



PRC POLICY: REASONABLE ACCOMMODATION

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I. OVERVIEW

The Commission follows all applicable legal authorities in providing reasonable accommodations to employees or applicants who require them due to disability or sincerely held religious beliefs. This policy establishes the procedures and practices for reasonable accommodation requests.

II. DEFINITIONS

Appropriate official: An individual who can receive a reasonable accommodation request. This includes:

- An employee's supervisor
- A manager, deputy office head, or office head in an employee's chain of command
- The Reasonable Accommodation Coordinator
- Any agency employee with whom an applicant has contact in connection with the application for employment process

Deciding official: An individual who has authority to determine whether a requested accommodation will be provided.

- For accommodations with no cost to the Commission, the deciding official may be the requester's supervisor, deputy office head, or office head in the employee's chain of command or the Reasonable Accommodation Coordinator.
- For accommodations with a cost within his or her delegated procurement authority, the Reasonable Accommodation Coordinator is the deciding official.
- For accommodations with a cost that exceeds the delegated procurement authority of the Reasonable Accommodation Coordinator but within the delegated procurement authority of the Secretary, the Reasonable Accommodation Coordinator is the deciding official, with written approval from the Secretary.

- For accommodations with a cost that exceeds the delegated procurement authority of the Secretary, the Reasonable Accommodation Coordinator is the deciding official, with written approval from the Chairman.

Disability: A physical or mental impairment that substantially limits one or more major life activities (including, but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working) or operation of a major bodily function (including, but not limited to, functions of the immune system; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions) of an individual. The definition of disability should be construed broadly and in line with the rules of construction in the Rehabilitation Act and 42 U.S.C. § 12102(4).

Essential functions: Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them.

Personal Representative: A family member, friend, health professional, or other representative who can make a reasonable accommodation request on behalf of a requester.

Reasonable accommodation: The provision of conditions, equipment, or environment that enable a qualified individual to effectively perform the essential functions of his or her job, to enjoy equal benefits and privileges of employment, or to be considered for employment.

Reasonable Accommodation Coordinator: The HR Specialist serves as the Reasonable Accommodation Coordinator for the Commission.

Request: Any communication in which an individual expresses that he or she needs the Commission to provide or to change an aspect of the application process, job, or benefit of employment because of a disability. No other information is needed to initiate the process, and a request does not have to include any special words such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” A doctor or personal representative can make a request on a requester’s behalf.

Requester: A qualified individual (an employee or applicant) who makes a request, or for whom a doctor or personal representative makes a request, for reasonable accommodation as set forth in this policy.

Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment functions of the position that the individual holds or desires.

Timeframe: All time limits in this policy are computed in business days.

Undue hardship: An action requiring significant difficulty or expense, when considered in light of the nature and cost of the accommodation and its impact on the expenses, resources, and operation of the Commission.

III. REASONABLE ACCOMMODATION PROCEDURE

A. Initiating a Request

Requests can be made at any time, either orally or in writing. The requester must notify an appropriate official that he or she needs a change to an aspect of the application process, job, or a benefit of employment because of a disability. The requester need not have a particular accommodation in mind when making a request.

When an individual requires a reasonable accommodation on a recurring basis (e.g., the assistance of sign language interpreters or readers), a formal request, either oral or written, must be made for the first requirement only. For subsequent need for the same accommodation, the requester should provide as much advance notice as possible, but not less than 5 business days.

When an appropriate official receives a request, he or she should provide the requester with written acknowledgement of the request using the Confirmation of Request for Reasonable Accommodation (*see* Confirmation, Appendix A) and send a copy to the Reasonable Accommodation Coordinator.

If the receiving appropriate official is the requester's supervisor, deputy office head, or office head in the employee's chain of command and the requested accommodation does not have any associated costs to the Commission, the receiving appropriate official can approve the request directly. The appropriate official should notify the Reasonable Accommodation Coordinator of his or her intent to grant the accommodation via email, and follow the procedures for granting a request in the Section D below.

The Commission's obligation to consider a request begins when the request is made to an appropriate official. The Commission may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied based on a belief that the accommodation should have been requested earlier.

The processing of the request must begin as soon as it is received. The Reasonable Accommodation Coordinator will reply to the requester with a tracking number for the request, via email or via US Mail if no email address is available, within 2 business days of the date of the request. The reply will also include the name of the deciding official and inform the requester that they can contact the deciding official or the Reasonable Accommodation Coordinator to discuss the request at any time.

The process for requesting personal assistance services, the process for determining whether such services are required, and the agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations. Personal assistance services are those that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living (e.g. eating and using the restroom), but the services are not related to their job performance (*see* Appendix D for Personal Assistance Services Procedures.)

This policy will be posted on the Commission's public website and on the intranet for access by employees and applicants for employment, and will be made available in an accessible format (a format which meets an individual's particular need) when requested. The request can be made to the Reasonable Accommodation Coordinator, whose information will also be posted.

B. The Interactive Process

The Commission employs an interactive process to evaluate requests during which the deciding official will communicate with the requester, the requester's supervisor (if the deciding official is not the requester's supervisor), and the Reasonable Accommodation Coordinator (if necessary) regarding the specific limitation, problem or barrier; potential effective accommodations; and choice among accommodation options when available. The deciding official will propose a reasonable accommodation if the requester has not proposed one. If the requester proposes an accommodation that is not effective or would pose an undue hardship, the deciding official will continue the interactive process, exploring alternatives until an accommodation is found or a determination is made that no accommodation is available. When an employee makes a request for reasonable accommodation that involves performance of the job, the deciding official will work with the requester's supervisor to determine if an appropriate accommodation can be provided to meet the individual's needs and enable the individual to perform the essential functions of the position.

The deciding official should follow the following three-part analysis when evaluating the request:

1. Determine if the requester is a qualified individual with a disability.
2. Determine if the accommodation is needed to: enable a qualified employee with a disability to perform the essential functions of his or her position; enable an employee with a disability to enjoy equal benefits and privileges of employment as a similarly situated employee without a disability; or enable a qualified applicant with a disability to be considered for the position he or she desires.
3. Determine what effect the accommodation will have on the employee's ability to perform the essential functions of his or her position and any undue hardship the accommodation may impose on the Commission.

The deciding official is required to consult with the Reasonable Accommodation Coordinator before denying an accommodation or providing an accommodation other

than the specifically requested accommodation. The Reasonable Accommodation Coordinator, in turn, will consult with the Secretary and the Office of the General Counsel.

Deciding officials must ensure that individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation. To ensure that requests for accommodation are *not* denied for reasons of cost (if the resources available to the Commission as a whole would enable it to provide an effective reasonable accommodation without undue hardship), the Commission funds reasonable accommodation out of the central budget (not out of a department's budget), and provides the Reasonable Accommodation Coordinator as a trained resource to ensure that the officials who decide requests for accommodation or make hiring decisions must consider all resources available to the Commission as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation. The Commission will provide this policy to all deciding officials who grant or deny requests for accommodation or who make hiring decisions to ensure that they know how to arrange for the use of agency resources to provide the accommodation.

The Commission recognizes that there is a range of possible types of accommodations, including (but not limited to):

- Making physical modifications to the workplace
- Acquiring equipment or adaptive devices, modifying existing equipment, or modifying policies
- Providing sign language interpreters, readers, or other personal services
- Granting leave (paid accrued leave or permitting unpaid leave)
- Using work flexibilities such as telework and alternative work schedules
- Exceptions to the Commission dress code

Reassignment to a vacant position for which an employee is qualified, *and not just permission to compete for such position*, is a reasonable accommodation. Reassignment to an existing vacant position for which the requester is qualified will be considered only if no other accommodation would enable the employee to perform the essential functions of his or her current job, or if all other possible accommodations would impose undue hardship. All available vacancies at the Commission are posted on the Commission website under Employment. The Reasonable Accommodation Coordinator is responsible for consulting with the requester, the supervisor, and the Human Resources team to determine whether a requester is qualified for a particular job or whether the requester would need reasonable accommodation to perform the essential functions of a new position.

1. Requesting Additional Information

If the reason for a requester's need for accommodation is not obvious or already known, the deciding official may request documentation which is reasonably necessary to establish that the requester is an individual with a disability and needs

the accommodation requested. The request for documentation should focus on the requester's need for accommodation. The deciding official will inform the Reasonable Accommodation Coordinator of the need for this information. To ensure the confidentiality of medical information, all requests for medical information will be made by the Reasonable Accommodation Coordinator. This request will be made in writing. If an individual has already submitted documentation in connection with a previous request for accommodation based on the same disability, the individual should inform the Reasonable Accommodation Coordinator immediately.

Once the deciding official requests additional information, the time for responding to the request pauses until the requester provides adequate documentation. The deciding official will evaluate temporary measures to assist the employee during any processing delay, including instituting an interim solution while awaiting reasonably requested medical information.

The following are examples of the types of medical information that may be requested:

- The past, present, and expected future nature, severity, and duration of the impairment (*e.g.*, functional limitations, symptoms, side effects of any treatments, etc.)
- The activities that are limited by the impairment
- The extent of the limitations
- Why the reasonable accommodation is required
- How the reasonable accommodation will assist the requester to apply for a job, perform the essential functions of his or her job, or enjoy the benefits of the workplace

In determining whether documentation is necessary to support a request for reasonable accommodation and whether a requester has a disability within the meaning of the Rehabilitation Act, the deciding official will follow, in consultation with the Reasonable Accommodation Coordinator (and the Office of the General Counsel as needed), the principles set forth in the Americans with Disability Act (ADA) Amendments Act of 2008. The Reasonable Accommodation Coordinator will ensure that requests for medical documentation are not so broad as to include genetic information (to preclude a violation of the Genetic Information Nondiscrimination Act).

It is the responsibility of the requester to provide sufficient information to support his or her request. Depending on the request, the documentation does not necessarily have to come from a health care provider; medical information supplied by the requester may be sufficient to address the request.

If the information submitted in response to the initial request for medical documentation does not clearly explain the nature of the disability or the need for reasonable accommodation, the Reasonable Accommodation Coordinator may request supplemental documentation. The Reasonable Accommodation Coordinator

will explain to the requester why the initial documentation is insufficient and what additional information is needed. The requester can provide the information, sign a limited release to allow the Reasonable Accommodation Coordinator to submit a list of specific questions to the requester's health care provider, have a medical professional of the deciding official's choosing contact the requester's health care provider, or have the medical information reviewed by a health care provider of the deciding official's choosing at the Commission's expense.

If the supplemental documentation does not result in sufficient information, the Reasonable Accommodation Coordinator may request the requester be examined by a health care provider of the Reasonable Accommodation Coordinator's choice at the Commission's expense, and explain that failure to do so may result in a denial of the request. The Reasonable Accommodation Coordinator will consult with the Secretary and the Office of the General Counsel when requesting such an examination.

2. Timelines

Except in cases of extenuating circumstances, the Commission will provide a resolution within 30 business days of the receipt of the request by an appropriate official. Implementation of the accommodation will commence within 15 business days from the date of the decision, and the deciding official will provide the requester with a schedule for implementation if it will require longer than 15 business days to complete. The time begins to run when the accommodation is first requested.

When a particular reasonable accommodation can be provided in less time than the 30 business days allowed, the failure to respond promptly to the request might result in a violation of the Rehabilitation Act.

Extenuating circumstances are those that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond the Commission's ability to control (such as backordered equipment, the vendor typically used for goods or services has unexpectedly gone out of business, new staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers). When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance. The requester will be notified of any extenuating circumstances and given a revised time frame for the resolution of his or her request. The deciding official will also confer with the requester and other necessary officials to consider providing temporary measures during any period where extenuating circumstances have resulted in delay.

This policy requires the use of expedited processing time for time-sensitive requests. The Commission will provide a resolution of an expedited request as quickly as possible, but not to exceed 5 business days. For example, if a request is made to enable an individual to apply for a job, or to enable an employee to attend a meeting scheduled to occur soon, the officials involved will make every possible effort to resolve the request in time to meet the deadline.

As stated in Section III.B.1, when additional information is requested, the time for responding to the request pauses until the requester provides adequate documentation. The Commission is not expected to adhere to its usual timelines if a requester's health professional fails to provide needed documentation in a timely manner.

3. Accommodation Resources

The Commission has attached the appendix from [the EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision Of Reasonable Accommodation \(Policy Guidance\)](#), EEOC No. 915.002 (October 20, 2000), which is a non-exhaustive list of relevant resources which the requester and the approving official can consult to identify and evaluate possible accommodations (*see* Appendix C).

C. Granting a Request

A deciding official may offer an accommodation without making a disability determination.

The deciding official will give a Resolution of Reasonable Accommodation Request (*see* Appendix B) to the requester and discuss implementation of the accommodation. If the request is approved but the accommodation cannot be provided immediately, the deciding official will inform the requester in writing of the projected time frame for providing the accommodation.

If the deciding official grants an accommodation other than the one specifically requested, the Resolution of Request (Resolution) will include the reasons for the denial of the requester's specific requested accommodation and why the deciding official believes the chosen accommodation will be effective. The deciding official will give a Resolution to the requester and discuss the reason(s) for granting an accommodation other than the one requested.

The Resolution also provides information about the individual's right to request reconsideration (discussed below), file an EEO complaint, or take other action. The Resolution also includes information about the availability of alternative dispute resolution (ADR).

The Resolution must be provided in an accessible format when requested. A copy of the Resolution is retained in the requester's reasonable accommodation file.

D. Denying a Request

The deciding official will give a Resolution to the requester and discuss the reason(s) for the denial. The Resolution must include specific reason(s) for the denial. The Resolution must include, and the deciding official must explain, specifically why the accommodation would result in undue hardship or why it would be ineffective.

The Resolution also provides information about the individual's right to request reconsideration (discussed below) or file an EEO complaint. If a requester wishes to file an EEO complaint pursuant to 29 C.F.R. part 1614, he or she must contact an EEO counselor within 45 calendar days from the date of receipt of the written resolution or a verbal response (whichever comes first). Consult the Commission's EEO policy for more details.

The Resolution also includes information about the availability of Alternative Dispute Resolution (ADR) (see Section F below).

The right to file an EEO complaint will be lost pursuant to 29 C.F.R part 1614 unless the requester initiates contact within the 45 calendar day timeframe, regardless of whether the requester participates in ADR.

The Resolution must be provided in an accessible format when requested. A copy of the Resolution is retained in the requester's reasonable accommodation file.

E. Request for Reconsideration

Upon receipt of a Resolution indicating a denial or grant of an accommodation other than the specific accommodation requested, the requester may make a written request for reconsideration to the Reasonable Accommodation Coordinator, including any new or additional information not previously considered, within 10 business days. If the Reasonable Accommodation Coordinator is the deciding official, the request for reconsideration will be submitted to the Secretary.

The Reasonable Accommodation Coordinator or secretary will issue a written decision granting or denying the request for reconsideration using the Resolution of Reasonable Accommodation Request form (see Appendix B) within 10 business days of receipt of the request. Before the Reasonable Accommodation Coordinator upholds a prior denial, such denial will be reviewed by the secretary or the chairman, in consultation with the Office of the General Counsel, prior to it being finalized.

F. Alternative Dispute Resolution (ADR)

When a reconsideration request is denied, the use of ADR is strongly encouraged to reach a resolution.

ADR is a method to settling workplace disputes before the disputes progress to formal EEO complaints, grievances, or legal procedures. ADR is voluntary and takes place in a neutral, non-threatening location. It is facilitated by trained, certified mediators or contractors. Both sides are given a chance to state their case and come to a mutually agreeable resolution. ADR sessions are confidential.

Requests for ADR shall be made in writing to the Secretary who will initiate the ADR process. Although it is perfectly acceptable to identify a neutral third-party within the Commission to serve as a facilitator during ADR, the Commission may also contract with a neutral, outside party that can facilitate the ADR.

The determination of whether to grant ADR in a particular case is within the discretion of the secretary, in consultation with the Office of the General Counsel. ADR may not be appropriate in some cases.

IV. REASONABLE ACCOMMODATION FOR RELIGIOUS BELIEFS AND PRACTICES

Requests for accommodations must be made to an appropriate official and must include the need for the accommodation and indicate that it is being requested due to a conflict between religion and work. The appropriate official will notify the Reasonable Accommodation Coordinator of the request in writing (preferably via email). An employee's supervisor, the deputy office head, or office head in the employee's chain of command may grant a no-cost accommodation directly after notifying the Reasonable Accommodation Coordinator in writing that they intend to do so.

If the supervisor, the deputy office head, or office head in the employee's chain of command is unsure whether a no-cost request should be granted or believe a no-cost request should be denied, the supervisor, the deputy office head, or office head in the employee's chain of command should refer the request to the Reasonable Accommodation Coordinator. The Reasonable Accommodation Coordinator will work with the requester and the requester's supervisor to evaluate the feasibility of the accommodation, and grant or deny the request.

If the Reasonable Accommodation Coordinator has a bona fide doubt about the basis for the request, he or she may make a limited inquiry into the facts and circumstances of the requester's claim. Factors that will be considered in evaluating the sincerity of the belief at issue include, but are not limited to:

- Whether the requester has behaved in a manner markedly inconsistent with the professed belief
- Whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons
- Whether the timing of the request renders it suspect (*e.g.*, it follows an earlier request by the requester for the same benefit for secular reasons)
- Whether the Commission otherwise has reason to believe the accommodation is not sought for religious reasons

Accommodation requests shall be granted if the belief or practice is religious, sincerely held, and can be accommodated without more than a minimal cost or burden to the Commission. The Reasonable Accommodation Coordinator may grant an accommodation without making a religious determination. The Reasonable Accommodation Coordinator is required to consult with the Office of the General Counsel before denying a request.

If the accommodation is denied or an alternate accommodation is offered, a requester may follow the procedure set forth in the Request for Reconsideration section above to request review of the decision.

V. COMMISSION PROTOCOLS

A. Confidentiality

All information obtained in connection with the reasonable accommodation process (including any medical information, the fact that an accommodation has been requested or approved, and information about functional limitations) must be kept confidential. All information must be kept in a reasonable accommodation file separate from the individual's personnel file, and any Commission employee who obtains or receives such information is strictly bound by confidentiality requirements.

Commission employees cannot share details of the disability with any other Commission employee, other than details necessary to provide the reasonable accommodation. The Reasonable Accommodation Coordinator may share these details with other deciding officials in conjunction with granting or denying the request. Office heads, managers, and other management officials do not have a right to details regarding the requester's medical condition. Rather, management officials will be provided with the information necessary to make a reasonable accommodation decision.

In addition to disclosures of information needed to process a request for accommodation, or implement an accommodation, other disclosures of information are permitted as follows:

- First aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment or assistance in evacuation.

- Government officials may be given information necessary to investigate the Commission's compliance with the Rehabilitation Act.

B. Records Management

After a reasonable accommodation request is granted or denied, the Reasonable Accommodation Coordinator should log the information into the reasonable accommodation reporting system, which tracks the following information:

- Number of reasonable accommodations, by type, that have been requested and whether those requests have been granted or denied
- The name of the deciding official for each accommodation request
- Jobs (occupational series, grade level, and Commission office) for which reasonable accommodations have been requested
- Types of reasonable accommodations that have been requested for each of those jobs
- Number of reasonable accommodations, by type, that have been approved, and the number of accommodations, by type, that have been denied
- Number of requests for reasonable accommodation, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied
- Reasons for denial of requests for reasonable accommodation
- Amount of time taken to process each request for reasonable accommodation
- Sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations

Records related to a particular requester will be maintained in a separate reasonable accommodation file for the duration of the requester's tenure at the Commission. Other records, including records in the reasonable accommodation reporting system, will be maintained in accordance with the Commission's records policy.

The Reasonable Accommodation Coordinator will annually analyze the information collected to measure the performance of the reasonable accommodation program, determine areas that require further training or revisions to the procedures, and measure and provide information on the efficiency and effectiveness of the policy.

The Commission will retain the information used to track the Commission's performance with regard to reasonable accommodation for at least 3 years and will be able to provide said information to the Equal Employment Opportunity Commission upon request.

VI. REFERENCES

- [Americans with Disabilities Act of 1990](#)
- [Executive Order 13164](#)
- [Genetic Information Nondiscrimination Act of 2008](#)
- [The Americans with Disabilities Amendments Act of 2008](#)
- [The Rehabilitation Act of 1973](#)
- [Title VII of the Civil Rights Act of 1964](#)
- [Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision Of Reasonable Accommodation \(Policy Guidance\)](#), EEOC No. 915.002 (October 20, 2000)
- Equal Employment Opportunity Commission, Office of Federal Operations, [Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164](#)
- Equal Employment Opportunity Commission, Reasonable Accommodation policy tips for small businesses, www.eeoc.gov
- Equal Employment Opportunity Commission Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act (July 27, 2000)
- Equal Employment Opportunity Commission Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (revised October 17, 2002)

VII. APPENDICES

Appendix A: Confirmation of Request for Reasonable Accommodation (Template)

Appendix B: Resolution of Reasonable Accommodation Request (Template)

Appendix C: Reasonable Accommodation Resource List

Appendix D: Personal Assistance Services Procedures

Appendix A: Confirmation of Request for Reasonable Accommodation (Template)

The receiving appropriate official will use this email template to confirm receipt of a reasonable accommodation request (either oral or written).

TO: Requester
CC: Reasonable Accommodation Coordinator
DATE: [Insert Date Here]
DATE OF REQUEST: [Insert Date Request Received Here]
SUBJECT: Confirmation of Request for Reasonable Accommodation

1. Accommodation requested [Insert information about the request. Be as specific as possible, *e.g.*, adaptive equipment, change in schedule.]
2. Reason for request
3. Is the request time-sensitive? If so, please explain.
4. Contact name, telephone number, and email address

The Reasonable Accommodation Coordinator will contact you within 2 business days to provide a tracking number for your request, and inform you who the deciding official for your request will be.

Appendix B: Resolution of Reasonable Accommodation Request (Template)

The deciding official will use this email template to provide the decision resolving the reasonable accommodation request. If the deciding official is not the Reasonable Accommodation Coordinator, the deciding official must send a copy to the Reasonable Accommodation Coordinator for recordkeeping purposes.

TO: Requester [Insert name of individual requesting reasonable accommodation]

FROM: Deciding Official [Insert name of deciding official]

DATE: [Insert date here]

DATE OF REQUEST: [Insert date request received here]

TRACKING NUMBER: [Insert tracking number of request here]

SUBJECT: Resolution of Reasonable Accommodation Request

1. **Accommodation(s) requested:**
2. **Accommodation(s) is (indicate resolution):**
 - **Approved as specifically requested**
 - **Approved but different from original request***
 - **Denied**
 - *If the approved accommodation is different from the one(s) originally requested, identify the alternative accommodation(s):**
 - a. **If an alternative accommodation was offered, indicate whether it was:**
 - Accepted**
 - Rejected**
 - b. **Request denied because: (may indicate more than one reason)**
 - Requester does not have a disability as defined under the Rehabilitation Act
 - Accommodation ineffective
 - Accommodation would cause undue hardship
 - Medical documentation inadequate
 - Accommodation would require removal of essential function
 - Other (Please identify) _____
 - c. **Detailed reason(s) for denial (Must be specific, e.g., why accommodation would be ineffective or cause undue hardship):**
 - d. **If the deciding official offered an accommodation that is different from the one originally requested, explain: (1) the reasons for offering a different accommodation than the accommodation originally requested; and (2) why the alternative accommodation would be effective.**

You have the right to ask for reconsideration of this decision by submitting a written request within 10 business days to the Reasonable Accommodation Coordinator to reconsider the denial. Please include any new or additional relevant information that was not previously considered with regard to this request. Before the Reasonable Accommodation Coordinator upholds the initial denial, such a denial will be reviewed by a second-level reviewer (either the secretary or the chairman) prior to it being finalized.

If you are dissatisfied with the reconsideration, the following options might be available to you:

Alternative Dispute Resolution may be available. Requests for ADR shall be made in writing to the secretary who will determine if ADR is appropriate and initiate the ADR process or inform you that ADR is not available.

If you wish to file an EEO complaint pursuant to 29 C.F.R. part 1614, contact an EEO counselor within 45 calendar days from the date of receipt of the written resolution or a verbal response (whichever comes first). Consult the Commission's EEO policy for more details.

For adverse actions over which the Merit Systems Protection Board has jurisdiction, you may initiate an appeal to the MSPB within 30 calendar days of an appealable adverse action as defined in 5 C.F.R. part 1201.3.

Appendix C: Selected Reasonable Accommodation Resources

- U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

<https://www.eeoc.gov/>

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The three main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, 8 FEP Manual 405:7601 (1999); and (3) *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (*Technical Assistance Manual*). The *Technical Assistance Manual* includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) *Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations* at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995); (2) *Enforcement Guidance: Workers' Compensation and the ADA* at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) *Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities* at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) *Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964* at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and (5) *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act* at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

Finally, the EEOC has a poster that employers and labor unions may use to fulfill the ADA's posting requirement.

All of the above-listed documents, with the exception of the *Technical Assistance Manual* and the poster, are also available through the Internet at www.eeoc.gov. All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

- Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

- Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

<http://www.rid.org/>

The Registry offers information on locating and using interpreters and transliteration services.

- RESNA Technical Assistance Project

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

<http://www.resna.org/>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the 6 territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- Information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products)
- Centers where individuals can try out devices and equipment
- Assistance in obtaining funding for and repairing devices
- Equipment exchange and recycling programs

Appendix D: Personal Assistance Services Procedures

The purpose of this document is to establish the Postal Regulatory Commission (Commission) procedures on handling requests for Personal Assistance Services (PAS) in accordance with 29 C.F.R. §1614.203(d)(5) and the Rehabilitation Act of 1973.

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973; the law prohibits the federal government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities. This amendment requires federal agencies to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities.

The final rule requires Federal agencies to provide "personal assistance services" (PAS) as a form of affirmative action. PAS provide employees with *targeted disabilities* "assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom." PAS must be performed by a personal assistance service provider. In addition, PAS must be provided to employees who need them when they telework under an agency's telework policy or telework as a reasonable accommodation or when needed because of job-related travel. An employee receiving PAS in the office or while teleworking must still request PAS for job-related travel as the Commission will not necessarily know that PAS is required for travel simply because an employee regularly receives PAS while at the worksite or while teleworking. It is also possible that an employee may require different PAS for travel than usually required. Since PAS for job-related travel are also considered a form of reasonable accommodation, requests for these services will be handled as requests for reasonable accommodation.

Employees do not need to determine if what they need is a reasonable accommodation or PAS; they should simply contact their supervisor or HR and explain what they need. HR will determine whether the request is for reasonable accommodation or PAS and proceed accordingly.

The Commission must provide PAS if an employee requires them because of a "targeted disability", and provision of these services would, together with any reasonable accommodations required, enable an employee to perform the essential functions of a position the individual holds or desires, and provision of such services would not impose an undue hardship on the Commission. The Commission is prohibited from taking any adverse action against job applicants or employees based on their need, or perceived need, for PAS.

The Commission has designated HR to conduct the interactive process, request medical information as necessary, and determine whether to grant or deny PAS. **HR handles all requests for PAS, even those requests made to a supervisor or manager.**

REQUESTING PERSONAL ASSISTANCE SERVICES

Requesting PAS is similar to requesting a reasonable accommodation. An individual may request PAS by informing their supervisor or Human Resources (HR) that he or she needs assistance with daily life activities because of a medical condition. The individual does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the agency's obligation to consider the request.

HR oversees the Commission's PAS program. HR will process requests for PAS in a prompt and efficient manner in accordance with the time frames set forth in these procedures. If a request is given to a supervisor rather than directly to HR, the supervisor should forward the request to HR (HR@prc.gov) within two business days.

HR will contact the employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the PAS request. HR will ask the employee what types of PAS he or she needs using the same type of informal, interactive process used for reasonable accommodation (see Reasonable Accommodation Policy).

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear. Both the requestor and the decision maker should work together to identify effective PAS.

HR will complete processing of the request within *30 business days, absent extenuating circumstances*, after the request was first received by either HR or another designated individual. Completion of processing includes provision of PAS, if granted. The 30-day period may be extended if medical documentation is requested and/or if there are "extenuating circumstances." "Expedited processing" may sometimes be required.

APPROVAL OF PERSONAL ASSISTANCE SERVICES

If a request for PAS is granted, HR will provide the requestor with a written explanation of the PAS to be provided, and discuss implementation of the PAS. If the request is approved but the PAS cannot be provided immediately, HR will inform the individual in writing of the projected time frame for providing the service(s).

DENIAL OF PERSONAL ASSISTANCE SERVICES

If a request for PAS is denied, HR will provide the requestor with a written explanation of the reason(s) for the denial, to include why the PAS would result in an undue hardship.

SELECTING A PAS PROVIDER

The Commission may use federal employees, independent contractors, or a combination of employees and contractors to perform personal assistance services. If the Commission is hiring a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider, then the Commission will give primary consideration to the employee's choice to the extent permitted by law. However, it may not be possible to honor the individual's preference in all cases.

INQUIRIES

Managers, employees or applicants wanting further information concerning these procedures may contact HR via e-mail at HR@prc.gov.