



# Reasonable Accommodation



**Equal Employment Opportunity  
Office**

**1670 Craig Road**

**Fort Sill, Oklahoma 73503**

**Tel: (580) 442-4024**

## **Reasonable Accommodation**

The Rehabilitation Act of 1973, as amended, protects qualified employees and applicants with disabilities in the Executive Branch of the Federal government from employment discrimination based on disability. In 1992, the substantive employment standards of the Americans with Disabilities Act, 42 U.S.C. Section 12111, et seq., were made applicable to the Federal Government through the Rehabilitation Act. The amended law requires Federal employers to provide reasonable accommodations to qualified individuals with disabilities so that employees with disabilities can enjoy the benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. It requires Federal agencies to provide reasonable accommodation for known physical or mental limitations of qualified employees and applicants, unless to do so would cause undue hardship. The law also ensures equal access to Federal programs, activities, and facilities to people with disabilities.

In addition, Executive Order 13164, issued on July 26, 2000, requires Federal agencies to develop written procedures for providing reasonable accommodation. Contact the agency personnel office, reasonable accommodation coordinator, civil rights office, or EEO office to request a copy of a particular agency's written procedures.

This section addresses reasonable accommodation and provides links to guidance, resources, and best practices.

### **Who is an individual with a disability?**

An individual with a disability:

- has a physical or mental impairment that substantially limits one or more of the person's major life activities;
- has a record of such an impairment; or
- is regarded as having such impairment.

### **What is a major life activity?**

A major life activity is a function that the average person in the general population can perform with little or no difficulty. Major life activities include activities such as caring for oneself, seeing, hearing, walking, breathing, speaking, learning, sitting, standing, lifting, reaching, and working.

### **Who is a qualified individual with a disability?**

A qualified individual with a disability has the skills, experience, education, and other requirements of the job the individual holds or desires, and can perform the essential functions of the position with or without reasonable accommodation.

### **What happens if the disability is not obvious?**

When the disability and/or the need for accommodation is not obvious, the employer may ask the individual for reasonable documentation about his/her disability and functional limitations. An employer should respond expeditiously to a request for reasonable accommodation.

### **What is an undue hardship?**

An agency is not required to make an accommodation if it can demonstrate that providing the accommodation would impose an undue hardship on its everyday operations. An undue hardship is an action that requires "significant difficulty or expense" in relation to:

- overall size of the agency's program with respect to the number of employees, number and type of facilities and size of budget;
- type of operation, including the composition and structure of the agency's workforce; and
- nature and cost of the accommodation.

### **What is reasonable accommodation?**

The term "reasonable accommodation" is a term of art that Congress defined only through examples of changes or modifications to be made, or items to be provided, to a qualified individual with a disability. A reasonable accommodation is adapting the job site or job functions for a qualified person with a disability to enable an individual with a disability to enjoy equal employment opportunities. This does not mean that the employer must lower the standards of work for the position or change the job requirements. There are three categories of reasonable accommodations:

- Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille);
- Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); and
- Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an office cafeteria).

## **What are examples of a reasonable accommodation?**

Reasonable accommodations that can be requested include, but are not limited to, the following:

- making existing facilities accessible;
- restructuring the job;
- utilizing part-time or modified work schedules;
- adjusting or modifying tests, training materials, or policies;
- providing qualified readers and interpreters;
- acquiring or modifying equipment; and
- reassigning an individual to a vacant position for which the employee must be qualified.

## **Can an accommodation involve readers, interpreters, and/or personal assistants?**

Agencies may employ personal assistants for employees with disabilities, including those with visual and hearing impairments, under authority provided by 5 U.S.C. 3102. In addition, Section 3102(d) of the law authorizes the payment of pay and allowances for an individual who accompanies an employee with a disability on official travel. Specifically, the statute provides that the head of an agency may authorize the payment to an individual to accompany or assist (or both) the employee with a disability for all or a portion of the travel period involved. The statute further provides that the accompanying individual shall be considered an employee, but only for purposes of the Federal Employees' Compensation Act and the Federal Tort Claims Act. Accordingly, 5 U.S.C. Section 3110, which provides that a public official may not appoint, employ, promote, advance or advocate for a relative (as defined in the section), does not prohibit pay to an accompanying spouse.

## **How can an individual request a reasonable accommodation?**

An individual can make either an oral or written request for accommodation. To request an accommodation, an individual may use "plain English" and does not need to mention the Rehabilitation Act or "reasonable accommodation." A family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. An individual with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. The request for a reasonable accommodation must be made for a reason related to a medical condition.

### **What if the request is denied?**

All denials of reasonable accommodation requests must be made in writing, and the decision must specify the reason for the denial. The denial should be written in plain language, clearly stating the specific reasons for the denial. After denying a request, the individual must be informed that s/he has the right to file an EEO complaint, has the right to pursue any applicable union grievance and informal alternative dispute resolution.

### **What are an individual's responsibilities?**

Employees or applicants with disabilities who need reasonable accommodation are responsible for making their needs known to the appropriate official. Supervisors are responsible for properly responding to requests for accommodation from their employees. When an individual decides to request accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition.

The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation.

### **How is a reasonable accommodation decision made?**

Decisions on making accommodations are made on a case-by-case basis. Executive Order 16134, however, requires each Federal agency to establish effective written procedures to facilitate the provision of reasonable accommodation for applicants and employees. Contact specific agencies for information on their decision-making process.

### **What about alternative accommodations?**

An individual who is granted a reasonable accommodation might not receive the exact form of accommodation requested. The deciding official has the discretion to identify reasonable and appropriate alternatives.

## **FUNDING REASONABLE ACCOMMODATIONS**

How do some Federal agencies manage and fund reasonable accommodations?

- The [Computer/Electronic Accommodations Program \(CAP\)](#) provides assistive technology accommodations and services to persons with disabilities at the Department of Defense and over 38 Federal agencies (upon the request of the head of the Federal agency) at no cost. CAP supports accessibility efforts, including the successful implementation of Section 508's electronic and information technology accessibility requirements.

- The U.S. Department of Agriculture established the [Technology Accessible Resources Gives Employment Today \(TARGET\) Center](#) to support the Department with assistive technology and ergonomic solutions. Needs assessments and demonstrations conducted by the Center provide federal employees with disabilities equal access to electronic and information technology essential in today's work force.
- The [Department of Transportation - Disability Resource Center \(DRC\)](#) is a one-stop shop to ensure that DOT employees with disabilities can participate fully in all aspects of the Department's work, programs and services. DRC provides reasonable accommodations, assessments, and assistive technology.
- The [Department of Education's Assistive Technology Program](#) provides support services to Education managers and supervisors in determining how technology can be used to meet the reasonable accommodation needs of employees with disabilities. These services include needs assessments, specialty equipment and software demonstrations. The Assistive Technology Team also studies software development issues pertaining to Education accessibility requirements for product implementation in Department-wide systems.
- The U.S. Department of Education (ED) Disability Policy/Section 504 Reasonable Accommodation staff within the Office of Management's Work/Life Programs Group (WLPG) promotes disability awareness and assists managers and staff with reasonable accommodation and program access needs. Having disability access resources available reflects ED's ongoing commitment to provide full access to all customers and employees with disabilities. These resources include services such as Braille and audiotape versions of ED publications, funding for reasonable accommodations, and guidance on a range of accessibility questions. Other offices within ED also provide resources and work closely with the Disability Policy/Section 504 Reasonable Accommodation staff to deliver disability-access services to all Department customers and employees who need them. For more information, call the Section 504/Reasonable Accommodation office at 202-401-8545 Voice or 202-260-8874 TTY or call the Work/Life Programs Group main number at 202-401-2905 Voice/TTY via Federal Relay Service.
- The Department of Commerce - Committee on Resources for Electronic Accessible Technology to End Users (CREATE) offers planning and coordination of activities that increase awareness of assistive technology for people with disabilities. For more information call (202) 482-3201 (Voice) or (202) 482-4675 (TTY).
- The [Department of Energy - Disability Accommodation Program](#), Assistive Technologies Support Team is the primary point of contact for employees with disabilities at headquarters. The Team provides coordination, responsibility, and oversight for all support interfaces with individual employees with disabilities or impairments.
- The Department of Housing and Urban Development - Housing Accessibility Resource Program (HARP) maintains an information library containing extensive reference

materials and resources. HARP also provides an opportunity for managers and employees to utilize the TARGET Center at the USDA to view and evaluate assistive technology. For more information call (202) 708-0288 x268 (Voice) or (202) 708-4401 (TTY).

- The Department of Veterans Affairs (VA) - The Microcomputer Training Program for Persons with Disabilities (MTPPD) provides cost-reimbursable assistive technology training for U.S. veterans. It also provides product assessment, demonstrations, consultations, and facility tours. Currently, MTPPD is helping VA implement the Nationwide Office Automation which will allow all users access to the information environment. For more information, call (202) 273-6542 (Voice) or fax to (202) 273-6555.
- The Internal Revenue Service - Information Resources Accessibility Program (IRAP) Office provides accessible electronic information technology to customers with disabilities. Associates offer consultations, technical support, demonstrations, and facility tours. IRAP also tests IRS systems and products to ensure accessibility to and compatibility with assistive technology. To find out more, visit their website, or call (202) 283-0283 (Voice) or (202) 283-6566/67 (TTY).
- The Social Security Administration (SSA), Office of Civil Rights and Equal Opportunity (OCREO), provides adaptive devices to accommodate SSA's employees with disabilities. SSA believes that having a centralized account to purchase adaptive devices encourages managers to hire more people with disabilities since they would not have to deplete local resources to purchase expensive adaptive equipment.

A central component of SSA tracks the technologies that are compatible with SSA's systems. In 1997, SSA embarked on a four-year project to provide personal computers with mainframe emulation to all SSA employees which would be connected by local and wide area networks.

- The [Federal Communications Commission - Disability Rights Office \(DRO\)](#) works hard to ensure that people with disabilities have equal access to telecommunications. The DRO, housed in the FCC's Consumer Information Bureau, provides technical assistance to consumers, businesses, and government agencies on their rights and responsibilities to facilitate disability access in the foundations and frontiers of telecommunications.

## Ten Steps For Reasonable Accommodation

Accommodation applies to employees for non-work related long-term or permanent disabilities. The reasonable accommodation process is an interactive and flexible process between employees and management officials.

1. Be tuned in to your employees. Most employees will not use the words “reasonable accommodation;” instead they may say something along the lines of “I’m having difficulty performing my duties due to a medical condition.”
2. If you believe an employee is making a verbal request for reasonable accommodation (RA), don’t assume anything. Instead have a discussion with the employee and simply ask, “Are you requesting an accommodation?”
3. Tell your employee you are concerned about their health and the performance of their duties.
4. Have the employee complete Appendix B included in the Department of the Army’s Procedures for Providing Reasonable Accommodation for Individuals with Disabilities.
5. If the employee’s disability/medical concerns are not readily apparent, request the employee provide medical documentation to support the request. Inform the employee to provide the medical documentation to the Occupational Health Clinic.
6. Provide a copy of the completed Appendix B to the EEO Office Disability Employment Program Manager.
7. If you can provide the requested accommodation, do so. The EEO Office will assist you in drafting a letter to provide to the employee regarding the approval of the requested accommodation.
8. If you cannot provide the requested accommodation, discuss the accommodation request with the EEO Office Disability Employment Program Manager for possible alternatives to the requested accommodation.
9. If you believe the employee cannot be accommodated in their current position, contact the EEO Office Disability Program Manager to coordinate a Reasonable Accommodation Committee Meeting to discuss alternative positions in which the employee may be accommodated. **Reassignment is the accommodation of last resort.**
10. Attempt to temporarily accommodate an employee until a determination can be made on the reasonable accommodation request. Forms of accommodation can include restructuring duties, work hours or break periods and flexible leave approval.

Note: A reasonable accommodation is a change in the work environment that would enable an individual to enjoy equal employment opportunities. An essential element of reasonable accommodation is the interaction between the employee and management to ensure consideration of alternatives, options and potential solutions are explored to meet the needs of the agency and the employee.