

**PROCEDURES FOR PROCESSING REQUESTS  
FOR REASONABLE ACCOMMODATION**

**APPENDIX A  
DEFINITIONS**

Administrative Grievance - A grievance is any employment matter of concern or dissatisfaction relating to the employment of a non-bargaining employee which is subject to the control of management. This forum covers bargaining unit employees only when a matter covered under this system cannot be grieved under a negotiated grievance procedure.

Advisory Team - An ad hoc team established to process a request for reasonable accommodation. At a minimum, the advisory team includes the employee's first-level supervisor, a Human Resources Specialist, and the EEO Office reasonable accommodation point of contact. Depending upon the specific circumstances and/or complexity of a reasonable accommodation request, membership of the advisory team may be augmented to include representatives from the medical, safety, and legal offices. Other members, as appropriate, may be requested to participate on the advisory team.

Alternative Dispute Resolution (ADR) - Includes any procedure, which is used in lieu of a formal process or litigation to resolve conflicts and issues in controversy, including, but not limited to peer review, partnering, conciliation, facilitation, mediation, ombudsmanship, fact-finding, mini-trials, neutral evaluation, and arbitration or any combination thereof. Mediation is the ADR method of choice for DON.

Americans with Disabilities Act of 1990 (as amended) - The first comprehensive civil rights law for individuals with disabilities.

Direct Threat - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. The individualized assessment shall be based on the most current medical knowledge and/or the best available objective evidence. In

determining whether an individual would pose a direct threat, the factors to be considered include: (1) duration of risk; (2) nature/severity of potential harm; (3) likelihood potential harm occur; and, (4) imminence of the potential harm.

Disability - A person has a disability, for purposes of the Rehabilitation Act, if he/she has a physical or mental impairment that substantially limits a major life activity.

Discrimination Complaint (informal) - A forum (see 29 CFR 1614) where aggrieved persons who believe they have been discriminated against on the basis of race, color, religion, sex, national origin, age or handicap must initiate contact with a Counselor within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 calendar days of the effective date of the action.

Equal Employment Opportunity Commission (EEOC) - The agency that enforces federal laws that prohibit job discrimination and provides oversight and coordination of all federal equal employment opportunity regulations, practices and policies.

Essential Functions - The essential functions of a position are those functions that define the job. In other words, the job exists to perform those tasks. The essential functions of a job are not the marginal or infrequently performed tasks that could be eliminated without altering the fundamental nature of the job.

Interactive Discussion(s) - A discussion(s) between the decision maker and the individual requesting the accommodation where the specific limitation, problem or barrier is unclear; where an effective accommodation is not obvious; where the parties are choosing between different possible reasonable accommodations; or to obtain any relevant information as it pertains to a request for accommodation.

Job Restructuring - Includes modifications such as: reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability; and altering when and/or how a function, essential or marginal, is performed. An employer never has to

reallocate essential functions as a reasonable accommodation.

Job Search - A reassignment to a vacant position is the accommodation of "last resort" when an employee who, because of a disability, can no longer perform the essential functions of his/her current position, with or without accommodation.

Major Life Activity(ies) - Once an individual establishes that he/she has a disability, he/she must be able to establish that the disability substantially limits (one or more of his/her major life activities. Major life activities include such obvious characteristics as hearing, seeing, walking, speaking, breathing, caring for oneself, performing manual tasks, and working. Generally, a major life activity is something of fundamental significance within the meaning of the Rehabilitation Act and not simply an activity important to a particular individual.

Negotiated Grievance - A process that is negotiated in a collective bargaining agreement which provides procedures for the settlement of a matter of concern or dissatisfaction relating to the employment of a bargaining unit employee.

Qualified Individual with a Disability (QWD) - An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable Accommodation - In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

Reasonable Accommodation Point of Contact - The individual or office designated to oversee the activity's reasonable accommodation process. The individual or office has developed expertise in the requirements of the Rehabilitation Act, potential accommodations, and available resources, and is a resource for individuals with disabilities and activity decision makers.

Rehabilitation Act of 1973 (as amended) - A law that requires agencies to provide reasonable accommodation to qualified employees and applicants with disabilities.

Request for Reconsideration - An internal, informal dispute resolution process through which an individual can request reconsideration of an activity's denial of a request for reasonable accommodation, regardless of whether the person has initiated the discrimination complaint process.

Substantially Limits - An impairment substantially limits a major life activity if that impairment renders the individual either **unable** to perform a major life activity **or significantly restricts** his/her performance of that activity as compared to the average person's performance of the activity.

Undue Hardship - The only statutory limitation on an employer's obligation to provide reasonable accommodation is that no such change or modification is required if it would cause "undue hardship" to the employer. "Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. "Undue hardship" refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.