

**Pipeline and Hazardous Materials
Safety Administration**

**PROCEDURES FOR PROCESSING
REASONABLE ACCOMMODATION
REQUESTS
BY EMPLOYEES AND APPLICANTS
WITH DISABILITIES**

December 2005

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

Table of Contents

Purpose	2
Scope	2
Responsibilities	2
Requesting Reasonable Accommodation	4
Denial of Reasonable Accommodation Request	5
Time Period for Processing Requests	5
Medical Information	6
Forms	7

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

1. PURPOSE

The DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) developed these written procedures, in accordance with Executive Order 13164, for processing reasonable accommodation requests by its job applicants and employees with disabilities. These procedures assist PHMSA in fulfilling its obligation under the Rehabilitation Act of 1973 as amended, to provide reasonable accommodation for employees and applicants with disabilities. These procedures describe the steps to be followed when an employee or job applicant requests a reasonable accommodation for a disability. These procedures must be used in conjunction with DOT Order 1011.1 (Procedures for Processing Requests for Reasonable Accommodation by DOT Job Applicants and Employees with Disabilities), http://www.dotcr.ost.dot.gov/Documents/10101_files/10101.htm.

2. SCOPE

A **reasonable accommodation** is a change or adjustment to a job or worksite that allows a qualified employee or applicant with a disability to perform the essential functions of their position without causing an undue hardship on the PHMSA. The concept of reasonable accommodation applies to all aspects of employment, including recruitment, training, promotion, reassignment, rotational assignments, and developmental assignments, as well as the benefits and privileges of employment. This order applies to reasonable accommodation requests, made by or on behalf of **employees** or **applicants**, who have a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. All organization components within PHMSA must comply with the requirements of this Order.

3. RESPONSIBILITIES

a) PHMSA Administrator

The PHMSA Administrator, through designated staff, has the ultimate responsibility for insuring that reasonable accommodation requests are processed in conformity with this order and provided for qualified employees and applicants.

b) Supervisors/Decision Makers

Employee supervisors are the decision makers in the reasonable accommodation process and, as such, are responsible for receiving, processing, and granting or denying employee reasonable accommodation requests. The Director of Human Resources Management is presumed to be the decision maker for accommodation requests made by job applicants. Supervisors/decision makers consult with the

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

Office of Human Resources Management, the Office of Civil Rights, the Disability Resources Center, and the Office of Chief Counsel, when appropriate, to ensure that reasonable accommodations are provided and that proper documentation and reporting requirements are fulfilled.

c) Office of Human Resources Management

The Office of Human Resources Management provides advice and guidance on processing reasonable accommodation requests as necessary to supervisors, managers and employees. Also, oversees the reasonable accommodation request process as it relates to recruitment activities and is the Deciding Official for applicant requests for reasonable accommodation.

d) Office of Civil Rights

The Office of Civil Rights provides advice, guidance, and input on processing reasonable accommodation requests as necessary to supervisors, managers and employees.

e) Office of Chief Counsel

The Office of Chief Counsel provides advice and guidance to supervisors and managers on the legal aspects of reasonable accommodations.

f) Disability Program Manager

The Disability Program Manager provides advice and assistance to supervisors, managers, and employees regarding reasonable accommodation and other disability matters; maintains and submits timely and complete reports, as required; facilitates management training.

g) Employees and Applicants

Employees needing a reasonable accommodation must make their needs known to their immediate supervisor, another supervisor in the employee's chain of command, the Disability Program Manager, a representative of the Office of Human Resources Management, or the DOT Disability Resources Center. During the hiring process, applicants may direct requests for reasonable accommodation to any PHMSA employee the applicant has contact with in an official connection with the application process.

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

4. REQUESTING REASONABLE ACCOMMODATION

The reasonable accommodation process is a confidential, cooperative, interactive procedure that primarily involves the employee or applicant, the supervisor and other appropriate personnel. A request for reasonable accommodation is a written or verbal 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 physical or mental impairment. There is no requirement that a request include special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."

- a) An employee or the employee's representative should make a reasonable accommodation request to his/her immediate supervisor. An applicant's request for reasonable accommodation may be directed to any PHMSA employee involved in the application process. The request should describe the disability and the requested reasonable accommodation. If the initial request is verbal, the employee or applicant must later submit the request in writing. The time limitations for the request start as soon as the request is received by an appropriate individual.
- b) Any PHMSA employee who receives a request for reasonable accommodation shall refer the request to the appropriate decision maker as soon as possible but not later than 3 business days after receiving the request.
- c) The supervisor/decision maker, upon receipt of the request for reasonable accommodation, shall immediately notify the Disability Program Manager of the request and prepare a Confirmation of Request form. The Confirmation of Request form will be submitted to the Disability Program Manager within 3 business days.
- d) The supervisor/decision maker informs the Disability Resources Center within 2 business days from the date the request was received.
- e) The supervisor/decision maker informs the employee within 3 business days that he or she is the decision maker with regard to their reasonable accommodation request and explains how the request will be handled.
- f) The supervisor/decision maker informs the employee or applicant within 5 workdays if additional documentation is needed to process the request. If medical documentation is required, the supervisor/decision maker will inform the employee or applicant of the necessary information needed from the employee's physician.

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

- g) The supervisor/decision maker informs the employee or applicant in writing within 25 days from the date of their initial request, whether the proposed or an alternative accommodation will be made and what action(s) will be taken. If extenuating circumstances extend the processing time, the supervisor/decision maker notifies the employee or applicant of the reason, possible temporary measures, and the approximate date that the decision or the reasonable accommodation provision is expected. The supervisor/decision maker files the request and any medical documentation separately from other division files.
- h) The supervisor/decision maker will provide copies of the Confirmation of Request form, the Denial form and the Information Reporting form to the employee or applicant within 5 days of the decision to grant or deny the request for reasonable accommodation.
- i) A request will generally not be denied if the employee or applicant meets the definition of person with a disability under the Rehabilitation Act, the item requested is not a personal use item (e.g., eyeglasses, a hearing aide) and the accommodation does not impose an undue hardship on PHMSA's operation. An undue hardship determination requires approval from the Secretary of Transportation or his or her designee.

5. DENIAL OF REASONABLE ACCOMMODATION REQUEST

A proposed decision to deny a request for reasonable accommodation will be reviewed by the Office of Chief Counsel, Office of Civil Rights, and Office of Human Resources Management in order to ensure thorough consideration. If a request for reasonable accommodation is denied, the employee or applicant will be informed of the reasons for the denial in writing and will also be informed that they may appeal the denial decision by asking the 2nd level Supervisor to review the request. The Disability Program Manager and the DOT Disability Policy Advisor may also be consulted to review denials. If the employee or applicant believes that the denial is discriminatory, he or she may be referred to the Office of Civil Rights for EEO Counseling.

6. TIME PERIOD FOR PROCESSING REQUESTS

Requests for accommodations shall be processed, and accommodations provided within twenty-five (25) business days from the date the request is received by the decision maker or by a party designated to receive such requests. In situations requiring the need for additional supporting medical documentation or in other extenuating circumstances, a request for reasonable accommodation shall be processed and the accommodation, if granted, provided, in as short a timeframe as

Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities

is reasonably possible. All parties involved in processing a request shall document the time used to complete each step of the process.

7. MEDICAL INFORMATION

The supervisor/decision maker may require that the person requesting an accommodation provide reasonable information/documentation about the functional impairment at issue and the requested accommodation. If the medical information submitted is insufficient, the supervisor/decision maker may request supplemental information. When requesting additional information, supervisors/decision makers will explain to the requesting party why the documentation is insufficient and identify the information still needed. Failure of the person to submit the requested medical information/documentation in a timely manner may result in a denial of the request for reasonable accommodation.

These guidelines do not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States.