



*What Every Employee Needs
to Know About*

Reasonable Accommodation at PBGC

*The Most Frequently Asked
Questions by Employees*

Human
Resources
Department
Personnel Programs

REASONABLE ACCOMMODATION AT PBGC

The Pension Benefit Guaranty Corporation (PBGC) is committed to providing equal opportunities for persons with disabilities. The Human Resources Department (HRD) embraces a collaborative approach in its handling of reasonable accommodation requests to assist disabled individuals in being productive and successful employees. This brochure is designed to help job applicants and PBGC employees understand the reasonable accommodation process at PBGC.



Arrie Etheridge, Director
Human Resources Department

Our customer is our partner in success.

What is the Rehabilitation Act?

The Rehabilitation Act of 1973, as amended, 29 U.S.C. 1701 *et seq.*, is a law that protects qualified employees and applicants with disabilities from employment discrimination based on disability. It requires PBGC and all other federal agencies to provide reasonable accommodation to a “qualified individual with a disability” unless the accommodation would impose an “undue hardship” on the agency.

How do I know if I am covered under the Rehabilitation Act?

To be covered and entitled to a reasonable accommodation, you must be a “qualified individual with a disability.”

What is a “disability” under the Rehabilitation Act?

An individual is considered to have a disability if he or she:

- has a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, walking, breathing; or

- has a record of such an impairment; or
- is regarded as having such an impairment.

Who is a “qualified individual” under the Rehabilitation Act?

A qualified individual is someone who has the skills, experience, education, and other qualifications required for the position and who, with or without reasonable accommodation, can perform the essential functions of the job. Essential functions are those duties that are considered to be most critical to the job.

What is a “reasonable accommodation”?

A reasonable accommodation is a change in the work environment or in the way that things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. Examples of reasonable accommodations include specially designed or reconfigured furniture, sign language interpreters for the hearing impaired, and written materials in alternative formats (e.g., Braille or large print).

What should I do if I think I might need a reasonable accommodation?

If you think you might need a reasonable accommodation, you have to request one. You may request a reasonable accommodation at any time.

How do I request a reasonable accommodation?

You may request a reasonable accommodation either orally or in writing directly from your immediate supervisor, another supervisor or manager in your immediate chain of command, or the Reasonable Accommodation (R/A) Coordinator. A family member, health professional, or other authorized representative may request an accommodation on your behalf.

You do not need to complete any special form or use technical language to do this. However, you may use Part 1 of PBGC Form 607 (“Request for Reasonable Accommodation or Work Modification”).

What does the Reasonable Accommodation Coordinator do?

The R/A Coordinator is responsible for processing the request. Each request initiates an “interactive” process that requires communication between the individual making the request and the R/A Coordinator. The R/A Coordinator is also responsible for determining whether the individual making the request is a qualified individual with a disability and, if so, making a final decision to grant some form of accommodation or to deny the request.

What happens after I make a request for a reasonable accommodation?

Once you have requested a reasonable accommodation, the R/A Coordinator will meet with you and discuss the request. At the initial meeting, the R/A Coordinator will discuss the process and time frames for determining whether an accommodation will be provided, the nature and extent of your impairment, and potential accommodations. The R/A Coordinator will also discuss whether you need to submit medical documentation to support your request.

Do I have to provide medical documentation to support a request for reasonable accommodation?

If your impairment and/or the need for reasonable accommodation is obvious, the R/A Coordinator will not typically request you to provide medical documentation. If your impairment and/or the need for accommodation is not obvious, the R/A Coordinator will request appropriate medical documentation related to the impairment and requested accommodation.

The request for medical documentation will be individually tailored to seek only that information necessary to establish that you have a disability under the Rehabilitation Act and that you need a reasonable accommodation.

The R/A Coordinator may have the medical documentation you submit reviewed by a medical expert of PBGC's choosing and at its expense.

What happens if I do not submit the medical documentation requested by the R/A Coordinator?

Failure to provide the necessary medical documentation to establish the existence of a disability could result in the denial of the request for reasonable accommodation.

Will the medical documentation that I submit relating to my request be kept confidential?

All medical information obtained will be maintained in HRD in confidential employee medical files that are maintained separately from other official personnel files.

How long does this process take?

In general, it depends upon the complexity of the request. The goal is to grant or deny a request for accommodation within 20 workdays of the date the request is received by the R/A Coordinator. The 20-workday time period does not include the time period during which PBGC is awaiting receipt of medical documentation.

If an accommodation request is granted, PBGC will strive to provide the actual accommodation that has been determined to be appropriate as quickly as possible, but no later than 30 calendar days from the date the request is granted.

If my request is granted, do I get the accommodation I want?

PBGC will consider an employee's suggestion for a specific reasonable accommodation; however, it is not obligated to provide the employee's preferred accommodation. PBGC needs to provide an "effective" accommodation.

Under what circumstances could my request be denied?

Your request could be denied if you do not establish that you are a "qualified individual with a disability" or if the accommodation would impose an "undue hardship" on PBGC. "Undue hardship" is defined as significant difficulty or expense and is determined on a case-by-case basis.

How will I know whether the accommodation is denied or granted?

The R/A Coordinator will inform you, typically in writing, when your accommodation is granted. If the R/A Coordinator concludes that your request should be denied because you are not a "qualified individual with a disability" or the accommodation would cause an undue

hardship, the R/A Coordinator will notify you in writing using Part 2 of PBGC Form 607 (“Request for Reasonable Accommodation or Work Modification”).

What can I do if my request is denied?

If your request is denied, you can:

- (1) use the informal dispute resolution process by submitting a request to PBGC’s Chief Management Officer within 20 calendar days;
- (2) file an EEO complaint with PBGC’s EEO Office within 45 calendar days from the date of the denial of the request (this time limit must be met even if you are participating in the informal resolution process); or
- (3) file a grievance within the time limits prescribed by PBGC Directive PM 30-5 (“Grievance Directive for Non-Bargaining Unit Employees”) for non-bargaining unit employees or the Collective Bargaining Agreement (CBA) for bargaining unit employees (the time limits prescribed by the directive or CBA must be met even if you are participating in the informal resolution process).

In addition, PBGC managers and supervisors have broad discretion to assist you in the performance of official duties, including if you are confronted with a temporary medical condition (e.g., broken leg from a skiing accident). Assistance can be given to an employee who has not been determined by the R/A Coordinator to have a disability as defined under the Rehabilitation Act. You are encouraged to meet with your supervisor or other managers in your department to discuss available options.

For More Information

To learn more about reasonable accommodation, you can contact the R/A Coordinator at (202) 326-4110, extension 6383, or by e-mail at **reasonable.accommodations@pbgc.gov** or the Human Resources Department at (202) 326-4110.



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