

IMLS DIRECTIVE

POLICY AND PROCEDURES FOR PROVIDING REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES

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1. **PURPOSE**

This Directive (“Reasonable Accommodations Directive” or “RA Directive”) establishes the Institute of Museum and Library Services (IMLS) policy, roles, and procedures for providing reasonable accommodations to employees and applicants with disabilities. This RA Directive also establishes the agency’s policy and procedures for processing requests for Personal Assistance Services (PAS).

2. **SCOPE**

The policy and procedures set out in this RA Directive apply to all IMLS employees and applicants for employment who have a disability and seek reasonable accommodations and/or Personal Assistance Services (PAS).

3. **AUTHORITY**

- A. Equal Employment Opportunity Commission’s (EEOC) Policy Guidance on E.O. 13164 of July 26, 2000, requires all federal agencies to establish procedures to properly handle requests for reasonable accommodations.
- B. 29 U.S.C. 791, the Federal Rehabilitation Act of 1973; the Workforce Innovation and Opportunity Act of 2015.
- C. 29 CFR Part 1614, Federal Sector Equal Employment Opportunity.
- D. Executive Order 13164 and 29 CFR Part 1614, as amended January 3, 2017, *EEOC Final Rule: Affirmative Action for Individuals with Disabilities in Federal Employment, Rehabilitation Act* 29 C.F.R. § 1614.203 (January 3, 2017) (Rule), delineating, among other things, requirements for agency reasonable accommodations policies and procedures and including Personal Assistance Services (PAS) for individuals with specific targeted disabilities.
- E. The Americans with Disabilities Act of 1990 (as amended), 42 U.S.C. § 12101, et seq.

4. **IMLS POLICY AND OVERVIEW**

It is the policy of the Institute of Museum and Library Services to provide reasonable job accommodations for employees and job applicants with disabilities consistent with applicable law and regulations, including Executive Order 13164; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; 42 U.S.C. §§ 12101, et seq.; and 29 C.F.R. Part 1630, using an interactive process that responds to requests for reasonable accommodations in a flexible, confidential, and objective manner.

This RA Directive describes the procedures, roles, and responsibilities for processing requests for reasonable accommodations and Personal Assistance Services (PAS); it also provides examples of types of accommodations and PAS.

Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodation, there may be workplace barriers that prevent others from performing jobs they could do with some form of accommodation. These barriers may take

the form of physical obstacles (such as inaccessible facilities or equipment), or procedures (such as rules concerning when work is performed, when breaks are taken, or how essential or marginal functions are performed). A reasonable accommodation modifies or removes workplace barriers for individuals with disabilities.

This RA Directive provides examples of the types of accommodations that are appropriate and that IMLS generally will provide to employees and applicants with disabilities, in accordance with the agency's procedures and instructions. The examples of accommodations identified in this policy are not exhaustive; instead, they illustrate the broad spectrum of accommodations that may be provided. IMLS will provide reasonable accommodations to qualified employees—whether the employees work full-time or part-time or whether they are considered probationary.

Personal Assistance Services (PAS) assist an employee or applicant perform basic life activities, including, for example, removing or putting on clothing, using the restroom, or eating. Medical conditions or targeted disabilities an employee may have that may be more likely to require PAS include missing limbs or spinal cord paralysis. Personal Assistance Services are not the same as reasonable accommodations, which help individuals perform job-related tasks, such as filing or using a computer. The policies and procedures in this RA Directive apply to both reasonable accommodation requests and PAS requests.

5. DEFINITION OF TERMS

For purposes of this RA Directive, and pursuant to 29 C.F.R. §§ 1614.203(d)(3)(i)(A) & 1630.2, the definition of terms are as follows:

- A. Disability – With respect to an individual: (i) a physical or mental impairment that substantially limits one or more major life activities of such individual; or (ii) a record of such an impairment; or (iii) being regarded as having such an impairment.
- B. Essential Job Functions – Fundamental job duties of the employment position an individual with a disability holds or desires; they do not include the marginal functions of the position.

A job function may be considered essential for any of several reasons, including, but not limited to, the following:

- (i) The position exists to perform that function;
- (ii) The limited number of employees available among whom the performance of that job function can be distributed; and/or
- (iii) The incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Whether a particular function is essential includes, but is not limited to:

- (i) The employer's judgment about which functions are essential;
- (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
- (iii) The amount of time spent on the job performing the function;
- (iv) The consequences of not requiring the incumbent to perform the function;
- (v) The terms of an applicable collective bargaining agreement;
- (vi) The work experience of past incumbents in the job; and/or
- (vii) The current work experience of incumbents in similar jobs.

C. Interactive Process – A collaborative effort in which the employer and the individual seeking an accommodation engage in dialogue to clarify what the individual needs and identify potential reasonable accommodations. For example, after a request for accommodation has been made, the supervisor or deciding official communicates with the individual making the request to identify an effective accommodation that will allow the employee to perform the essential functions of the job.

The interactive process may include:

- (i) An analysis of the particular job to determine its purpose and essential functions;
- (ii) A consultation with the employee to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
- (iii) An identification of potential accommodations and, in conjunction with the employee, an assessment of the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job;
- (iv) Consideration of the preference of the employee and the selection and implementation of an accommodation that is appropriate for the employee and the employer; and
- (v) The overall needs of the office.

D. Major Life Activity – Major Life Activities include, but are not limited to, the following:

- (i) 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
- (ii) The operation of a major bodily function, including 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 functions.

In determining other examples of major life activities, the term “major” must not be interpreted strictly to create a demanding standard for disability. Whether an activity is a major life activity is not solely determined by whether it is of “central importance to daily life.”

- E. Qualified – Satisfies the requisite skill, 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.
- F. Qualified Individual with a Disability – A person who meets the required skill, experience, education, or other requirements of an employment position that they hold or seek, and who can perform the essential functions of the position with or without a reasonable accommodation.
- G. Reasonable Accommodation – Modification or adjustment to a job or to the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform the essential job functions. Also includes adjustments to ensure that a qualified individual with a disability has rights and privileges in employment that are equal to those of nondisabled employees; **or**

Modifications or adjustments to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires; **or**

Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to: (a) The environment where work is performed or aid, benefits, services, or training are given; or (b) The customary manner in which, or circumstances under which, a job is performed, or aid, benefits, services, or training are given; **or**

Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

- H. Substantially Limits – An impairment that limits the ability of an individual to perform a major life activity, as compared to most people in the general population.

- I. Undue Hardship – An undue hardship occurs when the provision of an accommodation would cause significant difficulty or expense to an agency. An employer considers the following factors when determining if providing accommodation is an undue hardship:
- (i) The nature and net cost of the accommodation needed;
 - (ii) The overall financial resources of the component involved in the provision of the reasonable accommodation, the number of persons employed in the component, and the effect on expenses and resources;
 - (iii) The overall financial resources and size of the agency with respect to the number of its employees, and the number, type, and location of its operational components;
 - (iv) The agency's operations, including the composition, structure, and functions of the workforce; the geographic separateness; and the administrative or fiscal relationship of the operational component to the organizations; and
 - (v) The impact of the accommodation upon the component, including the impact on the ability of other employees to perform their duties and the impact on the operational component's ability to conduct its business.

6. REASONABLE ACCOMMODATION PROCESS AND PROCEDURES

A. Initiating a Request for Reasonable Accommodation or Personal Assistance Services (PAS)

An employee or applicant may initiate a request for Reasonable Accommodation at any time, may do so orally or in writing, and need not have any specific accommodations in mind. A request for Reasonable Accommodation need not include any specific terms or words, nor must any specific form be used in order to initiate a sufficient request.

An employee's request may be made to any supervisor in the employee's direct chain of command ("Deciding Official") or to the Reasonable Accommodation Coordinator. Applicants may make a Reasonable Accommodation request to the Reasonable Accommodation Coordinator or any employee connected with the application process. Applicants and employees may contact the Reasonable Accommodation Coordinator to track the processing of requests for reasonable accommodation. *See* 29 C.F.R. §§ 1614.203(d)(3)(i)(D), (i)(G) & (R).

The Reasonable Accommodation Coordinator generally is responsible for clearing all hiring decisions and reasonable accommodations, with the knowledge to arrange for the use of agency resources to provide the accommodations, including any centralized fund IMLS may have for that purpose. The Reasonable Accommodation Coordinator also coordinates the arrangements for making the workspace accessible to individuals with disabilities and for obtaining equipment, furniture, software, or other services such as sign language interpreters.

IMLS's Director of Human Resources serves as the Reasonable Accommodation Coordinator. The HR Director, Antoine Dotson, may be reached at adotson@imls.gov or (202) 653-4728.

In most circumstances, it is the obligation of the employee to request a reasonable accommodation. However, where the need for an accommodation is or becomes obvious to a supervisor or Reasonable Accommodation Coordinator, the reasonable accommodation process should begin. A request for Reasonable Accommodation also may be made by an employee's or applicant's family member, health professional, or other representative who is acting on the individual's behalf with the individual's consent. *See* 29 C.F.R. § 1614.203(d)(3)(i)(G).

Once the need for an accommodation is sufficiently communicated or known, as described above, an interactive and flexible process to identify an effective accommodation is promptly triggered. This interactive process is described immediately below in subsection B.

An effective accommodation is one that will allow the employee to perform the essential functions of the job. The accommodation need not be the most expensive, nor must it be exactly what the employee requests, but it must be effective.

Additionally, an employee or applicant may request PAS in the same manner as a request for Reasonable Accommodation. The employee must indicate within the request which types of basic human functions are to be assisted. An employee needing a PAS as well as assistance with job-related tasks may make a separate request for Reasonable Accommodation. The process for determining whether PAS can be provided by IMLS will follow the same protocol as a Reasonable Accommodation Request.

B. Processing the Request

Once IMLS has notice of a Reasonable Accommodation Request or the need for a reasonable accommodation, as described above, the agency will promptly engage with the applicant or employee in an interactive process, coordinating with the employee or applicant to confirm the necessary information and to identify possible accommodations. While the interactive process can begin before any specific form is completed, the employee or applicant must submit a written request during the process, using the "Request for Reasonable Accommodation" Form (Attachment 1) included in the Appendix below. *See* 29 C.F.R. §§ 1614.203(d)(3)(i)(D), (i)(E), (i)(F) & (i)(H).

The Reasonable Accommodation Coordinator, direct supervisor, or other Deciding Official and the employee will engage in an interactive process to determine if the employee is a qualified individual with a disability and to identify an effective, reasonable accommodation. The interactive process should help identify the precise nature of the issue that generated the request and why the desired accommodation is necessary to assist the employee. Alternative accommodations that may also be effective in meeting an employee's needs should also be considered.

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 different forms of reasonable accommodation are being considered. A supervisor should coordinate closely with the

Reasonable Accommodation Coordinator to confirm that all timely, appropriate steps are taken throughout the interactive process, including whether medical information is needed.

If an employee has concerns about disclosing a disability to a supervisor, the employee may make the Reasonable Accommodation request to any supervisor in the direct chain-of-command or the Reasonable Accommodation Coordinator. Employees should understand, however, that it may become necessary to disclose information to certain supervisors. If a supervisor fails to respond to a request for Reasonable Accommodation promptly, the employee should contact any supervisor in the direct chain-of-command or the Reasonable Accommodation Coordinator.

During the interactive process, IMLS may require medical information when the employee's need for accommodations is not apparent and there is no other medical information already on record which demonstrates that need. Only the Reasonable Accommodations Coordinator may request medical information; and any supervisor involved in a reasonable accommodation process must coordinate with the Reasonable Accommodations Coordinator to determine whether additional medical documentation is necessary. The Reasonable Accommodation Coordinator, in consultation with the Office of General Counsel, ensures that medical documentation requests are handled appropriately.

The Reasonable Accommodations Coordinator also ensures that any supervisor involved in the reasonable accommodations request process is advised of the necessary parameters for denying an accommodation based on cost; the supervisor must consider all resources available to the agency, excluding those designated by statute for a specific purpose that does not include reasonable accommodations.

C. Medical Documentation and Confidentiality

Generally, the requesting employee's direct line supervisors have a business need to know that an employee or applicant has a disability requiring reasonable accommodations. In some cases, the disability and need for accommodations will be obvious or otherwise already known to the decision making official. In these cases, supervisors will not seek medical information.

However, when a disability and/or need for reasonable accommodations is not obvious or otherwise already known, supervisors will coordinate with the Reasonable Accommodation Coordinator to determine what medical information, if any, is necessary to learn about the disability and functional limitations to properly assess possible reasonable accommodations.

In appropriate circumstances, the Reasonable Accommodation Coordinator may require an individual who requests reasonable accommodations to provide medical information that is sufficient to explain the nature of the individual's disability, the individual's need for reasonable accommodations, and how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace. *See* 29 C.F.R. §1614.203(d)(3)(i)(I).

IMLS has the right to request relevant supplemental medical information if the medical information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodations, or does not otherwise clarify how the requested accommodations will assist the employee perform the essential functions of the job. The failure to provide appropriate documentation or to cooperate with IMLS's efforts to obtain such documentation may result in denial of the accommodations request. *See* 29 C.F.R. § 1614.203(d)(3)(i)(J).

IMLS's request for supplemental documentation must be sufficiently specific to enable the employee to know what to provide. It is not appropriate to request medical information that is unrelated to the individual's request for accommodations. For example, an individual may request an ergonomic keyboard because of carpal tunnel syndrome. Although a supervisor may obtain medical information about the carpal tunnel syndrome and the need for the keyboard, the supervisor may not request other unrelated medical information. IMLS also has the right to have medical information reviewed by a medical expert chosen and paid for by IMLS. *See* 29 C.F.R. § 1614.203(d)(3)(i)(K).

D. Timelines

15 Workdays Deadline. An agency official who receives a request for Reasonable Accommodation is obligated to respond to it promptly. IMLS processes Reasonable Accommodation requests and provides accommodations, where appropriate, as soon as reasonably possible. The time necessary to process a request depends on the nature of the accommodations and whether it is necessary to obtain supporting information.

If a Reasonable Accommodation request requires no additional medical information and if there are no extenuating circumstances, the request must be processed, and the accommodation provided, in no more than **15 workdays** from the date the supervisor or Reasonable Accommodation Coordinator received the request or otherwise became aware of the need for accommodation. *See* 29 C.F.R. § 1614.203(d)(3)(i)(M). In circumstances where an accommodation can be provided sooner than 15 workdays, the failure to provide the accommodation more quickly **may result in a violation of the Rehabilitation Act.**

When a request is approved, the Reasonable Accommodation Coordinator must procure the equipment, furniture, and/or services on an expedited basis. Final written documentation of the Reasonable Accommodation process should issue within **10 workdays** of the decision.

IMLS will promptly notify the employee or applicant in writing if an appropriate accommodation cannot be provided promptly, including the projected timeframe for providing the accommodation (**email is acceptable**). IMLS also will provide prompt written notice when there is a delay in either processing or providing a reasonable accommodation. The notice must include the reason for the delay, including any extenuating circumstances that justify the delay. *See* 29 C.F.R. § 1614.203(d)(3)(i)(S).

Expedited Processing. A request for a Reasonable Accommodation requiring an expedited review and decision must be completed as quickly as possible. *See* 29 C.F.R. § 1614.203(d)(3)(i)(P).

Extended Deadline. Although IMLS must promptly process reasonable accommodation requests, including possible alternative accommodations, with the employee, there may be circumstances where additional time will be required to identify appropriate accommodations. When additional medical information is necessary, IMLS should not delay in requesting it from the employee or applicant. A final disposition ordinarily should be made within seven business days of receipt of medical documentation in cases where medical documentation is required. If an individual's health care provider fails to provide necessary documentation in a timely manner, then the requesting individual cannot expect IMLS to adhere to the timelines provided here. *See* 29 C.F.R. § 1614.203(d)(3)(i)(N).

Interim Accommodation. In certain circumstances, an interim accommodation may be necessary on a temporary basis while IMLS proceeds to secure a more permanent accommodation. If an interim accommodation both allows the individual to perform some or all the essential functions of the job and does not pose an undue hardship on the agency, then IMLS shall provide for such interim accommodation temporarily. *See* 29 C.F.R. § 1614.203(d)(3)(i)(Q).

E. Final Decisions, Required Documentation and Recordkeeping

The Reasonable Accommodation Coordinator will issue a final decision on each Reasonable Accommodation request. A direct supervisor also may issue the final decision in coordination with the Reasonable Accommodation Coordinator. *See* 29 C.F.R. § 1614.203(d)(3)(i)(F).

Pursuant to Executive Order 13164, IMLS must maintain records of requests for accommodations and their dispositions. The employee requesting accommodations should complete the "Request for Reasonable Accommodation" Form (Attachment 1) included in the Appendix below. Once a supervisor or the Reasonable Accommodation Coordinator determines, after appropriate consultation, whether a request for accommodations will be granted or denied, the Reasonable Accommodation Coordinator or supervisor must complete the "Request for Reasonable Accommodation Reporting Form" (Attachment 3), also in the Appendix.

If a request for Reasonable Accommodation is denied, the "Denial of Reasonable Accommodation" Form (Attachment 2) in the Appendix must be completed by the Reasonable Accommodation Coordinator or supervisor and a copy promptly provided to the individual who requested the accommodation. *See* 29 C.F.R. § 1614.203(d)(3)(i)(E)(iii). A denial of a Reasonable Accommodation request must be in writing and explain the reason(s) for the denial. The Reasonable Accommodation Coordinator or direct supervisor denying the request also must inform the employee of the right to file an EEO complaint, a grievance, or, if there is an adverse action, an appeal with the Merit Systems Protection Board. The denial notice also should identify any available informal dispute resolution avenues.

The Reasonable Accommodations Coordinator will maintain all related materials and documentation upon final determination of the request. All requests for accommodations, along with any medical or other documentation provided, will be kept in files separate from the employee's personnel file. Records related to a particular individual's accommodations request should be kept by the Reasonable Accommodation Coordinator

for the duration of the individual's employment. These records are confidential. Access to this information is strictly limited to the following officials:

- Supervisors and managers who need to know may be told about necessary restrictions 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 told to investigate the agency's compliance with the Rehabilitation Act;
- Workers' compensation offices or insurance carriers may be told if the disability if there is information relevant to a claim; and
- Agency EEO officials may be given the information to maintain records. *See* 29 C.F.R. § 1614.203(d)(3)(i)(L).

The Reasonable Accommodation Coordinator will develop cumulative records, without individual identifiers, based on these forms, so that IMLS may track performance relating to the provision of reasonable accommodations. These cumulative records will be kept for a minimum of 3 years.

The Reasonable Accommodation Coordinator also will compile cumulative data related to reasonable accommodations for tracking purposes. Each Reasonable Accommodation process must record the following information: the specific reasonable accommodation requested, if any; the job (occupational series, grade level, and agency component) sought by requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request. *See* 29 C.F.R. §§1614.203(d)(3)(i)(R) & 1614.203(d)(8)(vi)(A)-(G).

7. AVAILABLE ACCOMMODATIONS

The following provides guidance on the types of accommodations IMLS should provide for certain disabilities where such accommodations would enable the individual to perform the essential functions of the job or participate in the benefits of the job. If an individual can no longer perform the essential functions of the current job, the agency must consider reassigning the individual to another vacant position in certain circumstances. *See* Section 8 below.

A. Accommodations for People Who Are Deaf, Hard of Hearing, or Who Have Other Communication-Related Disabilities

IMLS will accommodate employees and job applicants who are deaf, hard of hearing, or who have speech or motor impairments affecting communication by providing appropriate auxiliary aids and services and other accommodations to facilitate effective communication in all programs and services. Appropriate auxiliary aids may include, but

are not limited to, telecommunication devices for deaf individuals ("TTYs"), sign language and oral interpreters, computer-assisted real-time transcription services, note takers (for training courses and meetings), captioned training tapes, and assistive listening devices and systems.

B. Accommodations for People Who Are Blind or Have Visual Impairments

IMLS will accommodate employees and job applicants with visual impairments by providing readers and accessible computer equipment that is compatible with networks and other computer software. All IMLS publications and training materials will be made available in accessible formats such as large print, computer disk, or Braille.

C. Accommodations for People with Mobility and Manual Impairments

IMLS will provide office equipment (i.e., raised desks) for people with mobility impairments to facilitate the employee's ability to work efficiently and without injury. Offices may be made accessible by adding ramps, automatic door openers, accessible toilet stalls, and clearing hallways of obstructions. For manual impairments, examples of accommodations might include, but are not limited to, the use of personal assistants for travel, voice recognition systems, and alternative keypad and keyboard access.

D. Accommodations for People with Mental or Psychiatric Illnesses or Disabilities Affecting Stamina

Alternatives to the traditional structured work environment allow many people with disabilities such as HIV or cancer, and mental or psychiatric illness such as major depression or panic attack disorders, to work full-time without compromising the quality and quantity of their work for IMLS, their health, or their ability to schedule frequent medical treatment as necessary. Where an employee provides adequate medical documentation of need, IMLS supervisors should consider flexible work schedules, the ability to telecommute, and extended leave as possible reasonable accommodations. IMLS will also accommodate employees with learning disabilities. Supervisors may consider the impact of the accommodation upon the operation of their offices, including the impact on the ability of other employees to perform their duties, as well as the impact on the component's ability to conduct business.

E. Service Animals

A service animal means any guide dog, signal dog, or other animal trained to aid persons with disabilities including, but not limited to, guiding persons who have visual or hearing impairments. A service animal also may be an animal trained to pull a wheelchair. IMLS permits the use of service animals, which may accompany employees throughout IMLS and to all IMLS activities.

8. IMPLEMENTING ACCOMMODATIONS

The following guidance will assist supervisors in handling requests for accommodations:

A. Procuring Equipment, Furniture, and Services

Approved requests for equipment, furniture, or other services such as interpreters for deaf employees, should be submitted to the Reasonable Accommodation Coordinator. Often the employee requesting the accommodation is knowledgeable about a specific product that is effective. Therefore, if known, a detailed description of the supplies, equipment, or services should be provided, including any specifications, preferences, or manufacturer literature.

Once approved, all procurement-related reasonable accommodations requests should be processed in accordance with federal procurement guidelines. Requests for reasonable accommodations should be tracked and prioritized to ensure that accommodations will be provided expeditiously.

IMLS participates in the Computer/Electronic Accommodations Program (CAP). Thus, where an employee needs adaptive equipment for computer hardware and software, the Reasonable Accommodation Coordinator should contact the CAP Program for assistance. IMLS's Human Resources Office can provide additional information about the CAP Program.

B. On-Going Accommodations

Some employees may need accommodations on an intermittent basis. For example, a deaf employee may need an interpreter for attendance at meetings or training sessions. Each request is *not* a new request for accommodations, and does not require a formal, written request or a formal written response. Supervisors should work with the Reasonable Accommodation Coordinator to ensure that such accommodations will be made available on an as-needed basis.

C. Accommodations Outside the Usual Place of Work

Official off-site events, such as retreats, training sessions, official office parties, and similar functions, should be located in places that are accessible to all employees. IMLS has an obligation to ensure that programs, such as training programs sponsored through outside entities, whether at other agencies or through a private sector entity, are fully accessible and provide the accommodations necessary to facilitate the participation of employees with disabilities. Where an outside program does not provide a necessary accommodation, it remains the responsibility of IMLS to provide that accommodation.

D. Job Restructuring and Work Schedules

Requests for modified work schedules, telecommuting and job restructuring—that is, modifying the scope of a job—involve individualized assessments that consider the needs of the employee and the needs of the office. IMLS should consider providing flexible work schedules as a reasonable accommodation to employees with disabilities where the

employee establishes the need for such a schedule. Supervisors should discuss various options with the employee to devise a reasonable work schedule.

It also may be necessary to redefine an employee's job duties as a reasonable accommodation. An employee must be able to perform the essential functions of the job, but where it is possible to remove certain non-essential tasks from an employee's work requirements, this should be done.

E. Reassignment to a Vacant Position

Under the Rehabilitation Act, reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, can be a reasonable accommodation when there is no other reasonable accommodation that will permit an employee with a disability to perform the essential functions of their current position.

IMLS is not required to create jobs for individuals. *Reassignment will only be considered if no other reasonable accommodation is available.* When it appears that reassignment is appropriate, the supervisors and Reasonable Accommodation Coordinator should attempt to identify jobs to which an individual can be reassigned or detailed. IMLS will first focus on positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, IMLS may consider vacant lower-level positions for which the individual is qualified. *See 29 C.F.R. §§ 1614.203(d)(3)(i)(B) & (i)(C).*

F. Job Applicants

Reasonable accommodations for job applicants may include providing an accessible location for job interviews; sign language interpreters; providing other assistive devices; and other accommodations that may be needed in the application process.

G. Retaliation

A supervisor may not retaliate against an employee who has requested an accommodation.

9. INFORMAL DISPUTE RESOLUTION AND STATUTORY CLAIMS

IMLS will utilize existing procedures for informal dispute resolution that may include any of the following processes: prompt reconsideration of a denial, review by a second-line supervisor, or review by another neutral party. These procedures will vary depending upon the specific circumstances of each individual request. Any employee or applicant denied reasonable accommodations may pursue informal dispute resolution by promptly notifying the Reasonable Accommodation Coordinator upon receipt of denial. *See 29 C.F.R. §§ 1614.203(d)(3)(i)(U) & (iii)(A).*

Reconsideration, review, and use of alternative resources do not affect the time limits for initiating statutory claims. An individual's participation in informal dispute resolution processes will neither satisfy nor delay the time restrictions.

IMLS's reasonable accommodations policy is in addition to statutory protections for persons with disabilities and the remedies those protections provide for the denial of requests for reasonable accommodations. Requirements governing the initiation of statutory claims, including time frames for filing such claims, remain unchanged. *See* 29 C.F.R. §§ 1614.203(d)(3)(i)(T) & (iii)(B).

For an EEO complaint: Employees must contact an EEO Office and an EEO Counselor within 45 days from the date of denial of accommodations. *See* 29 C.F.R. §§ 1614.203(d)(3)(iii)(C) & (D).

Merit Systems Protection Board: Where an applicant or employee believes that the denial of a reasonable accommodations request results in an adverse action, the individual may initiate an appeal to the Merit Systems Protection Board within 30 days of the appealable adverse action as defined in 5 C.F.R. § 1201.3.

Disclaimer:

These guidelines do not create any right or benefit, substantive or procedural, enforceable by law against the United States.

10. RESOURCES

A. Selected Internal Reasonable Accommodation Resources

The Reasonable Accommodation Coordinator as well as the EEO Office and the Office of Human Resources are ~~will be~~ available, as needed, to assist employees and decision makers in processing requests. The Office of Human Resources (OHR) also is available to help with personnel actions, adjusting schedules/flexible leave policies/alternative work schedules, and alternate work sites. OHR also can assist in obtaining a medical review of medical documentation submitted by employees seeking reasonable accommodations. IMLS also maintains an interagency agreement with Department of Defense's Computer/Electronic Accommodations Program (CAP) to handle most requests for adaptive equipment for computers. The EEO Office also is a referral resource.

B. Selected External Reasonable Accommodation Resources

- **U.S. Equal Employment Opportunity Commission (EEOC)**
1-800-669-3362 (Voice)//1-800-800-3302 (TTY)//www.eeoc.gov

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 1630 et seq. In addition, the EEOC has published a great deal of basic information about reasonable accommodations and undue hardship. The two main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9 (1997), and (2) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The Manual includes a 200-page Resource

Directory, including federal and state agencies, and disability organizations that can assist with identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodations in the following guidance and documents: (1) Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 192-94, 7201 (1995); (2) Enforcement Guidance: Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); (5) Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (March 1, 1999); and (6) Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

All the above-listed documents, except for the ADA Technical Assistance Manual and Resource Directory, are available on the EEOC's website.

- **Job Accommodation Network (JAN)**

1-800-232-9675 (Voice/TTY) // <http://janweb.icdi.wvu.edu/> (link is external)

Job Accommodations Network (JAN) is comprised of JAN's website, www.askjan.org, and various disability advocacy groups. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

- **Computer/Electronic Accommodations Programs (CAP)**

- **ADA Disability and Business Technical Assistance Centers (DBTACs)**

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

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

- **Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TTY)

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

- **RESNA Technical Assistance Project**
(703) 524-6686 (Voice)/(703) 524-6639 (TTY)/<http://www.resna.org> (link is external)

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.

APPENDICES

[Attachments 1, 2, and 3 below]

Request for Reasonable Accommodation

(To be maintained separate and apart from personnel files and for the duration of the individual's employment.)

1.

<u>Click or tap here to enter text.</u> Employee's Name	<u>Click or tap here to enter text.</u> Employee's Telephone No.
<u>Click or tap here to enter text.</u> Title/Series/Grade	<u>Click or tap here to enter text.</u> E-mail Address
<u>Click or tap here to enter text.</u> Date of Request	<u>Click or tap here to enter text.</u> Employee's Office

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

Click or tap here to enter text.

3. **Reason for Request:**

Click or tap here to enter text.

If accommodation is time sensitive, please explain:

Click or tap here to enter text.

Submit this Form to Reasonable Accommodation Coordinator or Decision Maker

Denial of Reasonable Accommodation

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. Decision Maker must complete numbers 1-4 and complete number 5, if applicable.)

1. Name of employee requesting reasonable accommodation:

Click or tap here to enter text.

2. Type(s) of reasonable accommodation requested:

Click or tap here to enter text.

3. Request for Reasonable accommodation denied because: *(may check more than one box)*

- ☐ Accommodation Ineffective
- ☐ Accommodation Would Cause Undue Hardship
- ☐ Medical Documentation Inadequate
- ☐ Accommodation Would Require Removal of an Essential Job Function
- ☐ Accommodation Would Require Lowering of Performance or Production Standard
- ☐ Other (Please identify): Click or tap here to enter text.

4. Detailed reason(s) for the denial of reasonable accommodation *(Must be specific, e.g., why accommodation is ineffective or causes undue hardship):*

Click or tap here to enter text.

5. If the individual proposed one type of reasonable accommodation which was denied, but rejected an offer of an alternative type of accommodation, explain both the reasons for denial of the requested accommodation and why the offered accommodation would be effective

Click or tap here to enter text.

NOTICE TO INDIVIDUAL:

6. If you wish to request reconsideration of this decision, you may take the following steps:

- First, ask the Decision Maker to reconsider his/her denial. Additional information may be presented to support your request.
- Utilize existing procedures for informal dispute resolution that can include any of the following processes: review by a second line supervisor or review by another neutral party.

RECONSIDERATION, REVIEW, AND USE OF ALTERNATIVE RESOURCES DO NOT AFFECT THE TIME LIMITS FOR INITIATING STATUTORY CLAIMS. AN INDIVIDUAL'S PARTICIPATION IN INFORMAL, ALTERNATIVE DISPUTE RESOLUTION PROCESSES WILL NEITHER SATISFY NOR DELAY TIME RESTRICTIONS OF THE FORMAL PROCESSES INDICATED BELOW.

7. If you wish to file an EEO complaint, or pursue MSPB and union grievance procedures, you must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor in the appropriate Equal Employment Opportunity office ***within 45 days from the date of denial or reasonable accommodation***; or
- For a filing a written grievance in accordance with the provisions of the Dispute Resolution Systems Directive or
- Where the denial of a request results in adverse action, initiate an appeal to the Merit Systems Protection Board ***within 30 days of an appealable adverse action*** as defined in 5 C.F.R. § 1201.3.

Click or tap here to enter text.

Print/Type: Name/Title of Decision Maker

Click or tap here to enter text.

Signature of Decision Maker

Date reasonable accommodation denied: Click or tap here to enter text.

I acknowledge that I have read the above information regarding my request for accommodation.

Click or tap here to enter text.

Signature of Requester

Click or tap here to enter text.

Date

Request for Reasonable Accommodation Reporting Form

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. A copy must be provided by the Decision Maker to the Reasonable Accommodation Coordinator.)

Name of employee requesting reasonable accommodation: Click or tap here to enter text.

Office of employee: Click or tap here to enter text.

1. Reasonable accommodation: (Check one)

- ☐ Approved (If approved, attach copy of Attachment 1.)
- ☐ Denied (If denied, attach copies of Attachments 1 & 2 and any related written denial letter/memo.)

2. Date reasonable accommodation requested: Click or tap here to enter text.

Who received request: Click or tap here to enter text.

3. Name of Decision Maker if different from person identified directly above: Click or tap here to enter text.

4. Date reasonable accommodation approved or denied: Click or tap here to enter text.

5. Date reasonable accommodation provided (if different from date approved): Click or tap here to enter text.

6. Interim measures provided, if any:

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

9. Reasonable accommodation needed for: (check one)

- ☐ Performing Job Functions or Accessing the Work Environment
- ☐ Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)

10. Type(s) of reasonable accommodation requested *(Mark any that apply):*

- ☐ Personnel Action; ☐ Adaptive Equipment (including Information Technology and Communications Equipment)
☐ Specially Designed Furniture ☐ Removal of an Architectural Barrier(s) (including reconfigured work spaces)
☐ Accessible Parking ☐ Materials in Alternative Formats (e.g., Braille, large Print) ☐ Job Restructuring
☐ Retraining ☐ Adjusting Schedules ☐ Flexible Leave Policies ☐ Alternate Work Schedules
☐ Alternate Work Site ☐ Reassignment to Another Job
☐ Reader, Sign Language Interpreter, or other Staff Assistant
☐ Other: Click or tap here to enter text.

11. Type(s) of reasonable accommodation provided *(if different from what was requested):*

Click or tap here to enter text.

12. Was medical or other appropriate supporting information required to process this request? If yes, explain why:

Click or tap here to enter text.

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

Click or tap here to enter text.

14. Comments:

Click or tap here to enter text.

Submitted by: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Title: Click or tap here to enter text.

PRIVACY ACT STATEMENT

(These forms are covered by the Privacy Act of 1974. Public Law 93-597.
Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** Attachment 1/Request for Reasonable Accommodation/ July 22, 2021; Attachment 2/Denial of Reasonable Accommodation/July 22, 2021; or Attachment 3/Reasonable Accommodation Information Reporting Form/July 22, 2021.
2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the IMLS only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by IMLS to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the letting of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records. To a former employee of the IMLS for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable IMLS regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the IMLS requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Attachment 1 is voluntary; Attachments 2 & 3 are mandatory for the Reasonable Accommodation Coordinator and Decision Makers.