Guide for Processing Reasonable Accommodations for Managers and Supervisors
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Many federal employees have heard the phrase “reasonable accommodation,” but, its meaning is frequently misunderstood. An accommodation is any modification or adjustment to a job, an employee practice, or the work environment that makes it possible for an individual with a disability to apply for and/or perform the essential functions of a position, and enjoy equal benefits and privileges of employment.

While many individuals with disabilities may apply for and perform jobs without reasonable accommodation(s), other people may encounter workplace barriers that may prevent them from entering the workforce. Workplace barriers may prevent others from performing jobs that they could do if reasonable accommodations were provided. Workplace barriers may be physical obstacles that make the workplace inaccessible or prevent the effective operation of equipment. Workplace barriers may include procedures or rules concerning when, how and where work is performed. For example, when employees take breaks, or if routine job tasks are required, reasonable accommodation(s) removes workplace barriers that hamper the effectiveness of an otherwise competent individual. Without reasonable accommodation, individuals with disabilities are more likely to experience difficulties performing their jobs. Reasonable accommodation(s) also allows the agency to expand its pool of qualified workers and meet its obligation to provide equal employment opportunities for all.

In accordance with the Rehabilitation Act of 1973 and Equal Employment Opportunity Commission (EEOC) guidance, the Department of Navy (DON) has developed policy and issued guidance for providing reasonable accommodation for qualified individuals with disabilities. This policy applies to applicants for employment and current employees.

What constitutes a request for reasonable accommodation?

A request for accommodation does not have to be done on a specific form, be submitted to a specific person, such as the servicing Human Resources Office (HRO), Reasonable Accommodation Program Manager (RAPM), or be submitted by the employee, or, initially, be submitted in writing. Family members, friends, a health care professional, or other representative may request an accommodation on behalf of the employee. The request may be made in “plain English,” and does not have to use any specific terminology, such as “reasonable accommodation,” in order to be a valid request. However, a request for reasonable accommodation must always relate a request for an adjustment or change at work related to a medical condition.

The following are examples of requests for reasonable accommodation:

- A telephone call from a spouse indicating that the employee fell due to multiple sclerosis and needs to take leave.
A letter from a doctor after a job-related injury requesting light duty.

An employee tells her supervisor, “I’m having trouble getting to work at my scheduled starting time because of medical treatments I’m undergoing.”

An employee tells his supervisor, “I need six week off to get treatment for a back problem.”

A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office.

**What is required from the employee when he or she is seeking reasonable accommodation?**

The agency is entitled to know that an individual has a covered disability that requires a reasonable accommodation. The agency may ask for medical information about the individual’s disability. The medical information should be three months old or less, and should reflect the individual’s capabilities and limitations. The medical information should also address the need for reasonable accommodation(s) if the disability and/or need for accommodation are not obvious.

**Who can request reasonable accommodation?**

Reasonable accommodation can be requested by an employee or applicant having a need for reasonable accommodation.

An agency does not have to hire or retain an individual who is not qualified to perform the position held.

**What types of reasonable accommodations can be provided?**

Typically, there are three categories of reasonable accommodations:

- Modifications or adjustments to the job application process to permit individuals with a disability to be considered for a job (e.g., providing application forms in alternative formats such as large print or Braille)

- Modifications or adjustments to enable an individual with a disability to perform the essential functions of the job (e.g., providing sign language interpreters, assistive technology, ergonomic aids)

- Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment such as those enjoyed by similarly situated employees without disabilities
  - Benefits and privileges of employment include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and (3) parties or
other social functions (e.g., parties to celebrate retirements and birthdays, and company outings)

- Other types of accommodations may include flexible work schedules, extra time for projects, and under limited circumstances (nature of work to be performed), the opportunity work from home

- Each accommodation request must be considered on a case-by-case basis

**Undue Hardship**

An employer may decide that a particular accommodation will impose an “undue hardship” and is therefore not reasonable. The HRO RAPM can provide information regarding such a claim. A employer cannot merely assert such a hardship – it must prove that the accommodation would impose significant difficulty and/or expense, considered in light of the following:

- The nature and cost of the accommodation – Must consider the overall resources of DON
- The overall financial resources of the facility
- The number of employees at the facility
- The type of operations in which the facility is engaged
- The impact of the accommodation upon the operations of the facility

Managers and supervisors must seek advice and guidance prior to making a decision on whether or not to provide a RA or deny an RA due to undue hardship.

**Essential Functions**

The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be essential if, among other things, it meets the following criteria: 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/her ability to perform it.

The essential functions of a position are determined by the written position description, input from the supervisor/manager, and the consideration of the amount of time it takes to perform a function as well as the consequences of not performing a function. Essential functions are not marginal or infrequently performed tasks that could be eliminated without altering the fundamental nature of the job.

Evidence of whether a particular function is essential includes, but is not limited to: (a) the employer's judgment as to which functions are essential; (b) written job descriptions prepared
before advertising or interviewing applicants for the job; (c) the amount of time spent on the job performing the function; (d) the consequences of not requiring the incumbent to perform the function; (e) the terms of a collective bargaining agreement; (f) the work experience of past incumbents in the job; and/or (g) the current work experience of incumbents in similar jobs.

**When it is appropriate to make disability-related inquires or request medical examinations**

A disability-related inquiry is any question that is likely to elicit information about a disability. Examples of these inquiries include the following:

- **Pre-offer:** Cannot inquire as to whether an individual has a disability.
- **Post-Offer, Pre-employment:** Only if required of all entering employees in same job category.
- **During Employment:** If job-related and consistent with business necessity. If there is objective evidence that shows that because of a medical condition the employee cannot perform the essential functions of the job or poses a direct threat; or
- **In support of an accommodation request,** if the disability or need for accommodation is not known.

**Confidentiality**

All medical information **must** be keep confidential and supervisors/managers may not reveal that an accommodation has been granted. Many workplace issues are personal in nature as are reasonable accommodation situations. If someone asks a question relating to an accommodation of another, supervisors should inform the person asking that his/her privacy would similarly be respected if s/he found it necessary to ask the employer for some workplace change for personal reasons.

**Establish a Reasonable Accommodation (RA) Advisory Team**

At a minimum, a Reasonable Accommodation (RA) Advisory Team should consist of the HRO/EEO RAPM; an HR Specialist and/or Employee Relations Specialist. As needed, the team may consult with technical experts, safety, medical, legal, Office of Workers Compensation Program (OWCP) etc., depending on the complexity of the request for accommodation.

All RA requests should be processed in accordance with Subchapter 1606 and other Department of Navy guidance *(generally within 30 days of the initial request)*. All persons involved in the RA process must safeguard the confidentiality of any medical information obtained. All medical information must be maintained in a separate and secured file away from other personnel files.

Additionally, the RAPM is responsible for tracking and monitoring RA requests.
Circumstances for Expedited Processing

All requests for accommodation should be processed in as short a time as reasonably possible. The processing will depend largely on the specifics of the accommodation request. There may be special circumstances when expedited processing may be appropriate, including a situation where the accommodation is needed to enable an individual to apply for a job or a specific command activity is scheduled to occur shortly.

The Reasonable Accommodation Process:

1. When management becomes aware of a request for accommodation, the reasonable accommodation process is necessary to determine the employee’s entitlement for an accommodation. If a reasonable accommodation request is made, an interactive discussion must take place between the employee and the supervisor to determine what medical condition requires an accommodation. The supervisor should contact the RAPM for assistance in processing the request for reasonable accommodation.

2. The RAPM will meet with the individual with a disability to exchange information, clarify the individual’s needs and identify an appropriate reasonable accommodation. The exact nature of the dialogue will vary. In many instances, both the disability and the type of accommodation required will be obvious, and there may be little or no need to engage in prolonged discussion. In other situations, the RAPM should ask questions concerning the nature of the disability and the individual's functional capabilities and limitations. The dialogue should continue and include the supervisor to help identify an effective accommodation.

Tips:

- **Err on the side of caution:** If a supervisor is not sure whether an employee has requested an accommodation, the supervisor should ask the employee to clarify what is being requested and why.

- **Act quickly:** Once an accommodation request is identified, the supervisor should respond immediately – contact the RAPM for assistance to make sure the request is processed in a timely manner. Unnecessary delays in processing an accommodation request can violate the Rehabilitation Act.

3. The employee who requested the accommodation is often the best source of information about the disability and possible accommodations. However, in some cases the individual may know that he/she is having difficulty, but may be uncertain about the exact cause or possible solution. For example, if an employee with a non-visible disability indicates she is having trouble completing her work tasks because of her disability, the supervisor does not have enough information to provide an effective accommodation. Under the Rehabilitation Act, when an employee requests an accommodation and the disability and need for accommodation are not obvious, then the
supervisor/manager can request medical documentation to help determine whether the employee has a disability and needs the requested accommodation, and to obtain information to help process the accommodation request. The supervisor should seek assistance from the RAPM in preparing the request for additional medical information.

4. The RAPM will help to ensure that the request for medical documentation includes all necessary forms and details the specific information required. The RAPM will develop the RA case file, which should contain the employee’s written reasonable accommodation, detailing the specific physical or mental limitation(s) and what accommodations are necessary, and other required information. This information is vital for assessing options for an appropriate accommodation. It is imperative that all medical documentation is considered confidential and is NOT shared with anyone who is not actively involved in the employee’s reasonable accommodation request. Managers/supervisors must not disclose to other employees that another employee is receiving a reasonable accommodation.

5. Once medical documentation is received, the RAPM will coordinate with the employee’s first-level supervisor and a Human Resources Specialist. Additional members may be included as appropriate, such as legal counsel, an Occupational Health physician, or other members of management. The purpose is to review the medical documentation and determine whether or not the employee is a qualified individual with a disability who is entitled to a reasonable accommodation, unless providing the accommodation results in an undue hardship.

6. An individual with a disability is defined as an individual with a physical or mental impairment that substantially limits a major life activity, and who can perform the essential functions of the position with or without reasonable accommodation. If the panel determines that the employee’s disability does not substantially limit a major life activity or that the employee cannot perform the essential functions of the position, with or without accommodation, the employee does not meet the definition of disability under the Rehabilitation Act. In this case, the command is not obligated to provide reasonable accommodation(s).

7. The RAPM will advise the management official of the panel’s determination of whether the employee is eligible for reasonable accommodation. If it is determined that the employee is not a qualified individual with a disability, the employee is provided a denial of reasonable accommodation letter and advised of their right to seek a reconsideration, invoke Alternative Dispute Resolution, file a grievance under a negotiated grievance procedure or file an EEO complaint. The RAPM will assist the manager by drafting the denial of RA letter. The manager will issue the letter to the employee. If the panel determines that the employee is a qualified individual with a disability, the RAPM will work with the supervisor and employee to explore options for accommodating the employee in his/her current position. If an accommodation is not available that will allow the employee to perform the essential functions of his/her position, a reassignment to a vacant funded position may be considered.
8. In cases where a command/activity (with assistance of RAPM) determines a denial of a request for reasonable accommodation is necessary, that determination, along with the case file, must be reviewed and certified by the Director, Civilian Personnel Programs, NETC Command Deputy EEO Officer and the command’s legal counsel to ensure compliance with CHRM 1606. The RA case file is then closed and kept in the servicing HRO/EEO office for retention.

**Helpful links and points of contact**

The information herein provides an overview of the reasonable accommodation process. However, there are other sources of information that may be helpful in providing the answers to frequently-asked questions, examples of various accommodations as they relate to particular disabilities, and points of contact for further information.

Resources:

For questions regarding Reasonable Accommodation you may contact your servicing HRO/EEO RAPM for assistance (Check your official EEO Bulletin Boards for contact information).

**NETC Reasonable Accommodation POC**
(850) 452-3766 or DSN 922-3766

**Computer/Electronic Accommodations Program (CAP)**
(703) 681-8813 (Voice); (703) 681-0881 (TTY); (703) 681-9075 (Fax); [cap@tma.osd.mil](mailto:cap@tma.osd.mil) (email)

**Job Accommodation Network (JAN)**
[http://janweb.icdi.wvu.edu/](http://janweb.icdi.wvu.edu/)
(800) 526-7234 (Voice); (877) 781-9403 (TTY)

**Local State Department of Rehabilitation**

**Equal Employment Opportunity Commission (EEOC)**