

## MEMORANDUM

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**Date:** January 8, 2018

**To:** NCPC Staff

**From:** Marcel Acosta, Executive Director

**Subject:** Procedures for Providing Reasonable Accommodation for Persons with Disabilities

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Attached is NCPC's revised policy on "Procedures for Providing Reasonable Accommodation for Persons with Disabilities." Debra Dickson is the Disability Program Manager and Camille Parks is the Deputy Program Manager. If you have questions, please see Debra or Camille.

Attachment



# Reasonable Accommodation Procedures

Procedures for Providing Reasonable Accommodation  
for Persons with Disabilities Version 3.0

PREPARED BY THE NCPC EEO PROGRAM MANAGER

NATIONAL CAPITAL PLANNING COMMISSION | 401 Ninth Street, NW Suite 500 North Washington, DC

## APPROVAL SIGNATURE

The *Reasonable Accommodation Procedures*, version 3 was prepared for the use of the National Capital Planning Commission.

Approved by & Date: // ORIGINAL SIGNED //

Marcel C. Acosta  
Executive Director  
National Capital Planning Commission

## DOCUMENT CHANGE HISTORY

Version Number	Date	Author	Description
1.0	4/5/2016	Deborah Young	Initial Release
2.0	9/19/2017	Deborah Young	Annual Update
3.01	12/04/2017	Grace Kim	<ul style="list-style-type: none"><li>• Implemented a new template with the following section added: Purpose, Authority, Updates, Definitions, Responsibilities, and Coverage;</li><li>• Addressed comments from the EEOC pursuant to Executive Order 13164; and</li><li>• Added new attachments in Appendices A and B.</li><li>•</li></ul>
3.02	12/22/2017	Debra Dickson	<ul style="list-style-type: none"><li>• Added heading to body of the policy</li><li>• Corrected minor formatting of acronyms</li><li>• Changed Chief Operating Officer to Executive Director or his or her designee</li><li>• Changed EEO Manager to EEO Program Manager</li></ul>

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# National Capital Planning Commission

## Reasonable Accommodation Procedures

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### I. Purpose

The purpose of this document is to establish procedures on handling requests for reasonable accommodation in accordance with Executive Order 13164. These procedures fully comply with the requirements of the Rehabilitation Act of 1973.

### II. Authority

Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. §791 *et seq.*

### III. Updates

This procedure supersedes all preceding NCPC Procedures for Providing Reasonable Accommodation. The following changes have been made to this version of the procedures:

- Implemented a new template with the following section added: Purpose, Authority, Updates, Definitions, Responsibilities, and Coverage;
- Addressed comments from the EEOC pursuant to Executive Order 13164; and
- Added new attachments in Appendices A and B.

### IV. Policy on Reasonable Accommodation

In accordance with the Rehabilitation Act of 1973, NCPC provides reasonable accommodation to qualified employees or applicants with disabilities<sup>1</sup>, unless to do so would cause undue hardship. The NCPC is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. NCPC provides reasonable accommodations when:

- an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. 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),

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<sup>1</sup> All references to “disability” in these Procedures refer only to those impairments that meet the ADA/Rehabilitation Act definition of “disability” as amended by the ADA Amendments Act of 2008 (ADAAA). The expanded definition of “disability” is to be interpreted broadly and does not require an extensive analysis.

The Rehabilitation Act, as amended by the ADAAA, does not require an employer to provide reasonable accommodation to an individual who only meets the “regarded as” definition of disability. An applicant or employee must meet either the “actual” definition (i.e., person has an impairment that substantially limits a major life activity) or the “record of” definition (i.e., person has a record of an impairment that substantially limited a major life activity) to be eligible for reasonable accommodation

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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 the kitchen and office events.

Common types of accommodations include:

- modifying work schedule or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- making changes in workplace policies providing assistive technology, including information technology and communications equipment or specially designed furniture
- removing an architectural barrier, including reconfiguring work spaces
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job

NCPC will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in these procedures.

NCPC has a Disability Program Manager (DPM) to oversee the reasonable accommodation program. All requests for reasonable accommodation will be handled by the DPM. If a request is given to a manager rather than directly to the DPM, that individual should forward the request immediately and must do so within two business days. When an employee makes a request for reasonable accommodation that involves job performance, the DPM will work with the employee's supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position. See [Section II. K.](#) on how to contact the DPM.

As part of the reasonable accommodation interactive process, the DPM will obtain and evaluate documentation supporting an accommodation request (such as medical documentation demonstrating that the requester is an individual with a disability), whenever the disability or need for accommodation is not obvious.

Sometimes NCPC may be able to address an employee's impairment-related needs outside the reasonable accommodation process. For example, NCPC has an agreement with the Federal Occupational Health Program and the Computer/Electronic Accommodation Program <sup>2</sup> to provide ergonomic services to all employees who may require special equipment to address or prevent various ailments. Under the ergonomic program, for instance, an employee with carpal tunnel syndrome may request a specialized chair or wrist pad. Request under these procedures, as well as requests under the ergonomic program, should be directed to the DPM.

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While the DPM will handle all requests for reasonable accommodations, managers often will need to be consulted about specific requests. Therefore, all management personnel must be familiar with these Procedures.

### V. Definitions

- a. **Disability** - A disability is a mental or physical condition that substantially limits a person from engaging in at least one major life activity that has central importance to most people's daily lives, such as walking, seeing, or breathing.
- b. **Qualified Individual with a Disability** - A person who has a disability is a qualified individual with a disability if he or she is able to perform the essential functions of his or her job with or without a reasonable accommodation.
- c. **Reasonable Accommodation** - An accommodation is a change in the NCPC work rules, facilities, or conditions which enable a qualified individual with a disability to apply for a job, perform the essential functions of a job, or enjoy equal access to the benefits and privileges of employment. An accommodation is reasonable if it is effective in producing the desired result, and balances the needs of the applicant or employee and the NCPC.
- d. **Undue Hardship** - If a specific accommodation causes undue hardship, the NCPC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation and the impact of the reasonable accommodation on the NCPC's operations.
- e. **Interactive Process** - An interactive process is a flexible process through which the NCPC and the employee or applicant with a disability, discuss the request for accommodation in a good faith effort to identify the employee's or applicant's precise limitations and reasonable accommodations.
- f. **Essential Functions** - Essential functions are the fundamental job duties of the employment position the employee with a disability holds or the applicant with a disability seeks. 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 the function is specialized and the incumbent is hired based on his or her ability to perform it.



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- g. **Extenuating Circumstances** - Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the necessary accommodation will be extended as reasonably necessary. Examples of extenuating circumstances may include: waiting to receive medical documentation from a third party; or waiting for adaptive equipment to assist the employee; or unforeseen circumstances caused by a delay in the mail system.

### VI. Responsibilities

#### a. **Disability Program Manager (DPM)–**

1. Provides direction and guidance on the implementation of these procedures;
2. Develops appropriate training programs to ensure NCPC employees, supervisors, and officials are aware of, and have the skills and information necessary to comply with these procedures; and to assure that employees who need and qualify for accommodations are successfully accommodated;
3. Participating and facilitating, as appropriate, in meetings with relevant agency personnel regarding reasonable accommodation requests;
4. Reviewing all proposed decisions to deny reasonable accommodation requests or to provide alternative accommodation; reviewing all determinations to ensure that all accommodations have been exhausted prior to reassignment, and to ensure compliance with these procedures; and
5. Maintaining summary statistics on accommodations by agency, as required by the EEOC.
6. Even in the absence of receiving a written request, the DPM should acknowledge and begin to act on an oral request for reasonable accommodation within three (3) business days.

#### b. **Agency Head -**

1. Ensures agency supervisors and other relevant officials are informed about how to address requests in the manner set forth in these Procedures;
2. Takes appropriate steps to ensure that the agency has adequate funding for reasonable accommodations;
3. Designates a person within the agency who shall be responsible for making reassignment decisions; and
4. Designates a person within the agency who shall serve as a reviewing official for purposes of participating in the informal dispute resolution process.

#### c. **EEO Program Manager –**

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1. Consults with and advises supervisors and other appropriate officials throughout the accommodation request process to help determine whether requests for accommodations should be granted or denied;
2. Facilitates the interactive process by bringing together supervisor, employee, implementing office(s) and other appropriate parties;
3. Coordinates with the agency human resource specialist and the Disability Program Manager, and other appropriate office(s) when accommodation requests are complicated by performance, conduct, or leave issues, or a worker's compensation claim; or when an accommodation involves reallocation of tasks, revision of standards, or other adjustment ordinarily accomplished with the assistance of human resource staff;
4. Provides statistical information on the number, nature, and disposition of accommodation requests as requested; and
5. Maintains records submitted by employees or applicants in connection with accommodation requests, in a manner that complies with the confidentiality requirements of the Rehabilitation Act and the Privacy Act of 1974, 5 U.S.C. § 552a, as amended.

### **d. Supervisor -**

The immediate supervisor of an employee who requests an accommodation shall be responsible for:

1. Participating in the interactive process when the employee requests a reasonable accommodation;
2. Reporting all requests for disability accommodation to the agency's DPM within two business days of receipt;
3. Consulting with the agency's EEO Program Manager and other appropriate officials in determining:
  - i. Whether the requestor is a qualified individual with a disability;
  - ii. Whether to grant, deny, or provide an alternative to the requested accommodation; and
  - iii. Whether, in the case of a denial, the requested accommodation poses an undue hardship.
4. Rendering final decisions on accommodation requests; and
5. Documenting requests for accommodation and the action taken.

### **e. Human Resource Specialist –**

1. Ensuring that job vacancy announcements contain appropriate notices to applicants regarding the NCPC's reasonable accommodation policy, including appropriate contact information for accommodation-related matters;

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2. Handling accommodation requests from applicants during the application process and promptly notifying the agency's EEO Program Manager about the number, nature, and disposition of such requests;
3. Identifying vacant positions for which an employee is qualified in cases where reassignment is being considered as a possible reasonable accommodation; and
4. Serving as expert resource to the agency EEO Program Manager when accommodation requests are complicated by performance, conduct, or leave issues or a worker's compensation claim, or when an accommodation involves reallocation of tasks, revision of standards, or other adjustment ordinarily accomplished with the assistance of human resources staff.

### **f. Employees and Applicants with Disabilities**

An employee or applicant with a disability who desires an accommodation is responsible for:

1. Requesting an accommodation;
2. Completing and submitting the confirmation of request described in Section VIII.A and appearing in Appendix A;
3. Participating in good faith with NCPC officials in an interactive process to determine whether an accommodation is appropriate; and
4. If requested, promptly providing a limited medical release and/or medical documentation from a physician or other licensed medical professional regarding the disability and need for accommodation.

## **VII. Coverage**

This procedure applies to employees and applicants for employment at the NCPC.

## **VIII. Reasonable Accommodation Procedures**

### **A. Requesting Reasonable Accommodation**

Generally, an applicant or employee must let the NCPC 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 **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. An individual should request a reasonable accommodation from the DPM. For applicants, information about contacting the DPM will be in the vacancy. (See also [Section II.K.](#) on how to contact the DPM.)

If an employee makes a reasonable accommodation request to someone other than the DPM, such as his or her first-line supervisor or second-line supervisor, the contacted individual should forward the request to the DPM immediately and must do so within two business days. **The reasonable accommodation process begins as soon as the oral or written request for accommodation is**

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**made to any manager in an employee's chain of command, so it is imperative that the request be forwarded to the DPM within two business days.**

An individual's receipt of a denial for 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 reasonable accommodation). Additionally the DPM 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).

A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication in which an individual asks or states that he/she needs NCPC to provide or to change something because of a medical condition. A supervisor or the DPM should ask an individual whether she is requesting a reasonable accommodation if the nature of the initial communication is unclear.

**A family member, health professional, or other representative** may request an accommodation on behalf of a NCPC employee or applicant. For example, a doctor's note outlining medical restrictions for an employee constitutes a request for reasonable accommodation.

To enable NCPC to keep accurate records, requestors seeking a reasonable accommodation must follow up an oral request with a request in writing or in electronic format. Employees may use the "Confirmation of Reasonable Accommodation Request" form to prepare their requests. The form may be found at Appendix A of these procedures. The DPM must fill out the Form if the requestor does not.

### **B. Processing the Request**

The DPM is responsible for processing requests for reasonable accommodation. The Human Resources Specialist will serve as a backup for the DPM to process requests when the DPM is unavailable for any length of time (on vacation or extended leave). While the DPM has the responsibility for processing requests for reasonable accommodation, the DPM may work closely with an employee's supervisor in responding to the request, particularly those involving job performance. The DPM will need to consult with an employee's supervisor to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving job performance will be provided without first informing an employee's supervisor. The DPM will issue a final decision in writing to the requestor.

### **C. The Interactive Process**

#### **1. Generally**

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After a request for accommodation has been made, 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 requestor and the DPM must 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 alternative accommodations that may be effective in meeting an individual's needs.

**The DPM will contact the applicant or employee within 10 business days after the request is made** (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the DPM may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the NCPC (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

**Communication is a priority throughout the entire process**, but 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 requestor and the decision maker should work together to identify effective accommodations. [Appendix C](#) lists some suggested resources for identifying accommodations.

When a third party (e.g., an individual's doctor) requests accommodation on behalf of an applicant or employee the DPM should, if possible, confirm with the applicant or employee that he/she wants a reasonable accommodation before proceeding. Where this is not permissible, for example, because the employee has been hospitalized in an acute condition, the DPM 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.

The DPM may need to consult with other NCPC personnel (e.g., an employee's supervisor, Information Technology staff, or a representative from the Computer/Electronic Accommodations Program (CAP) Technology Evaluation Center) or outside sources to obtain information necessary to make a determination about the request. **NCPC expects that all agency personnel will give a high priority to responding quickly to a DPM's request for information or assistance. Any delays by NCPC personnel may result in the agency's failure to meet the required time frame.**

### 2. Reassignment

There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.

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- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- In considering whether there are positions available for reassignment, the DPM will work with the employee requesting the reassignment to identify: (1) vacant positions, if any, within the agency for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which the Office of Administration 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.

### Request Analysis

Before approving or denying a request for reasonable accommodation, the NCPC decision maker should:

1. **Determine if the requestor is qualified person with a disability.** A determination of disability is not necessarily based on the diagnosis of the impairment, but rather on the effect the impairment has on the life activities of the individual. A mild or borderline case may affect major life activities, but not substantially restrict those activities. Transitory conditions that last only a few weeks or months are not considered disabilities. Medical documentation may be required to determine if the requestor is a qualified person with a disability.
2. **Determine if the accommodation is needed to:**
  - a. enable a qualified application with a disability to be considered for the position he or she desires;
  - b. enable a qualified employee with a disability to perform the essential functions of his or her position; and
  - c. enable an employee with a disability to enjoy equal benefits and privileges of employment as similarly situated employees without disabilities.

As previously noted, modifications or adjustments must be made to the job application and interviewing process to accommodate qualified applicants with disabilities. As previously defined, essential functions are the most important or main duties of the position. They are the functions that define the position. These are determined not just by the position description, but by what employees in the position do and how the job is actually performed. A decision maker may restructure a job held by an employee with a disability to eliminate marginal duties, but the essential functions of the job may not be eliminated nor may performance standards for those functions be lowered. Appropriate adjustments or modifications must be made so that employees with a disability can enjoy the same benefits and privileges of employment as other employees. Although an employee's accommodation of preference is always seriously considered, NCPC is not obligated to

provide the accommodation of choice, but must provide an equally effective accommodation.

3. **Determine what effect the accommodation will have on the employee's performance and on the agency's operations.** Is the requested accommodation reasonable? An accommodation is reasonable if it is effective. Consider the applicant's or employee's specific disability, his or her existing limitations and abilities to perform the particular job, the size and type of the agency operation, and the nature and cost of the accommodation. If the accommodation will in some way negatively impact the agency's operations, it may constitute an undue burden and another accommodation may need to be considered. If an NCPC decision maker believes that an accommodation would represent an undue burden, he or she should contact agency head.

#### **D. Requests for Medical Information**

**If a requestor's disability and/or need for accommodation are not obvious or already known, NCPC (specifically the DPM) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation.** A disability is obvious or already known when it is clearly visible or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by NCPC where the disability and/or need for accommodation are not obvious or already known.

**Only the DPM may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional if the requestor signs a release permitting the DPM to contact the health professional.** Even if medical information is needed to process a request, the DPM does not necessarily have to ask the requestor to provide 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 from a reasonable accommodation. (See [Section II.E.](#) about the confidentiality of all medical information obtained in processing a request for accommodation.) If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the DPM of this fact. The DPM will then determine whether additional medical information is needed to process the current request. NCPC may request information or documentation regarding:

- The nature, severity, and duration of the individual's impairment;
- The activity or activities that the impairment limits;
- The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or
- Why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the



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individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DPM to determine whether the individual has a “disability” and/or that an accommodation is needed, the DPM 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 DPM 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, the DPM may ask the requestor to sign a limited release permitting the DPM to contact the provider for additional information. The DPM may have the medical information reviewed by a doctor of the agency’s choosing, at the agency’s expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the DPM will be guided by principles set forth in the Americans with Disabilities Act (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 DPM may require medical information in order to design an appropriate and effective accommodation.

A supervisor who believes that an employee may no longer need a reasonable accommodation should contact the DPM. The DPM will decide if there is a reason to contact the employee to discuss whether he/she has a continuing need for reasonable accommodation.

### **E. Confidentiality Requirements**

**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 NCPC obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual’s personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any NCPC employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The DPM 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 DPM will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situation, the DPM 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.



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

- Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation; and
- Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

### **F. Time Frame for Processing Requests and Providing Reasonable Accommodations**

#### **1. Generally**

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **30 business days from the date the request is made**. This 30-day period includes the 10-day time frame in which the DPM must contact the requestor after a request for reasonable accommodation is made ([See II.C.1.](#)). When a request is made to the DoD Computer/Electronic Accommodations Program to determine if an electronic accommodation is appropriate, the time for processing will likely increase, but will be processed as expeditiously as possible.

**If the DPM must request medical information or documentation from a requestor's doctor, or send a request to the Computer/Electronic Accommodations Program, the period will stop on the day that the DPM makes a request for information/documentation or equipment (CAP), and will resume on the day that the information/documentation or equipment is received by the DPM.**

#### **2. 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 to enable:

- an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decision, 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.
- an employee to attend a meeting scheduled to occur soon.

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### 3. Extenuating Circumstances

These are circumstances that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond NCPC's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

If a delay occurs in processing a request or delivering the reasonable accommodation, the individual will be notified in writing the reason for the delay and the date the NCPC expects to complete processing of the accommodation. Additionally, NCPC will determine if there is a temporary solution that can be taken to assist the individual until the accommodation can be implemented.

### **G. Resolution of the Reasonable Accommodation Request**

**All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the "Review of Reasonable Accommodation Request" form (see Appendix B), as well as a written explanation of the decision and an oral discussion, if necessary.**

#### Approval of Reasonable Accommodation

If NCPC grants a request for accommodation, the DPM will provide the "Review of Reasonable Accommodation Request" form to the requestor, with a written explanation of the accommodation provided, and discuss implementation of the accommodation. A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. If the request is approved but the accommodation cannot be provided immediately, the DPM will inform the individual in writing of the projected time frame for providing the accommodation.

#### Denial of Reasonable Accommodation

If NCPC denies a request for accommodation, the DPM will provide the "Review of Reasonable Accommodation Request" form to the requestor with a written explanation with the reason(s) for the denial to include why the accommodation would result in an undue hardship or why it would be ineffective. If NCPC denies a specific requested reasonable accommodation but offers to make a different one its place, the DPM will explain both reasons for the denial of the requested accommodation and the reasons it believes that the chosen accommodation will be effective.

- If there is a legitimate reason to deny the specific reasonable accommodation request (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act),

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the DPM will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause 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 DPM will explore whether there is a reasonable accommodation that will meet the employee's need.

- If the DPM offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the DPM will document the individual's rejection of the alternative accommodation.

### **H. Informal Dispute Resolution**

An individual dissatisfied with the outcome of a reasonable accommodation request can ask the Executive Director of his or her designee to reconsider the request. An individual must request reconsideration within 10 business day of receiving written notification of the outcome of the accommodation request. A request for reconsideration will not extend the time limits for initiating administrative or statutory claims.

### **I. Compliance**

Two procedures are available to individuals who are dissatisfied with the Agency's response to a request for accommodation, and who wish to seek redress – an EEO complaint or a Merit Systems Protection Board (MSPB) appeal.

- For an EEO complaint, an individual should contact the NCPC EEO Manager within 45 days from the date of receipt of the written accommodation notice or a verbal response to the request (whichever comes first).
- For adverse actions over which MSPB has jurisdiction, the individual must initiate an appeal to the MSPB within 30 days of the appealable adverse action (for more information about the process, please contact the Office of Administration).

### **J. Custody of Records, Information Tracking and Reporting**

#### **1. Custody of Records**

The Director of the Office of Administration will be the official custodian of the official reasonable accommodation files. As soon as the process is completed (after the decision maker's final decision if reconsideration is not sought or after the reconsideration decision is issued if reconsideration is requested), the DPM or official in possession of the reasonable accommodation request file shall submit the entire record including copies of the request, the decision, and supporting documentation to the Director of the Office of Administration. All records will be maintained in accordance with the Privacy Act and confidentiality and restricted disclosure requirements. NCPC will maintain the individual records of an employee who has requested a

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reasonable accommodation for the duration of the individual's employment with the agency. NCPC will maintain cumulative records to track agency's performance related to reasonable accommodation for three years.

### 2. Annual Data

The Director of the Office of Administration will prepare an annual report, containing the following information:

- The number of reasonable accommodations requested by type in the application process, and whether those requests were granted or denied;
- The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;
- The types of reasonable accommodations that have been requested for each of those jobs;
- The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type that have been denied;
- The number of requests for reasonable accommodations by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- The reasons for denial of requests for reasonable accommodation;
- The amount of time used to process each request for reasonable accommodation;
- The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

### **K. Inquiries**

Managers, employees or applicants wanting further information concerning these Procedures may contact the Disability Program Manager (DPM) via e-mail at [disabilityprogrammanager@ncpc.gov](mailto:disabilityprogrammanager@ncpc.gov). Applicants may contact the DPM at (202) 482-7200.

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## Appendix A: Reasonable Accommodation Request Form



**REASONABLE ACCOMMODATION REQUEST FORM**  
Email Completed Form to EEO Program Manager at [EEO@ncpc.gov](mailto:EEO@ncpc.gov)

REASONABLE ACCOMMODATION REQUEST FORM INFORMATION			
Information on Requestor			
Name		Email	
Title		Phone	
Division			
Employee Type	<input type="checkbox"/> Federal Employee <input type="checkbox"/> Applicant		
Occupational Series, Grade Level			
Request			
Date Submitted			
Request Type <i>(check one)</i>	<input type="checkbox"/> <b>Application Process</b> - a modification or adjustment to a job application process which permits an individual with a disability to be considered for a job		
	<input type="checkbox"/> <b>Performing Job Functions or Accessing Work Environment</b> - a modification or adjustment necessary which enables a qualified individual with a disability to perform the essential functions of the job		
	<input type="checkbox"/> <b>Accessing a Benefit or Privilege</b> - A modification or adjustment that enables an employee with a disability to enjoy equal benefits and privileges of employment		
Briefly describe the nature and type of request for reasonable accommodation <i>(If accommodation is time sensitive, please explain)</i>			
Signature of Requestor			
Signature		Date	

Executive Order 13164, dated July 26, 2000, requires agencies track the processing of request for reasonable accommodation and maintain the confidentiality of medical information in accordance with applicable law and regulation.

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## Appendix B: Review of Reasonable Accommodation Request



### REVIEW OF REASONABLE ACCOMMODATION REQUEST

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REVIEW OF REASONABLE ACCOMMODATION REQUEST			
Information on Requestor			
Name		Email	
Date of Request			
Accommodation Requested			
DECISION (Check one and provide date)			
<input type="checkbox"/> Approved	Date: _____	Comment: _____	
<input type="checkbox"/> Denied	Date: _____	Comment: _____	
If request is denied, provide the reason(s) for Denial of Request:			
INSTRUCTION FOR RECONSIDERATION OF DECISION			
<p>If an individual wishes to request reconsideration of this decision, take the following steps:</p> <ul style="list-style-type: none"> <li>Ask the Disability Program Manager to reconsider denial. Additional information may be presented to support this request.</li> <li>If the DPM was the individual's supervisor, the individual can ask a higher level manager in the chain of command to review the decision.</li> <li>If the decision is not overturned, the individual may file an Equal Employment Opportunity (EEO) complaint.</li> <li>For an EEO complaint pursuant to 29 CFR Part 1614, contact the EEO officer within 45 calendar days from the date of the decision.</li> </ul>			
Signature of Disability Program Manager			
Signature		Date	
Name			

Executive Order 13164, dated July 26, 2000, requires agencies track the processing of request for reasonable accommodation and maintain the confidentiality of medical information in accordance with applicable law and regulation.

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## Appendix C: Selected Reasonable Accommodation Resources

### **U.S. Equal Employment Opportunity Commission**

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

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](http://www.eeoc.gov).

### **Job Accommodation Network (JAN)**

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

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

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.

### **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.

### **Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TT)

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

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### **RESNA Technical Assistance Project**

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

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the 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.