the case of a request from an employee, and the Disability Program Manager, in the case of a request from an applicant. It is FEMA's policy that extensions based on extenuating circumstances should be limited to circumstances where they are strictly necessary. FEMA staff is expected to act as quickly as possible in processing and providing accommodations. The following are examples of extenuating circumstances:

- **a.** There is an outstanding initial or follow-up request for medical information, or the medical information is being evaluated.
- **b.** The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation and the processing of requests through the DOD CAP program. Requests for computer and electronic equipment through the DOD CAP program are likely to take an additional 15-20 days.
- **c.** Equipment is back-ordered, the vendor typically used by FEMA for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- **d.** The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before FEMA buys it.
- **e.** New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.
- **f.** "Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, FEMA may not delay processing or providing an accommodation because a particular staff member is unavailable.
- (1) Where extenuating circumstances are present, the decision maker must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual.
- **a.** If there is a delay in providing an accommodation that has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the decision maker may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the Agency; and, (2) the employee is clearly informed that they are being provided only on a temporary, interim basis.

- (2) If a delay is attributed to the need to obtain or evaluate medical documentation and FEMA has not yet determined that the individual is entitled to an accommodation, FEMA may provide accommodation on a temporary basis. In this case, the decision maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the request.
- (3) FEMA decision makers who approve temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps are being taken to secure a permanent accommodation.

## 5-3 Chapter 6

### **Granting a Reasonable Accommodation Request**

- **6-1.** <u>Granting a Request.</u> As soon as the decision maker determines that a reasonable accommodation will be provided, the 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. This notice does not need to be in writing.
- **6-2. Denial of a Request.** In the case of a denial of a request for reasonable accommodation, the decision maker must fill out the "Management Response to Request For Reasonable Accommodation" form on the back of the "Request for Reasonable Accommodation" form (Appendix A) and provide a copy to the individual requesting the accommodation. The denial should clearly state the specific reasons for the denial. Where the decision maker has denied a specific requested accommodation, but offered an alternative accommodation not previously discussed, the denial notice should explain both the reasons for the denial and the reasons that the decision maker believes that the chosen accommodation will be effective. Denial of a request for reasonable accommodation may include the following:
- **a.** The requested accommodation and the reasons the accommodation would not be effective and why.
- **b.** The reason the requested accommodation would result in undue hardship to the agency. Before reaching this determination, the decision maker must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. A determination of undue hardship means that FEMA finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of FEMA's operations.
- **c.** Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
  - **d.** The requested accommodation would require the removal of an essential job function.
- **e.** The requested accommodation would require the lowering of a performance or production standard. (The decision maker must understand that temporary adjustments, including lowering performance or production standards, are allowed during the normal course of business, if circumstances warrant it. For instance, a supervisor may, if an employee is temporarily but seriously ill, temporarily lower a performance or production standard to accommodate the employee.)

Keep in mind that the actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship.

The written notice of denial informs the individual that he/she has the right to file an Equal Employment Opportunity (EEO) complaint, and may have the right to pursue Merit Systems Protection Board (MSPB) and union grievance procedures. The notice also explains FEMA's procedures for informal dispute resolution.

- **6-3. <u>Dispute Resolution.</u>** Individuals with disabilities can request prompt reconsideration of a denial of reasonable accommodation.
- **a.** If an employee is denied his/her request for reasonable accommodation, he/she may appeal directly to his/her second level supervisor. The employee may present additional information in support of his/her request. The second level supervisor will respond to this request within ten (10) business days.
- **b.** If an applicant is denied his/her request for reasonable accommodation, he/she may appeal directly to the Disability Program Manager in the Office of Equal Rights. The applicant may present additional information in support of his/her request. The Disability Program Manager will respond to this request within ten (10) business days.
- **c.** In an effort to resolve issues or concerns, employees or applicants can request to participate in the Alternative Dispute Resolution Program.

The pursuit of any of the informal dispute resolution procedures identified above does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, MSPB, or union grievance procedures.

## **6-2** Chapter 7

#### Claims

**7-1.** Statutory and Collective Bargaining Claims. This policy is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

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

- **a.** For an EEO complaint, contact an EEO counselor within 45 days from the date of receipt of the written notice of denial;
- **b.** For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or,
- **c.** Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3.

If a member of the Office of Equal Rights has had any involvement in the processing of the request for reasonable accommodation, that staff member shall remove him or herself from any involvement in the processing of an EEO counseling contact or EEO complaint in connection with the request.

## 7-1 Chapter 8

#### **Assistance Information**

- **8-1.** <u>Tracking and Reporting.</u> FEMA is required to identify the following information regarding requests for reasonable accommodation:
- **a.** The number and types of reasonable accommodation that have been requested for each job (occupational series, grade level), by agency component;
  - **b.** Whether those requests have been granted or denied;
  - **c.** How many of those requests relate to the benefits or privileges of employment;
  - **d.** The reasons for denial of requests for reasonable accommodation;
  - e. The amount of time taken to process each request for reasonable accommodation; and,
- **f.** The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
- **g.** The Disability Program Manager will retain for at least three (3) years information or any cumulative records used to track FEMA's performance with regard to reasonable accommodation.

In accordance with the information tracking requirements, the decision maker must complete the attached "Reasonable Accommodations Information Reporting Form" and submit it to the Disability Program Manager within ten (10) business days of the decision. The decision maker should attach copies of all information, including medical documentation he/she received as part of processing the request.

The Disability Program Manager will maintain records related to an employee's request for accommodation for the duration of the employee's tenure.

- **8-2.** <u>Inquiries.</u> Any person wanting further information concerning these procedures may contact the Disability Program Manager in the Office of Equal Rights.
- **8-3.** <u>Distribution</u>. These procedures will be distributed to all employees upon issuance. They also will be posted on FEMA's intranet and internet sites. Copies also will be available in the Office of Equal Rights and the Human Resources Division.

## 8-4. Resource Assistance.

**a.** Listed below are resources to assist in providing reasonable accommodations:

### (1) Office of Equal Rights, FEMA

202-646-3535 (Voice); 202-646-2745 (TT)

## (2) U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice); 1-800-800-3302 (TT) http://www.eeoc.gov.

EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act;

EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act.

## (3) Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT) <a href="http://janweb.icdi.wvu.edu/">http://janweb.icdi.wvu.edu/</a>.

# (4) ADA Disability and Business Technical Assistance Centers (DBTACs) 1-800-949-4232 (Voice/TT)

## (5) Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

http://www.rid.org

## (6) RESNA Technical Assistance Project

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

http://www.resna.org/

### (7) Computer/Electronic Accommodations Program (CAP)

703-681-8813 (Voice/TT)

www.tricare.osd.mil/cap