



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Release
1-1733

MANUAL TRANSMITTAL SHEET

Date
07/06/2011

Subject: **1400-990 - REASONABLE ACCOMMODATIONS POLICY**

1. Explanation of Material Transmitted: This release transmits a Manual for establishing Bureau of Land Management (BLM) policy and implementing procedures to provide reasonable accommodations for BLM employees and applicants.
2. Reports Required: None.
3. Material Superseded: Manual Chapter 8330 – Policy on Reasonable Accommodations for Persons with Disabilities.
4. Filing Instructions: None.

REMOVE

All of 8330
(Total 26 sheets)

INSERT

All of 1400-990
(Total 31 sheets)

/s/ Carole Carter-Pfistere
Assistant Director
Human Capital Management

1400-990 - REASONABLE ACCOMMODATIONS POLICYTable of Contents

.01 Purpose

.02 Objectives

.03 Authority

.04 Responsibilities

.05 Policy

REASONABLE ACCOMMODATIONS PROCEDURES

A. General Principles

B. Types of Reasonable Accommodations

C. Initiating the Request

1. Starting the Process
2. Format of the Request
3. Assistance Available

D. Processing the Request

1. Deciding Official
2. Interactive Process
3. Identifying Options
4. Choosing the Most Effective Options
5. Providing the Accommodations
6. Temporary Measures

E. Time Limits

1. General Guidance
2. Expedited Request
3. Extenuating Circumstances

F. Medical Information

1. General Guidance
2. Nature of the Documentation
3. Confidentiality
4. Supplemental Documentation

G. Reassignment

1. Accommodations of the Last Resort
2. Qualifications of Employee
3. Search for Vacancies

1400-990 - REASONABLE ACCOMMODATIONS POLICY

H. Denial of Requests

I. Information Tracking and Record Keeping

Appendices

1. Definitions
2. Confirmation of Request for Reasonable Accommodations
3. Reasonable Accommodations Information Reporting Form
4. Reasonable Accommodations Process Checklist
5. Selected Reasonable Accommodations Resources
6. Request for Medical Documentation
7. Denial of Reasonable Accommodations Request

1400-990 - REASONABLE ACCOMMODATIONS POLICY

- .01 Purpose. Provide the Bureau of Land Management (BLM) policy and procedures for reasonable accommodations for individuals with disabilities. Reinforce the Department of the Interior's (DOI) requirements and instructions by which BLM employees will act on requests for reasonable accommodations from employees or applicants for employment.
- .02 Objectives. To provide instructions on procedures of reasonable accommodations according to Federal law and DOI guidance.
- .03 Authority. The BLM provides reasonable accommodations under the authority of United States laws and regulations as well as Departmental Manual (DM) Release, 373 DM 15 policy. These include, but are not limited to:
1. Rehabilitation Act of 1973 in accordance with Section 501, as amended
 2. Americans with Disabilities Act of 1990 (ADA)
 3. ADA Amendment Act (ADAAA) of 2008
 4. Title 29, Code of Federal Regulations, part 1630
 5. Executive Order 13164
 6. Equal Employment Opportunity Commission's (EEOC) Policy Guidance, Establishing Procedures to Facilitate the Provision of Reasonable Accommodations (October 20, 2000) available on EEOC's website.
 7. EEOC Management Directive 715
- .04 Responsibilities. The process of requesting reasonable accommodations can be seen in terms of general rights and responsibilities of all parties involved, including applicants or employees and supervisors/managers.
1. Employee/Applicant
 - a. Must notify the supervisor or other Deciding Official (DO) that accommodations are needed or have this done by an interested third party.
 - b. Must be qualified to perform the essential functions of the job, with or without reasonable accommodations.
 - c. Must provide medical documentation of need for accommodations, when requested, to the supervisor.
 - d. May refuse accommodations, understanding that refusal will necessitate further discussion and could result in not receiving accommodations.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

- e. Must document the request for record-keeping purposes using 373 DM 15, Confirmation of Request for Reasonable Accommodations form within five (5) business days after the need is made known, unless the need for accommodations is on a repeated basis (see Appendix 2).
- f. May consult with the Disability Program Manager (DPM) and Servicing Personnel Office (SPO) at any time before, during, or after the request process.

2. Supervisor or designee

- a. Acts as the DO in this process.
- b. Must engage in an interactive process or dialogue with the employee or applicant regarding the nature and purpose of the request, if the need for accommodations is not obvious, or if there is more than one reasonable option for accommodations.
- c. Must consider the individual's specific disability and existing limitations, the essential functions of the job, the work environment, and whether the proposed accommodations would result in undue hardship for the BLM.
- d. Must provide reasonable accommodations for the known disabilities of a qualified person within *twenty (20) business days* after the request is made, or the need is made known, in any way or format, unless there are extenuating circumstances.
- e. May seek advice from the DPM or SPO.
- f. Must complete the 373 DM 15 Reasonable Accommodations Information Reporting Form (see Appendix 3) and forward to the DPM.
- g. Must work with the individual to institute temporary measures to provide accommodations if the agreed upon reasonable accommodations are not immediately available.
- h. May encourage the use of the Alternative Dispute Resolution (ADR) process or the Office of Civil Rights (OCR) to resolve issues.
- i. May require medical documentation, narrowly tailored to the specific request, that accommodations are necessary if the disability or the need for accommodations is not obvious.
- j. Must ensure accommodations are effective.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

.05 Policy. The BLM is committed to complying fully with the reasonable accommodations requirements of the Rehabilitation Act of 1973, as amended. Under that law, the BLM will provide reasonable accommodations to applicants and qualified employees with disabilities, unless to do so would cause undue hardship or result in a direct threat to the health or safety of an individual, his or her co-workers, or other individuals in the BLM.

The provision of reasonable accommodations ensures that individuals with disabilities face no barriers that prevent them from applying for positions; performing the essential functions of the job or activity; enjoying equal benefits and privileges of employment; as well as enjoying full access to all programs, facilities, or activities that are conducted by, or for the BLM or any of its components. These requirements cover applicants and employees in the competitive and excepted service and contractors.

The BLM will process all requests for reasonable accommodations and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

For definitions and key terms (see Appendix 1).

REASONABLE ACCOMMODATIONS PROCEDURES

A. General Principles

1. 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 or pose a direct threat. In general, no qualified individual with a disability will be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Federal government.
2. Workplace barriers prevent individuals from performing jobs they could otherwise do with some form of accommodations. These barriers may be physical obstacles, procedures or rules, or how essential or marginal functions are performed. Reasonable accommodations remove workplace barriers for individuals with disabilities.
3. The DPM in the BLM Washington OCR is responsible for interpreting policy and providing guidance on matters related to reasonable accommodation. If the DPM has had any involvement with the processing of the request for a reasonable accommodation, he/she must recuse him/herself from any involvement in the process of an EEO claim in connection with that request.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

4. The reasonable accommodation must be effective and it must accomplish the purpose for which it is intended, as related to the performance of the essential functions of the job.
5. There are modifications or adjustments that are not considered forms of reasonable accommodations. The BLM is not required to:
 - a. Eliminate an essential function, i.e., a fundamental duty of the position.
 - b. Lower production standards, whether qualitative or quantitative, that are applied uniformly to all employees; however, the BLM may have to provide reasonable accommodations to enable an employee with a disability to meet the production standard.
 - c. Provide personal use items needed in accomplishing daily activities, i.e., a prosthetic limb, eye ware, and hearing aids. Items that might otherwise be considered personal, however, may be required as reasonable accommodations where they are specifically designed or required to meet job-related, rather than personal needs. For example, if an employee does not use a wheelchair at home, but circumstances require greater mobility, the employee may request a wheelchair that stays at the employee's work site at all times.

B. Types of Reasonable Accommodations

There are three broad types of reasonable accommodations. These are modifications or adjustments to:

1. The job application process, in order to enable an individual with a disability to apply for a job.
2. The work environment, or to the manner or circumstances under which the job duties are customarily performed. Employees who need accommodations to perform the essential functions of the job or activity, or gain access to the workplace or the location of the program or activity. Reasonable accommodations will be provided to all qualified employees.
3. The circumstances by which employees enjoy the benefits and privileges of employment. Employees who require accommodations to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

C. Initiating the Request

1. Starting the Process

A request for reasonable accommodations can be initiated by the employee with a disability, a family member, health professional, or other representative. The request should be made directly to the employee's immediate supervisor or designee.

In the case of an applicant, the request may be made to any BLM employee with whom the applicant has contact in the SPO.

If the request is made by anyone other than the employee or applicant, the DO will confirm with the person with a disability that he or she, in fact, wants reasonable accommodations. In the case of an employee, the individual's immediate supervisor may also initiate the discussion about reasonable accommodations.

A request for reasonable accommodations may be made at any time during the application process or during the period of employment when the individual recognizes there is a workplace barrier that is preventing him or her because of a disability from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.

The OCR has a procedural checklist for employees and supervisors, or other DMs. The checklist is designed to assist employees and supervisors in the reasonable accommodations process (see Appendix 4).

2. Format of Request

A request for reasonable accommodations may be made orally or in writing. The person making the request does not have to use particular words. He or she merely needs to state that an adjustment or change at work or in the application process is needed. The words "reasonable accommodations" does not have to be used.

When a request has been made, the employee should complete form 373 DM 15 "Confirmation of Request for Reasonable Accommodations" and forward it to the DPM within *five (5) business days* to ensure accurate record keeping and program analysis.

3. Assistance Available

The DPM has the expertise in the requirements of the Rehabilitation Act of 1973, as amended, to provide possible accommodations information and advice on available resources. Any supervisor, manager, employee, or applicant may consult with the DPM for further information or assistance in connection with requesting or processing a request for reasonable accommodations.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

D. Processing the Request

1. DO

The employee's first line supervisor, or other designated DO, should receive and approve requests for reasonable accommodations. The decision for providing the reasonable accommodations can be made, in the case of applicants, by the SPO which is responsible for the application.

2. Interactive Process

If the need for accommodations is not immediately obvious, the employee and his or her DO will enter into an interactive and flexible process. This discussion is necessary, also, when there are several options for providing accommodations. When engaging in this process, the employee and the supervisor will consider the employee's essential functions, the functional limitations imposed by the employee's disability or medical condition, and the effectiveness of the various options for reasonable accommodations that could mitigate the effects of those functional limitations.

The DPM can provide technical assistance to the employee, the DO, and any other stakeholders. This is especially important where the specific limitation, problem, or barrier is unclear; where effective accommodations are not obvious; or where the parties are choosing between different possible reasonable accommodations.

3. Identifying Options

During the interactive discussion, options will be developed and evaluated to determine the most efficient way of removing any barrier(s). Factors that may be included in the discussion include, but are not limited to, the cost of the accommodations; the effect on the employee's performance; personal preferences of the employee, and time needed to complete the tasks. If necessary, temporary solutions will be agreed upon until permanent changes and modifications can be completed.

During the discussion, the individual with a disability does not necessarily have to specify the precise accommodations he or she prefers. He or she does need, however, to describe the problems posed by the workplace barrier.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

4. Choosing the Most Effective Options

If there are two or more possible options, and one costs more or is more burdensome than another, the DO may choose the less expensive or easier accommodations as long as it is effective. The option chosen may or may not be the first choice of the employee or supervisor. If more than one accommodations are effective, the preference of the individual with a disability should be given primary consideration. Management, however, has the ultimate discretion to choose among effective accommodations.

5. Providing the Accommodations

The DO should consult with the DPM to determine who will provide the accommodations. For most electronic or computer-based assistive technology, the DOI has entered into agreement with the Computer/Electronic Accommodations Program (CAP) at the Department of Defense. This program provides technology to employees with disabilities at no cost to the DOI or the BLM.

For all other accommodations, if there is a cost, it is usually the responsibility of the employee's organization. This can be discussed with the DPM who should have access to extensive lists of resources to acquire accommodations.

For more information on CAP and other resources (see Appendix 5).

As soon as the DO determines an accommodations can be provided, the DO will communicate this to the employee in writing, or, if orally, to be followed up to the employee in writing.

6. Temporary Measures

If an accommodations is not immediately available, the DO will work with the employee to identify and institute temporary measures that will allow the employee to perform the essential functions for the job until the permanent accommodations is provided.

E. Time Limits

1. General Guidance

Upon receipt of an applicant's request for reasonable accommodations during the application process, the official who received the request will forward it to the SPO which must review the request and issue a written decision to the applicant within *ten (10) business days* in instances where no medical documentation is required. This must be done using the date the SPO received the verbal or written request.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

Upon receipt of an employee's request for reasonable accommodations, the official who received the request will forward it to the employee's DO within *five (5) business days*. The DO must review the request and issue a written decision to the employee within *ten (10) business days* in instances where no medical documentation is required. This must be done using the date the DO received the verbal or written request.

The request shall be processed and the accommodations provided in no more than *twenty (20) business days* from the date that the request was first made known to the DO or other program official(s). This time requirement begins from the date the request for accommodations is first made, in any format, not from the date the Confirmation of Request and Reasonable Accommodations Information Reporting form is completed.

If medical documentation is requested by the DO, the employee will be required to submit the documentation within *fifteen (15) business days* from the date of the request for information. The DO will issue a decision to the employee in no more than *ten (10) business days* after the medical documentation is received.

The time necessary to respond to any particular request for accommodations will depend largely on the nature of that accommodations. The time period is considerably reduced when the DO is able to grant it.

2. Expedited Request

Special situations may require a request for reasonable accommodations to be expedited where, for instance, the reasonable accommodations is needed to enable an individual to apply for a job, or is needed for a specific activity that is scheduled to occur shortly.

3. Extenuating Circumstances

"Extenuating circumstances" are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodations. These might include situations where equipment must be back-ordered or other legitimate delays. When processing the request or providing the accommodations will take longer than anticipated, the DO will inform the individual of the reason for the delay and keep the individual informed of the date on which the process should be completed and when he or she will receive the accommodations.

If a delay is necessary, the DO will work with the employee to institute temporary measures to assist the individual with a disability so that he or she is not penalized or suffers harm and is able to perform the essential functions of the job.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

F. Medical Information

1. General Guidance

The DO may only request documentation that is needed to establish that the individual has a disability and that the disability requires reasonable accommodations.

The employee or applicant must be able to provide medical information related to the disability, functional limitation(s), and an explanation of the requested accommodations in situations where the disability or need for accommodations is not obvious.

Failure to provide documentation could result in a denial of reasonable accommodations. The DO may not request medical information where both the disability and the need for reasonable accommodations are obvious or if the individual has already provided the DO with sufficient information to document the existence of the disability and his or her functional limitations. Furthermore, if an individual has more than one disability, the DO can request information pertaining only to the disability that requires reasonable accommodations.

If medical documentation is needed, the 10-day decision requirement will be suspended until sufficient documentation is received. When this occurs, the “time clock” resumes.

2. Nature of the Documentation

The DO may request information or documentation regarding the employee’s disability or medical condition. The DO must request the assistance of the DPM prior to obtaining any medical documentation.

The employee should ask his or her medical professional(s) to provide a letter that includes clear and concise answers regarding:

- a. The nature, severity, and duration of the impairment (e.g., functional limitations, symptoms, side effects of any treatments, etc.);
- b. The activity or activities the impairment limits;
- c. The extent to which the impairment limits the individual’s ability to perform the activity or activities; and/or
- d. Why the individual requires the particular accommodations requested, and how the accommodations will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

The documentation about the disability or functional limitations must come from a health care or rehabilitation professional. Professionals could include, but are not limited to, doctors; chiropractors; psychiatrists; psychologists; nurses; physical, occupational, or speech therapists; practitioners of alternative medicines and practices; licensed mental health professionals; social workers; or rehabilitation counselors.

The DO will request ONLY the information that is necessary to establish the existence of a disability and functional limitation(s) related to the disability. In most situations, this does not require access to a person's complete medical record.

To assist the healthcare or rehabilitation professional, the employee should provide a description of the job, the essential functions he or she is expected to perform, and any other information that is relevant to evaluating the request (see Appendix 6).

3. Confidentiality

The Rehabilitation Act requires that all medical information be kept confidential. All medical information obtained in connection with a request for reasonable accommodations will be kept as a separate file record that is maintained by the DPM for the requested accommodations. This file is separate from the individual's personnel file, which is maintained in the SPO.

The DO will be provided only with information connected to the request for reasonable accommodations and necessary to make a decision; that is, the existence of a disability and a description of the functional limitations.

Medical information obtained will only be shared with the individuals involved in the various aspects of providing reasonable accommodations. The information will not be disclosed except as follows:

- a. Supervisors, managers, or other DOs who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodations.
- b. First aid or safety personnel may be told if the disability might require emergency treatment.
- c. Government officials may be given only the information necessary to investigate the BLM's compliance with the Rehabilitation Act.
- d. Information may, in limited and specific circumstances, be disclosed to Workers' Compensation Offices or insurance carriers.
- e. The BLM's OCR officials may be given statistical or anecdotal information to maintain records, to evaluate and report on the BLM's performance in processing reasonable accommodations requests. In these circumstances, the confidentiality of the individual will be maintained.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

- f. Building managers and those planning emergency evacuations may be told in order to include special provision in emergency evacuation planning and procedures.
- g. The BLM's medical official on a case-by-case basis.

4. Supplemental Documentation

The DO may request supplemental medical documentation when the information already submitted does not identify the disability (disability is not obvious) or the functional limitations it causes or does not clarify how the requested accommodations will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.

If supplemental documentation is needed, the DO will explain why the submitted documentation is insufficient, identify the information that is needed, and allow the individual an opportunity to provide the information.

Alternately, the individual can sign a limited release that will allow the bureau's medical official (if available) to contact the individual's doctor or other health professional directly for further information. This must be an official medical doctor and/or licensed medical professional working for the BLM.

In the circumstance where the individual requesting accommodations is still unable to provide sufficient information in support of the request, the DO may request that the individual be examined by an official medical professional of the BLM's choice and at the BLM's expense. Any such medical examination must be limited to determining the existence of a disability and/or the functional limitations that require reasonable accommodations.

Where a medical examination is warranted, the DO will explain to the individual with a disability that failure to agree to it could result in a denial of reasonable accommodations.

G. Reassignment

1. Accommodations of Last Resort

If the DO determines that no other reasonable accommodations will permit the employee with a disability to perform the essential functions of his or her current position the DO will consider a reassignment as a "last resort" option. The DO should explain to the individual the reason why the accommodations cannot be granted in the current position.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

Reassignment may be made only to a funded, vacant position, whether currently advertised or not. The BLM is not required to create a new position or move employees from their jobs in order to create a vacancy. The available position must be equivalent to the current position in terms of pay, status, and other relevant factors, such as benefits. The employee may not receive a promotion but may accept a voluntary downgrade.

The employee usually bears any relocation costs associated with a Permanent Change of Station (PCS). The DO, in coordination with the DPM, works with the SPO to conduct the job search.

This option is not available for applicants.

2. Qualifications of Employee

The employee with a disability must be qualified for the available position. This means that the employee (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position with or without reasonable accommodations. If the employee is qualified for the position, he or she will be reassigned to the job as reasonable accommodations and will not have to compete for it.

3. Search for Vacancies

The SPO will conduct a search for available vacancies and will consult with the employee as necessary to determine whether there are limits on the search as requested by the employee; whether the employee is qualified for a particular job; or whether the employee would need a reasonable accommodations to perform the essential functions of a new position. If the employee wishes, the SPO can search for vacancies at any BLM facility in the country.

H. Denial of Requests

The BLM must provide reasonable accommodations to a qualified individual with a disability unless doing so would pose an undue burden on the organization or a direct threat of the health and safety of the employee or others. Before denying a request, the DO must consult with the DPM to discuss the circumstance that led to that determination.

Should the DO deny or modify the request for reasonable accommodations, the decision must be in writing, or other appropriate media, and must specify the reasons for the decision. The notice will be written in plain language with as much specificity as possible, and will identify the DO who made the decision. If the request has been modified, the notice will include the reasons why it was modified and why the accommodations chosen will be more effective than the requested accommodations, see Appendix 7.

1400-990 - REASONABLE ACCOMMODATIONS POLICY

If a request is denied or the employee is not satisfied with the proposed modification, the employee should first pursue the issue with higher level management in his or her organization. If the employee is still not satisfied, he or she can consult with the OCR.

In the event of denial, the DO must notify the employee of his or her rights and avenues of redress in accordance with 29 CFR 1614, to include information on the right to file an EEO complaint and other statutory processes and information on the ADR and reconsideration processes.

An employee whose request for accommodations has been denied may request prompt consideration from the DO and may present additional information to support the request. The DO must respond within *five (5) business days* of receipt of the request. If the DO does not reverse the decision, the employee may ask the next higher level of management to do so.

The next level official must respond within *ten (10) business days*.

An employee's participation in any or all informal resolution processes does not satisfy the requirements for bringing a claim under the EEO, Merit Systems Protection Board, or negotiated grievance procedures.

I. Information Tracking and Record Keeping

To enable the BLM to keep accurate records regarding requests for accommodations, the employee or applicant or the individual who received the request must follow up with a written request by completing the departmental form, Confirmation of Request for Reasonable Accommodations and forward it to the DPM within *five (5) business days*.

Completion of the form is not required when an individual needs reasonable accommodations on a repeated basis, such as a sign language interpreter or a reader. The written confirmation is only required for the first request.

Similarly, after making a decision regarding the request, the DO must fill out the, "Reasonable Accommodations Information Reporting Form" and forward it to the State/Center OCR within *ten (10) working days*.

The BLM will maintain records of all requests for reasonable accommodations for either the length of the employee's tenure with the BLM or three years, whichever is longer. The records will include all relevant information and documentation about the request and dispensation, track the processing of the requests, and maintain the confidentiality of medical information received in accordance with applicable law and regulations.

.05I

1400-990 - REASONABLE ACCOMMODATIONS POLICY

This information will be used to evaluate where the agency needs to improve its handling of reasonable accommodations requests. The documentation will also be used if the employee or the supervisor needs to review the process by which the accommodations were provided.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 1**

DEFINITIONS

- A. BENEFITS AND PRIVILEGES include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and (3) parties or other social functions (e.g., parties to celebrate retirements and birthdays, and company outings).
- B. DECIDING OFFICIAL (DO) is the person who handles the request for accommodations. Possible decision-makers are the employee's supervisor, managers, Office Directors or designated staff who shall serve as the DOs on requests for reasonable accommodations. First-line supervisors are authorized to respond to, and make determinations on, requests for reasonable accommodations. These determinations will be made in consultation with appropriate management officials such as Facilities Managers, Information Resource Management Specialists, Physicians, and Personnel Specialists or other individuals and organizations that can assist in determining appropriate accommodations. All BLM supervisors and managers are responsible for ensuring that selections of qualified individuals with disabilities are made in a non-discriminatory manner and that the procedures for the reasonable accommodations of individuals with disabilities are implemented. In the case of applicants, the Servicing Personnel Office serves as the DO.
- C. DIRECT THREAT is a "significant risk of substantial harm to the health and safety of the individual or others that cannot be eliminated or reduced by reasonable accommodations" CFR 1630.2(r).
- D. DISABILITY PROGRAM MANAGER (DPM) is responsible for interpreting policy and providing guidance on matters related to reasonable accommodations. If the DPM has had any involvement with the processing of a request for reasonable accommodations, he/she must recue him/herself from any involvement in the processing of an EEO claim in connection with that request.
- E. EMPLOYEES AND APPLICANTS are responsible for bringing their requests for reasonable accommodations to the attention of the appropriate official. A request for accommodations is a verbal or written statement that an individual needs an adjustment or a change at work or in the application process for a reason related to a medical condition. Additional information, as appropriate, may be obtained through the interactive process which follows the request.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 1**

- F. **ESSENTIAL FUNCTIONS** of the job are the fundamental job duties of the employment position the individual with a disability holds or desires; it does not include the marginal functions of the position.
- G. **INDIVIDUAL WITH A DISABILITY** is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- H. **MAJOR LIFE ACTIVITIES** are functions that include, but are not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- I. **PHYSICAL OR MENTAL IMPAIRMENT** is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory, genitourinary, blood and lymphatic, skin, and endocrine, or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- J. **QUALIFIED INDIVIDUAL WITH A DISABILITY** is one who satisfies the requisite skills, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodations, can perform the essential functions of such position.
- K. **REASONABLE** is defined as that which "seems reasonable on its face, i.e., ordinarily or in the run of cause," "plausible," or "feasible," as defined by the Supreme Court.
- L. **RECORD OF HAVING SUCH AN IMPAIRMENT** is defined as having a history of, or being classified (or misclassified) as having, a mental or physical disability that substantially limits one or more major life activities.
- M. **REGARDED AS HAVING SUCH AN IMPAIRMENT** is defined as having a physical or mental impairment that does not substantially limit major life activities, but is treated by an employer as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of an employer toward such an impairment; or has none of the impairments defined above but is treated by an employer as having such a limitation. Individuals covered only under the "regarded as" prong are not entitled to reasonable accommodations.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 1**

- N. **SERVICING PERSONNEL OFFICE (SPO)** is responsible for conducting job analyses on vacancies in the event that reassignment is requested as accommodations of the last resort. The SPO ensures that the knowledge, skills, and abilities are related to the essential functions of the job and that barriers are removed from the hiring process.
- O. **UNDUE HARDSHIP** occurs if a specific type of reasonable accommodation causes significant difficulty or expense to accomplish. In such a case, that particular accommodation does not have to be provided. Determination of undue hardship is always made on a case-by-case basis, considering such factors that include the nature and cost of the reasonable accommodations needed and the impact of the reasonable accommodations on the organization. Overall resources of the DOI will be taken into consideration.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 2**

Confirmation of Request for Reasonable Accommodations

When the disability and need for accommodations are not obvious or already known, please describe the disability and need for reasonable accommodations.

I hereby request accommodations for the stated disability. (Be as specific as possible concerning the accommodations being requested, e.g., adaptive equipment, reader, interpreter.)

If accommodations are time sensitive, please explain:

Signature: _____ Date: _____

Office: _____

Position: _____ Title: _____ Series: _____ Grade: _____

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 3**

Reasonable Accommodations Information Reporting Form

Name of individual requesting reasonable accommodations:

Office of requesting individual: _____

1. Date reasonable accommodations requested: _____

Who received request: _____ Date: _____

2. Job held or desired by individual requesting reasonable accommodations (*including occupational series, grade level, and office*):

3. Reasonable accommodations needed for: (*check one*)

_____ Application process

_____ Performing job functions or accessing the work environment

_____ Accessing benefit or privilege of employment (*e.g., attending a training program or social event*)

4. Type(s) of reasonable accommodations requested (*e.g., adaptive equipment, staff assistant, removal of architectural barrier*):

5. Date reasonable accommodations request referred to deciding official (*i.e., Supervisor, Manager, Office Director, or Personnel Management Specialist*):

Name of deciding official: _____

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 3**

Reasonable Accommodations Information Reporting Form

6. Reasonable accommodations: (*check one*)
____ Approved
____ Denied (*If denied, attach copy of the written denial letter/memo.*)
7. Date reasonable accommodations approved or denied: _____
8. Type(s) of reasonable accommodation(s) provided (*if different from what was requested*):

9. Date reasonable accommodations provided (*if different from date approved*):

10. If time frames outlined in the Reasonable Accommodations Procedures were not met, explain why.

11. Was medical information required to process this request? If yes, explain why. List the documents submitted on behalf of the individual.

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

13. Comments: _____

Submitted by: _____ Date: _____

Phone Number: _____

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 4**

Reasonable Accommodations Process Summary

1. An employee, or someone on behalf of the employee, makes a request for reasonable accommodations.
2. Recipient of the request forwards the request to the employee's supervisor or deciding official (DO) within 5 business days.
3. DO receives the request and talks with the employee about it (begins the interactive process), reviews the request, and determines if it is reasonable and if medical information is needed.
4. DO meets with Disability Program Manager (DPM) for guidance and/or if medical documentation is needed.
5. If medical information is needed, the DO provides a request for medical information, along with a copy of the employee's job description, to employee to forward to the employee's health care provider.
6. The clock for processing the request stops until information is received by the BLM.
7. Employee is to provide the requested medical information to the DPM within 10 business days of employee receiving the request.
8. Once the employee provides the medical information, the clock for the reasonable accommodations process restarts.
9. If the information is not sufficient, the DO may request the employee provide additional (supplemental) medical information.
10. DO issues a decision to the employee with 10 business days after receiving medical information when required, or within 10 business days of receiving request when medical information is not needed.
11. DO provide the reasonable accommodations within 20 business days of receiving the request.
12. If no accommodations can be found, reassignment is accommodations of the last resort. The DO, in coordination with the DPM, works with Servicing Personnel Office to conduct a job search for a funded, vacant position for which the employee is qualified.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 4**

13. If no accommodations can be found and the job search yields no results or the employee declines a suitable position found during the vacancy search, the BLM has met its obligation.
14. If the accommodations request is denied, the DO provides written notice to the employee within 10 business days. The DO explains the reason for the denial and provides information on the right to file a discrimination complaint, grievance under collective bargaining claim, merit system protection board appeal, and reconsideration rights.
15. In the event of denial of requested accommodations, the employee may request reconsideration, and the DO must respond within 5 business days.
16. If the DO does not reverse the decision, the employee may ask the next higher level of management to do so. The next level official must respond within 10 business days.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 5**

Selected Reasonable Accommodations Resources

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

The EEOC's Publication Center has many free documents on the Title I employment provisions of the Americans with Disabilities Act (ADA), including both the statute, 42 U.S.C. 12101 et seq., and the regulations, 29 CFR 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodations and undue hardship. The three main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title 1 regulations (also known as the "Appendix" to the regulations), 29 CFR pt. 1630 app. 1630.2(o), (p), 1630.9; (2) Enforcement Guidance on Reasonable Accommodations and Undue Hardship Under the Americans with Disabilities Act, and (3) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act. The Technical Assistance Manual includes a 200-page Resource Directory, including federal and state agencies and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodations in the following guidance and documents: (1) Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations; (2) Enforcement Guidance: Workers' Compensation and the ADA; (3) Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities; (4) Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964; and (5) Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act.

All of the above-listed documents, with the exception of the Technical Assistance Manual are also available through the Internet at <http://www.eeoc.gov/policy/guidance.html/>. All of these documents provide guidance that applies to Federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. 791.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 5**

2. Job Accommodations Network (JAN)
(800) 232-9675 (Voice/TTY), Web: <http://janweb.icdi.wvu.edu/>

JAN is a free consulting service that provides information about job accommodations, the ADA, and the employability of people with disabilities.

3. Computer/Electronic Accommodations Program (CAP)
(703) 681-8813 (Voice/TTY), Fax: (703) 681-9075, Web: <http://www.tricare.osd.mil/cap>
E-mail: cap@tma.osd.mil

CAP has a memorandum of understanding with the Department of the Interior (DOI) to provide assistive technology and accommodations services for employees with disabilities.

4. ADA Disability and Business Technical Assistance Centers (DBTACs)
(800) 949-4232 (Voice/TTY), Web: <http://www.adainfo.org/>

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

5. Registry of Interpreters for the Deaf
(703) 838-0030 (Voice), (703) 838-0459 (TTY), Web: <http://www.rid.org/>

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

6. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Technical Assistance Project
(703) 524-6686 (Voice), (703) 524-6639 (TTY), Web: <http://www.resna.org/>

RESNA, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- Information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 5**

- centers where individuals can try out devices and equipment;
- assistance in obtaining funding for and repairing devices; and
- equipment exchange and recycling programs.

7. Department of the Interior Accessible Technology Center
(202) 208-5481 (Voice), (202) 208-6248 (TTY), Web: <http://www.doi.gov/atc/>

The DOI Accessible Technology Program opened in October 2000 to support employees with disabilities by determining the appropriate assistive technology and ergonomic solutions for the individual. These accommodations are a surprisingly affordable way to enable employees with a disability to have equal access to information technology that is essential in today's work place.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 6**

DATE

Memorandum

To:

From:

Subject: Request for Additional Information – Reasonable Accommodations Request

The purpose of this memorandum is to request additional medical information regarding your request for reasonable accommodations. You have indicated that you consider yourself to be an individual with a disability. Since you have identified yourself as having a physical and/or psychiatric limitation, it is your responsibility to provide the agency with the information necessary to act on your request for reasonable accommodations.

To ensure your disability meets the criteria covered under the Rehabilitation Act of 1973 and that your disability “substantially limits one or more major life activities”, you will need to provide the agency with medical documentation from your health care provider that must include clarification as to the nature of your disability. The information from your health care provider must be in narrative format and include:

- a. The nature, severity, and duration of the impairment;
- b. The activity or activities that the impairment limits;
- c. An explanation of the extent to which the impairment limits your ability to perform the activity or activities; and,
- d. Why you require the reasonable accommodations requested.

Upon receipt of the information, a determination will be made as to whether your request for the reasonable accommodations can be approved. The results of the agency’s determination will be discussed with you as soon as possible after receipt of your health care provider’s input.

Please provide this information no later than fifteen (15) business days from the date of receipt of this memorandum. Please note that failure to provide appropriate documentation or to cooperate with the BLM’s efforts to obtain such documentation can result in denial of the accommodations.

If you have any questions, please contact (name of State/Center DPM) at xxx-xxx-xxxx.

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 7**

Denial of Reasonable Accommodations Request

1. Individual requesting reasonable accommodations:

2. Type(s) of accommodations requested:

3. Request for accommodations denied because (circle all that apply):

- a. Accommodations would cause undue hardship.
- b. Medical documentation is inadequate.
- c. Accommodations would require removal of one or more essential functions.
- d. Other (please specify):

Explain reason for the denial of the requested accommodations. Be specific, e.g., why the requested accommodations are ineffective or cause undue hardship:

4. If the individual proposed one type of reasonable accommodations which is being denied, but rejected an offer of a different type of reasonable accommodations, explain:

- 1) The reasons for the denial of the requested accommodations.
- 2) Why the chosen accommodations is ineffective.

5. An individual who disagrees with the denial of an accommodations request is encouraged to initiate alternative dispute resolution (ADR).

**1400-990 - REASONABLE ACCOMMODATIONS POLICY
APPENDIX 7**

6. If the individual wishes to file an Equal Employment Opportunity (EEO) complaint, or pursue Merit Systems Protection Board (MSPB) appeal and union grievance procedures, s/he must do the following, with the understanding that the time limits for taking these steps apply whether or not the individual has initiated ADR:
 - a. For an EEO complaint pursuant to 29 CFR 1614, contact an EEO counselor in the EEO Office *within 45 days from the date of this notice of denial* of the accommodations request; or
 - b. For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
 - c. Initiate an appeal to the MSPB *within 30 days of an appealable adverse action* as defined in 5 CFR § 1201.3.

Printed/typed name

Date Requested Accommodations Denied

Employee Signature
Acknowledging Receipt

Date of Receipt