



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PERSONNEL BULLETIN 21-03

SUBJECT: Processing Requests for Reasonable Accommodation for Individuals with Disabilities

1. Purpose. In compliance with the authorities listed below, the Department of the Interior (DOI) has established policy and procedures for processing reasonable accommodation requests. This Personnel Bulletin (PB) outlines the requirements and instructions by which Departmental supervisors and other responsible parties will act on requests for reasonable accommodation from employees and applicants for employment. This PB supersedes Civil Rights Directive 2014-02 and PB 14-01, Reasonable Accommodation for Individuals with Disabilities, dated February 20, 2014; and PB 08-09, Procedures for Conducting a Department-wide Search and Position Reassignment for Cases Involving Reasonable Accommodation, dated May 5, 2008. This document remains in effect until either rescinded or superseded by a new Departmental policy.

2. Authorities.

- A. Title 29 of the United States Code (U.S.C.), Chapter 16, Subchapter V, Section 791 (Employment of Individuals with Disabilities)
- B. Title 42 of the U.S.C., Chapter 126, Section 12101 (Americans with Disabilities Act of 1990)
- C. Part 1614 of Title 29 Code of Federal Regulations (CFR), Federal Sector Equal Employment Opportunity
- D. Public Law 110-325, Americans with Disabilities Act Amendments Act (ADAAA) of 2008
- E. Part 1630 of Title 29 CFR, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
- F. Part 1635 of Title 29 CFR, Genetic Information Nondiscrimination Act of 2008
- G. Part 335 of Title 5 CFR, Promotion and Internal Placement
- H. Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000)
- I. Equal Employment Opportunity Commission Management Directive 715
- J. Equal Employment Opportunity Commission Policy Guidance on Executive Resources 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, dated October 20, 2000
- K. DOI Merit Promotion & Staffing Policy Personnel Handbook (November 2020)

3. Coverage. This policy applies to all DOI Bureaus and Offices and supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy.

4. Goals. The goals of this policy are to ensure:

- A. Prompt and effective accommodation solutions are provided to foster maximum productivity and performance, equal access to employment and the workplace environment, and create an atmosphere where employees can fulfill the DOI mission.
- B. Qualified employees and applicants for employment participate in a transparent and communicative manner throughout the reasonable accommodation process.
- C. Requests for reasonable accommodations (including interim and alternative accommodations) are processed within established timeframes.

5. Responsibilities.

- A. The Director, Office of Diversity, Inclusion and Civil Rights (ODICR) is responsible for:
 - 1. Ensuring that reasonable accommodations are made for qualified employees and applicants with a disability in accordance with applicable laws, regulations and bargaining unit agreements.
 - 2. Preparing periodic reports to analyze the agency's performance regarding the provision of reasonable accommodations to individuals with disabilities.
 - 3. Serving as a committee member, along with the Chief Human Capital Officer (CHCO)/Deputy Assistant Secretary for Human Capital & Diversity (DAS-HCD) and the Director of Financial Management, on undue hardship determinations.
 - 4. Implementing proactive prevention measures and a continual Departmentwide campaign to increase knowledge and awareness of the requirements, relevancy and capability of providing reasonable accommodations.
- B. The Chief Human Capital Officer (CHCO)/Deputy Assistant Secretary for Human Capital & Diversity (DAS-HCD) is responsible for:
 - 1. Serving as a committee member, along with the Director of ODICR and the Director of Financial Management, on undue hardship determinations.
 - 2. Making decisions on employee reassignment requests within **5 business days** of receipt of the DOI Reassignment Appeals Board's (DOI RAB) recommendation in cases of inter-bureau conflicts.
 - 3. Developing policy guidance on the timely processing of requests for accommodations.
- C. The Deputy Chief Human Capital Officer (DCHO)/Director, Office of Human Capital (OHC) is responsible for:
 - 1. Convening the DOI Reassignment Appeals Board (DOI RAB) within **10 business**

days of receipt of all documentation and making a recommendation to the CHCO/DAS-HCD within **5 business days** of convening the DOI RAB.

D. The Department Reasonable Accommodation Program Manager, OHC is responsible for:

1. Developing DOI-wide policy on processing reasonable accommodation requests and partnering with ODICR and other key stakeholders to ensure that all Bureaus/Offices are aware of and apply policy requirements.
2. Serving as the liaison between Servicing Human Resources Offices (SHRO) and Department leadership in coordinating requests for undue hardship and the DOI RAB as described in this document.

E. The Department Medical Officer is responsible for providing a review of medical documentation when requested so that Bureaus/Offices can make informed decisions regarding employee accommodation requests.

F. Bureau/Office Disability Program Manager (DPM) is typically an employee of the Equal Employment Opportunity (EEO) Office and is responsible for:

1. Developing, implementing, and operating the Bureau/Office's disability program to eliminate employment barriers, seek full inclusion of individuals with disabilities, and providing guidance on reasonable accommodation matters related to employees and applicants.
2. Forwarding requests for accommodation to the responsible Deciding Official.
3. Promoting equal opportunity and equal access for individuals with disabilities.

G. The Servicing Human Resources Office (SHRO) is responsible for:

1. Assisting the Deciding Official in determining essential functions of the job; coordinating the initial search and job analysis on available, vacant, funded positions, in the case of reassignment as an accommodation; and removing barriers from the hiring process.
2. Forwarding requests for accommodation to the responsible Deciding Official.
3. Training human resources specialists who are involved in the application process to recognize requests for reasonable accommodation and handle them in accordance with this PB.
4. Assisting and training Deciding Officials in processing reasonable accommodation requests, identifying effective accommodations, and ensuring appropriate timeframes are met by the Deciding Official.

5. Coordinating the Bureau's efforts to identify vacant, funded positions; facilitating communication with the SHRO in other Bureaus on reassignments as an accommodation; assisting Bureau management in clarifying employee qualifications; coordinating with the Human Resources Officer in making final qualification determinations with respect to vacant, funded positions within their Bureau; ensuring the smooth and timely processing of any reassignments into or out of the Bureau; and appropriately documenting the expanded search process in the case of reassignment as an accommodation.
6. Tracking all reasonable accommodation requests and collecting the [Information Tracking and Reporting Form](#) from the Deciding Official. The information tracked must be sufficient to allow the Bureau Equal Employment Opportunity (EEO) Office to prepare regular and ad-hoc reports, as needed for the EEOC to ensure compliance with these procedures and the Rehabilitation Act.
7. Maintaining all reasonable accommodation records for the length of the employee's tenure with DOI or for **5 years**, whichever is longer, and separate from other personnel records.

H. Deciding Officials are responsible for:

1. Consulting with appropriate officials, such as the SHRO, Bureau DPM, Office of the Solicitor Employment and Labor Law Unit attorney, DOI Medical Officer, or other individuals that can assist in determining appropriate and effective accommodations.
2. Determining, in consultation with the SHRO, the essential function(s) of a subordinate employee's position.
3. Ensuring that all regulatory requirements and specified timeframes are adhered to in managing reasonable accommodation requests.
4. Providing assistance to the SHRO in clarifying qualifications and coordinating reassignment efforts, with respect to requests for reassignment as an accommodation.
5. Protecting medical documents as required by the Rehabilitation Act, Pub. L. 93-112 and the Privacy Act, 5 U.S.C. § 552a (1974).
6. Participating in the interactive process.
7. Communicating with the requestor and providing timely updates regarding accommodation status including following through and making necessary

arrangements to ensure that the accommodation is provided in a timely manner.

8. Completing the [Information Tracking and Reporting Form](#) and submitting it to the SHRO within **10 business days** of the decision.
- I. Office of the Solicitor (SOL), Employment and Labor Law Unit (ELLU) is responsible for providing legal counsel to agency officials relevant to reasonable accommodation laws, rules, and regulations.
- J. Qualified employees and applicants are responsible for:
 1. Making requests for reasonable accommodation.
 2. Timely providing appropriate supporting medical and/or other documentation upon request.
 3. Participating in the interactive process.
- K. Other Responsive Department/Bureau/Office Officials (e.g., Information Technology, Budget, Facilities, etc.) are responsible for:
 1. Timely providing action when engaged by Deciding Officials on coordination and/or logistical arrangements necessary to implement accommodation solutions.
 2. Forwarding requests for accommodation to the responsible Deciding Official.

6. Definitions.

- A. Arduous or Hazardous Position. A position that is dangerous or physically demanding to such a degree that an incumbent's medical and/or physical condition is necessarily an important consideration in determining the ability to perform safely and efficiently.
- B. Deciding Official. The immediate supervisor, manager, or other designated management official with the authority to act on requests for reasonable accommodations.
- C. Direct Threat. A significant risk of substantial harm to the health or safety of an individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.

- D. Disability. To be eligible for a reasonable accommodation, an individual must either have a physical or mental impairment that substantially limits a major life activity or must have a record (a history) of a physical or mental impairment that substantially limits a major life activity. An individual who is only regarded as having a disability is not entitled to reasonable accommodation. Determination of disability will comply with the requirements of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) which requires a broad interpretation of the term and generally does not require an extensive analysis.
- E. Essential Functions of a Job. Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform 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 to whom performance of the function could be distributed, or the function is specialized, and the incumbent is hired based on their ability to perform it. Determination of the essential functions of a position must be conducted on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description (PD). The term “essential functions” does not include the marginal functions of the position.
- F. Equivalent Position. Positions that are the same (or similar) as the job currently held by the employee in terms of pay, grade level, career level, promotion potential, supervisory status, pay system, type of appointment (competitive/excepted service), and other relevant factors.
- G. Extenuating Circumstances. Factors that cannot reasonably have been anticipated or avoided in advance of the request for accommodation.
- H. Individual with a Disability. A person who has a physical or mental impairment that substantially limits one or more major life activities, or has a record of such impairment, or is regarded as having such impairment. Individuals who are solely regarded as having a disability, but do not have a disability, are not entitled to a reasonable accommodation.
- I. Interactive Process. The collaborative effort by which the Deciding Official and individual, who requests an accommodation, engage in dialogue to clarify the precise limitations resulting from the disability and identify potential reasonable accommodations that could overcome those limitations. The interactive process may include an analysis of the particular job to determine its purpose and essential functions; a consultation with the individual to ascertain the precise job-related limitations imposed by the individual’s disability and how those limitations could be overcome with a reasonable accommodation; an identification of potential accommodations and, in conjunction with the individual, an assessment of the effectiveness of those accommodations in enabling the individual to perform the essential functions of the job; the consideration of the preference of the individual; the selection and implementation of an accommodation that is appropriate for the individual and the employer; and whether the accommodation poses an undue hardship.

- J. Major Bodily Functions. Functions that include, but are not limited to, functions of the immune system, special sense organs, and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.
- K. Major Life Activities. Activities that include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working, and the operation of a major bodily function.
- L. Medical Documentation. Documentation that explains the nature, severity, and duration of the disability; the impact of the disability on and off the job; the extent to which the impairment(s) limits the individual's ability to perform functions of the job; the estimated date of full or partial recovery; a medical professional's assessment of the individual's ability to successfully perform the essential functions of the position; and how the particular accommodation will assist the individual in performing the essential functions of the position.
- M. Non-Equivalent Position. Position that is not equal or similar to an employee's current position in terms of pay, grade level, career level, promotion potential, pay system, type of appointment (competitive/excepted service), or other relevant factors. An accommodation to a non-equivalent position (e.g., change-to-lower grade) should be granted only if the employee agrees to voluntarily accept the position.
- O. Physical or Mental Impairment. 1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as, but not limited to, neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory (including speech organs), genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or 2) any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- P. Qualified. The term "qualified," with respect to an individual with a disability, means that the individual satisfies the requisite skills, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.
- Q. Reasonable Accommodation. A modification or adjustment that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodations:
- a) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a job;
 - b) modifications or adjustments to the work environment, or to the manner or

circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of the job; and

- c) modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.
- R. Reassignment. A last resort accommodation that, absent an undue hardship, must be provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to available, vacant, funded positions for which the employee qualifies. If the employee is qualified for the position, the employee will be reassigned to the job and will not have to compete. Informing an employee that they may apply for or otherwise compete for a position does not satisfy the obligation to reassign.
- S. Record of Such an Impairment. Having a history of or being classified (or misclassified) as having a mental or physical disability that substantially limits one or more major life activities.
- U. Undue Hardship. With respect to the provision of an accommodation, means significant difficulty or expense to the Department when considered in light of factors such as the Department's size, financial resources, and the nature and structure of the position. Accommodations that are extensive, substantial or disruptive may fall within the realm of undue hardship. Determination of undue hardship is always made on a case-by-case basis. In the case of a potential undue hardship, alternatives must be explored to determine if there are other effective accommodations that do not impose an undue hardship on the Department.

7. Policy. The DOI must provide reasonable accommodation to employees and applicants for employment who are qualified individuals with disabilities, unless doing so would cause undue hardship to the DOI, in accordance with applicable law.

8. Process. There are five possible phases of the reasonable accommodation process: 1) initiation of request, 2) consideration, 3) decision, 4) reconsideration, and 5) appeal. Throughout the process, the Deciding Official must communicate with the SHRO to ensure adherence to policy, timeframe requirements, and proper tracking.

A. Initiation of Request

1. Request for Accommodation

In the initiation of request phase, the employee or applicant, or someone acting on their behalf, submits a request for an accommodation either verbally or in writing to their supervisor or other designated Deciding Official. ***The individual requesting accommodation does not need to use any particular words (e.g., "reasonable accommodation" or***

“disability”), **need not fill out any specific form, and need not make their request within any particular time frame.** A request for accommodation is triggered when an individual or someone acting on their behalf asks for an adjustment or a change at work or in the application process for a reason related to a medical condition. An individual need not have a particular accommodation in mind, or propose any specific accommodation, before making a request and may not be required to propose a specific accommodation. Any urgency associated with a request, should be made known to the Deciding Official (including what the urgency is attributed to). If an accommodation is requested by a family member, health professional, or other representative, a signed statement shall be provided by the employee, or applicant, stating the name of the representative and authorizing that individual to speak with agency officials and to engage in the interactive process on their behalf.

- a. An employee with a disability may submit their request for accommodation to any of the following officials: their supervisor, a management official in their chain of command, the SHRO, the DPM or any other management official.
- b. An applicant with a disability may submit their request to the agency contact identified in the vacancy announcement or any other individual designated to accept accommodation requests.

Upon receipt of a request for reasonable accommodation, the Deciding Official must acknowledge receipt of the request in writing no later than **5 business days** from receipt of the request.

Requests for reasonable accommodation received by an agency official other than the Deciding Official (usually the first-level supervisor), shall be forwarded to the Deciding Official and the SHRO as soon as possible but no later than **5 business days** from the date the request is received.

A verbal request for accommodation is deemed accepted when the request is received by a designated agency official, the Deciding Official, the SHRO, the DPM or a supervisor or manager within the requesting individual’s immediate command. Verbal requests may be documented for record-keeping purposes using the [Request Confirmation Form](#). The recipient of the verbal request must not wait until the request is submitted in writing to act on the request. Regardless of how the request for accommodation is made, ***once the employee requests accommodation the time limits outlined in [Table 1](#) begin. Failure to respond in accordance with the timeframes outlined in [Table 1](#) may result in a violation of the Rehabilitation Act.*** Additional information (including medical documentation) reasonably needed to process the accommodation request may be sought during the interactive process. A determination that the employee or applicant is a qualified individual with a disability is a prerequisite to an entitlement to a reasonable accommodation. This determination should be made by the Deciding Official, in consultation with the SHRO and ELLU, prior to addressing the specifics of the accommodation request.

2. Initiation of the Interactive Process

The Deciding Official, in consultation with the SHRO, will engage the requesting individual in the interactive process within **5 business days** from receipt of the request and throughout the process, as necessary, to determine the precise limitations of the disability as well as potential reasonable accommodations that could overcome those limitations. The parties should not wait for medical documentation, if determined necessary, to engage in the interactive process. It is equally incumbent on both requestor and Deciding Official, to actively engage in the interactive process in order to attain results. Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear, and an effective accommodation is not obvious; or the parties are considering alternative reasonable accommodations. In addition to the SHRO and DPM, resources such as the Office of Collaborative Action and Dispute Resolution ([CADR](#)) are available to help ensure productive communication.

The Deciding Official may, as part of the interactive process, offer alternative accommodations and discuss the effectiveness in enabling the individual to perform the essential functions of their position in removing the workplace barrier that is impeding the requestor. If an employee or applicant requests an accommodation that is not effective or would pose an undue hardship (e.g., removing an essential job function), the Deciding Official will continue the interactive process with the requestor and explore alternatives until either a reasonable accommodation is found, the requestor withdraws the request, or the Deciding Official determines that reasonable accommodation would pose an undue hardship. Deciding Officials may not require an individual with a disability to accept an accommodation that is neither needed nor requested. If, however, an employee or applicant needs and requests a reasonable accommodation, and refuses to accept an effective accommodation, the employee or applicant may not be qualified.

3. Determination Whether Medical Documentation Is Necessary

When the disability is not obvious, previously known, or the requestor has not already provided sufficient medical information to establish that they are a qualified individual with a disability, individuals may be asked, but may not be required, to provide medical documentation in support of a reasonable accommodation request. In such a case, the Deciding Official shall, in consultation with the SHRO, ask but not require, the individual to submit medical documentation. Any such request for medical documentation must be limited to determining the nature and scope of the individual's disability, their need for reasonable accommodation, and how the requested accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the workplace. Supplemental medical information may be requested if the information submitted by the requesting individual is insufficient for the purposes outlined above. Every attempt shall be made to avoid overly burdensome requests for medical documentation.

The medical documentation must be from a licensed medical professional, who is qualified to render a medical opinion on the individual's disability and the type of functional limitation it imposes. Appropriate medical professionals include, but are not limited to, medical doctors (including psychiatrists), psychologists, chiropractors, nurses, nurse practitioners, physician assistants, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. The medical documentation must be signed by the medical professional,

be on the provider's letterhead and include 1) the requestor's name, 2) the nature, severity, and duration of the individual's impairment, 3) the activities that the impairment limits, 4) the extent to which the impairment limits the individual's ability to perform the activities, and 5) how the requested accommodation will assist the individual in performing the essential functions of the job or enjoy a benefit of the workplace, or in the case of an applicant, assist them with the application process. If insufficient information is provided for management to make an informed decision on the accommodation request, or no further information is submitted by the requestor, then a decision shall be made based on the information available.

Deciding Officials must consult with the SHRO to help determine if medical consultation by the DOI Medical Officer is necessary. Medical information does not automatically have to be reviewed by the DOI Medical Officer if it clearly explains the nature of the disability and/or the need for reasonable accommodation. If medical consultation is necessary, the Bureau SHRO, not the Deciding Official, will engage the DOI Medical Officer by preparing a memorandum detailing the necessary background information and identifying questions to be addressed by the DOI Medical Officer. If a medical consultation is determined to be necessary, it shall be at the requesting Bureau/Office's expense.

If an individual's disability or need for reasonable accommodation is not obvious, and the employee or applicant refuses to provide the medical documentation requested, they may not be entitled to a reasonable accommodation.

Only if, in response to the agency's initial request, the employee or applicant submits insufficient documentation from their own health care or other appropriate professional to demonstrate that they have a disability or need an accommodation, may the Deciding Official, in consultation with the SHRO or ELLU, request that the individual be examined by a healthcare professional of the Bureau's choice and at the Bureau's expense. Before doing so, the agency should explain to that individual why the submitted documentation is insufficient; identify the information that is needed; and allow the individual an opportunity to provide the information before offering a medical examination. Any such medical examination must be limited to determining the existence of a disability and/or the functional limitations that require an accommodation. Where a medical examination is offered, the Deciding Official must explain to the individual that, although submitting to the medical examination is voluntary, failure to participate in the medical examination may result in a finding that the individual is not entitled to a reasonable accommodation.

B. Consideration Phase:

In the consideration phase, the Deciding Official determines whether to provide the accommodation requested, if any, or present an effective alternative accommodation. The Deciding Official shall seek advice from and collaborate with their SHRO throughout this phase. After a request from a qualified individual with a disability is received, the request is reviewed to determine if a reasonable and effective accommodation exists.

When all the facts and circumstances known make it reasonably likely that an individual is entitled to a reasonable accommodation, but the accommodation

cannot be provided immediately, supervisors must confer with the individual and consider providing an interim accommodation, if it is possible to do so without imposing an undue hardship. The interim accommodation allows the employee to perform some or all of the essential functions of the job. An interim accommodation may also be provided in cases where a delay is attributable to the need to obtain or evaluate medical documentation and the Deciding Official has not yet determined that the individual is entitled to an accommodation. In such case, the Deciding Official should notify the individual in writing that an interim accommodation is being provided on a temporary basis pending a decision on the accommodation request. Deciding Officials who approve an interim accommodation are responsible for ensuring that they do not take the place of a more permanent accommodation and that all necessary steps to secure the permanent accommodation are appropriately taken.

Generally, reassignment should only be considered *after* the deciding official has determined that there are no available and effective accommodations that will enable the employee to perform the essential functions of their current position, or all other available and effective reasonable accommodations would impose an undue hardship for the Department. This type of reasonable accommodation must be provided to an employee who, because of a disability, can no longer perform the essential functions of their current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship. See section 16 for information on reassignment.

C. Decision Phase:

In the decision phase, following consultation with the SHRO, the Deciding Official notifies the employee or applicant in writing of the decision to provide the requested accommodation, deny the requested accommodation or present an alternative accommodation. The decision memorandum shall be emailed, mailed or presented to the individual within **15 business days** of the Deciding Official's receipt of the reasonable accommodation request or sooner. If medical documentation is necessary, the Deciding Official will issue a written decision within **15 business days** from the date the official received or requested, the necessary medical documentation, whichever is later. The timeframes outlined in [section 12](#) may be extended if the employee fails to provide necessary medical documentation in a timely manner.

The Deciding Official is not obligated to provide the specific accommodation requested but instead has the right to offer an alternative accommodation that is effective in removing the workplace barrier that is impeding the individual with a disability. Employees and applicants are entitled to effective and reasonable accommodations, but not necessarily to the accommodation of their choice.

Deciding Officials must complete the [Information Tracking and Reporting Form](#) and submit it to the Bureau SHRO within **10 business days** of the decision and must attach to the form and all information received during the processing of the request.

Once approved and accepted, the accommodation should be implemented as soon as possible but no later than **20 business days** from the date of the decision (inclusive of any necessary logistics and/or coordination). If there is a delay in processing/implementing the reasonable accommodation, the Deciding Official, in collaboration with their SHRO, must investigate

whether there are temporary measures such as an interim accommodation that can be provided to assist the individual. The employee will be kept apprised of the status and reason(s) for the delay, including any extenuating circumstances that justify the delay and expected completion date every **10 business days**, throughout the decision phase of the process until fully implemented.

In instances that may require expedited processing of reasonable accommodation requests (e.g., to enable an applicant to apply for a job or to participate in a specific agency activity that is scheduled to occur shortly), the Deciding Official must make every effort to complete the process quickly.

If the individual has requested a type of reasonable accommodation that is likely to be needed on a repeated basis (e.g., sign language interpreting), the individual should not be required to submit a formal written request each time the accommodation is needed. Once the accommodation is approved, the individual may obtain subsequent accommodations by verbal or written notice to the Deciding Official or other designated official.

Denials of requests for reasonable accommodation must be in writing and explain the specific reasons the request was denied (e.g., why the medical documentation is inadequate to establish that the individual has a disability or needs an accommodation; why the requested accommodation would not be effective; why the accommodation would pose an undue hardship or endangers the health and safety of the individual or others). Prior to issuing a decision to deny an accommodation, the Deciding Official must consult with the SHRO and/or ELLU. Where a Deciding Official has denied a specific requested reasonable accommodation but offered to make a different accommodation in its place, the Deciding Official should explain both the reasons for the denial of the requested accommodation and the reasons they believe that the chosen accommodation will be effective. Denials must include information about the individual's right to file an EEO complaint as well as the right to file an appeal against an appealable adverse action with the Merit Systems Protection Board (MSPB) over which MSPB has jurisdiction and/or the right to file a negotiated grievance, as applicable and appropriate. An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **must**:

- For an EEO complaint: Initiate contact with an EEO counselor pursuant to 29 CFR. § 1614.106 within 45 calendar days from receipt of the denial notification, regardless of whether the applicant or employee participates in an informal dispute resolution process.
- For a collective bargaining claim: File a written grievance in accordance with the provisions of the applicable Collective Bargaining Agreement.
- For an appeal over which the MSPB has jurisdiction: Initiate an appeal to the MSPB within 30 calendar days of the appealable action as defined in 5 CFR § 1201.3.

For prompt reconsideration of denied requests for reasonable accommodation, individuals are encouraged to use the informal dispute resolution processes outlined in D and E below.

D. Reconsideration Phase:

In the reconsideration phase, the employee or applicant who disagrees with the decision to deny the requested accommodation or who disagrees that an alternative accommodation is effective, may submit a written request for reconsideration of the Deciding Official's

decision within **20 business days** from receipt of the written denial notification or from receipt of the offer of an alternative accommodation. Requests for reconsideration must include the reason for the request for reconsideration and any new information and/or documents in support of the request, along with the specific form of reasonable accommodation requested.

The Deciding Official's written response to the request for reconsideration shall be provided no more than **10 business days** from receipt of the request or receipt of additional information. Failure to provide additional documentation at the time of the request could impact the reconsideration decision and outcome. Invoking the reconsideration process does not toll or extend the mandatory time limits for initiating an EEO complaint, an MSPB appeal, or other grievance procedures.

E. Appeal Phase:

If reconsideration does not result in a reversal of the initial decision, the employee or applicant may appeal the decision in writing to the next level of management within **10 business days** from the date of the reconsideration decision. The employee or applicant must provide all previously submitted documents and decision memorandum. Appeal requests must include the reason for the appeal request and any new information and/or documents in support of the request, along with the specific form of reasonable accommodation requested. The employee or applicant may provide additional information in support of the appeal.

The written decision on the appeal shall be provided no more than **10 business days** from receipt of the appeal or receipt of additional information. ***There is no higher level of appeal of this phase provided for in these procedures.*** Invoking the reconsideration or appeal process does not toll or extend the mandatory time limits for initiating an EEO complaint, MSPB appeal, or other grievance procedures.

9. Special Considerations for Medical Documents. Medical documents must be protected as required by the Rehabilitation Act and the Privacy Act. It is expected that the Deciding Official, SHRO, and ELLU will have access to medical documents necessary to consider the reasonable accommodation request. At the request of the Deciding Official, other individuals, such as the DOI Medical Officer, may be granted access to medical information if those individuals need access to the information to provide guidance or consultative services to the Deciding Official.

Where medical information is disclosed, those individuals to whom the information was released shall be informed that the information is confidential and covered by various federal laws and executive orders.

While medical documents, when necessary, are expected to be part of the process, once received, they must be separated from other documents, placed in a sealed envelope marked " Rehabilitation Act/Privacy Act documents," and maintained in a secure storage separate from the official personnel files maintained by the agency.

All requests for, and provision of, reasonable accommodations and associated documents are confidential and must be appropriately protected from disclosure in accordance with applicable laws and regulations. Individuals who have access to information necessary to make a decisions

about whether to grant a requested accommodation may not disclose this information except as follows:

- Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s);
- First aid and safety personnel may be told if the disability might require emergency treatment;
- Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act;
- The information may in certain circumstances be disclosed to workers' compensation offices or insurance carriers; and
- Agency EEO Officials may be given the information to maintain records and evaluate and report on the agency's performance in processing reasonable accommodation requests.

Where medical information is disclosed to any of the foregoing officials, the agency must inform those individuals about the confidentiality requirements associated with the information.

10. Alternative Dispute Resolution. In addition to the SHRO and DPM, resources such as [CADR](#) are available to help ensure productive communication. Alternative Dispute Resolution (ADR) may be utilized throughout the reasonable accommodation process, to include the reconsideration and appeal phases. In the event an employee opts for ADR, the timeframes specified in [Table 1](#) are suspended until the ADR process has concluded.

11. Decision-Making Authority. Once an accommodation has been granted by the Deciding Official, that decision is considered to be made on behalf of the agency. If, in the future, there is a change in the accommodated individual's chain of command, the accommodation will generally remain in place. A new supervisor in the accommodated individual's chain of command cannot request that the individual resubmit their request for accommodation for approval.

Supervisors should periodically assess the effectiveness of the provided accommodation. Deciding Officials should encourage employees to notify them if an accommodation is no longer effective (e.g., changes in the employee's limitations, changes to the essential duties, workplace equipment, etc.). If an accommodation is no longer effective, the employee and Deciding Official should promptly reengage in the interactive process. Such notice by the requestor re-triggers the timeframes and obligations outlined in this policy and may necessitate additional documentation.

12. Time Limits. Every effort must be made to ensure that the time limits outlined in this policy (See [Table 1](#)) are strictly adhered to. Any deviation from these time limits must be justifiable, clearly explained, and noted. Moreover, the Deciding Official must notify the individual of the reason for the delay, including any extenuating circumstances that justify the delay.

Table 1 – Time Limits

Action	Due Date*
Acknowledging receipt of a verbal or written request for accommodation	5 business days from receipt of the request by the Deciding Official
Forwarding reasonable accommodation requests to the Deciding Official and the SHRO if received by another agency official	5 business days from receipt of the request
Engaging in the Interactive Process	5 business days from receipt of the request
Decision memo provided to requestor when no medical documents are required	15 business days from receipt of request by Deciding Official
Decision memo provided to requestor when medical documents are required	15 business days from date sufficient medical documentation is received
Information Tracking and Reporting form provided from the Deciding Official to the SHRO	10 business days from the decision
Implementation of approved accommodation	20 business days from decision
Notification of delayed implementation of an approved accommodation	Every 10 business days until fully implemented
Individual request for reconsideration of decision	20 business days from receipt of written denial notification
Decision on a request for reconsideration	10 business days from receipt of the request
Individual appeal of decision on requested reconsideration	10 business days from reconsideration decision notification
Decision on an appeal of a reconsideration decision	10 business days from receipt of request

**In the event an employee elects to use ADR, the timeframes for responding to a request for accommodation, processing a request for reconsideration of reasonable accommodation decision, and processing reasonable accommodation appeals are suspended until the ADR process has concluded.*

*The timeframe outlined above excludes the time spent waiting for necessary medical information from the requestor's health care provider. Medical documentation should generally be provided within **15 calendar days**, unless an extension is requested and granted. Medical documentation not received in a timely manner may result in a decision based upon existing information.*

Notwithstanding the timeframes prescribed by these procedures, some accommodations can be provided in less time. In instances where reasonable accommodations can be provided in less time than prescribed in these procedures, Bureaus shall make every effort to do so. Failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

13. Types of Reasonable Accommodation. Reasonable accommodations must be effective and reasonable based on the individualized needs of the requestor. The Deciding Official should consider a broad range of options to appropriately accommodate the requestor. Employees and applicants are entitled to effective and reasonable accommodations, but not necessarily to the accommodation of their choice. Accommodations shall not include changing the essential functions of a job. Accommodations shall not expose an employee, co-worker or the public to an undue risk of harm and in some cases, may require a direct threat analysis if the employee is serving in an arduous or hazardous position (see [section 15](#)).

The need for accommodation can be reduced if Bureaus implement practices that reduce barriers to effective workplace practices and job design. Bureaus should consider establishing a central pool of readers and interpreters and implementing funding mechanisms that will avoid charging individual offices for the cost of accommodations. Bureaus are expected to limit impediments that may cause unnecessary delay in providing reasonable accommodation, by reviewing and modifying, in advance of a specific request, policies that might affect the Bureau's ability to respond promptly to requests for reasonable accommodation (e.g., purchasing or leasing equipment; hiring of, or contracting for, readers, interpreters, or other assistants; flexibility to approve leave or to restructure work schedules).

Expense may be a factor when considering the reasonableness of a requested accommodation. For example, if both a special piece of hardware and a specialized software program can provide a reasonable and effective accommodation, the less expensive alternative will normally be provided.

Examples of reasonable accommodation include, but are not limited to:

- Making existing facilities readily accessible to and usable by a person with a disability
- Job restructuring (does not include changing the essential duties of the position), including part-time or modified work schedules
- Acquisition or modification of equipment or devices
- Appropriate adjustment or modification of examinations (does not include changing examination questions)
- Provision of readers and interpreters
- Telework (and other work schedule flexibilities)
- Accommodations for meetings, conferences, training and seminars (e.g., interpreters, specific seating arrangements, tables that accommodate wheelchairs)
- Reassignment (as a last resort)

Examples of accommodation requests that would **not** be considered reasonable include, but are not limited to:

- Eliminating essential job functions (i.e., fundamental duties of the position)

- Lowering standards (qualitative or quantitative) that are applied uniformly to employees with and without disabilities (though a reasonable accommodation may be provided to enable an employee with a disability to meet the standard)
- Creating a new job or position
- Allowing or ignoring inappropriate conduct
- Providing personal use items such as prosthetic limbs, wheelchairs, prescription eyeglasses, personal hearing aids, or similar devices, which are needed to accomplish daily activities both on and off the job

14. Undue Hardship Determinations. An undue hardship occurs if the requested accommodation causes significant difficulty or expense for the Department. If a particular accommodation causes undue hardship, DOI does not have to provide it. Determination of undue hardship is always made on a case-by-case basis. This determination will include consideration of such factors as: 1) nature and cost of the accommodation; 2) overall size of the program with respect to the number of employees, number and type of facilities, and size of budget; and 3) the type of operation, including composition and structure of the workforce.

When considering whether an accommodation presents an undue hardship, the hardship must exist for the *Department*—not, just the *Bureau*. If the Deciding Official believes an undue hardship exists, they shall contact the SHRO who, in turn, shall coordinate with the Department’s Reasonable Accommodation Program Manager, who is responsible for coordinating requests for undue hardship at the Department level.

The Bureau shall submit a justification in writing outlining the undue hardship through the Department’s Reasonable Accommodation Program Manager to a deciding committee that includes the DAS-HCD/CHCO; the Director, ODICR; and the Director, Financial Management who will determine if the undue hardship exists at the *Department* level. A representative from ELLU shall advise the committee and review the decision prior to the committee issuing a final determination.

15. Direct Threat. A direct threat analysis must be conducted by the Deciding Official whenever there is a reasonable belief, based on objective evidence that an employee’s (or applicant’s) medical condition results in a risk of substantial harm to the employee, their co-workers or to the public. Deciding Officials performing a direct threat analysis must consult with ELLU and the DOI Medical Officer through the SHRO.

Objective evidence is reliable information, either directly observed or provided by a third party, such as a physician, that an employee may have or has a medical condition that will result in a direct threat. Direct threat determinations must be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge and/or best available objective evidence. It should *not* be based on subjective perceptions, irrational fears, stereotypical or patronizing assumptions and must consider potential reasonable accommodations. Generalized fears about risks from the employment environment such as exacerbation of the disability caused by stress, cannot be used to disqualify an individual with a disability.

If there is reasonable belief that an employee’s medical condition or a reasonable

accommodation exposes the employee or others to significant risk of harm, the following criteria shall be included and documented in the analysis: 1) the duration of the risk, 2) the nature and severity of the potential harm, 3) the likelihood that the potential harm will occur, and 4) the imminence of the potential harm. It is highly recommended that Bureau/Office Safety and Health professionals be included in these deliberations.

Relevant evidence may include input from the individual with a disability, the experience of the individual with a disability in previous similar positions, and opinions of medical doctors, rehabilitation counselors, or physical therapists who have expertise in the disability involved and/or direct knowledge of the individual with the disability.

If performing the particular functions of a job results in a significant risk of substantial harm to the individual or to others, the employee shall not continue to perform their duties unless a reasonable accommodation that would not cause an undue hardship can decrease the risk of harm to an acceptable level.

A direct threat analysis may be necessary for positions that are covered under U.S. Office of Personnel Management approved medical standards, including, but not limited to, law enforcement officers, firefighters, inspectors, divers, tower climbers, and large vessel crewmembers. Other positions where a direct threat analysis may be necessary include positions that have significant physical requirements. Examples of such positions include, but are not limited to, those that require working in remote areas (with limited access to medical care), hiking, driving vehicles and equipment, long and/or unpredictable duty hours, and/or exposure to extreme environmental conditions. This latter category of positions includes, but is not limited to, those that require outdoor work, which includes positions such as field biologists, trail maintenance workers, interpretive rangers, and hydrologic technicians.

If an individual poses a direct threat as a result of a disability, the Deciding Official must determine whether a reasonable accommodation would either eliminate the risk or reduce the risk to an acceptable level. If no accommodation exists that would either eliminate or reduce the risk to an acceptable level, the Deciding Official may refuse to hire an applicant or may seek reassignment as a last resort accommodation for an employee whose disability poses a direct threat. A Deciding Official, however, is not permitted to deny an employment opportunity to an individual with a disability merely because of a slightly increased risk. The risk can only be considered when it poses a *significant* risk, i.e., high probability of substantial harm - a speculative or remote risk is insufficient to determine a direct threat.

16. Reassignment as a Last Resort. In certain situations, qualified employees with disabilities may be eligible for job reassignment (reassignment) as a last resort form of accommodation. Reassignments should only be considered after it has been determined that:

- There are no available and effective accommodations that will enable the employee to perform the essential functions of their current position, or
- All other available and effective reasonable accommodations would impose an undue hardship for the Department.
- Reassignment may also be a reasonable accommodation when both the employer and employee agree that this is more appropriate than accommodation in the present job.

Reassignment must be considered even if not specifically requested. Reassignment to an available, vacant, funded position **must** be provided, absent an undue hardship, to an employee who, because of a disability, can no longer perform the essential functions of the position held, with or without a reasonable accommodation. Reassignment is not available to job applicants – only to current employees.

Before considering reassignment, the Deciding Official and Bureau must first consider those reasonable (e.g., feasible and effective) accommodations that would enable an employee to remain in their current position. An individual with a disability is not required to accept, and DOI is not required to offer, a reassignment if there is an effective accommodation that would allow the individual to remain in their current job without causing an undue hardship.

Reassignment may be made only to an available, vacant, funded position for which the employee is *qualified*. This may include both *equivalent* positions (i.e., same grade with no further promotion potential) and *non-equivalent* positions (i.e., lower graded position with promotion potential no higher than full performance level (FPL) of employee’s current position) based on the employee’s stated preferences. The term “vacant, funded position” includes positions that are *actually* vacant, as well as positions that Bureau management or the SHRO reasonably anticipate will become vacant and funded in a reasonable period of time—generally, no more than **30 calendar days**.

Reassignment must be made in accordance with the DOI Merit Promotion Plan and 5 CFR § 335. Reassignment must not require competitive procedures, (i.e., must not be made to a position with a higher FPL than previously held on a permanent basis in the competitive service).

Prior to initiating any reassignment searches, the SHRO shall review the employee’s current PD and obtain an updated resume from the employee (including relevant education). The SHRO will also provide the employee with the [Employee Questionnaire for Reassignment](#) (“Questionnaire”) to complete. Employees are encouraged to complete and return the Questionnaire to the SHRO within **7 business days** of receipt. The questionnaire identifies relevant information that the SHRO shall use to facilitate acceptable searches for available, vacant, funded position(s) based on the employee’s stated preferences. The [Checklist - HR Search for Vacant Position\(s\)](#) (“Checklist”) documents the SHRO searches and must be completed by the SHRO to ensure all appropriate actions have been completed and are properly documented.

- A. Conducting an Initial Search:** The initial **30 calendar day** search, conducted by the SHRO, should focus first on equivalent positions, and then, depending on the parameters outlined on the Questionnaire, any non-equivalent positions within the employee’s current Bureau. Following the initial search period, the SHRO will review all positions identified during the search. The order of consideration is first the most comparable position to that of the employee’s current position (i.e., first, an equivalent position in the employee’s current geographic area if available; if not, next would be an equivalent position(s) outside the employee’s current geographic area if available; if not, and if acceptable to the employee any nonequivalent position within or outside of the current geographic area). If more than one position is identified, the SHRO shall confer with the employee regarding their preference.
- B. Conducting an Expanded Search:** Only if the initial search yields no position(s), should an expanded search be conducted outside of the employee’s current Bureau. The

expanded **30 calendar day** search should focus first on equivalent positions outside of the employee's current Bureau, and then, depending on the parameters outlined on the Questionnaire, any non-equivalent positions outside of the employee's current Bureau. Following the expanded search period, the SHRO will review all positions identified during the search. The order of consideration is first the most comparable position to that of the employee's current position (i.e., first, an equivalent position in the employee's current geographic area if available; if not, next would be an equivalent position(s) outside the employee's current geographic area if available; if not, and if acceptable to the employee any nonequivalent position within or outside of the current geographic area). If a position is identified, the gaining SHRO and the employee's current SHRO should work together to determine qualifications. If more than one position is identified, the SHRO shall confer with the employee regarding their preference.

Employees are not required to compete for a position identified as part of any reassignment efforts, except in the case of a promotion; however, the employee must be qualified for and able to perform, either with or without reasonable accommodation, the essential functions of the vacant, funded position that is available for reassignment. Any offer of placement in a vacant, funded position will be made in writing and shall address the unique circumstances of the particular accommodation request. In addition, the offer must specify the consequences of declining an offer of reassignment. The employee shall respond to an offer of reassignment within **10 business days** of receipt. Declination of an offer of reassignment will cancel any further consideration of reassignment as a reasonable accommodation.

Reassignment must be considered as an accommodation prior to terminating or removing an individual that cannot be accommodated. If an employee needs a reasonable accommodation to perform an essential function or to eliminate a direct threat and refuses to accept an effective accommodation (including reassignment), the employee may not be qualified to remain in the position and may be subject to removal or termination. DOI is considered to have fulfilled its obligation to consider reassignment if the employee declines an offer of Reassignment OR if the searches have concluded without identifying any potential positions.

DOI RAB: The DOI RAB may be initiated by the SHRO conducting the expanded search in the case of Inter-Bureau conflict regarding reassignment but only after ELLU has been consulted on the conflict. Every effort must be made to resolve placement conflicts prior to requesting a DOI RAB referral. If a vacant, funded position is identified in another Bureau and the Bureau SHROs, along with management, are unable to reach agreement regarding if or where the employee will be reassigned; the vacant, funded position ***must be placed on hold and may not be filled until a final determination is made by the DOI RAB.***

SHRO requests for a referral to the DOI RAB must be made through the Department Reasonable Accommodation Program Manager and must include a memorandum from each of the involved SHROs and addressed to the Reasonable Accommodation Program Manager outlining/providing:

- The reason the employee's Bureau cannot provide an effective reasonable accommodation as well as all remedies and solutions the Bureau explored
- A statement from the Bureau(s) where vacant, funded position exists and the reasons why reassignment of the employee to that position is not appropriate or feasible
- A listing of dates and milestones pertaining to the request for reasonable

accommodation

- Documentation of the initial and, if appropriate, expanded search conducted;
- A copy of the employee's current PD
- A list of the vacant, funded position(s) for which the SHRO believes the employee is qualified
- The employee's current resume, most recent SF-50 and performance evaluation
- Any other pertinent information, (e.g., medical officer correspondence)
- A copy of the PD of any appropriate, vacant, funded position(s) identified by the employee's SHRO

The Department Reasonable Accommodation Program Manager will review the request to ensure that it includes the necessary information and documentation and will submit the request to the DOI RAB to make an appropriate recommendation. Incomplete or insufficient requests will be returned to the Bureau SHROs. ***If the Bureau in which the vacant, funded position is located fails to cooperate in the preparation of appropriate memorandum requesting referral to the RAB, that Bureau will be deemed to concur with the statement of the employee's Bureau.***

Once all required information and documentation is received, the Deputy Chief Human Capital Officer (DCHCO)/Director, Office of Human Capital (OHC) shall convene the DOI RAB. The DOI RAB shall consist of the following members: the DCHCO/OHC Director, a representative from CADR, a representative from ELLU, and a representative from ODICR. The DOI RAB shall convene within **10 business days** of receipt of all required information and documentation. Within **5 business days** of convening, the DOI RAB shall make a recommendation to the CHCO/DAS-HCD. The CHCO/DAS-HCD shall make the determination as to where the employee should be reassigned, based on the recommendation of the DOI RAB within **5 business days** of receipt of the RAB's recommendation. The CHCO/DAS-HCD may delegate the authority to make this decision. ***The decision of the CHCO/DAS-HCD is final and binding and there is no right to reconsideration or appeal.***

17. Implementation. Every attempt must be made to implement an approved reasonable accommodation in as short of a time as possible barring any extenuating circumstances. Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. These may include, but are not limited to, situations in which equipment is on back order, the vendor typically used by the organization has unexpectedly gone out of business, or the accommodation requires restructuring facilities. In such case, an interim accommodation as explained in section 8 may be considered temporarily until such time that the permanent accommodation can be implemented.

18. Monitoring Accommodations. An important part of the reasonable accommodation process is monitoring accommodations after they are in place. Because changes occur, supervisors may need to periodically check the effectiveness of implemented accommodations. For example, an accommodation may stop being effective if there are changes in the employee's limitations, workplace equipment, or the work itself. The most effective way for supervisors to monitor accommodations is to maintain interactive communication with the employee.

19. Recertification of Reasonable Accommodations Granted. Supervisors generally cannot require that an individual with a permanent or long-term disability recertify the need for an accommodation that has been granted. A request to recertify should only be made in *limited* circumstances and *only* if there is a valid reason, e.g., if the individual's medical condition changes or if a change in circumstances creates a new or unexpected undue hardship. The supervisor must consult with the SHRO prior to requesting recertification. If an individual with a temporary limitation or disability was granted a temporary accommodation and the communication with the individual clearly stated that the accommodation was temporary, a request for recertification is permissible.

20. Information Tracking and Reporting. The SHRO is responsible for maintaining records that may be used to determine compliance with the nondiscrimination and affirmative action requirements imposed under Section 501 of the Rehabilitation Act of 1973, and to make such records available to the Department and/or the Equal Employment Opportunity Commission (EEOC), upon request, to ensure compliance with these Procedures and the Rehabilitation Act. Individuals may contact their SHRO or Deciding Official for the status of their accommodation request.

21. Resources. The resources outlined below are not all inclusive, but rather are some of the many resources available relative to assistive technology and accessibility. The SHRO and/or DPM may be aware of additional resources.

- a. **[Job Accommodation Network \(JAN\)](#)**
JAN is funded by a contract from the U.S. Department of Labor, Office of Disability Employment Policy (ODEP) and serves as the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.
- b. **[Registry of Interpreters for the Deaf, Inc. \(RID\)](#)**
RID provides a searchable database for interpretive and transliteration services.
- c. **[FCC Telecommunications Relay Services \(TRS\)](#)**
Allows persons who are deaf, hard of hearing, deafblind, or have speech disabilities to communicate by telephone in a manner that is functionally equivalent to telephone services used by persons without such disabilities.
- d. **[RESNA Technical Assistance Project](#)**
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.
- e. **[EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)**
Clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship.
- f. **[GSA Schedule, Professional Services-Language Services](#)**

Translation and interpretation services include services to facilitate communications with and by persons who are visually or hearing impaired.

22. Labor-Management Obligations. Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

23. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact their SHRO. SHROs may contact the Department's Office of Human Capital concerning questions related to this policy.

Jennifer A. Ackerman

Director, Office of Human Capital
Deputy Chief Human Capital Officer

Attachments

**REASONABLE ACCOMMODATION
REQUEST CONFIRMATION FORM**

This form is only used to track reasonable accommodation requests.

SECTION 1.

Applicant or Employee Name: _____

Applicant or Employee Telephone: _____

Applicant or Employee Email: _____

Today's Date: _____ Date of Request: _____

SECTION 2.

Accommodation Requested. *(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)*

SECTION 3.

Reason for Request.

If accommodation request is time sensitive, please explain:

Applicant Requests: Must be sent to the agency contact identified in the vacancy announcement.

Employees Requests: Must be sent to your supervisor, a management official in your chain of command, the Servicing Human Resources Office (SHRO), the Disability Program Manager (DPM) or any other management official.

Additional information (including medical documentation) reasonably needed to process the accommodation request may be sought during the interactive process. No additional information should be captured on the Request Confirmation form.

INFORMATION TRACKING AND REPORTING FORM

This form is to be completed by the Deciding Official and submitted it to the Bureau SHRO within **10 business days** of the decision along with all information received during the processing of the reasonable accommodation request.

1. Name of individual requesting reasonable accommodation: _____
2. Office of requesting individual: _____
3. Date reasonable accommodation request received: _____
4. Who received request: _____
5. Job held by employee or in the case of an applicant request, job desired in requesting reasonable accommodation (including occupational series, grade level, and office):

6. Reasonable accommodation needed for: (check one)

_____ modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a job

_____ modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job or accessing the work environment

_____ modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities
7. Reasonable accommodation requested (e.g., adaptive equipment, reader or interpreter, modified work schedule or removal of architectural barrier):

8. Was the request for reasonable accommodation(s) requested for a permanent disability or for a temporary disability or limitation? _____
9. Date reasonable accommodation request sent to Deciding Official: _____
10. Name of Deciding Official: _____
11. The requestor does _____ OR does not _____ have a disability as defined by the Rehabilitation Act; OR no disability determination made _____ (check one).
12. Reasonable accommodation: (check one)

_____ Approved

_____ Approved through _____ (ONLY for temporary disability or limitation)

_____ Denied (attach a copy of the written denial which must explain the basis of denial)

_____ Offered an alternative accommodation (attach a detailed explanation)

13. Date reasonable accommodation approved or denied: _____

14. Describe the reasonable accommodation provided (if different from what was requested):

15. Requestor accepted _____ alternative accommodation(s) offered OR rejected some or all
_____ alternative accommodation(s) offered (check one). Reason(s) provided for rejection:

16. Date reasonable accommodation implemented: _____

17. If time frames outlined in the Reasonable Accommodation Procedures were not met, explain why: _____

18. Was medical information required to process this request? If yes, explain why. List the documents submitted on behalf of the individual: _____

19. Was a direct threat analysis included in the review of this request? If yes, who was involved and list the documentation: _____

20. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization, Disability Program Manager): _____

21. Servicing Human Resources Office (SHRO): _____

22. Comments: _____

Deciding Official's Signature: _____

Date: _____

Phone Number: _____

Email: _____

EMPLOYEE QUESTIONNAIRE FOR REASSIGNMENT

This Employee Questionnaire for Reassignment (Questionnaire) must be returned to your Servicing Human Resources Office (SHRO) within **7 business days of receipt** and is used to document your preference(s) on parameters for conducting a search for vacant position(s). Your SHRO is available to provide assistance with completing the form, if needed.

You are being considered for possible reassignment as a form of last resort accommodation as discussed on [insert date]. The initial search will be limited to available, vacant, funded positions within the current Bureau and those that are anticipated to become vacant within a reasonable period of time (generally no more than 30 business days) and will seek the most comparable position available in terms of pay, grade/career level, promotion potential, status, etc., and for which you are qualified. An expanded search for positions outside of the current Bureau but within the Department will not be conducted if a position is identified in the initial search OR if you indicate you are not interested in an expanded search. Depending on your responses indicated in this Questionnaire, positions may include equivalent and nonequivalent positions both within and outside of your current geographic area.

If you need a reasonable accommodation to perform an essential function of your position or to eliminate a direct threat and you decline an effective accommodation (including an offer of reassignment), you may not be qualified to remain in your position and may be subject to removal or termination. DOI is considered to have fulfilled its obligation in this case or if the search has concluded without identifying any potential positions.

To enable an effective search to be conducted, you must answer the following questions. Your answers to these questions will determine the specific parameters of the search. If you answer "no" to any question, or fail to answer any question, a search for vacant, funded positions in that category will not be conducted and you will have waived your right to consideration for such positions as a form of reasonable accommodation. Therefore, you are *strongly* encouraged to complete this form in its entirety.

Please remember that you may choose to change or update your answers and/or choices after the job search starts, however any changes or updates will not extend the job search period. To make any changes or updates, please submit a new Questionnaire. Please note that any relocation is at your own expense.

To assist you in making informed decisions, any offer of a vacant, funded position will be made in writing and will specify the consequences of rejecting the offer.

Employee Name: _____

Initial Search

30-calendar day search period

1. Will you accept an **equivalent** position in your current Bureau in your current geographical area?

Yes

No

2. Will you accept an **equivalent** position in your current Bureau but outside of your current geographical area?

Yes

No

3. Will you accept a **nonequivalent** position (e.g., not equal to your current position in terms of pay, grade level, career level, promotion potential, pay system, type of appointment (competitive/excepted service) in your current Bureau within your current geographical area?

Yes No

4. Will you accept a **nonequivalent** position (e.g., not equal to your current position in terms of pay, grade level, career level, promotion potential, pay system, type of appointment (competitive/excepted service) in your current Bureau but outside of your current geographical area?

Yes No

If you answered “Yes” to questions 3 or 4 above and you want to specify nonequivalent conditions such as the lowest acceptable grade, no temporary appointments, etc., please specify here. Otherwise, if you answered “Yes”, you will be considered and may be offered any nonequivalent position identified.

Extended Search

30-calendar day search period

An extended search is only performed if the initial search did not yield any positions within the search parameters outlined in questions 1 - 4 above. If you decline a reassignment offer for a position located in the initial search, an extended search will not be performed.

5. Will you accept an **equivalent** position outside of your current Bureau but in your current geographical area?

Yes No

6. Will you accept an **equivalent** position outside of your current Bureau and outside of your current geographical area?

Yes No

7. Will you accept a **nonequivalent** position (e.g., not equal to your current position in terms of pay, grade level, career level, promotion potential, pay system, type of appointment (competitive/excepted service) outside of your current Bureau but in your current geographical area?

Yes No

8. Will you accept a **nonequivalent** position (e.g., not equal to your current position in terms of pay, grade level, career level, promotion potential, pay system, type of appointment (competitive/excepted service) outside of your current Bureau and outside of your current geographical area?

If you answered “Yes” to question 7 or 8 above, please state any geographic areas to which you *would not* consider relocating to accept a vacant position. Otherwise, if you answered “Yes”, you will be considered and may be offered any nonequivalent position identified in any geographic area.

If you fail to respond to the questions above, the search for a vacant, funded position will be limited to and initial search for **equivalent** positions within the current Bureau and current geographic area.

My signature below acknowledges my receipt and review of the parameters for conducting a search for reassignment opportunities as part of the reasonable accommodation process.

Employee Signature

Date

Current Supervisor Signature

Date

SHRO Signature

Date

CHECKLIST - HR SEARCH FOR VACANT POSITION(S)

Servicing Human Resources Office (SHRO) shall use this checklist to document reasonable accommodation reassignment search efforts.

1. **Employee's Name:** _____

2. **Employee's Current Position:** _____

Bureau/Office: _____

Title of Position: _____

Pay Plan, Series: _____

Grade level: _____

Promotion Potential: _____

Location (City/State): _____

Work Schedule: _____

Other Factors (if any): _____

3. **Date(s) Interactive Discussion with Employee** _____

_____ Discuss employee's qualifications for other positions. Ask employee for updated resume/application, detailing all qualifying experience, including volunteer work, and education (attach copy of the resume/application if provided by employee). Employee should list prior positions held (both government and non-government, paid and unpaid jobs).

_____ Discuss search options with employee (document employee choices for geographic area and non-equivalent positions); attach completed [Employee Questionnaire for Reassignment](#).

List other qualifying education: _____

List all series and grades/or career levels for which employee is qualified, and/or which employee will consider: _____

4. **Initial Search (within the current Bureau)**

Date initial search began: _____

For each option, search first for open vacancy announcements; if none, contact Bureau SHRO for pending vacancies within the employee's current Bureau. Place a check mark in

the appropriate blocks below for each category in which a search for vacant, funded positions was conducted.

For each vacant, funded position found, that is deemed viable as a potential reassignment opportunity, list the Bureau, pay plan, series, grade level, title, location, promotion potential, and work schedule. Note the contact person in the Bureau in which the position is located and whether there were any limitations on the position (e.g., funding, FTE, etc.). State whether the employee is a qualified employee with a disability (i.e., can perform the essential functions of the position with or without a reasonable accommodation).

____ Equivalent positions in current Bureau in the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

____ Equivalent positions in current Bureau outside of the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

____ Non-equivalent positions in current Bureau inside or outside the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

5. Expanded Search (Outside the Current Bureau but within the Department)

Date expanded search began: _____

For each option, search first for open vacancy announcements; if none, contact Bureau SHROs for pending vacancies outside of the employee's current Bureau. Place a check mark in the appropriate blocks below for each category in which a search for vacant, funded positions was conducted.

For each vacant, funded position found, that is deemed viable as a potential reassignment opportunity, list the Bureau, pay plan, series, grade level, title, location, promotion potential, and work schedule. Note the contact person in the Bureau in which the position is located and whether there were any limitations on the position (e.g., funding, FTE, etc.). State whether the employee is a qualified employee with a disability (i.e., can perform the essential functions of the position with or without a reasonable accommodation).

____ Equivalent positions in other Bureau(s) in the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

_____ Equivalent positions in other Bureau(s) outside the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

_____ Non-equivalent positions within other Bureau(s) inside or outside the current geographic area.

Position(s) found? No Yes

If Yes, please list: _____

_____ Equivalent positions in other geographic areas within other Bureaus.

Position(s) found? No Yes

If Yes, please list: _____

_____ Non-equivalent positions in other geographic areas within the employing Bureau.

Position(s) found? No Yes

If Yes, please list: _____

_____ Non-equivalent positions in other geographic areas within other Bureaus.

Position(s) found No Yes

If Yes, please list: _____

6. Position Offer:

Employee was offered the following position, in writing (attach copy of offer):

Date of offer: _____

Date employee decision due by: _____

7. Position Acceptance/Declination:

Employee accepted the following position: _____

Date of acceptance: _____

EOD date for new position: _____

Employee declined offer: _____

Date of declination: _____

SHRO Specialist

Date

Date reassignment efforts closed: _____