



Selective Service System

National Headquarters/Arlington, Virginia 22209-2461

Directive

EFFECTIVE DATE: December 1, 2021

RESPONSIBLE OFFICE: OD/EEO

NUMBER: 700-44

SUBJECT: Reasonable Accommodations (RA) Program

1. **PURPOSE**

This Directive provides policies and procedures for the Reasonable Accommodations Program at the Selective Service System (SSS).

2. **SCOPE**

The provisions of this Directive apply to all elements of SSS.

3. **AUTHORITY**

This Directive is authorized under Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 United States Code (U.S.C.) § 791 et seq., and Executive Order 13164. Additional authoritative references are cited in Appendix A.

4. **POLICY**

- a. It is the policy of the SSS to provide equal opportunities for individuals with disabilities, and for medical or religious reasons to comply with regulatory requirements that ensure all aspects of employment, including the application process, are made fully accessible to all employees and applicants.
- b. The Agency is committed to improving the recruitment, promotion, and retention of qualified individuals with disabilities and those wishing to exercise their religious beliefs. The Agency will provide appropriate information, resources and the environment necessary to support all personnel while accomplishing the Agency's mission and meeting regulatory requirements. The Agency is committed to providing timely and effective reasonable accommodations to the known physical or mental limitations of individuals (employees and job applicants) who meet the

statutory definition of a qualified individual with a disability, unless to do so would cause undue hardship to the Agency.

- c. All reasonable accommodation requests shall be considered and granted on a case-by-case basis by SSS officials with delegated authority in this process. The Agency is not obligated to provide requesting individuals with the accommodation of his/her choice, but with one that is reasonable, effective, and does not impose an undue hardship on the Agency.
- d. The Agency may take steps to accommodate an individual with disabilities, solely at the Agency's discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.
- e. This policy applies to job applicants for employment, as well as full-time and part-time employees. This policy also applies to individuals hired under disability-specific hiring authorities.

5. RESPONSIBILITIES OF REASONABLE ACCOMMODATION (RA) PROGRAM OFFICIALS OR RA SERVICES CONTRACTOR

The Agency's reasonable accommodations coordinator is a designated SSS employee to help facilitate the Agency's reasonable accommodations process. The coordinator is responsible for overseeing, coordination, tracking, and providing assistance with getting advice on the reasonable accommodations process. Additional Roles and responsibilities are defined in Appendix B and Appendix C.

6. PROCEDURES

- a. Initiating the Reasonable Accommodation Process
 - (1) An applicant or employee must let the SSS know that he/she needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An individual may go to his/her first-line supervisor or a supervisor or manager in his/her immediate chain of command to request for reasonable accommodation or go directly to the Reasonable Accommodations Coordinator (RAC).
 - (2) A family member, health professional, or other representative may request an accommodation on behalf of an SSS employee or applicant. Where possible, the Agency will then confirm with the individual with a disability whether he/she, in fact, wants a reasonable accommodation.
 - (3) A request for reasonable accommodation or religious accommodation can be made at any time, orally or in writing.

- (4) The Agency's Reasonable Accommodations Coordinator is Ms. Jennifer Burke. Contact her at Jennifer.Burke@sss.gov
- (5) When making a request for an accommodation, the applicant or employee:
 - (a) Is not required to use any specific words like "reasonable accommodation", "disability," or "accommodation," including a reference to the Americans with Disabilities Act (ADA).
 - (b) Should specify that the request is related to a disability or medical condition.
 - (c) May ask a third party to request the accommodation on their behalf (medical professional, vocational rehabilitation counselor, job coach, etc.).
- (6) If an employee makes a reasonable accommodation request first to his/her manager or supervisor in his/her immediate chain of command, the manager or supervisor should forward the request to the RAC immediately and must do so within two (2) business days.

b. The Reasonable Accommodation Process

- (1) The reasonable accommodation process begins as soon as the oral or written request for accommodation is made; this also means the process is not on hold until a written request is received. The request should be forwarded to the RAC as soon as possible. And, if the request is made directly to the RAC, the RAC will contact the manager or supervisor immediately to expedite the process. The RAC also ensures the completion of the "Confirmation of Request for Reasonable Accommodation" Form (see Appendix D) for record-keeping. The individual (or third party) will be asked to review the Confirmation of Request form to cover the accommodation(s) known at the time when making the initial request.
- (2) Failure to initiate the processing of an oral request may result in undue delay in providing reasonable accommodation in violation of the Rehabilitation Act.
- (3) For applicants, information about contacting the RAC will be in the vacancy announcement and the letter of appointment. (See Section II.A. above on how to contact the RAC).
- (4) The applicant may also request a reasonable accommodation with anyone he/she has had contact with in the Agency. For instance,

once an agency hiring manager contacts the applicant for an interview, the applicant may then at any time contact the hiring manager to submit a reasonable accommodation request.

- (5) While further information may be obtained by SSS when evaluating the request, nothing more is required for the individual's statement to legally constitute an accommodation request.
- (6) An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and he/she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different accommodation). The manager or supervisor, or the RAC, 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 (e.g., during the application process).
- (7) An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, need only to make the request once. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. Appropriate advance notice is defined as the reasonable amount of time needed to procure and/or implement the approved reasonable accommodation.
- (8) If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the RAC should ensure that the employee's manager or supervisor makes the appropriate arrangements without requiring a request in advance of each occasion. (See Appendix H for information on requesting sign language interpreters).

c. How to Recognize Requests for Reasonable Accommodations

- (1) Since the interactive process starts when an individual with a disability makes a request for reasonable accommodation, it is important for the manager or supervisor to be able to recognize a request. The EEOC provides the following examples:
 - (a) Example A: An employee tells his supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

- (b) Example B: An employee tells her supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.
- (c) Example C: A new employee, who uses a wheelchair, informs the employer that his wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.
- (d) Example D: An employee tells her supervisor that he would like a new chair because her present one is uncomfortable. Although this is a request for a change at work, her statement is insufficient to put the employer on notice that she is requesting reasonable accommodation. She does not link his need for the new chair with a medical condition.

- (2) Helpful Tip: If a manager or supervisor is not sure whether an employee has requested an accommodation, the manager or supervisor should ask the employee to clarify what is being requested and why.
- (3) No reasonable accommodation involving performance of the job will be provided without first informing the employee's manager, supervisor, Data Management Center (DMC) and region director or Associate Director.

d. Processing Requests for Reasonable Accommodation

- (1) A "one-size, fits-all" approach does not necessarily work when processing requests for reasonable accommodation; thus, these procedures are intended to be flexible. Furthermore, the procedures allow for decision makers to process requests in a manner that imposes the fewest burdens on individuals with disabilities and permits the most expeditious consideration and delivery of the reasonable accommodation. Individuals requesting religious accommodations will refer to Appendix B.
- (2) The RAC helps facilitate the process for requests for reasonable accommodations. The RAC is available to assist and/or coordinate with providing reasonable accommodation, which includes providing training to all employees and managers and supervisors on the procedures for handling and processing reasonable accommodation requests. The RAC will assist by:
 - (a) Explaining how the Agency will handle a request for accommodation, including specifically what steps will be followed, and identifying from whom the individual will receive a final decision.

- (b) Clarifying first-line supervisors can process and approve requests whenever possible.
- (c) Requiring and encouraging decision makers to communicate with the individual requesting accommodation where the specific limitation, problem, or barrier is unclear; an effective accommodation is not obvious; or where the parties are choosing between different possible reasonable accommodations.
- (d) Providing resources that individuals with disabilities and agency decision makers can consult to identify and evaluate possible accommodations.

e. The Interactive Process

- (1) After a request for reasonable accommodation has been confirmed, the next step is for the parties to begin the “interactive process” to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation, the RAC, decision maker(s) and/or supervisor must all communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and if there are any other alternative accommodations that may be equally as effective in meeting an individual’s needs.
- (2) The interactive process is encouraged and ensures that all effective accommodations have been considered. However, when the existence of the disability, the need for accommodation, and the nature of the effective accommodation are clear and obvious, further discussions may not be necessary.
- (3) The RAC will help (1) identify who (by position title, such as first-line supervisor, office director, etc.) is authorized to make decisions on different types of requests; (2) explain specifically what types of requests (e.g., ordering assistive technology, removing architectural barriers, etc.) should be forwarded to the identified decision maker; and (3) provide for a referral system with timeframes.
- (4) In determining a resolution, the steps include referring the request to the appropriate decision maker, communicating with the requester to clarify the request, confirming whether the requester is an individual with a disability, obtaining and exchanging information with the requester to the extent necessary regarding needs and alternatives, searching for solutions, consulting agency and outside resources,

evaluating possible accommodations, issuing a decision on the request, and if granted, providing the accommodation.

- (5) Communication is a priority throughout the entire process, particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request, the manager or supervisor and the RAC should work together to identify effective accommodations. Appendix J lists some suggested resources for identifying accommodations.
- (6) When a third party (e.g., an individual's doctor) makes a request for a reasonable accommodation on behalf of an applicant or employee, the supervisor or manager should, if possible, confirm with the applicant or employee if he/she wants a reasonable accommodation before proceeding. When this is not possible, for example, because the employee has been hospitalized in an acute condition, the supervisor or manager will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable. In these cases, the supervisor or manager should inform the RAC of the accommodations so it can be documented and recorded.
- (7) Depending on the request, the decision-making team, the RAC, may need to consult with other SSS personnel (e.g., an employee's second-line supervisor, Information Technology staff, Logistics Office) or outside sources to obtain information necessary to make a determination about the request. When the accommodation involves leave (e.g., sick leave, Leave without Pay (LWOP), etc.), the manager, supervisor, region director or Associate Director must be informed for QuickTime certification.
- (8) The expectation is that all agency personnel will give a high priority to responding quickly to requests for information or assistance. Any delays by SSS personnel may result in the Agency's failure to meet the required timeframe.
- (9) The RAC will assist with who will notify the individual requesting accommodation of the decision to grant or deny it. The RAC will assist on a case-by-case basis. Once a request is received by the decision maker, he/she will:
- (10) Acknowledge the request:

- (a) Explain to the applicant or employee who will be making the decision on the request; and
 - (b) Describe what will happen in the processing of the request.
 - (11) Individuals will receive a final decision regarding their reasonable accommodation request(s) in writing from the decision maker via the RAC. The RAC prepares the resolution by completing the Resolution of Reasonable Accommodation Request Form (See Appendix E) for documentation and record.
 - (12) In the event the primary decision maker is not available, the individual next in the chain of command acts as the back-up and would permit the Agency to continue receiving and processing requests and providing reasonable accommodations.
- f. Reassignment
- (1) There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.
 - (2) Reassignment is considered an accommodation as a last resort if no accommodations are available to allow the individual to perform the essential functions of his/her current job, or if the only effective accommodation would cause undue hardship. Reassignment is available only to employees, not to applicants. In addition, reassignment applies to a vacant position.
 - (3) In considering whether there are positions available for reassignment, the RAC, the manager will work with the Human Resources Officer, the Chief of Staff, and the employee requesting reassignment to identify:
 - (4) Vacant positions within the Agency for which the employee may be qualified, with or without reasonable accommodation; and
 - (5) Positions which Human Resources has reason to believe will become vacant within 60 days from the date the search is initiated and for which the employee may be qualified.
 - (6) Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, SSS will not pay for the employee's relocation costs.

Example: If a search begins on May 1, then the RAC/manager will inquire about any positions that are currently vacant or will become vacant between May 1 and June 30. The agency does not have to hold open the search until July 1; if the search finishes on May 15 and learns that no vacancies are currently available or anticipated by June 30, then the search is over and the results should be conveyed to the employee.

7. REQUESTS FOR MEDICAL INFORMATION

- a. If a requestor's disability and/or need for accommodation is not obvious or already known, SSS is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. It is the responsibility of the applicant or employee to provide appropriate medical information requested by SSS where the disability and/or need for accommodation is not obvious or already known. Failure to provide necessary documentation, or supplemental documentation, when properly requested could result in the denial of reasonable accommodation.
- b. With the RAC assistance, the decision maker determines whether medical information is needed and, if so, may request such information from the employee requesting reasonable accommodation and/or the appropriate health professional. Even if medical information is needed to process a request, the RAC does not necessarily have to request medical documentation from a health care provider; in many instances, the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a reasonable accommodation. The officials processing the request should determine on a case-by-case basis whether information regarding the request is reasonably needed to determine if the requestor is an individual with a disability and needs the accommodation requested. (See Section II.E. about the confidentiality of all medical information obtained in processing a request for accommodation.)
- c. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should inform the RAC of this fact when submitting another request. The RAC will then be able to determine whether additional medical information is needed to process the new request.
- d. If the initial information provided by the health professional or given by the requestor is insufficient for the decision maker or the RAC, to determine whether the individual has a "disability" and/or that an accommodation is needed, the decision maker or the RAC will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The RAC may also give the individual a list of questions to give

to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts and 60 days has lapsed, the RAC will confirm with the requester and close the case due to lack of response for the requested additional information. In that case, the requestor and his/her manager or supervisor will receive written notice from the RAC stating the request for accommodation has been closed due to insufficient information. For other questionable cases, the Agency may have the medical information reviewed by a doctor of the Agency's choosing and expense.

- e. The Agency may request information or documentation regarding:
 - (1) The nature, severity, and duration of the individual's impairment.
 - (2) The activity or activities that the impairment limits.
 - (3) The extent to which the impairment limits the individual's ability to perform the activity or activities.
 - (4) Why the individual requires reasonable accommodations, or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

- f. In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the definition of the Rehabilitation Act, the decision makers and the RAC will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis. Notwithstanding, the Agency may require medical information to determine an appropriate and effective accommodation.
 - (1) Under the Rehabilitation Act, SSS may not request medical information where (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided the Agency with sufficient information to document the existence of the disability and his/her functional limitation.

8. CONFIDENTIALITY REQUIREMENTS

- a. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that SSS obtains in connection with a request for reasonable accommodation must be kept in files separate from

the individual's personnel records. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any SSS employee who obtains or receives such information is strictly bound by these confidentiality requirements.

- b. The RAC may share certain information with an employee's supervisor or other agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the RAC will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the RAC will not necessarily need to reveal the name of the requestor and/or the office in which the requestor works, or even the name of the disability.

Example: The Office of Information Technology generally will be consulted in connection with requests for assistive technology for computers. While IT needs to know the employee's functional limitations, it typically has no need to know the employee's specific disability.

- c. In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:
 - (1) Managers and supervisors are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
 - (2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation; and
 - (3) Government officials may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act.

9. TIMEFRAME FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATIONS

- a. The timeframe for processing a request (including providing accommodation, if approved) is as soon as possible but no later than 30 days from the date the request is made. This 30-day period includes the five-day timeframe in which the RAC must contact the requestor after a request for reasonable accommodation is made.
- b. Selective Service will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The timeframe above indicates the maximum amount of time it should generally

take to process a request and provide a reasonable accommodation. The RAC is available to help process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

- c. The timeframe begins when an oral or written request for reasonable accommodation is made, not necessarily when it is received by the RAC. Therefore, everyone involved in processing a request should respond as quickly as possible. This includes referring a request to the RAC, having the requestor or someone on behalf of the requestor contact a doctor if medical information or documentation is needed, and providing technical assistance to the RAC regarding issues raised by a request (e.g., information from a manager or supervisor regarding the essential functions of an employee's position, information from IT regarding compatibility of certain adaptive equipment with SSS's technology).
- d. If the RAC must request medical information or documentation from a requestor's doctor, the timeframe will stop on the day that the RAC makes a request to the individual to obtain medical information or sends out a request for information or documentation up to 60 days, and will resume on the day that the information or documentation is received by the RAC. After 60 days, the RAC will confirm if the request is still needed and close the case file if not needed.
- e. If the disability is obvious or already known to the decision makers and the RAC, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the process should not require the full 30 days to fulfill the request. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted timeframe:
 - (1) An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test his blood sugar levels in private.
 - (2) An employee with clinical depression who takes medication which makes it hard for her to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work a full shift day.
 - (3) A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.

f. Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- (1) To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- (2) To enable an employee to attend a meeting scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

g. Extenuating Circumstances

- (1) When all the facts and circumstances known to the Agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the Agency shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of his/her job, if it is possible to do so without imposing undue hardship on the Agency.
- (2) Where there is a delay in either processing a request for, or delivering, a reasonable accommodation, the Agency must notify the individual of the reason for the delay. To the extent possible, the Agency must also keep the individual informed of the date on which the Agency expects to complete the process.
- (3) If there is a delay, the Agency must investigate whether there are temporary measures that could be taken to assist the individual with a disability. An agency could consider, for example, a temporary job restructuring or the use of equipment that might permit the individual to perform some of the functions of his/her job.

10. RESOLUTION OF THE REASONABLE ACCOMMODATION REQUEST(S)

- a. All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by using the "Resolution of Request" form (see Appendix E), as well as orally. A meeting is coordinated with the employee who made a request for reasonable accommodation, the employee's manager or supervisor, and the RAC to discuss the resolution of the employee's accommodation request as the final step of the interactive process. During this meeting, the RAC will have the manager or supervisor

verify funds availability within the respective cost center for the purpose of procurement.

- b. If SSS grants a request for accommodation, the RAC will give the “Resolution of Request” form to the supervisor and manager, requestor, and discuss implementation of the accommodation. The “Resolution” form must be filled out even if SSS is granting the request without determining whether the requestor has a “disability” and regardless of what type of change or modification is approved (e.g., SSS grants a three-month removal of an essential function, which is not a form of reasonable accommodation but nonetheless must be specified on the “Resolution” form).
 - (1) A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual’s specific requested accommodation and why SSS believes that the chosen accommodation will be effective.
 - (2) If the request is approved but the accommodation cannot be provided immediately, the manager or supervisor and/or the RAC will inform the individual in writing of the projected timeframe for providing the accommodation.
- c. If SSS denies a request for accommodation, the RAC will provide a written denial notice (which is part of the “Resolution” form) to the requestor at the time the request for accommodation is denied. Further, the notice will explain the reasons for the denial and notify the job applicant or employee of any available internal appeal or informal dispute resolution processes.
- d. The explanation for the denial, on the “Resolution” form, will clearly state the specific reason(s) for the denial. This means that SSS cannot simply state that a requested accommodation is denied because of “undue hardship” or because it would be “ineffective.” Rather, the form will explain specifically why the accommodation would result in undue hardship or why it would be ineffective.
 - (1) If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the RAC will explore with the individual and manager or supervisor whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the RAC will explore with the manager or supervisor whether there is a reasonable accommodation that will meet the employee’s needs.

- (2) If SSS offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the RAC will record the individual's rejection of the alternative accommodation on the "Resolution" form.
- e. The Resolution form includes information about the individual's right to file an EEO complaint pursuant to 29 C.F.R. § 1614.106 and to invoke other statutory processes, as appropriate. (See Section L. Relation of Procedures to Statutory Claims)
- f. Resources for Managers and Supervisors
 - (1) Since the deciding official is most often the first-line manager or supervisor, it is advised that managers and supervisors reference resources from EEOC's website before making a decision:
 - (2) EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the ADA (July 27, 2000). <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>
 - (3) EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002). <https://www.eeoc.gov/policy/docs/accommodation.html>
- g. Certification of Funds Availability
 - (1) The Agency officials who determine the requests for accommodations or make hiring decisions need to be aware that to deny an accommodation merely on cost, must consider all other resources available to the Agency as a whole, excluding resources designated by statute for a specific purpose that does not include reasonable accommodation, pursuant to 29 C.F.R. § 1614.203(d)(3)(ii)(A).
 - (2) For those accommodations which require procuring, the RAC will conduct the market research and cost analysis benefits for the specific accommodation requested and equally effective alternative accommodation(s) as needed for comparison. Once the cost has been determined or a price quote guarantee has been confirmed with a vendor, then the RAC will follow up with the employee's manager or supervisor to verify whether or not the purchase can be made using his/her cost center's funds.
 - (3) A "Certification of Funds Availability" form (see Appendix G) is to be completed by the manager or supervisor certifying whether or not the funds are available using the office's funds to purchase the

accommodation. Note, this certification will be filed with the employee's request and the manager or supervisor will be provided with a copy of the form.

- (4) If the manager or supervisor will make the purchase, the respective office budget COR or staffer will then initiate the procurement process.
- (5) If there are no funds available within the employee's office, the RAC will forward the request for certification of funds availability to Financial Management for situational awareness and request for additional funds, if needed, to be added to the Reasonable Accommodations Cost Center.
- (6) The Reasonable Accommodation Case Log Number will be used for reference on the Certification of Funds Availability form and coordination sheet.

h. Re-Evaluation of Work-Schedule Accommodation

- (1) For individuals granted work-schedule accommodation, the manager or supervisor can ask for a re-evaluation of the accommodation based on the Agency's operational requirements and the employee's request for the work-schedule accommodation. In those cases, the employee may be asked to provide a justification update for the continued need for the work-schedule accommodation.
- (2) In cases where an employee's work-schedule accommodation is determined to create a hardship to the Agency's operational mission, the RAC will be asked to coordinate a meeting with the employee and the employee's manager or supervisor to discuss whether there is a continued need for work-schedule accommodation, to determine if any adjustments can be made to the work-schedule accommodation, and to possibly reintegrate the employee back into the workforce internally.
- (3) Work-schedule accommodations are provided to the extent that the employee's disability necessitates it. Both the Agency and the employee should be flexible in working out a schedule so that the employee's work is done in a timely manner in aligned with the duties assigned. Additionally, the Agency and the employee will need to discuss how the employee will be supervised in cases of work-schedule accommodations.

i. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the EEO Director to reconsider that decision. An individual must request reconsideration within 10 business days of receiving the "Resolution" form. A request for reconsideration will not extend the time limits for initiating administrative or statutory claims.

11. INFORMATION TRACKING AND REPORTING

- a. For SSS to ensure compliance with these procedures and the Rehabilitation Act, the RAC will complete the "Reasonable Accommodation Information Reporting" form (Appendix F) within 5 business days of issuing the decision.
- b. These forms will be the basis of an annual report to provide a qualitative assessment of SSS's ability to reasonably accommodate individuals with disabilities, including any recommendations for improvement of SSS's reasonable accommodation policies and procedures. This annual report will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals who requested accommodations or the accommodations requested by specific individuals. Rather, this report will provide only general information, such as the total number of requests for accommodations, the types of accommodations requested, and the length of time taken to process requests.

12. RELATION OF PROCEDURES TO STATUTORY CLAIMS

- a. These procedures do not limit or supplant statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims remain unchanged, including the timeframes for filing such claims.
- b. The "Resolution of Request" form (see Appendix E) provides guidance to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue Merit System Protection Board and/or employee grievance procedures.
- c. An individual who chooses to pursue statutory remedies for denial of reasonable accommodation must:
 - (1) For an EEO complaint: contact the EEO Officer within 45 calendar days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable

delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.

- (2) For adverse actions over which the Merits Systems Protection Board (MSPB) has jurisdiction: initiate an appeal to the MSPB within 30 days of the appealable adverse action as defined in 5 C.F.R. § 1201.3.
- (3) These procedures create no new enforceable rights under Section 501 of the Rehabilitation Act or any other law. Executive Order 13164, which requires all federal agencies to adopt reasonable accommodation procedures, explains in Section 5(b) that the procedures are “intended only to improve the internal management of the Executive Branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies.”

13. INQUIRIES AND DISTRIBUTION

- a. Any employee or applicant wanting further information concerning these procedures may contact the Reasonable Accommodations Coordinator (RAC) by e-mail to Jennifer.Burke@sss.gov.
- b. These procedures shall be available to all employees on the Agency’s employee portal under the EEO tab, as well as posted on SSS’s website. They will be highlighted to all new employees as part of the new employee orientation. These procedures will be provided in alternative formats when requested from the RAC by, or on behalf of, any SSS employee.

Craig T. Brown
Acting Director

Distribution: Intranet

Attachments

Appendix A

Authoritative References

- The process for requesting reasonable accommodation is covered under Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 United States Code (U.S.C.) § 791 et seq., and Executive Order 13164. This update includes EEOC's feedback with respect to Equal Employment Opportunity Council's (EEOC's) Final Rule: Affirmative Action for Individuals With Disabilities in Federal Employment, Rehabilitation Act 29 Code of Federal Regulations (C.F.R.) § 1614.203 (January 3, 2017), (Final Rule).
- The Rehabilitation Act of 1973, Sections 501, 504, and 508 of, as amended 29 U.S.C. Section 791 et seq.
- Americans with Disabilities Act Amendments Act (ADAAA) of 2008, 42 U.S.C. § 12101 et seq.
- Executive Order 13164, 3 C.F.R. § 286 (2000) -- Establishing Procedures To Facilitate the Provision of Reasonable Accommodation
- The Architectural Barriers Act (ABA) of 1968 (42 U.S.C. § 4151), et seq.

Appendix B

Reasonable Accommodation for Religious Beliefs

Policy: It is the policy of SSS to prohibit discrimination against employees and applicants for employment based on religious beliefs, practices, or affiliation. In addition, SSS shall provide reasonable accommodation for the religious beliefs and/or practices of employees and applicants for employment unless providing a reasonable accommodation would result in undue hardship to SSS.

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion (or lack of religious belief) in hiring, firing, or any other terms and conditions of employment. The law also prohibits job segregation based on religion, such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

In addition, the Act requires employers to reasonably accommodate the religious beliefs and practices of applicants and employees, unless doing so would cause more than a minimal burden on the operation of the employer's business. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion. Flexible scheduling, voluntary shift substitutions or swaps, job reassignments lateral transfers, and exceptions to dress or grooming rules are examples of accommodating an employee's religious beliefs. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.

A reasonable religious accommodation is any adjustment to the work environment that will allow an employee to practice their religious beliefs. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons.

Authority: Title VII of the Civil Rights Act of 1964, as amended, as implemented through 29 CFR Part 1605. Religious Freedom Restoration Act of 1993, codified at 42 U.S.C. § 2000bb.

Roles and Responsibilities

The Reasonable Accommodations Coordinator (RAC) is responsible for managing and facilitating the interactive process between the employee and the review panel to determine the appropriate reasonable accommodation under the circumstances. The RAC facilitates the review process, chairs the Review Panel, and is responsible for records retention on behalf of the agency.

The Review Panel is a select body of decision-makers authorized to determine whether a requested accommodation will be approved or denied. The Review Panel consists of the RAC, the Human Resources Officer, and the employee's supervisor or applicant's future supervisor.

Employees and applicants are responsible for initiating requests for religious accommodation through the RAC and cooperating during the interactive process necessary to determine whether a requested accommodation can be approved.

Appendix B (continued)

Procedures

Employees shall request a religious accommodation through the RAC with as much advance notice as possible.

An applicant requesting religious accommodation for any stage of the application process shall submit a request for accommodation through the Human Resources Officer.

As a high-priority action, the RAC will convene the Review Panel as soon as possible, to adjudicate the request. All documents provided to the Review Panel will be blinded as to the name of the individual making the request. If a Panel member should make a request for religious accommodation of their own, they must recuse themselves.

The Review Panel or a supervisor may provide an interim accommodation while the employee's request for a religious accommodation is being processed or if an approved accommodation cannot be promptly implemented, based on a totality of the circumstances.

If the request does not involve extenuating circumstances, it shall be processed and the accommodation, if granted, provided as soon as possible but not more than 30 business days from the date the request was initially made. In those cases that involve extenuating circumstances, the time for processing the request and providing the accommodation will be extended as reasonably necessary.

The Panel is guided in their decision by the regulations of 29 CFR Part 1605, 42 U.S.C. § 2000bb and the guidelines within the Equal Employment Opportunity Commission Compliance Manual Section 12 on Religious Discrimination <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination>. This includes consideration of factors such as the basis for the claim, the nature of the employee's job responsibilities, and the reasonably foreseeable effects on the SSS operations.

Appeal Rights

If an employee's request for a reasonable accommodation is denied, he or she may appeal the decision to the Director within 10 calendar days of receipt of the denial notice.

Appendix C

Roles and Responsibilities

Employees – Employees may make a reasonable accommodation request to a supervisor or manager in his/her chain of command, or to the reasonable accommodations coordinator.

Employees requesting a reasonable accommodation shall be responsible for notifying his/her supervisor, a supervisor or manager in his/her chain of command, or the reasonable accommodations coordinator of any disability or medical condition that may interfere with the performance of the essential functions of his/her job, and making an oral or written request for a reasonable accommodation. The decision whether to grant or deny an employee's reasonable accommodation request is made by those of leadership authority determined in the interactive process.

Employees requesting a reasonable accommodation shall also be responsible for participating in the interactive process with the supervisor or manager and/or the reasonable accommodations coordinator regarding his/her functional limitations and the need for an accommodation. The employee's responsibilities in the interactive process include:

- (1) Suggesting reasonable accommodation possibilities that can be explored;
- (2) Cooperating with management efforts to identify effective accommodations and/or alternate placements, if necessary; and
- (3) Promptly providing reasonable supporting medical documentation on the physical and/or mental impairment or medical condition to be accommodated and how it relates to the essential functions of his/her position.

It is the responsibility of the employee to provide appropriate medical information related to the functional impairment and the requested accommodation where the disability and/or need for accommodation is not obvious.

Employees should understand that if the Agency asks for reasonable supporting medical documentation, their request for a reasonable accommodation shall not be processed until they provide the supporting documentation. Failure to timely provide reasonable supporting medical documentation would likely result in the delay or denial of the request.

Job Applicants – Job applicants may make a reasonable accommodation request to the hiring official listed on the job announcement or to the reasonable accommodations coordinator.

Appendix C (continued)

Roles and Responsibilities

Job applicants requesting a reasonable accommodation shall be responsible for notifying the Agency's official connected with application process of any disability or medical condition that may need to be accommodated during this process. The Human Resource (HR) staff identified on the vacancy announcement is responsible for determining whether to grant or deny a reasonable accommodation request from a job applicant. This decision should be made in consultation with the reasonable accommodations coordinator. (An example would be a request for sign language interpreter.)

Also, job applicants shall be responsible for participating in the interactive process with the HR staff regarding his/her functional limitations and the need for an accommodation. It is also the responsibility of the applicant to provide appropriate medical information related to the functional impairment and the requested accommodation where the disability and/or need for accommodation is not obvious.

Decision Makers – The decision maker is referred to the appropriate approving authority as listed below:

- Associate Director for the employee's respective directorate
- Chief of Staff for employees from the Executive Office (Front Office) and Human Resources Office
- The Director is the appeals authority

The decision maker (approving authority) within the employee's chain of command has the authority for deciding whether to grant or deny a reasonable accommodation request. Appeals for denials would be made to the Director.

In the interactive process in determining a resolution, the interim decision maker (interim official) is the employee's supervisor or manager in the employee's chain of command, with the approving authority as listed above in the employee's chain of command.

For accommodation requests made by job applicants, the designated decision maker (approving authority) is the HR staff identified on the vacancy announcement.

Throughout the interactive process, the interim official shall consult with the reasonable accommodations coordinator and shall engage in the interactive process with employees and job applicants to discuss the requestor's limitations and the need for accommodation.

Appendix C (continued)

Roles and Responsibilities

The interim official shall communicate early and periodically throughout the process with individuals who have requested a reasonable accommodation. This interactive process is to help the interim official to determine whether the employee is a qualified individual with a disability, and if so, what reasonable accommodation would be appropriate that would not cause an undue hardship to the Agency on behalf of the approving authority in the chain of command.

The approving authority shall promptly notify the requestor in writing of the final decision to grant or deny the reasonable accommodation request.

Where an accommodation is granted, the interim official shall notify the requestor in writing of when and how the accommodation shall be provided.

Where an accommodation is denied, the approving authority shall notify the requestor in writing and provide reconsideration rights, appeal rights, and rights to seek EEO counseling. Note: Employees and job applicants have the right to contact an EEO counselor at any time during this process to be advised of their rights.

The approving authority shall consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodations. The approving authority shall be aware that to deny an accommodation request based solely on cost is not acceptable when another less costly effective accommodation is available, and may result in a violation of the Rehabilitation Act of 1973 and SSS policy. (See the EEOC's Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002) <https://www.eeoc.gov/policy/docs/accommodation.html>.)

The approving authority shall consider requests for reconsideration, including any additional information provided by the requestor, and issue written decisions on such requests within ten calendar days of the date that the request for reconsideration was submitted.

The interim official, on behalf of the approving authority, shall initiate the reasonable accommodations interactive process on their own initiative without being asked, if the following circumstances exist:

- The requestor's disability and/or medical condition and need for a reasonable accommodation are obvious;
- If the interim official knows, or has reason to know, that the requestor is experiencing workplace problems because of the disability and/or medical condition; or

Appendix C (continued)

Roles and Responsibilities

- If the interim official knows, or has reason to know, that the disability and/or medical condition prevents the requestor from requesting a reasonable accommodation.

If based on the inquiry above, the individual with a disability states that he/she does not need a reasonable accommodation, then SSS shall have fulfilled its obligation. The approving authority, informed by the interim official, shall in turn inform the reasonable accommodations coordinator to document the interactive discussion and the individual's confirmation that he/she does not need a reasonable accommodation and to administratively close the case by completing resolution form.

Reasonable Accommodations Coordinator – The Agency's reasonable accommodations coordinator is a designated SSS employee to help facilitate the Agency's reasonable accommodations process.

The coordinator is responsible for overseeing, coordination, tracking, and providing assistance with getting advice on the reasonable accommodations process. Responsibilities include:

- Receiving and maintaining records related to all reasonable accommodation requests from employees, job applicants, and decision makers.
- Notifying the appropriate decision makers immediately when employees or job applicants make reasonable accommodation request directly to the reasonable accommodations coordinator.
- Facilitating the implementation of the accommodations process identified in the procedures and providing technical assistance on these procedures to employees, applicants, managers, supervisors, and stakeholders in this process.
- Requesting and receiving medical documentation in support of the reasonable accommodation request.
- Safeguarding the privacy of reasonable accommodation records at all times.
- Assisting with a periodic review of reasonable accommodation cases, including following up with the decision makers and employees to ensure that the accommodation is effective; to confirm that the need for the accommodation continues to exist; and to assure that the accommodation is not causing an undue hardship.
- Providing ongoing assistance regarding these procedures to employees, applicants, supervisors, managers, and leadership.

APPENDIX D
CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION

1. _____ _____

Applicant's or Employee's Name **Date of Request**

_____ _____

Applicant's / Employee's Telephone & Email **Employee's Office**

2. **Type of accommodation requested, if known.** *(Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change.)*
3. **Reason for request.** *(If the accommodation is time sensitive, please explain.)*
4. **Log No.:** _____ **(Assigned by RAC)**

Privacy Act Statement

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

APPENDIX E
RESOLUTION OF
REASONABLE ACCOMMODATION REQUEST

Numbers 1-3 must be completed. Complete numbers 4-7 only if applicable.

1. Name of Individual requesting reasonable accommodation:

2. Accommodation(s) requested:

3. Accommodation(s): _____ 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):

4. If an alternative accommodation was offered, indicate whether it was:

 _____ accepted
 _____ rejected

APPENDIX E (continued)

5. Request denied because: (may check more than one box)
- Requestor does not have a Rehabilitation Act disability
 - Accommodation ineffective
 - Accommodation would cause undue hardship
 - Medical documentation inadequate
 - Accommodation would require removal of essential function
 - Accommodation would require lowering performance or production standard
 - Other (Please identify) _____
6. Detailed reason(s) for denial (Must be specific, e.g., why accommodation would be ineffective or cause undue hardship):
7. If the deciding official offered an accommodation that is different from the one originally requested, explain: (a) the reasons for the denial of the accommodation originally requested; and (b) why the alternative accommodation would be effective.
8. An individual who disagrees with the resolution of the request may ask the EEO Director to reconsider that decision within 10 business days of receiving the "Resolution" form. Note that requesting reconsideration does not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

APPENDIX E (continued)

9. If you are dissatisfied with the resolution and wish to pursue administrative, statutory, or collective bargaining rights, you must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor within 45 days from the date of receipt of this Form or a verbal response (whichever comes first).

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

Printed name of Associate Director

Signature of Associate Director

Printed name of Supervisor/Manager

Signature of Supervisor/Manager

Printed name of Employee

Signature of Employee

Printed name of Reasonable accommodations coordinator

Signature of Reasonable accommodations coordinator

Date reasonable accommodation denied/approved _____

APPENDIX F

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Name of Individual requesting accommodation: _____

Office of Requesting Individual: _____

1. Reasonable accommodation: (check one)

_____ Approved (Whether it is what was originally requested or an alternative)

_____ Denied (Full explanation will be attached to this document)

_____ In Progress

(Attach copy of the "Resolution of Reasonable Accommodation Request" form.)

2. Date _____ accommodation _____ requested: _____

Who _____ received _____ request: _____

3. Date accommodation request referred to Reasonable accommodations coordinator, if applicable: _____

4. Determined that individual does _____ or does not _____ have a disability as defined by the Rehabilitation Act; or no disability determination made _____.

5. Date accommodation approved or denied: _____

6. Date accommodation provided (*if different from date approved*): _____

7. If timeframes outlined in the procedures were not met, explain why.

APPENDIX F (continued)

8. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):

9. Accommodation needed for: (check one)

Application Process

Performing Job Function or Accessing the Work Environment

Accessing a Benefit or Privilege or Employment (*e.g., attending a training program or social event*)

10. Accommodation(s) requested:

11. Accommodation(s) provided (*if different from what was requested*):

12. Cost of accommodation provided:

13. Was medical information required to process this request? If yes, explain why.

14. Sources of technical assistance, if any consulted in trying to identify possible reasonable accommodations (*e.g., Job Accommodation Network, disability organization*)

15. Comments:

16. Please attach all documentation connected with this request.

APPENDIX G

CERTIFICATION OF FUNDS AVAILABILITY

A request for reasonable accommodation was submitted to the Reasonable accommodations coordinator. The employee's disability has been vetted and documented, as well as any supporting document as needed for processing the request. For any accommodation that requires procuring, there is a verification of funds availability made in the final step of the interactive process.

The checklist below certifies whether or not the funds are available to procure the items requested for accommodation. First, the supervisor needs to verify if there are funds in his/her cost center. If not, the Reasonable accommodations coordinator will then check with Financial Management for available funds.

INSTRUCTIONS: The employee's supervisor is to check the appropriate box to certify whether or not funds are available within his/her cost center. If no funds are available, the Reasonable accommodations coordinator will forward the request for funds availability to Financial Management. Then, Financial Management will certify availability of funds for the requested accommodation.

Reasonable Accommodation Log No. : _____

Supervisor:

Funds are available within the office's cost center to purchase the approved reasonable accommodation. The office's budget staffer / COR will process this request for reasonable accommodation using the office's respective cost center.

Funds are NOT available within the office's cost center to purchase the requested accommodation. I certify this fact is true and forward the request for funds to the Reasonable accommodations coordinator to give to Financial Management to request for available funds.

Supervisor's Signature

Supervisor's Printed Name

Date

APPENDIX G (continued)

CERTIFICATION OF FUNDS AVAILABILITY

If the funds are NOT available using the employee's respective cost center, the request for funds will be certified by Financial Management. This portion is only completed if the request for funds is submitted to Financial Management for certification.

Financial Management:

Funds are available for procuring the requested accommodation.

Funds are NOT available for procuring the requested accommodation.

If the funds are NOT available, please explain when the funds will be available or if the request presents an undue financial hardship to the Agency.

Chief Financial Management Officer's Signature

Printed Name of CFO

Date

APPENDIX H

REQUESTING SIGN LANGUAGE INTERPRETERS

1. SCHEDULING INTERPRETER SERVICES. The individual or office scheduling a meeting or event which will require interpreting services (staff meeting, training, office function, etc.) is responsible for directing the request, via e-mail, to the Reasonable Accommodation Officer. **Please check to see if interpreter service is available before scheduling the date, time, and place of the event.**

Requests for interpreters are accepted and scheduled on a first-come, first-serve basis – with exceptions considered on a case-by-case basis. Interpreting for official SSS business always takes priority over interpreting for non-official matters.

Advance scheduling – preferably one to two weeks – is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.

If an interview, meeting, or event will last longer than one half hour, arrangements may be made for more than one interpreter to be present, or the interview, meeting, or event must be scheduled to include sufficient rest periods, including a “sign-free” lunch break, if necessary. Generally, one interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the interpreter who is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange). Also remember that an employee may need an interpreter during lunch so there may be a need to have additional interpreters to ensure each interpreter has an appropriate lunch break.

An employee who knows sign language or who is taking a sign language class is **not** an acceptable substitute for a contract interpreter.

2. WORK EVENTS OUTSIDE THE WORKPLACE. SSS will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his/her job, attends a meeting or event outside of the workplace. If the employee attends a conference or training program sponsored by an outside organization, SSS has the discretion to try to arrange for the sponsoring organization to provide all or part of the interpreting service. However, SSS recognizes its responsibility to ensure that an employee has interpreting services for such events, and this may include providing a contract interpreter if necessary.

When an employee attends a meeting, conference, or training program outside the workplace, and SSS will be providing the interpreter(s), SSS will send or hire on site a contract

Appendix H (continued)

interpreter(s). If SSS provides transportation for or reimburses the travel costs of the employee, it will also provide for/reimburse travel costs for the contract interpreter(s). Similarly, if the office of the employee pays for meals for the employee while attending these types of events, then that office must also pay for the meals for the contract interpreter(s).

3. OFFICE SOCIAL FUNCTIONS AND SPECIAL EVENTS TO WHICH THE INTERPRETERS ARE INVITED. Interpreting services are routinely requested for office or agency social functions or special events –

e.g., Winter Holiday Party, Diversity Day Picnic – scheduled during official government time and which might be attended by employees who are deaf or hard of hearing. Arrangements will be made for contract interpreting services for these events. Any fees associated for the attendance of the contract interpreter(s) will be borne by SSS.

4. INTERPRETING PHONE CALLS. Employees who are deaf or hard of hearing should schedule an interpreter when services are needed to interpret business-related phone calls. The Federal Relay Service, telecommunication relay service available to all SSS employees may serve telephone needs when a sign language interpreter is not available.

APPENDIX I

PERSONAL ASSISTANCE SERVICES

1. **PERSONAL ASSISTANCE SERVICES.** The SSS will provide for personal assistance services, if appropriate. Personal assistance services are sign language interpreters, readers, and assistants who perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a charge file. The investigator will perform the essential functions of the position – e.g., conduct the investigation and draft documents – and the assistant would only perform the physical task.

2. **REQUEST FOR PERSONAL ASSISTANCE SERVICES.** Requests for hiring a personal assistant must be referred to the Reasonable accommodations coordinator (RAC) from the SSS staff member who received the request. The RAC will first determine whether personal assistants already hired by the SSS can fulfill an employee's needs. The RAC also will determine if an employee's needs could be met by contracting for services (e.g., a contract interpreter), and if so, will make the necessary arrangements. If the RAC grants the request to hire a personal assistant, the employee's Associate Director, in consultation with the Human Resources Officer, if necessary, should prepare a Request for Personnel Action (SF-52) and a position description. The employee with a disability must play an integral part in the interview and selection process of an interpreter, reader, or assistant.

3. **USE OF PERSONAL ASSISTANCE SERVICES.** Positions for personal assistants are to be used **only** to hire interpreters, readers, and assistants as a reasonable accommodation for employees with disabilities. Personal assistants hired shall be shared to provide assistance to more than one employee with a disability, where appropriate. These personal assistants **may not** be assigned any other duties unless the person they were hired to assist has no work for them to perform at that time. Before assigning other duties to the personal assistant, the employee with the disability shall be consulted to determine when personal assistance services are not needed. If the supervisor is not the employee with a disability, he/she must consult with the employee with a disability regarding the personal assistant's performance evaluation.

In no case should a personal assistant be called upon – by management or by the employee(s) to whom he/she is assigned – to perform the essential functions of the job held by the employee with the disability.

4. **HIRING AUTHORITY.** Readers, interpreters, or assistants hired to fill approved positions may be appointed under the non-competitive Schedule A authority, 5 CFR 213.3102 (II) ["II" is double "L"]. Persons with disabilities hired as readers, interpreters, or assistants may also be hired under the 213.3102 (u) authority.

5. **RELEASE OF POSITIONS.** When the need for a personal assistant is reduced or eliminated, the employee's supervisor shall notify the RAC who will take appropriate steps.

APPENDIX J

SELECTED REASONABLE ACCOMMODATION RESOURCES

1. U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice); 1-800-800-3302 (TT)
<https://www.eeoc.gov>

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

2. Job Accommodation Network (JAN)

1-800-526-7234 (Voice); 877-781-9403 (TTY)
<https://askjan.org/>

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

3. 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. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

4. Registry of Interpreters for the Deaf

(703) 838-0030 (Voice); (571) 257-3957 (VP)

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

5. RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)
<https://www.resna.org>

APPENDIX J (continued)

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six 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, and
- equipment exchange and recycling programs

6. Computer/Electronic Accommodations Program (CAP)

<http://www.cap.mil/>

Provides reasonable accommodation solutions to DoD members and participating agencies.

7. U.S. Department of Agriculture: TARGET Center

<https://www.targetcenter.dm.usda.gov/>

Provides assistive technology and ergonomic solutions to assist Federal employees with disabilities.

APPENDIX K

Definitions and Key Terms

A “*reasonable accommodation*” is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities.

The ADA requires reasonable accommodations as they relate to three aspects of employment: 1) ensuring equal opportunity in the application process; 2) enabling a qualified individual with a disability to perform the essential functions of a job; and 3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.

Reasonable accommodations fall into three major categories:

- 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).

While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and office events.

Common types of accommodations include:

- Modifying work schedules or supervisory methods
- Granting breaks or providing leave
- Altering how or when job duties are performed
- Substituting a marginal function

APPENDIX K (continued)

- Moving to different office space
- Providing telework beyond what is stated in the Agency's telework policy
- Making changes in workplace policies
- Providing assistive technology, including information technology and communications equipment or specially designed furniture
- Providing a reader or other personal assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff. See Appendix I for information on hiring for personal assistance services.
- Removing an architectural barrier, including reconfiguring work spaces
- Ensuring facilities are accessible
- Providing materials in alternative formats (e.g., Braille, large print)
- Providing a reassignment to another job, as a last resort if job vacancy will be available

The term "*disability*" is the same as defined in the Americans with Disabilities Act of 1990 (ADA), and has a broad definition. ADA defines a disability as –

- A physical or mental impairment that substantially limits one or more major life activities;
- A record or past history of such an impairment ; or
- Being regarded as having such an impairment. This means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment, whether or not that impairment substantially limits, or is perceived to substantially limit a major life activity. 1

A disability does not have to be permanent or severe to meet the ADA definition of disability.

The "*Interactive process*" is defined as the step where Selective Service as the employer initiates an informal, interactive meeting with the individual with a disability to determine the need and appropriate reasonable accommodation that may be necessary for the applicant or employee to be effective in performing the application process or duties as hired. This interactive process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

APPENDIX K (continued)

“Essential functions” are those job duties that are so fundamental to the position that the individual holding, or applying for, the position cannot do the job without performing them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or if the function is specialized and the individual is hired based on the individual's ability to perform it.

The term *“qualified”* refers to the ability of the individual with disability to satisfy the necessary skills, experience, education, and other job-related requirements of the employment position such individual holds or desires. Furthermore, the individual with disability can perform the essential duties of the position, with or without reasonable accommodation.

An *“undue hardship,”* in general, means with respect to the provision of an accommodation, significant difficulty or expense incurred by the Agency. There are several factors to be considered when determining whether an accommodation would impose an undue hardship on the Agency. These are –

- The nature and net cost of the accommodation;
- The overall financial resources of the directorate or directorates involved in the provision of the reasonable accommodation, the number of persons employed at such directorate, and the effect on expenses and resources;
- The overall financial resources of the Agency, the overall size of the Agency with respect to the number of its employees, and the number, type, and location of its directorates and regions;
- The type of operation or operations of the Agency, including the composition, structure, and functions of the workforce of the Agency, and the geographic separateness and administrative or fiscal relationship of the directorate or directorates in question to the Agency; and
- The impact of the accommodation upon the operation of the directorate, including the impact on the ability of other employees to perform their duties and the impact on the directorate's ability to conduct business.

"Extenuating circumstances" are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation. These can include situations in which equipment must be back-ordered or the vendor typically used by an agency has unexpectedly gone out of business. In addition, an agency will not be expected to adhere to its usual time frames if an individual's health professional fails to provide needed documentation.