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ADS Chapter 111

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

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 ADS 111 – Procedures for Providing Reasonable Accommodation for
 Individuals with Disabilities
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This is a new ADS chapter.

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ADS 111 – Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

111.1 OVERVIEW

Effective Date: 09/29/2017

This document prescribes the U.S. Agency for International Development's (USAID) policy directives and required procedures for processing requests for reasonable accommodation for qualified employees and job applicants with disabilities.

The Rehabilitation Act of 1973, as amended, requires federal agencies to provide reasonable accommodations to qualified employees or applicants with disabilities, unless doing so would cause undue hardship. In general, an accommodation is a change in the work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodations:

1. Modifications or adjustments to a job application process to 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 and/or providing a sign language interpreter);
2. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters; making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and/or reassignment to a vacant position); and
3. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as training; services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation); and parties or other social functions (e.g., parties to celebrate retirements and birthdays, and Agency outings).

Many individuals with disabilities can apply for and perform jobs without the need for an accommodation. However, where workplace barriers exist, such as physical obstacles or rules about how a job is to be performed, reasonable accommodations serve two fundamental purposes. First, reasonable accommodations remove barriers that prevent people with disabilities from applying for, or performing jobs for which they are qualified. Second, reasonable accommodations enable agencies to expand the pool of qualified workers, thereby allowing the agencies to benefit from the talents of people they might otherwise have arbitrarily excluded from employment.

The procedures in this ADS chapter apply to all applicants for employment and employees as defined by applicable federal laws, regulations, and USAID policies. This chapter does not apply to contractors and their personnel, instead see FAR subpart

22.14. Personal Service Contractors (PSCs) might be covered in some circumstances; such determinations will be made on a case-by-case basis.

The procedures in this chapter are separate and apart from the medical clearance process governed by [16 FAM 200](#).

111.2 PRIMARY RESPONSIBILITIES

Effective Date: 09/29/2017

a. The Office of Civil Rights and Diversity (OCRD):

- (1)** Implements, administers, and monitors the reasonable accommodation program in a manner consistent with USAID policies and procedures, and all applicable federal laws, regulations, policies, and guidelines.
- (2)** Designates a Reasonable Accommodation Manager (RAM) to serve as the Agency's designated decision-maker on all reasonable accommodation requests.
- (3)** Requests the procurement of all reasonable accommodations, including but not limited to ergonomic equipment, electronic assistive devices, software and hardware, travel-related accommodations, facility modifications, and other items that are authorized as reasonable accommodations.
- (4)** Maintains and manages Agency contracts for facilitative services (e.g., American Sign Language interpreters, Real-Time Captioning or Communication Access Real-time Translation (CART)), and other auxiliary aids and services that are provided to employees and applicants as a reasonable accommodation.
- (5)** Educates stakeholders on the Agency's reasonable accommodation program and applicable federal laws, regulations, policies, and guidelines.
- (6)** Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

b. The Office of the General Counsel (GC):

- (1)** Provides input to OCRD on reasonable accommodations involving areas within GC's purview.
- (2)** Provides a representative to serve on the Disability Review Committee (DRC).

- (3) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

c. The **Office of Human Capital and Talent Management (HCTM)**:

- (1) Coordinates with OCRD to identify and facilitate reasonable accommodations involving areas within HCTM's purview (i.e., reasonable accommodations impacted by services provided by HCTM) for job applicants who are deemed minimally qualified and have requested a reasonable accommodation.
- (2) Coordinates with OCRD when an employee seeks disability retirement.
- (3) Includes in all vacancy announcements a statement that reads, "Applicants can notify the Office of Civil Rights and Diversity, the Office of Human Capital and Talent Management, or the contact person associated with this vacant position of their current or prospective need for a reasonable accommodation."
- (4) Includes in all offer letters a statement that reads, "If you are an individual with a disability and need a reasonable accommodation under the Rehabilitation Act of 1973, you may request an accommodation by contacting the Agency's Reasonable Accommodation Manager [contact info provided]."
- (5) Provides a representative from HCTM/ Employee and Labor Relations (ELR) to serve on the DRC.
- (6) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

d. The **Bureau for Management, Office of Management Services (M/MS)**:

- (1) Provides input to OCRD on reasonable accommodations involving areas within M/MS purview, including but not limited to: requests for parking (see [ADS 514, Parking](#)), architectural barriers, reconfigured workspaces and furniture, doors, bathrooms, and other capital expenditures for USAID/W facilities.
- (2) Implements all approved reasonable accommodations involving areas within M/MS purview, including but not limited to: parking, architectural barriers, reconfigured workspaces and furniture, doors, bathrooms, and other capital expenditures for USAID/W facilities, consistent with requisite timeframes.

- (3) Provides a representative to serve on the DRC.
 - (4) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.
- e. **The Bureau for Management, Office of Chief Information Officer (M/CIO):**
 - (1) Provides input to OCRD on reasonable accommodations involving areas within M/CIO's purview.
 - (2) Maintains and manages Agency contracts for specialized telecommunication services (e.g., the Federal Relay Service (FRS)).
 - (3) Coordinates with OCRD, conducts a Software & Hardware Approval Request Panel review, approves, secures, and installs IT-related accommodations (including computer and electronic hardware and software, apps, telephonic equipment, etc.), consistent with requisite timeframes.
 - (4) Provides a representative to serve on the DRC.
 - (5) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.
- f. **The Office of Security (SEC):**
 - (1) Provides input to OCRD on reasonable accommodations involving areas within SEC's purview.
 - (2) Provides a representative to serve on the DRC.
 - (3) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.
- g. **Bureau/Independent Office (B/IO) management staff:**
 - (1) Immediately (no later than two business days), notifies OCRD when a request for a reasonable accommodation is made by an employee or when the need for an accommodation is obvious.
 - (2) Coordinates with OCRD, supervisors, and requesting employees or job applicants to identify and facilitate reasonable accommodation requests.

- (3) Coordinates with OCRD to ensure that approved accommodations are implemented.
- (4) Maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

h. Executive Officers (EXOs):

- (1) Immediately (no later than two business days) notify OCRD when a request for a reasonable accommodation is made by an employee or job applicant, or when the need for an accommodation is obvious.
- (2) Coordinate with OCRD, supervisors, and requesting employees or job applicants to identify and facilitate reasonable accommodation requests.
- (3) Coordinate with OCRD to ensure that approved accommodations are implemented.
- (4) Maintain the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

i. Administrative Officers (AMS):

- (1) Immediately (no later than two business days) notify OCRD when a request for a reasonable accommodation is made by an employee or job applicant, or when the need for an accommodation is obvious.
- (2) Coordinate with OCRD to ensure that approved accommodations are implemented.
- (3) Coordinate with OCRD, supervisors, and requesting employees or job applicants to identify and facilitate reasonable accommodation requests.
- (4) Maintain the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

j. The Reasonable Accommodation Manager (RAM) serves as the Agency's designated decision-maker on all reasonable accommodation requests. Specifically, the RAM determines whether:

- The requestor is a qualified individual with a disability and is entitled to a reasonable accommodation;

- An accommodation is necessary to enable the employee to perform the essential functions of their job or to enjoy equal access to the benefits and privileges of the job;
- The requested accommodation is reasonably designed to help the employee perform the essential functions of their job, or to enjoy equal access to the benefits and privileges of the job;
- Any alternative accommodations would help the employee perform the essential functions of their job or enjoy equal benefits and privileges of the job; and
- An accommodation would impose an undue hardship on USAID's business.

k. The **Disability Review Committee (DRC)** (collectively or individually) serves an advisory role to the Reasonable Accommodation Manager for determining reasonable accommodations and reconsideration decisions. The DRC is comprised of the RAM and one representative each from GC, HCTM/ELR, M/CIO, SEC, and M/MS. When appropriate, a representative of the B/IO within which the request for accommodation arose and/or the chairperson of the Employees with Disabilities, Employee Resource Group (EWD/ERG) (or designee), may be invited by the RAM to participate. However, participation of an EWD designee is voluntary.

The DRC also maintains the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

l. Supervisors:

- (1) Immediately (no later than two business days) notify OCRD when a request for a reasonable accommodation is made by an employee or when the need for an accommodation is obvious.
- (2) Cooperate and engage with OCRD and pertinent stakeholders throughout the processing and implementation of the accommodation request.
- (3) Coordinate with OCRD to ensure that approved accommodations are implemented.
- (4) Maintain the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements.

m. Employees must:

- (1) Notify OCRD, their supervisor(s) or office manager(s) of their current or prospective need for a reasonable accommodation.
- (2) Provide OCRD with all requested information within required timeframes.
- (3) Cooperate and engage with OCRD and pertinent stakeholders throughout the processing and implementation of the accommodation request.
- (4) Immediately (no later than two business days) notify OCRD of any material change in the underlying medical condition(s) for which an accommodation was sought or provided which results in the need for an accommodation modification or cessation of the accommodation.

n. Applicants:

- (1) Notify OCRD, HCTM, or the contact person associated with the vacant position, of their current or prospective need for a reasonable accommodation.
- (2) Provide OCRD with all requested information within required timeframes.
- (3) Cooperate and engage with OCRD and pertinent stakeholders throughout the processing and implementation of the accommodation request.
- (4) Immediately (no later than two business days) notify OCRD of any material change in the underlying medical condition(s) for which an accommodation was sought or provided which results in the need for an accommodation modification or cessation of the accommodation.

111.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 09/29/2017

It is USAID's policy to comply with all of the reasonable accommodation requirements of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) Amendments Act, and all other applicable federal laws, statutes, regulations, and guidance. USAID is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure that individuals with disabilities enjoy full access to equal employment opportunity. The Agency provides reasonable accommodations to:

- Enable a job applicant with a disability to have an equal opportunity to participate in the application process and/or be considered for a job;
- Enable an employee with a disability to perform the essential functions of a position or access the workplace; and

- Allow an employee with a disability to enjoy equal benefits and privileges of employment as similar employees without disabilities.

OCRDR processes requests for reasonable accommodations. USAID provides reasonable accommodations when appropriate, in a prompt and efficient manner.

111.3.1 Requests for Reasonable Accommodation

111.3.1.1 Initiating a Request

Effective Date: 09/29/2017

Generally, an employee or applicant must let USAID know that they need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. A request is any communication in which an individual asks or states that they need USAID to provide or change something work-related because of a medical condition. An employee or applicant may request a reasonable accommodation at any time, orally or in writing, and the request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” Written requests should be sent to **reasonableaccommodations@usaid.gov**. Oral requests to the RAM or an OCRDR representative should be followed up with an email to **reasonableaccommodations@usaid.gov**.

When an individual makes a reasonable accommodation request to someone other than the RAM or an OCRDR representative, (e.g., the requestor’s immediate supervisor, another supervisor or manager in their immediate chain of command, an AMS Officer or EXO), the recipient must forward the request to the RAM (**reasonableaccommodations@usaid.gov**) within two business days. If the nature of the initial accommodation request is unclear, the recipient may seek clarification from the requestor to determine whether a reasonable accommodation is being sought. Notwithstanding, the recipient may not ask the requestor to disclose the underlying medical condition for which the accommodation is sought.

The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager in an employee’s chain of command, so it is imperative that the request be forwarded to the RAM within two business days.

A family member, healthcare professional, or other representative may similarly initiate an accommodation request on behalf of an employee or job applicant (e.g., a doctor’s note outlining medical restrictions for an employee may constitute a request). However, a designation of representation form is required before the Agency will share any medical information with the third-party individual.

An employee or applicant needing a reasonable accommodation on a permanent and recurring basis, such as a sign language interpreter, only needs to make the request once. Once the RAM issues a reasonable accommodation decision on the specific request, the Agency will provide the recurring accommodation, as needed, on a

continuing basis, as needed, and as may be reasonably appropriate. For example, the B/O or Mission will take the necessary steps to make the accommodation available upon receiving reasonable advance notice (i.e., 72 hours in advance) from the employee. However, the Agency may periodically assess the ongoing effectiveness of a recurring accommodation by conducting a review or requesting up-to-date medical documentation.

When considering air travel-related accommodations, the Agency will exhaust all potential effective accommodations before authorizing other than coach-class travel (e.g., business class). However, when the Agency provides a travel-related accommodation that includes any type of air travel other than coach-class, open-ended, blanket authorizations will not be granted (see [41 CFR §301-10.123, n.2](#) and [Federal Travel Regulation \(FTR\) §301-10.123](#)). Accordingly, approvals for travel-related accommodations that include any type of air travel other than coach-class are typically limited to a one year period or less, subject to recertification. Notwithstanding, no travel-related accommodation involving air travel other than coach-class will be approved for a period of more than three years without recertification. For purposes of recertification, USAID is not necessarily recertifying the existence of a disability (especially when the disability has been deemed “permanent” or “life-long” by a competent medical authority); rather, it is necessary to reassess the limits, restrictions, and other contributing and relevant factors to ensure that the Agency provides an appropriate, effective, and reasonable accommodation based upon up-to-date information.

If a request for accommodation involves a new or different disability or requires an accommodation that is different from what the Agency previously approved, a new request must be initiated to the RAM. For example, an employee requests an accommodation for a back condition. The RAM grants the accommodation request and the Agency provides an ergonomic chair as a reasonable accommodation. The employee later develops an eye condition and needs an accommodation. The employee must submit a new request to the RAM.

An individual’s receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and s/he believes that an accommodation is needed (e.g., the disability progresses or an employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the RAM may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied based on a belief that the accommodation should have been requested earlier.

An individual may request an accommodation at any time and does not have to wait until the disability or medical condition is having an effect on work performance to make the request. However, USAID generally has no obligation to provide a reasonable accommodation until the individual requests one.

111.3.1.2 Processing Requests for Reasonable Accommodation

Effective Date: 09/29/2017

The Agency's Reasonable Accommodation Manager (RAM) in OCRD (and/or designee) is the Agency's designated decision-maker on all reasonable accommodation requests. The RAM (and/or designee) and other OCRD staff will work closely with the appropriate internal and external stakeholders throughout the decision-making process. When appropriate, the RAM will consult with the Disability Review Committee (DRC), either in its entirety or with individual members, to review and discuss complex accommodation requests.

When an employee or applicant makes a reasonable accommodation request to someone other than the RAM, the person must forward the request to the RAM immediately (no more than two business days following the request).

Upon receipt of a request for reasonable accommodation, the RAM (and/or designee) will process the request. The RAM will:

- Review the information;
- Determine if additional information (e.g., medical documentation) is necessary to process the request;
- Obtain medical documentation from appropriate healthcare providers, if necessary;
- Maintain medical documentation related to the reasonable accommodation request in a confidential manner, consistent with applicable laws and regulations;
- Determine whether the person is entitled to an accommodation;
- If the person is entitled to an accommodation, work with appropriate stakeholders, including but not limited to the requestor's supervisory chain and the DRC, to identify reasonable and effective accommodation(s);
- When the requestor provides a specific reasonable accommodation, consider the requested accommodation and any alternatives in order to provide an effective accommodation;
- Obtain applicable clearances for the approved accommodation; and
- Procure and/or direct the appropriate Agency official(s) to procure and implement the accommodation(s), as appropriate.

The time necessary to process a request depends on numerous factors, including but not limited to the nature of the request, whether it is necessary to obtain supporting information or documentation, the requestor's active and timely participation in the process, the procurement process, and the hiring process.

A requestor's failure to actively participate in the processing of a reasonable accommodation request or provide timely responses to the RAM's request for pertinent information (typically within 10 business days of the request) may result in the denial of the request. In the event that a request is denied due to the requestor's non-responsiveness, the requestor can reinitiate the request at any time; however, the process will start from the beginning.

111.3.1.3 The Interactive Process

Effective Date: 09/29/2017

Upon receipt of request for accommodation, the interactive process begins. The interactive process requires open and ongoing dialogue among the person needing the accommodation, the RAM (and/or designee), and the supervisor and/or other stakeholders to clarify:

- The workplace barrier(s) the individual is experiencing;
- The disabling condition at issue; and
- The proposed effective accommodation.

When the request is made by a third party, the RAM (and/or designee) will, when possible, confirm with the job applicant or employee with a disability that the individual wants a reasonable accommodation and authorize the third party to discuss the need for reasonable accommodation with USAID before processing the request. If it is not possible to confirm the request, for example, the individual has been hospitalized, then the RAM will process the third party's request and will consult directly with the individual needing the accommodation as soon as practicable.

Communication is a priority throughout the interactive process. Ongoing communication is particularly important when a specific limitation, restriction, or barrier is unclear; when an effective accommodation is not obvious; or when the parties are each considering different possible accommodations. When the existence of a disability, the need for accommodation, and the type of effective accommodation are clear, extensive discussions are not necessary. However, the RAM, the requesting individual, and all stakeholders still must engage in the interactive process to ensure that there is a full exchange of relevant information.

Upon receiving a request for reasonable accommodation, the RAM will explain to the requestor what will happen in the processing of the request and explain that it is the RAM who makes the determination on the accommodation request.

After obtaining the necessary information and input from relevant stakeholders, the RAM will determine whether the individual is a qualified individual with a disability. Depending on the nature of the request, the RAM (and/or designee) will engage with one or more internal and/or external entities to determine whether a reasonable

accommodation is available, including but not limited to the requestor's supervisory chain, AMS Officer/EXO, the DRC, HCTM, M/MS, GC, M/CIO, SEC, third party accommodation providers (e.g., the U.S. Department of Defense Computer/Electronic Accommodation Program (CAP) and/or the USDA Target Center (Target Center)), and an independent medical professional of the Agency's choosing.

111.3.1.4 Reassignment

Effective Date: 09/29/2017

Reassignment is only available to direct-hire employees.

Generally, reassignment will be considered for direct-hires only if no accommodations are available to enable the individual to perform the essential functions of their current job, or if the only effective accommodation would cause undue hardship. In this instance, the employee may receive an offer of reassignment to an existing, vacant funded position for which the employee is qualified, with or without accommodation.

In considering whether there are positions available for reassignment, the RAM will work with the individual needing the accommodation and with either the HCTM/Human Capital Service Center (HCSC) for Civil Service employees seeking a Civil Service position, or the HCTM/Foreign Service Center (FSC) for Foreign Service employees seeking another Foreign Service position. The Agency will first seek a position that is equivalent to the employee's current job with regard to grade, geographic location, and other relevant factors.

The Agency will identify:

- Vacant funded positions within the Agency for which the employee may be qualified, with or without reasonable accommodation at the current grade level;
- Positions that will become vacant within 60 calendar days from the beginning of the search and for which the employee may be qualified; and
- Vacant lower-graded positions for which the individual is qualified, in the event there is no vacant position at an equivalent grade and the individual is amenable to reassignment to a lower-grade position.

Reassignment can be made only to a vacant funded position at the employee's same or lower grade for which they qualify. The Agency cannot move another employee from their job in order to create a vacancy for the employee needing accommodation. In addition, the Agency cannot reassign the employee needing the accommodation to a higher-graded position or a position with promotion potential greater than the employee's current position.

A Foreign Service employee whose overseas assignment is curtailed because of a medical condition that the U.S. Department of State, Office of Medical Clearances

(MED/CS/MC) has determined cannot be adequately treated or managed at that location per [16 FAM 200](#) is not necessarily disabled or entitled to “reasonable accommodation” in the form of a reassignment. These matters will be addressed on a case-by-case basis. Generally, however, Foreign Service employees whose disability or medical conditions restrict their ability to serve at overseas Posts can and should obtain subsequent overseas assignments with the assistance of HCTM/FSC and in accordance with normal bidding procedures governing the Foreign Service open assignments system.

When considering reassignment as a reasonable accommodation, the Agency will examine whether the accommodation conflicts with a controlling collective bargaining agreement.

111.3.1.5 Requests for Medical Documentation

Effective Date: 09/29/2017

The RAM may request medical information to identify the employee’s functional limitations or to document whether the applicable condition meets the definition of a “disability” pursuant to the Rehabilitation Act, as amended, except when the disability and need for accommodation are reasonably obvious or the individual has already provided sufficient, up-to-date medical information documenting the propriety of the accommodation.

When the disability or the justification for the accommodation is not obvious, the RAM (and/or designee) will request medical information showing that the requestor has a covered disability that requires accommodation and any related functional limitations.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an employee or applicant has a disability within the meaning of the Rehabilitation Act, the RAM will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. The RAM may require medical information in order to design an appropriate and effective accommodation.

For reasonable accommodations pursuant to this ADS chapter, only the RAM (and/or designee) may request medical documentation of the individual's disability, limitations, and restrictions, and the RAM may only request relevant information. The RAM (and/or designee) will require that an appropriate professional, such as a doctor, social worker, or rehabilitation counselor, provide the medical documentation concerning the disability functional limitation.

When the requestor provides sufficient information that can substantiate the existence of a disability, his/her functional limitations, and the need for a reasonable accommodation, additional medical information may not be required.

When an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the RAM (and/or designee). The RAM will determine whether additional medical information is needed for the new request.

When the RAM (and/or designee) determines that the initial information provided by the health professional or the requestor is insufficient to: a) determine whether the individual has a “disability”; b) identify the limitations; or c) determine that an accommodation is needed, the RAM (and/or designee) will explain what additional information is required. The RAM (and/or designee) may require that the individual’s healthcare professional provide additional information that:

- Describes the nature, severity, and duration of the individual's impairment;
- Describes the activity that the impairment limits, and the extent of the limitation on the individual’s ability to perform necessary activities;
- Substantiates why the requested accommodation is needed and how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or equally enjoy a benefit or privilege of the workplace; and/or
- Invites the medical provider to offer alternative accommodations that are medically reasonable under the circumstances.

The RAM (and/or designee) may provide information to the healthcare professional concerning the nature of the position, essential functions of the position, and other relevant information. The RAM (and/or designee) can also refer the matter to an independent medical professional of the Agency’s choosing for an independent review and assessment, at the Agency’s expense.

Failure of an employee or applicant to provide appropriate documentation or to cooperate with the Agency may result in a denial of the reasonable accommodation request.

111.3.2 Confidentiality Effective Date: 09/29/2017

Under the Rehabilitation Act, USAID must maintain all medical information obtained in connection with the reasonable accommodations process confidentially. This includes all information regarding an accommodation request and processing and disposition of the request, including information about any functional limitations. Anyone who obtains or receives such information is strictly bound by these confidentiality requirements. OCRD will share certain information with an employee’s supervisor or other Agency officials/agents, as necessary, to make appropriate determinations on a reasonable accommodation request and implementation. The information disclosed must be limited

to no more than what is necessary to process the request.

General Exceptions:

- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- Government officials investigating compliance with applicable federal laws, statutes, regulations, and guidance must be provided relevant information on request.

111.3.2.1 Privacy

Effective Date: 09/29/2017

Medical documentation is sensitive information about an employee or job applicant. USAID must keep this information confidential and maintain it in secure files separate from the individual's personnel file. The RAM will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation in accordance with the Rehabilitation Act, EO 13164, 29 CFR 1611, and [ADS Chapter 508, Privacy Program](#).

The RAM (and/or designee) will share certain information with an employee's supervisor or other Agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request and/or to facilitate the implementation of the accommodation. Whenever medical information is disclosed, the individual disclosing the information must inform the recipient about the confidentiality requirements in accordance with relevant laws and regulations. The information disclosed will be no more than what is necessary to process the request.

111.3.3 Timeframe for Processing Requests and Providing Accommodations

Effective Date: 09/29/2017

The RAM (and/or designee) will process requests for accommodations expeditiously and the Agency will provide reasonable accommodations as soon as reasonably possible. The time necessary to process a request is dependent on numerous factors, including but not limited to:

- The nature of the accommodation requested,
- Whether it is necessary to obtain supporting information such as medical documentation,
- Procurement processes, and
- Hiring processes.

The RAM will issue a decision regarding most accommodation requests within 30 days

from the initial request, absent extenuating circumstances. Once the RAM issues the decision and identifies the reasonable accommodation, the Agency will provide the accommodation in as short a timeframe as reasonably possible, absent extenuating circumstances.

Where a particular reasonable accommodation can be provided in less than the maximum amount of time permitted, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

The Agency will not be expected to adhere to its usual timelines if an individual or their healthcare professional fails to cooperate and/or provide timely requisite information or documentation.

111.3.3.1 Expedited Processing

Effective Date: 09/29/2017

In certain circumstances, a request for a reasonable accommodation requires an expedited review and decision in less than 30 days. An example may be to enable an applicant to apply for a job before the position closes or to enable an employee to attend a meeting scheduled within 30 days for which the employee will need a sign language interpreter for that meeting.

In these cases, the RAM (and/or designee) will try to expedite processing. However, expediting a reasonable accommodation is often difficult because the RAM (and/or designee) will need to gather information, including medical documentation, and will often need to coordinate with other offices and medical professionals (all of the requirements outlined in section **111.3.1**). Applicants and employees should request a reasonable accommodation with sufficient time to allow the RAM (and/or designee) to process the request. A delay in submitting a reasonable accommodation request is not a proper basis for expediting the request.

Generally, travel-related accommodation requests are not processed in an expedited manner.

111.3.3.2 Extenuating Circumstances

Effective Date: 09/29/2017

Extenuating circumstances are situations that arise after the request for a reasonable accommodation which the RAM (and/or designee) could not have reasonably anticipated or avoided. When extenuating circumstances exist, the RAM can extend the time necessary to process an accommodation request or provide a reasonable accommodation, as necessary.

Examples of extenuating circumstances include, but are not limited to:

- An outstanding initial or follow-up request for medical information;

- An extended delay in the procurement;
- Needed equipment, goods, or services are not immediately available; and/or
- An accommodation involves the removal of architectural barriers.

111.3.3.3 Notification of Delay

Effective Date: 09/29/2017

When extenuating circumstances exist, the RAM (and/or designee) will notify the individual requesting the accommodation of the delay, the reason for the delay, and the expected decision date or implementation date.

If there is a delay in USAID implementing the RAM's decision to provide a reasonable accommodation, the RAM (and/or designee) will investigate and determine whether temporary measures are available to assist the employee. The Agency will provide an interim accommodation, if appropriate and available.

111.3.4 Resolution of the Reasonable Accommodation Request

Effective Date: 09/29/2017

After all pertinent information has been received and reviewed, and the appropriate stakeholders have been engaged, the RAM will make a determination on the reasonable accommodation request and the type of accommodation(s) that the Agency will provide, if any.

111.3.4.1 Approving and Providing a Reasonable Accommodation

Effective Date: 09/29/2017

When the RAM approves the request for an accommodation, the RAM will issue a decision informing the individual requesting the accommodation that an accommodation is approved. The decision will identify the specific reasonable accommodation(s) the Agency will provide and state the duration of the accommodation, when applicable. The decision (or separate implementation memorandum) will be issued to the requestor's supervisory chain and other Agency personnel responsible for procuring and/or implementing the accommodation.

If there are two or more possible accommodation options, the RAM is not required to provide an accommodation of an employee's choice, but may choose from among reasonable accommodations as long as the chosen accommodation is effective. For example:

- (1) An employee with a disability affecting her lower back requests a designer leather high-back ergonomic chair which retails for \$7,000. However, the Agency provides a back support insert which provides the same level of lumbar support (addressing the underlying need for the accommodation) for \$40.

- (2) An employee with deep vein thrombosis requests business class seating as a reasonable accommodation. After consultation with the employee and medical professionals, it is determined that the employee needs adequate leg room to stretch his legs and unencumbered access to the aisle to ambulate throughout the cabin as necessary. As a result, the Agency books aisle seating (bulkhead or exit row) as a reasonable accommodation.
- (3) An employee with an attention deficit disorder (ADD) requests to telework full-time to eliminate the distractions experienced in the workplace. Instead, the Agency provides noise-cancelling headphones and moves the employee to a more secluded cubicle thereby minimizing audio and visuals distractions in and around the employee's workplace.

111.3.4.2 Denying an Accommodation Request

Effective Date: 09/29/2017

If the RAM denies a request for accommodation, the RAM will issue a written decision informing the individual requesting the accommodation, or their representative, that it has denied the request and will include the reason(s) for the denial. The following is a non-exhaustive list of reasons for denying an accommodation request:

- Medical documentation did not establish a disability or need for accommodation,
- The only effective accommodation(s) would result in an undue hardship to the Agency,
- There are no accommodations possible;
- The accommodation requires lowering a performance or production standard, or excusing unrelated misconduct already committed;
- The accommodation would require removing an essential function of the job; and/or
- The requestor is non-responsive to the RAM's request for information.

111.3.4.3 Informal Dispute Resolution Process - Reconsideration of Reasonable Accommodation Decision

Effective Date: 09/29/2017

Employees or job applicants may request, in writing, a reconsideration of the reasonable accommodation decision from the RAM within 10 calendar days of receipt of the decision if they are presenting additional documentation that the RAM did not previously consider. Upon receipt of the written reconsideration request, the RAM may convene relevant members of the DRC within five business days, or as soon as practicable, to consider the reconsideration request.

Absent extenuating circumstances, the RAM will issue a reconsideration decision within 15 business days from the date of the reconsideration request.

Pursuing this informal resolution procedure does not limit or supplant statutory or collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. An individual's participation in this reconsideration process does not extend, alter, or in any way affect the time limits for initiating administrative, statutory, or collective bargaining claims.

111.3.4.4 Statutory/Other Dispute Resolution Processes

Effective Date: 09/29/2017

U.S. citizen employees and U.S. citizen applicants may pursue statutory or collective bargaining remedies for denial of a reasonable accommodation, as applicable:

- (1) File an EEO complaint by contacting OCRD or an EEO counselor within 45 days from the date of receipt of the reasonable accommodation decision (see [29 CFR 1614](#)).
- (2) File a written grievance in accordance with the provisions of the Collective Bargaining Agreement if the requestor is a collective bargaining unit member.
- (3) Initiate an appeal to the Merit Systems Protection Board (MSPB), if the MSPB has jurisdiction, within 30 days of the appealable adverse action as defined by [5 CFR 1201](#).

Non-U.S. citizen, direct-hire employees working in USAID's foreign Missions (e.g., FSNs) may seek redress through the informal EEO complaint process by contacting OCRD or an EEO counselor within 45 days from the date of receipt of the reasonable accommodation decision. Personal Service Contractors (PSCs) might be covered in some circumstances; such determinations will be made on a case-by-case basis.

These procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or any applicable collective bargaining agreement. [Executive Order 13164](#), which requires all federal agencies to adopt reasonable accommodation procedures, explains in section 5(b) that the procedures are "intended only to provide the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies."

111.3.5 Documentation for Record Keeping Purposes

Effective Date: 09/29/2017

In order for USAID to monitor and track requests for accommodation, employees and applicants (or their representative) seeking a reasonable accommodation must follow up an oral request by contacting the RAM via reasonableaccommodations@usaid.gov

within five working days of the request. Any employee or applicant needing assistance in providing the information may contact the RAM. The RAM will document the requests.

111.3.5.1 Information Tracking and Reporting

Effective Date: 09/29/2017

OCRD maintains the reasonable accommodation request records for the duration of the employee's USAID tenure.

OCRD maintains these records in accordance with the Rehabilitation Act, [EO 13164](#), [29 CFR 1611](#), and [Employee Medical File System Records, OPM/GOVT IO](#).

OCRD retains cumulative records used to track the Agency's performance with regard to reasonable accommodations for at least three years. USAID maintains accommodation request records separately from personnel files. Management must not keep records of accommodation requests. All records received as part of the processing of an accommodation request must be forwarded to OCRD for monitoring, storage, and maintenance.

111.3.6 Additional Guidelines

111.3.6.1 Centralized Fund for Reasonable Accommodations

Effective Date: 09/29/2017

M/MS maintains a centralized fund to pay for all OCRD approved reasonable accommodations pursuant to the Rehabilitation Act of 1973, and EO 13164 with the exception of interpreter services. The Agency uses this fund to reasonably accommodate qualified individuals with disabilities.

111.3.6.2 Additional Information and Resources

Effective Date: 09/29/2017

Questions concerning these procedures should be directed to OCRD, at (202) 712-1110. Additional OCRD contact information is on the [USAID intranet](#).

For additional information on reasonable accommodations, please see the following:

U.S. Equal Employment Opportunity Commission

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

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

Job Accommodation Network (JAN)

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

A service of the U.S. Department of Labor Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations.

Washington Center for Internships and Academic Seminars

(202) 336-7569 <http://www.twc.edu>

The Center is a nonprofit educational organization that provides full time academic internships and short term academic seminars in Washington, D.C. for students from colleges and universities nationwide.

AAPD Internship Program

1-800-840-8844 <http://www.aapd.com/what-we-do/employment/internship-program/>

AAPD's summer internship program makes the Washington, D.C. internship experience available to motivated people with disabilities, developing a new generation of leaders and offering host employers access to a talented, diverse work force. AAPD places students and recent graduates with all types of disabilities in paid 10-week summer internships in Congressional offices, federal agencies, and nonprofit and for-profit organizations. AAPD provides accessible housing, a living stipend, and travel to and from Washington, DC for all summer interns.

Vocational Rehabilitation & Employment (VR&E)

1-800-827-1000 <http://www.vba.va.gov/bln/vre/>

The Vocational Rehabilitation and Employment (VR&E) Program is authorized by Congress under Title 38, USC, Chapter 31 and Code of Federal Regulations, Part 21. It is sometimes referred to as the Chapter 31 program. This program assists Veterans with [service-connected disabilities](#) to prepare for, find, and keep suitable jobs. For Veterans with service-connected disabilities so severe that they cannot immediately consider work, this program offers services to improve their ability to live as independently as possible.

Registry of Interpreters for the Deaf

(703) 838-0030 (Voice)/(703) 838-0459 (TTY) <http://rid.org/>

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he 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/>

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:

- (1) 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);
- (2) Centers where individuals can try out devices and equipment;
- (3) Assistance in obtaining funding for and repairing devices; and
- (4) Equipment exchange and recycling programs.

DOD's Computer /Electronic Accommodations Program (CAP)

(703) 681-8813 (Voice)/(703) 681-0882 (TTY) <http://www.cap.mil/>

CAP provides assessment, electronic assistive devices training and other support services to employees with disabilities quickly, effectively, and at no cost to partnering agencies. CAP assistive technology explores solutions for employees with vision, hearing, dexterity and cognitive/communicative disabilities.

For additional information, or to schedule a tour of the Technology Center at the Pentagon, contact CAP at the above numbers or at the following email address: cap@mail.mil.

111.4 MANDATORY REFERENCES

111.4.1 External Mandatory References

Effective Date: 09/29/2017

- a. [5 CFR 1201; 5 CFR 1630; 29 CFR 825; 29 CFR 1611; 29 CFR 1614; 29 CFR 1630; and 41 CFR 301-10.123, n.2](#)
- b. [16 FAM 200](#)
- c. [EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act \(ADA\) \(July 27, 2000\)](#)
- d. [EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act \(October 17, 2002\)](#)
- e. [EEOC Policy Guidance on EO 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation \(October 20, 2000\)](#)

- f. [EO 13163 \(July 26, 2000\): Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government](#)
- g. [EO 13164 \(July 26, 2000\): Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation](#)
- h. [Federal Travel Regulation \(FTR\) §301-10.123](#)
- i. [The Americans with Disabilities Act Amendments Act of 2008, Pub. L. 110-325](#)
- j. [The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.](#)
- k. [The Family and Medical Leave Act of 1993, 5 USC 6381 through 5 USC 6387](#)
- l. [The Foreign Service Act of 1980, as amended, 22 USC 3901, et seq.](#)
- m. [The Privacy Act of 1972, as amended, 5 USC 552a](#)
- n. [The Rehabilitation Act of 1973, as amended, 29 USC 791 et seq.](#)

111.4.2 Internal Mandatory References

Effective Date: 09/29/2017

- a. [ADS 110, Equal Employment Opportunity](#)
- b. [ADS 524, Emergency Management](#)

111.5 ADDITIONAL HELP

Effective Date: 09/29/2017

There are no additional help documents for this chapter.

111.6 DEFINITIONS

Effective Date: 09/29/2017

See the [ADS Glossary](#) for all ADS terms and definitions.

disability

A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment. (**Chapter 111**)

essential functions

Job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function may be essential if, among other things:

- The position exists specifically to perform that function;
- There are a limited number of other employees who could perform the function;
or
- The function is specialized and an individual is hired based on his or her ability to perform it.

A determination of the essential functions of a position is made by the individual's supervisor in consultation with HCTM. (**Chapter 111**)

major life activities

Major life activities are basic activities that the average person can perform with little or no difficulty. Examples of major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

A major life activity also involves the operation of major bodily functions, including, but not limited to functions of the immune system; normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. (**Chapter 111**)

qualified individual with a disability

An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the position, with or without reasonable accommodation. If an employee is unable to perform the essential functions with or without reasonable accommodation, then the Agency must consider reassignment as the accommodation of last resort. (**Chapter 111**)

reasonable accommodation

Any change in the work environment or application process that enables a person with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:

- Modifications or adjustments to a job application process to 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 and providing a sign language interpreter);
- Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters; making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies;

providing qualified readers or interpreters; and reassignment to a vacant position); and

- Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as (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 Agency outings). (**Chapter 111**)

undue hardship

An “action requiring significant difficulty or expense” when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the full scope of the Agency’s operations. (**Chapter 111**)

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