

PPM 3100-29

Section: **Management**

Subject: **Reasonable Accommodations for
Individuals With Disabilities**

To: All OCC Employees

Purpose

This issuance revises *Policies and Procedures Manual* (PPM) 3100-29, “Reasonable Accommodations for Individuals With Disabilities,” dated September 27, 2021. This PPM explains the policy and procedures for processing requests for reasonable accommodation and, when appropriate, for providing voluntary job modification or accommodation to Office of the Comptroller of the Currency (OCC) employees and job applicants with disabilities. The PPM was updated to reflect transfer of the program from Human Capital to the Office of Minority and Women Inclusion.

References

- 5 USC 2302, “Prohibited Personnel Practices”
- Rehabilitation Act of 1973 (29 USC 791, et seq., as amended)
- Executive Order 13164, “Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation,” July 26, 2000
- Americans With Disabilities Act Amendments Act of 2008 (ADAAA), Pub. L. 110-325 ADAAA, effective 2009
- U.S. Department of the Treasury Transmittal TN-12-002, “Interim Voluntary Modification and Reasonable Accommodation Policy and Procedures,” November 15, 2011
- U.S. Department of the Treasury, Civil Rights & Diversity (CRD), CRD-008 Policy for Personal Assistance Services, dated July 20, 2018
- U.S. Equal Employment Opportunity Commission (EEOC), “Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation,” October 20, 2000
- EEOC, “Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act,” October 17, 2002
- EEOC, “Regulations to Implement the Equal Employment Provisions of the Americans With Disabilities Act, as Amended,” issued March 25, 2011, became effective May 24, 2011 (29 CFR 1630 and appendix)

- EEOC, “EEOC Issues Regulations on the Federal Government’s Obligation to Engage in Affirmative Action for People With Disabilities,” issued January 3, 2017, became effective January 3, 2018 (29 CFR 1614.203)

Scope

This policy applies to all OCC employees and job applicants.

Policy

The OCC is committed to providing reasonable accommodations to employees and job applicants for employment to assure that individuals with disabilities enjoy full access to equal employment opportunity (EEO). The OCC provides accommodations for known physical or mental limitations of otherwise qualified employees and job applicants with disabilities, unless the OCC can demonstrate that a particular accommodation would impose an undue hardship on the operation of the OCC’s programs. The OCC strives to be an employer of choice and values its employees and job applicants. To ensure that the OCC maintains an effective and efficient workforce, managers should provide voluntary modifications when a request for a modification is easy and inexpensive to provide, and the reasonable accommodation process is unnecessary (e.g., ergonomic keyboard, footrest, special chair, screen enhancement software, etc.).

Responsibilities

The Executive Director for Workforce Diversity and Inclusion is responsible for establishing OCC policy and procedures for handling requests for accommodation based on a medical condition.

The Equal Employment Opportunity (EEO) Officer is responsible for

- overseeing the activities of the Disability Accommodation Program and the Disability Accommodation Coordinator (DAC), consistent with this PPM to include oversight of the request to expend agency resources in connection with a request.
- overseeing the processing of informal complaints or pre-complaints related to requests for accommodation and allegations of discrimination based on a disability.
- overseeing the security and confidentiality of medical information and requests for accommodation.

The DAC is responsible for

- receiving and tracking requests for accommodation based on a medical condition.
- consulting with and providing advice and information to managers, supervisors, and employees on accommodation requests.
- researching options for accommodations and making recommendations.
- participating in ongoing communication with all parties involved in processing requests for accommodations.

- ensuring the confidentiality and security of medical information collected to support accommodation requests.
- working with Facilities Management, Acquisition Management, and Information Technology Services to obtain equipment and services needed for an accommodation.
- working with the contracting officer’s representatives for applicable contracts.
- administering the annual accommodation budget and coordinating the acquisition of services and equipment needed to provide accommodation.
- completing reporting requirements for the accommodation program.
- responding to employees’ or applicants’ inquiries for an update on the processing of reasonable accommodation requests.

The Director for Workforce Relations and Performance Management is responsible for

- providing appropriate notification to the union and observing any duty to bargain over the impact and implementation of this PPM.
- providing advice and guidance to managers and supervisors concerning the provisions of this PPM and any related applicable provisions of the Collective Bargaining Agreement.
- maintaining the security and confidentiality of centralized employee medical files.

Administrative and Internal Law (AIL) is responsible for

- advising on legal issues including applicable statutory and regulatory requirements for reasonable accommodation.
- maintaining the confidentiality of an employee’s medical information and request for accommodation.

Supervisors and managers (Deciding Officials) are responsible for

- submitting all requests for accommodations—even if unsure whether a request was received because the employee was vague or not specific—to the DAC as soon as possible, but no later than three business days after receipt.
- maintaining the confidentiality of an employees’ medical information and requests for accommodation.
- issuing decisions to employees’ reasonable accommodation requests by using the [Resolution of a Reasonable Accommodation Request Form](#).

Procedures

I. Voluntary Modification (Workplace Solution)

Separate and apart from the Reasonable Accommodation program, a manager or any designated official with responsibility for identifying possible voluntary modifications or workplace solutions may choose to grant a voluntary modification outside of the reasonable accommodation process. (See the [Request for Workplace Solution Services Form](#).) When applicable and when

the requested modification is easy or inexpensive, this option allows managers or designated officials to grant a modification without establishing that the individual has a disability.

A voluntary modification does not require supporting medical documentation. A justification may, however, be required. If a justification is necessary for a voluntary modification, the documentation requirement must be minimal and straightforward in nature. If the medical information provided necessitates interpretation, a medical opinion, or a medical release, the request shall be considered and processed as a request for reasonable accommodation.

Note: If a voluntary modification is not granted or if it is not quick and easy with or without minimal medical documentation, the request must be treated as an accommodation request.

Making a voluntary modification does not mean, and may not be used to imply, that the OCC has determined the individual is an individual with a disability, the individual is regarded as having a disability, or that an accommodation is needed.

Examples of voluntary modifications that can be easily provided outside of the reasonable accommodation process include but are not limited to

- an employee requests an ergonomic keyboard or mouse.
- an employee requests a footrest to elevate the employee's legs to decrease swelling in the legs and feet.
- an employee requests an adjustable height desk to decrease discomfort in the employee's back from prolonged sitting.

II. Requesting an Accommodation

A. Request

1. The accommodation process begins as soon as the request for accommodation is made, either orally or in writing. (See the [Request for Reasonable Accommodation Form](#).) The request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." An individual with a disability may request an accommodation at any time, even if the individual has not previously disclosed the existence of a disability.
 - a. Each request requires a response but does not mean the OCC must provide the requested accommodation.
 - b. An individual does not need to have a specific accommodation in mind before making the request. When an individual requests a type of accommodation that will be needed on a repeated basis (e.g., a sign language interpreter, Communication Access Real-time Translation (CART) services, or readers), the OCC does not require the individual to submit a written request for each time the accommodation is needed. Once this type of accommodation is approved for the first time, the employee may obtain the accommodation by notifying the DAC or the employee's supervisor.
 - c. Supervisors and managers are responsible for submitting all requests for

accommodations to the DAC as soon as possible, but no later than three business days after receipt. Even if a supervisor or manager is unsure if an employee made a reasonable accommodation request because the employee was vague or not specific, the supervisor or manager should contact the DAC as soon as possible, but no later than three business days after the initial conversation with the employee.

- d. Upon receiving notification of an employee’s or applicant’s request for accommodation, the DAC will inform the employee that the employee may contact the DAC with any questions regarding the processing of the accommodation request. Applicants will be notified that they may send inquiries to a designated electronic mailbox.
2. The employee’s request must be considered when an employee makes a request to (a) the employee’s immediate supervisor; (b) a supervisor or manager in the employee’s immediate chain of command; (c) the EEO Officer; or (d) the DAC in the Office of Minority and Women Inclusion. A job applicant’s request will be considered if made to any agency employee with whom the job applicant has contact in connection with the application process or any other individual designated by the OCC.
 3. A family member, friend, health care professional, or other representative may request an accommodation on behalf of an employee or job applicant with a disability. The request shall be made to one of the persons listed in section II.A.2 of this PPM. If possible, the individual with a disability will be contacted to confirm that the individual, in fact, wants an accommodation. The individual with a disability may decline to make a request or refuse to accept an accommodation.
 4. Requests for medical information follow the requirements set forth in the EEOC’s Enforcement Guidance, “Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act.”
 5. The DAC will seek information or documentation about the disability or functional limitations from the individual or ask the individual to obtain such information from an appropriate health care professional, such as a doctor, social worker, or rehabilitation counselor. To get the most helpful information, all OCC requests for information should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information, such as a position description or the employee’s performance plan. The documentation provided to the OCC should be sufficient to explain the nature of the individual’s disability, his/her need for accommodation, and how the requested accommodation will assist the individual in applying for the job, performing the essential functions of the job or enjoying the benefits and privileges of the job. The agency has the right to request relevant supplemental medical information if the first submission was insufficient.

B. Written Requests for Record-Keeping Purposes

1. As noted in section II.A.1 of this PPM, requests may be written or oral. A written request is preferable but not required. To ensure accurate records, the DAC should confirm in

writing the receipt of a request for accommodation, documenting when the request was received, and the nature of the accommodation requested. (See the [Request for Reasonable Accommodation Form](#).)

C. The Interactive Process

1. Communication is a priority throughout the entire process. The DAC and appropriate agency management officials involved in an accommodation request should be proactive in searching for and considering possible accommodations, including consulting appropriate resources for assistance. The employee or job applicant requesting the accommodation should also participate, to the extent possible, in helping identify an effective accommodation.
2. Ongoing communication is particularly important when the specific limitation, problem, or barrier is unclear, an effective accommodation is not obvious, or different possible accommodations exist. When the disability, the need for accommodation, and the type of accommodation that should be provided are clear, discussions can be less extensive. Even so, the DAC, Deciding Official, and requester should confer to ensure there is a full exchange of relevant information. Whether the requester provides medical documentation directly to the DAC or via sealed envelope to FOH, the Deciding Official is provided only information that is useful and necessary in determining and implementing an appropriate and effective accommodation, such as the limitations the employee has in performing the functions of the position and how the requested accommodation or other effective accommodation may resolve the limitations. The DAC does not share specific information that discloses the diagnosis or nature of the disability, including medication taken, with the Deciding Official.

D. Reassignment and Other Position Changes as an Accommodation

1. Reassignment is considered only if, during the interactive process, no other accommodations appear available to enable the individual to perform the essential functions of the individual's current job, or if the only effective accommodation would cause undue hardship. The OCC is not obligated to create a position for the purpose of reassignment. *Note: The inability to work for a particular supervisor is not a disability, and the OCC does not have to provide an employee with a new supervisor as a reasonable accommodation.*
2. If the OCC determines that an employee cannot perform the essential functions of the employee's position because of a medical condition, with or without an accommodation, the OCC's Office of Human Capital¹ must review vacancies for which the employee is qualified to determine if there is another position at the same or lower grade that the employee can perform with or without an accommodation. The OCC may establish the

¹ The Office of Human Capital is responsible for reviewing the employee's qualifications, determining the essential functions of a particular position, and making the final decision on whether an employee has the requisite qualifications for a position.

time periods during which it reviews vacancies but must do so for a minimum of 30 business days before expanding the search to other Treasury Department bureaus.

3. Because it may take a minimum of 30 business days to determine whether an appropriate vacant position exists, the OCC and employee should discuss the employee's options during that period (e.g., use of accrued leave, use of unpaid leave, or a temporary assignment to a light duty position).
4. In considering whether there are positions available for reassignment, the OCC should identify
 - a. all funded vacant positions within the OCC for which the employee is qualified, with or without an accommodation; and
 - b. all funded positions that the Office of Human Capital has reason to believe will become vacant over the next 30 business days and for which the employee is qualified.

The OCC may ask the employee for an updated résumé and to identify what grade or grades and locations the employee will accept. The OCC must explain to the employee that failure to provide such information could result in the agency's inability to identify positions for which the employee may be qualified. (See [Reassignment Request Form \(From Employee\)](#))

The OCC will first focus on positions within the OCC that are equivalent to the employee's current job in terms of grade, pay, and other relevant factors. If there is no vacant equivalent position, the OCC will follow the steps in section II.D.5 of this PPM. If the OCC identifies a vacant position at a lower grade level, the Office of Human Capital must keep that position vacant until the Treasury Department's Disability Program Manager conducts a search in other Treasury Department bureaus for positions at the employee's current grade level.

Treasury Department bureaus are not required to consider positions at a higher grade or positions with known promotional potential greater than the employee's current position. While the employee is not required to apply for positions under the reassignment as a reasonable accommodation process, the employee is entitled to apply for such positions under any OCC hiring process.

5. Based on the EEOC's guidance, a search must be conducted Treasury-wide; however, before a request is sent to the Treasury Department's Disability Program Manager for assistance in a Treasury-wide search, the OCC's Human Capital official must certify in writing that
 - a. a search for all funded vacant positions for which the employee is qualified, with or without an accommodation, was conducted for a period of 30 business days;
 - b. no equivalent position or a position at a lower grade was identified; and

- c. there are no equivalent vacant positions that the Office of Human Capital has reason to believe will become vacant over the next 30 days for which the employee may be qualified.

This information should be forwarded to the Treasury Department's Disability Program Manager, who will coordinate a search for a position for an additional 30 business days. If no vacant equivalent position exists and the OCC is not holding a position at a lower grade level, the Treasury Department will consider vacant lower-graded positions for which the individual is qualified. If the OCC is holding a position at a lower grade level, the Treasury Department will only search for positions at a higher grade level not to exceed the employee's current grade level.

6. The OCC's Office of Human Capital, the OCC's EEO office, and the Treasury Department's Disability Program Manager should maintain a record of the searches conducted.
7. Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, the OCC is not required to pay for the employee's relocation costs unless agency policy provides for such payments for non-disabled employees.
8. Once a reassignment offer has been made, the employee has 14 business days to accept or decline the offer.
9. If no vacant positions for which the employee is qualified are available, the OCC has 30 business days from the date of the Treasury Department's notification to issue the employee a final decision letter explaining why reassignment as an accommodation could not be provided.

E. Granting Accommodations and Time Frames for Processing Requests

1. Granting an accommodation request. As soon as the Deciding Official determines, in consultation with the DAC, that an accommodation will be provided, the decision should be communicated immediately to the individual by the Deciding Official. If the accommodation cannot be provided immediately, the Deciding Official must inform the individual of the projected time frame for providing the accommodation. A Deciding Official or supervisor will also take temporary or interim accommodation measures to facilitate the work of an employee, when there is a delay in providing the approved accommodation. Deciding Officials should use the [Resolution of Reasonable Accommodation Request Form](#) to issue the decision.
2. Time frames for processing a request. Generally, the time frame for processing a request, notifying the requester of the outcome, and providing accommodation, if the request is granted, is as soon as possible but no later than 20 business days from the date the request is made, absent extenuating circumstances (e.g., lack of awareness by the DAC, delayed receipt of documents). The 20-business-day period for processing of the request begins

when an oral or written request for reasonable accommodation is made and not necessarily when it is received by the DAC. Therefore, everyone involved in processing a request should respond as quickly as possible.

If the DAC must request medical information or documentation from a requestor's health care provider, the time frame will stop on the day that the DAC makes a request to the individual to obtain medical information or sends out a request for information or documentation and will resume on the day that the information or documentation is received by the DAC. Thereafter, the 20-day period time frame is frozen until sufficient medical documentation is received from the employee. The agency cannot indefinitely suspend the time frame while the DAC determines the sufficiency of the documentation. The OCC recognizes that the need for documentation may not become apparent until after the interactive process has begun. Managers and supervisors should understand that the provision of the maximum time frame does not mean they should routinely take the full length of time allowed.

If the disability is obvious or already known to the DAC, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the DAC should not require the full 20 business days to process the request. For example, the following requests ordinarily can be provided in less than 20 business days:

- a. An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test blood sugar levels in private.
- b. An employee with clinical depression who takes medication which makes it hard to get up in time to get to the office at 9:00 a.m. requests to be allowed to start work at 10:00 a.m. and still work an eight-and-a-half-hour day.
- c. A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the employee's disability makes it difficult to read quickly and more time is needed to prepare.

F. Expedited Processing

In certain circumstances, a request for accommodation requires an expedited review and decision in a time frame that is shorter than the 20 business days discussed in the previous section of this PPM. Examples include the following:

1. An applicant applying for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, a need may exist to expedite a request for an accommodation to ensure a job applicant with a disability has an equal opportunity to apply for a job. Therefore, the OCC should move as quickly as possible to make a decision and, if appropriate, provide an accommodation.
2. An employee attending a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five days.

G. Extenuating Circumstances

Extenuating Circumstances. These are circumstances that could not reasonably have been anticipated or avoided in advance of the request for accommodations, or that are beyond OCC's ability to control. When extenuating circumstances are present, the time for processing a request for accommodation and providing the accommodation will be extended as deemed necessary. Such extensions, however, should be rare. The DAC, Deciding Official, and any other responsible party (for example, Workplace Services, Information Technology Services, Management Services, etc.) are expected to act as quickly as reasonably possible in processing requests and providing accommodations. The following are examples of extenuating circumstances:

1. Equipment purchases may take longer than 20 business days due to Federal Acquisition Regulation requirements.
2. Equipment is back-ordered; the vendor typically used by the OCC for goods or services has unexpectedly gone out of business; or the vendor cannot promptly supply the needed goods or services, and another vendor is not immediately available.
3. The employee with a disability needs to work with equipment on a trial basis to ensure it is effective before the OCC buys the equipment.
4. New staff must be hired or contracted, or an accommodation involves the removal of architectural barriers.

When extenuating circumstances are present, the Deciding Official must notify the employee, in writing, of the reason for the delay, and the approximate date on which a decision, or provision of the accommodation, is expected. Any further developments or changes should also be communicated promptly to the employee.

If a delay in providing an accommodation that has been approved occurs, the Deciding Official, in consultation with the DAC, must decide whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the Deciding Official may authorize measures that are not accommodations within the meaning of the law (e.g., temporary removal of an essential function) if

1. the measures do not unreasonably interfere with the operations of the organization or agency; and
2. the employee is clearly informed that the relief/alternative is being provided only on a temporary basis.

For example, there may be a delay in receiving adaptive equipment for an employee with a vision impairment. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment,

but it allows the employee to perform as much of the job as possible until the equipment arrives.

If a delay is attributable to the need to obtain or evaluate medical documentation and the OCC has not yet determined the individual is entitled to an accommodation, the OCC will provide an accommodation on a temporary basis absent undue hardship. In such a case, the Deciding Official, in consultation with the DAC, notifies the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

Deciding Officials who approve such temporary measures must ensure they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

III. Denying an Accommodation Request

When a Deciding Official decides to deny a request for accommodation, the official must issue a written decision to the individual who requested the accommodation. The denial must be written in plain language with as much specificity as possible, clearly stating the specific reasons for the denial. The Deciding Official must consult with the DAC and AIL before issuing a denial. The Deciding Official must use the [Resolution of Reasonable Accommodation Request Form](#) to issue the decision.

- A. When the Deciding Official decides to provide an alternate accommodation, the written decision should explain both why the requested accommodation was not provided and why the Deciding Official believes the alternate accommodation will be effective.
- B. The written decision must include specific reasons for the denial of an accommodation. Specific reasons may include, but are not limited to, the following:
 - 1. The requester does not meet the definition of an individual with a disability, as defined in part 501 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA), as amended by the ADA Amendments Act (ADAAA).
 - 2. The medical documentation does not establish that the individual has a disability or needs an accommodation.
 - 3. The requested accommodation would not be effective.
 - 4. The requested accommodation would result in undue hardship. Before reaching this determination, the Deciding Official, in consultation with the DAC, must have explored whether other effective accommodations exist that would not impose undue hardship and therefore could be provided.

A determination of undue hardship means the OCC finds that a specific accommodation would result in significant difficulty or expense or would fundamentally alter the nature

of the agency's operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the OCC follows the standards outlined in the regulations and in the EEOC's "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act."

5. The requested accommodation would require the removal of an essential function.
 6. The requested accommodation would require the lowering of a performance or production standard.
- C. The written decision denying a request for accommodation must also inform the individual that the individual has the right to file an EEO complaint and may have rights to pursue U.S. Merit Systems Protection Board or union grievance procedures. The written decision must also explain agency procedures available for dispute resolution.

IV. Dispute Resolution

- A. If an individual wishes reconsideration, the individual should first ask the Deciding Official to reconsider the decision within 10 business days of receiving the written denial to provide an accommodation. The individual may present additional information in support of the request. The Deciding Official will respond to the request for reconsideration within five business days. Any request for reconsideration received after 10 business days of the denial will be treated as a new request for an accommodation.
- B. If the Deciding Official does not reverse the decision, the individual may appeal the decision within 10 business days of receiving the Deciding Official's denial of the request for reconsideration. The appeal is decided by the next level manager or any other senior official in the Deciding Official's chain of command. A response to the appeal is issued to the individual within 10 business days.
- C. Pursuing dispute resolution procedures, including seeking reconsideration from the Deciding Official and filing an appeal, does not suspend the time limits for initiating claims under any collective bargaining agreement or the EEO complaint process.

V. Confidentiality and Disclosure

- A. All medical information, including information about functional limitations and accommodation needs, obtained in connection with a request for accommodation, must be kept secure and confidential. The information must be kept in files separate from the individual's official personnel file and stored in a separate locked cabinet or other password-protected file. In addition, employees who obtain or receive such information are strictly bound by these confidentiality requirements. The information may be disclosed, as necessary, to those individuals involved in determining whether to grant a reasonable accommodation. In addition, individuals who have access to medical information necessary to grant a reasonable accommodation may not disclose this information except as follows:

1. Deciding Officials who need to know may be told about necessary restrictions on the work or duties of the employee and the necessary accommodation or accommodations, but medical information should be disclosed only if absolutely necessary.
2. First aid and safety personnel, when appropriate, may be told, if the disability might require emergency treatment or special arrangements in emergency situations, such as building evacuations.
3. Government officials may be told when the information is necessary to investigate compliance with the Rehabilitation Act of 1973.
4. In certain circumstances, workers' compensation offices or insurance carriers may be told.
5. The OCC's EEO officials may be given the information to maintain records and evaluate and report on the agency's performance in processing reasonable accommodation requests.

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that apply.

VI. Information Tracking and Evaluation

- A. The Office of Minority and Women Inclusion annually evaluates the OCC's accommodation program. An effective accommodation program is part of a model EEO program, and results must be included in the agency's Management Directive (MD)-715 report. The executive summary of the OCC's MD-715 report should include a discussion of the following:
 1. Accessibility of the accommodation policy to employees and job applicants with or without a disability (e.g., posted on the Internet, intranet, disseminated in employee handbooks, or available in alternative formats, such as Braille).
 2. The number of accommodation requests approved, and of that, the number approved within the time frames set out in OCC procedures.
 3. The number of accommodation requests denied.
- B. Additionally, 29 CFR 1614.203(8)(vi), at a minimum, requires agencies to maintain and make available to EEOC the following reasonable accommodation records:
 1. The specific reasonable accommodation requested, if any;
 2. The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;

3. 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;
4. Whether the request was granted (which may include an accommodation different from the one requested) or denied;
5. The identity of the deciding official;
6. If denied, the basis for such denial; and
7. The number of days taken to process the request.

VII. Relationship of Procedures to Statutory and Collective Bargaining Claims

- A. Executive Order 13164 does not create, modify, or limit the rights of job applicants or employees under the Rehabilitation Act of 1973 or any other law. The policy and requirements described in these procedures are in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for accommodation. The requirements governing statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.
- B. An individual who chooses to pursue other available remedies must comply with the following:
 1. **EEO complaint:** Contact the OCC's EEO office within 45 calendar days from the event alleged to be a violation of the Rehabilitation Act.
 2. **Collective bargaining claim:** File a grievance in accordance with the provisions of the controlling Collective Bargaining Agreement.
 3. **Merit Systems Protection Board appeal:** Initiate an appeal within 30 calendar days of an appealable adverse action as defined in 5 CFR 1201.3.

Program Evaluation

Compliance with the policies and procedures outlined in this PPM will be reviewed through the Personnel Management Evaluation Program and other appropriate audits.

Whistleblower Protection Notice

“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions,

requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling. This agreement, policy or form (as applicable) does not prohibit or restrict an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection.” (5 USC 2302(b)(13))

Further Assistance

For further information and assistance, contact the Office of Minority and Women Inclusion.

Joyce B. Cofield
Executive Director for Workforce Diversity and Inclusion

Appendixes

Appendix A: Definitions

Appendix B: Types of Reasonable Accommodations

Appendix C: Resources and References

Appendix D: Sample Reassignment Request (to Treasury Department)

Appendix A: Definitions

Deciding Official: An OCC official who has authority to determine whether a requested accommodation will be provided.

Disability: For the purposes of providing an accommodation, “disability” is defined as a physical or mental impairment that substantially limits one or more of the major life activities or a record (or past history) of such an impairment.

Disability Accommodation Coordinator (DAC): The DAC is the representative from the Office of Minority and Women Inclusion designated to officially process a request for accommodation from an employee or job applicant (or an individual acting on that person’s behalf), consult with and advise appropriate management officials (the Deciding Officials) and employees, and monitor the request until it is closed.

Dispute resolution process: Any voluntary mechanism through which an individual can request reconsideration of denial of accommodation, regardless of whether the individual has started the EEO complaint process.

Essential function: Those job duties so fundamental to the position the individual holds or desires that the individual cannot do the job without performing them. A function can be “essential” if, among other things, the position exists specifically to perform that function; a limited number of other employees could perform the function; the function is specialized and the individual is hired based on the ability to perform it; or the position requires an employee to be physically located in a particular place. Determination of the essential functions of a position must be done on a case-by-case basis to reflect the job as actually performed, and not simply the components of a generic position description.

Extenuating circumstances: Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation (e.g., identified software is not compatible with existing equipment).

Genetic information: As defined by the Genetic Information Nondiscrimination Act of 2008, genetic information includes information concerning the manifestation of disease/disorder in family members (“family medical history”), information about an individual’s or a family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Individual with a disability: For the purpose of providing an accommodation, an “individual with a disability” is defined as a person who has a physical or mental impairment that substantially limits one or more of that person’s major life activities or who has a record of such an impairment.

Interactive process: The process by which the individual requesting an accommodation and the Deciding Official discuss the request for accommodation, determine whether an accommodation will be provided, and examine potential alternative accommodations.

Major life activities: Basic activities that the average person in the general population can perform with little or no difficulty (i.e., caring for oneself, performing manual tasks, walking, seeing, standing, hearing, speaking, breathing, reading, eating, sleeping, communicating, bending, lifting, concentrating, learning, working, and the operation of major bodily functions).

Medical certificate or justification: A brief note or form signed by a medical professional stating that the employee had a medical condition or required treatment, and the dates of absence, if any. A medical certificate or justification does not include detailed medical information (diagnosis, prognosis, or treatment received).

Medical documentation: When the disability or need for an accommodation is not obvious or already known to the agency, reasonable documentation may be required. Reasonable documentation means only the documentation necessary to establish that an individual has a disability as defined by law and the disability necessitates an accommodation. Documentation must be provided by appropriate health care or rehabilitation professionals, including but not limited to, doctors, psychologists, nurses, physical therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Qualified individual: An individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or seeks, and who, with or without an accommodation, can perform the essential functions of such position.

Reasonable accommodation: An adjustment or alteration that enables an otherwise qualified individual with a substantially limiting impairment or a record of such an impairment to apply for a job, perform job duties, or enjoy benefits and privileges of employment. The three categories of accommodations are as follows:

- Accommodations required to ensure equal opportunity in the application process that permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille).
- Accommodations that enable employees with disabilities to perform the essential functions of the position held or desired (such as providing sign language interpreters).
- Accommodations that enable employees with disabilities to enjoy equal benefits and privileges of employment as enjoyed by employees without disabilities (such as removing physical barriers in an organization's cafeteria).

Reassignment: Reasonable accommodation of last resort, that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to funded vacant positions and for employees who are qualified to fill the vacant

position.² Informing an employee that she/he may apply for or otherwise compete for a position does not satisfy the obligation of appropriate officials to review vacancies for positions for which the employee is qualified to determine if there is another position at the same or lower grade that the employee can perform. If the employee is qualified for the position, she/he will be reassigned to the job and will not have to compete. The OCC may establish the time periods during which it reviews vacancies but must do so for a minimum of 30 business days before expanding the search to other Treasury Department bureaus.

Receiving officials: Those designated to officially receive a request for accommodation from an employee or job applicant. The individual's request must be considered when an employee makes a request to (a) the employee's immediate supervisor, (b) a supervisor or manager in the employee's immediate chain of command, (c) the EEO Officer, or (d) the DAC in the Office of Minority and Women Inclusion. A job applicant's request will be considered if it is made to any agency employee with whom the job applicant has contact in connection with the application process or any other individual designated by the OCC.

Requester: A qualified employee, a job applicant with a disability, or an individual acting on the person's behalf who requests accommodation.

Request for accommodation: A statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. An accommodation request may be submitted orally or in writing, by the employee or job applicant or by someone associated with him or her.

Undue hardship: An action requiring significant difficulty or expense when considered in light of factors such as the agency's size, financial resources, and the nature and structure of the position. Determination of undue hardship is always made on a case-by-case basis, considering factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency.

Voluntary modification (also referred to as "workplace solution"): An adjustment or alteration granted outside of the accommodation process without requiring individuals to establish that they have a disability. Such a modification is particularly appropriate when the modification is easy and inexpensive (e.g., an ergonomic computer mouse or a computer screen glare protector). Provision of a voluntary modification does not mean that the OCC considers the individual to be an individual with a disability as defined herein or regarded as such.

Note: Nothing in this policy prohibits providing accommodations beyond those required by the ADA or the Rehabilitation Act of 1973 as amended by the ADAAA.

² The Office of Human Capital is responsible for reviewing the employee's qualifications, determining the essential functions of a particular position, and making the final decision on whether an employee has the requisite qualifications for a position.

Appendix B: Types of Reasonable Accommodations

The following types of reasonable accommodations include, but are not limited to, the following:

Adjusting work schedules: Supervisors and employees may modify work schedules as an accommodation. Adjustments can include, but are not limited to, flexible or part-time schedules, job sharing, and extra breaks. Leave, whether accrued paid leave or leave without pay, may also be used as an accommodation.

Modifying the application process: The OCC may modify the application processes to allow individuals with disabilities to participate fully. Examples may include providing additional time for the completion of an exam; allowing the use of a computer, reader, writer, or interpreter for an exam; or using an interpreter for an interview.

Modifying workstations: The OCC may modify workstations or work areas to assist employees with disabilities in carrying out their duties. For example, a work area may be made more accessible by widening the aisles, lowering the desk and shelves, or reconfiguring office furniture.

Personal Assistance Services: The OCC will provide Personal Assistance Services (PAS) to qualified employees with targeted disabilities. These employees who, because of a targeted disability, may require assistance to perform the basic daily activities in the workplace, at an approved telework site, during OCC-sponsored events and while on job-related travel.

Personal use items: The OCC is not required to provide personal use items, such as eyeglasses, hearing aids, or similar devices, if such an item is also needed off the job or in accomplishing daily activities both on or off the job.

Providing assistive devices: Use of assistive devices may allow persons with disabilities to perform the functions of their jobs or access OCC services. Devices may include, but are not limited to, telecommunication devices for the deaf, larger monitors, and special software. Assistive devices provided as an accommodation do not include items of a personal nature, such as glasses, hearing aids, or service animals.

Providing readers and interpreters: Readers assist blind job applicants and employees. A contractor or a non-OCC employee may perform this function. Employees may request sign language interpreters as needed for OCC conferences, meetings, training, and other appropriate events.

Providing transportation services: The OCC may periodically provide transportation, such as van services for employees using wheelchairs, as an accommodation. This allows employees with limited mobility to attend work-related conferences, meetings, training, and other appropriate events. The OCC does not provide transportation to and from work as an accommodation.

Restructuring jobs: Restructuring a job involves finding the factors that make a job incompatible with a disability, and, if possible, eliminating those factors. Restructuring does not alter the essential functions of the job; it focuses on nonessential duties. The goal is to alter slightly the method of task accomplishment, allowing the employee to perform the position's duties. A job analysis and consultation with the employee, supervisor, manager, human resources specialists, and rehabilitation specialists may accomplish this goal.

Service animal: A trained and certified animal (i.e., non-pet or companion) that performs on a day-to-day basis a specific disability-related major life activity or other service for its owner. Because trained and certified service animals are considered to be personal use accommodations, the OCC does not provide them.

Telework: Telework may be an approved accommodation when the employee's disability prevents him or her from successfully performing the job on-site and the job, or parts of the job, can be performed at an alternative site without causing significant difficulty or expense.

Appendix C: Resources and References

ADA Disability and Business Technical Assistance Centers

(800) 949-4232 (voice/TTY)

<http://adata.org>

Ten federally funded regional centers that provide information, training, and technical assistance relating to the ADA. Each center works with local businesses and professional networks and can make referrals to local sources of expertise in reasonable accommodation.

Computer/Electronic Accommodations Program

(703) 681-3978 (voice/TTY)

www.cap.mil/

A U.S. Department of Defense program that includes the Treasury Department as a partner. This program provides assistive technology to disabled employees.

EEOC

(800) 669-3362 (voice), 1-800-669-6820 (TTY), 1-844-234-5122 (ASL Video Phone)

<https://www.eeoc.gov/>

Technical guidance provided for the ADA reasonable accommodation and undue hardship administrative procedures.

Job Accommodation Network

(800) 526-7234 (voice) and (877) 781-9403 (TTY)

<https://askjan.org/>

Provides free information and consultation on various reasonable accommodation situations.

Office of Disability Employment Policy, U.S. Department of Labor

(202) 693-7880 (voice), 1-800-877-8339 (TTY)

<https://www.dol.gov/odep/>

Provides technical assistance and materials relating to the ADA and disability employment issues. Includes link to the Employment Assistance Referral Network, a free nationwide service to assist employers in identifying qualified candidates.

Registry of Interpreters for the Deaf

(703) 838-0030 (voice), (571) 384-5097 (video phone)

<http://rid.org/>

Includes information on locating and using interpreter services.

Rehabilitation Engineering and Assistive Technology Society of North American Technical Assistance Project

(202) 367-1121 (voice)

www.resna.org/

Makes referrals to projects in all U.S. states and territories offering technical assistance on technology-related services for persons with disabilities.

U.S. Office of Personnel Management

(202) 606-1800 (voice), 1-800-877-8339 (TTY)

<https://www.opm.gov/policy-data-oversight/disability-employment/>

Provides the latest information on employment of persons with disabilities in the federal government and information on reasonable accommodation.

Appendix D: Sample Reassignment Request (to Treasury Department)

Date:

To: [Recipient's Name]

From: [OCC Employee's Name, Title]

Subject: Request for a Reasonable Accommodation Department-Wide Job Search

This memorandum is to request a Treasury Department-wide accommodation job search for OCC employee, [Employee's Name]. The OCC's Office of Human Capital certifies that a review was performed on all funded vacant positions for which [Employee's Name] might qualify, with or without an accommodation, for a period of 30 business days. As a result of our search, we determined that there are no vacant positions for which [Employee's Name] is qualified nor are there additional positions that will become vacant over the next 30 days.

To assist with the Treasury Department-wide job search, attached is the Reassignment Request Form and any other supporting documents, e.g., updated résumé.