

ARS  ERS  NASS  NIFA

## *Policies and Procedures*

**Title:** Reasonable Accommodation Procedures  
(including Personal Assistance Services)

**Number:** 122.2 v 3

**Date:** November 6, 2018

**Originating Office:** Office of Outreach, Diversity & Equal Opportunity

**This Replaces:** This replaces 122.2 v 3 dated January 10, 2018

**Distribution:** All REE Agencies

In accordance with updated regulations found in Section 501 of the Rehabilitation Act of 1973, this P&P outlines the procedures for providing reasonable accommodations for individuals with disabilities & the new requirement to provide personal assistance services to individuals with “targeted” disabilities.

# TABLE OF CONTENTS

Introduction .....	1
1. Purpose .....	2
2. Background .....	2
3. Policy .....	2
4. Responsibilities .....	2
5. Authorities .....	4
6. Definitions .....	4
7. Requesting an Accommodation .....	6
8. Accommodations Needed on a Repeated Basis .....	8
9. Recordkeeping of “Formal” Reasonable Accommodation Requests .....	8
10. Interactive Process .....	9
11. Requests for Medical Documentation .....	9
12. Disability Determinations .....	10
13. Confidentiality Requirements .....	11
14. Time Limits for Processing Requests .....	12
15. Recognizing and Granting a Reasonable Accommodation Request .....	13
16. Funding Reasonable Accommodations .....	14
17. Denying a Reasonable Accommodation .....	14
18. Reassignment as a Reasonable Accommodation .....	15
19. Telework as a Reasonable Accommodation .....	15
20. Personal Assistance Services .....	16
21. Program Tracking and Reporting Requirements.....	17
22. Resources .....	17
23. List of Exhibits .....	18
Exhibit 1, REE-172, Request for Reasonable Accommodation.....	20
Exhibit 2, REE-173, Denial of Reasonable Accommodation Request .....	21
Exhibit 3, REE-174, Request for Personal Assistance Services .....	22
Exhibit 4, REE-175, Denial of Personal Assistance Services .....	23
Exhibit 5, Sample Letter for Requesting Medical Documentation (for Supervisors) .....	24
Exhibit 6, Limited Release of Medical Documentation .....	26
Exhibit 7, Step-by-Step Formal Reasonable Accommodation Process.....	27
Exhibit 8, Informal vs. Formal Reasonable Accommodation Process .....	28

## INTRODUCTION

The Research, Education, and Economics (REE) Agencies which includes the Agricultural Research Service; the Economics Research Service; the National Agricultural Statistics Service; and the National Institute of Food and Agriculture are fully committed to a simple and streamlined process for providing effective reasonable accommodations to its employees with disabilities.

As a model Equal Employment Opportunity (EEO) Employer and pursuant to Departmental Regulation, 4300-8, Reasonable Accommodation Procedures, REE managers are encouraged to be empathetic, creative, flexible and innovative when making reasonable accommodation decisions for their subordinates with disabilities. Furthermore, these reasonable accommodation procedures demonstrate REE's support of persons with disabilities and will continue to help make REE and USDA as a whole, an EEO "Employer of Choice."

This document sets forth the policies and procedures to be used for requesting reasonable accommodations and for making reasonable accommodation decisions by REE managers and supervisors. It also provides the procedures for requesting medical documentation to support an employee's claim for needing an accommodation. This is particularly important when the disability and/or the need for an accommodation is not obvious or otherwise known; when the workplace limitations or restrictions are unknown; and to meet both efficient recordkeeping and reporting requirements.

Each reasonable accommodation request must be considered on a case-by-case basis. There is no "one-size fits all" accommodation for every disability. In most cases, requests may be resolved between the employee and the immediate supervisor, particularly when a medical condition is transitory in nature and does not rise to the level of a disability. This is referred to as an "informal" reasonable accommodation. On the other hand, medical conditions that are not transitory in nature will require a disability determination to be made by the REE Reasonable Accommodation Program Manager through the "formal" reasonable accommodation process. In either case, the immediate supervisor is generally the deciding official. For this reason, it is imperative that employees be actively engaged with their immediate supervisors regarding their reasonable accommodation needs by having ongoing dialogue and communications throughout the entire process. This is often referred to as the "interactive process."

## 1. PURPOSE

This document establishes written procedures to use to implement reasonable accommodations for employees and applicants with disabilities.

## 2. BACKGROUND

Executive Order 13164 requires all Federal Agencies to establish procedures for handling requests for reasonable accommodations for persons with disabilities. REE's policies and procedures fully comply with the requirements of the Rehabilitation Act of 1973. Under the law, Agencies must provide reasonable accommodations to qualified individuals or applicants with disabilities, unless to do so would cause undue hardship. REE is fully committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal employment benefits and access to all employment opportunities as those without a disability.

## 3. POLICY

REE recognizes that each of its employees and applicants need the tools necessary to be productive. This includes providing effective reasonable accommodations to qualifying employees with disabilities to assist them in carrying out their job duties which ultimately help the agency accomplish its mission. An employee with a disability need only express their need for a reasonable accommodation to their immediate supervisor who, in most instances, is the deciding official for the request. In the majority of situations, providing a reasonable accommodation is simple, quick and inexpensive.

## 4. RESPONSIBILITIES

### 4.1 Employee

An employee with a disability who wishes to be considered for a reasonable accommodation should express their accommodation need(s) to their immediate supervisor or other deciding official within their leadership chain and/or the REE Reasonable Accommodation (RA) Program Manager. The request may be verbal and/or in writing. A request for a reasonable accommodation may also be made to the immediate supervisor or deciding official even if they have proposed to take a performance- or conduct-based action. Other basic employee responsibilities include:

- Seeking guidance from the REE RA Program Manager.
- Providing medical documentation, when necessary.
- Suggesting effective accommodations that enable the essential job functions to be performed.
- Documenting the accommodation request on Form REE-172, Request for Reasonable Accommodation (*see Exhibit 1*) and submitting to the immediate supervisor or deciding official for consideration.
- Communicating effectively to fully engage in the interactive process.
- Seeking to fully understand the reasonable accommodation laws and its requirements.
- Ensuring safe recordkeeping and/or the proper disposition of their own medical documentation.

## **4.2 Immediate Supervisor or Deciding Official**

Generally, the immediate supervisor is the deciding official responsible for making decisions regarding a reasonable accommodation request. Some offices may choose to delegate this authority to another leadership official within the requestor's supervisory chain. For a job applicant with a disability who needs an accommodation to fully participate in the interview process, the deciding official is generally the hiring manager, although it may be the panel chair if the hiring manager has delegated a panel to oversee the interview process. In either scenario, the basic responsibilities of the deciding official include:

- Seeking guidance from the REE RA Program Manager.
- Requesting medical documentation, when necessary.
- Communicating effectively to fully engage in the interactive process.
- Collaborating with the employee to implement an effective accommodation that will enable the essential job functions to continue.
- Adhering to the established timeframes to review the request and make a decision.
- Reviewing and signing Form REE-172, Request for Reasonable Accommodation.
- Reviewing and signing Form REE-173, Denial of Reasonable Accommodation, if applicable. (*see Exhibit 2*)
- Providing both the employee and the REE RA Program Manager with copies of Forms REE-172 and/or REE-173 once a final decision is made.
- Seeking to fully understand the reasonable accommodation laws and requirements.
- Ensuring safe recordkeeping and/or the proper disposition of an employee's medical documentation.
- Consulting with the Human Resources (HR) Division, Personnel and Labor Solutions Branch when a reasonable accommodation is requested in conjunction with an anticipated or impending performance- or conduct-based action.

In the event the deciding official is unable to fulfill their responsibilities, the request shall be elevated to the next level of the requestor's leadership.

## **4.3 REE Reasonable Accommodation (RA) Program Manager**

The REE RA Program Manager is responsible for program management and oversight. Primary responsibilities include, but are not limited to:

- Serves as the agency's liaison on all reasonable accommodation matters.
- Updates and maintains the contents of this P&P and reasonable accommodation forms. (i.e. REE-172, Reasonable Accommodation Request & REE-173, Denial of Reasonable Accommodation Request)
- Provides guidance, policies and procedures to employees needing a reasonable accommodation and to their immediate supervisor and/or deciding official.
- Facilitates reasonable accommodation requests and offers suggestions and resources to bring resolution.
- Reviews medical documentation to make disability determinations.
- Keeps record of medical documentation and associated documents for "formal" reasonable accommodation requests.
- Develops and provides reasonable accommodation training for the REE workforce.
- Attends trainings, workshops, seminars, and/or conferences to stay current on ADA laws and/or Rehabilitation Act updates and developments.

- Collaborates with HR professionals when reasonable accommodation policies overlap with other HR programs. (*i.e. Schedule A Hiring; telework as an accommodation; performance- & conduct-based actions; disability retirement; and/or FMLA*)
- Certifies to OPM the agency's reasonable accommodation efforts for all REE disability retirement applicants.
- Serves as REE's Handicapped Parking Coordinator for employees in the Washington Metropolitan Area who have short- and long-term disabilities and need access to permanent or temporary handicapped parking.
- Serves as the liaison to REE employees in Washington Metropolitan Area who need American Sign Language interpreters. This includes informing employees of their agency's internal process to secure an interpreter.

#### **4.4 Departmental Reasonable Accommodation (RA) Program Manager**

USDA's Departmental RA Program Manager has overall responsibility to ensure mission area compliance with obligations to provide effective reasonable accommodations to qualified individuals with a disability. In extenuating circumstances, the mission area has also designated the Departmental RA Program Manager to make reasonable accommodation determinations for employees with a disability, however Departmental level determinations are extremely rare. These high-level determinations may be necessary for extremely difficult and complex matters when/if determinations within the mission area are not possible. The Departmental RA Program Manager shall maintain, review, and interpret all documentation--medical and non-medical--to make this determination and report decisions to the appropriate officials.

## **5. AUTHORITIES**

- Section 501 of the Rehabilitation Act of 1973, as amended, including the Americans with Disabilities Act Amendments Act of 2008, P.L. 110-325 (29 U.S.C. § 791, et seq.)
- Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act (29 CFR Part 1630)
- Regulations to Implement the Rehabilitation Act (29 CFR Part 1614.203)
- Departmental Regulation, 4300-008, Reasonable Accommodations for Employees and Applicants with Disabilities, (March 2000)
- EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 2000)
- Equal Employment Opportunity Commission (EEOC): Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164 (July 2005)
- EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 2002)
- EEOC Final Rule: Affirmative Action for Individuals with Disabilities in Federal Employment, Rehabilitation Act, 29 CFR § 1614.203 (January 2017)

## 6. DEFINITIONS

**Disability** – As defined by the ADA, a physical or mental impairment that substantially limits one or more major life activities, a “record of” such an impairment; or an individual who is “regarded as” having such an impairment.

**Essential Functions** – the fundamental duties of a position. This includes, but is not limited to the reason this position exists; performance of a particular function; the limited number of other employees who could perform that function; and/or a function that is highly specialized and the incumbent was hired for his/her expertise of that function.

**Formal Reasonable Accommodation** - an accommodation that is provided by the immediate supervisor or deciding official before or after a disability determination has been made by the REE RA Program Manager. Individuals with a disability *must be accommodated* unless doing so creates an undue hardship for the agency.

**Informal Reasonable Accommodation** – an accommodation that is provided by the immediate supervisor or deciding official without a disability determination by the REE RA Program Manager. This *may or may not* include conditions that rise to the level of a disability. For example, a medical condition that is transitory in nature such as the flu, minor surgery, or a broken limb is not defined as a disability, however a reasonable accommodation should still be considered, unless doing so creates an undue hardship for the agency.

**Interactive Process** – the act of all parties communicating and fully engaging in the process of implementing an effective reasonable accommodation. This interaction may be verbal, written or both. Generally, this involves an ongoing dialogue between the employee and their immediate supervisor or deciding official to include, but is not limited to, the request of and the submission of medical documentation. Others involved in the interactive process include the REE RA Program Manager and/or other agency officials where there is a business necessity to be involved.

**Medical Care Professional** – an individual accredited by a professional body upon completing a course of study, and usually licensed by a government agency, to practice a health related profession such as dentistry, medicine, nursing, occupational health, physical therapy.

**Mental Health Care Professional** - a health care practitioner or community services provider who offers services for the purpose of improving an individual's mental health or to treat mental disorders.

**Major Life Activities** – Functions that an individual performs on a daily basis. Major life activities include but are not limited to the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a bodily function.

**Mental Impairment** - any psychological or mental disorder to include, but is not limited to, intellectual disabilities, emotional or mental illness, or a learning disability.

**Physical Impairment** - any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems. This includes neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, or endocrine.

**Qualified Individual with a Disability** - an individual with a disability who satisfies the requisite skills, experiences, education, and other job-related requirements of the position and can perform the essential functions of the position, *with or without a reasonable accommodation*.

**Reasonable Accommodation** - a change in the work environment, how work is traditionally performed or the application process that would enable a qualified individual with a disability to enjoy equal employment benefits as those individuals without a disability.

**Record of an Impairment** - an individual having a history of or a prior record of having a mental or physical impairment that substantially limits one or more of their major life activities.

**Regarded as** – an individual perceived as or having an impairment which has not substantially limited a major life activity but is being treated as having such a limitation. This includes the attitudes and perceptions of others towards the impairment or having none of the impairments described, but still being treated as having one.

**Substantially Limits** - unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner, or duration under which the average person in the general population could perform that same activity.

**Targeted Disability** – Disabilities and serious health conditions per OPM SF-256 (revised October 2016). Examples include developmental disabilities; traumatic brain injuries; deafness; blindness; significant mobility impairments; missing extremities; paralysis; epilepsy; intellectual disabilities; significant psychiatric disorders; dwarfism; and significant disfigurement.

**Undue Hardship** - an accommodation requiring significant difficulty or expense. This determination is made on a case-by-case basis and considers the nature of the accommodation, the cost of it considering the financial resources of USDA as a whole and/or the impact of the accommodation on the operations or the specific duties of the position for a particular office or facility involved.

## **7. REQUESTING AN ACCOMMODATION**

### **7.1 Employees**

Employees may express their need for an accommodation to a supervisor or manager in the individual's chain of command (i.e. deciding official); the office designated by the agency to oversee the reasonable accommodation process; any agency employee connected with the application process; or any other individual designated by the agency to accept such requests.



This includes to a deciding official proposing to take a performance- or conduct-based action. The request may be made verbally, in writing, or both. The individual may request and accommodation anytime he or she chooses, even if the existence of a disability has never been previously disclosed. Additionally, the employee need not have a particular accommodation in mind before making a request.

For situations when the employee is unsure what to request, the employee's physician may offer suggestions and/or the REE RA Program Manager is available to provide guidance and other resources such as the Job Accommodation Network for accommodation ideas based on the nature of the disability.

All individuals seeking a reasonable accommodation through the formal process will be asked to complete Form REE-172. Although the form is not a prerequisite for a deciding official to initiate the accommodation, it is necessary to properly document the process and for recordkeeping purposes.

***Note: Although an accommodation must be initiated upon request, medical documentation may be required before a finalized accommodation can be made by the deciding official.***

## **7.2 Applicants for Employment**

Applicants for employment may express their need for an accommodation either verbally and/or in writing to the designee listed on the vacancy announcement and/or to the REE RA Program Manager. The request should identify the accommodation needed. Although an applicant with a disability may request a reasonable accommodation at any time during the application process, the applicant should make their request known as soon as they become aware of a barrier that hinders their full participation in the process.

Applicants contacted for an interview may be asked if an accommodation is needed for the interview. If the answer is yes, they may then be asked what type of accommodation is needed.

***Note: Providing a reasonable accommodation to a job applicant with a disability during the interview process is generally the responsibility of the hiring manager, although it may be the panel chair if the hiring manager has delegated a panel to oversee the interview process.***

## **7.3 Other Representative**

The Reasonable Accommodation Program is completely voluntary to the employee, however there may be situations where a representative may request, verbally and/or in writing, an accommodation on the employee's behalf or that of a job applicant who has a disability. The representative may be a family member, a health care professional, the immediate supervisor or other representative. The request would be submitted and decided upon by the same individual to whom the employee or the job applicant would have made their request to on their own. The deciding official should always confirm with the individual with the disability that he/she actually wants to be accommodated. They must not be coerced or forced to participate in the process.

## **8. ACCOMMODATIONS NEEDED ON A REPEATED BASIS**

Individuals who need an accommodation on a repeated basis such as sign language interpreters, CART services or transcriber services are not required to submit a written request for each instance once the immediate supervisor or deciding official approves the initial request. Individuals needing such services and/or their immediate supervisors should contact the REE RA Program Manager as soon as the initial need and subsequent requests arise for instructions on how to obtain these services timely. Each REE Agency has a separate service contract in place, therefore, procedures may vary. Procedures may include providing the name of the individual needing the service; the date services are needed; a primary point-of-contact; an email or mailing address where invoices are to be sent; and/or purchase card information, wherever applicable.

## **9. RECORDKEEPING OF “FORMAL” REASONABLE ACCOMMODATION REQUESTS**

In order to keep accurate records regarding the reasonable accommodation process employees must follow-up on a verbal request by completing and signing Form REE-172, Request for Reasonable Accommodation. The immediate supervisor or deciding official is then responsible for completing and signing the supervisor’s section. Copies of Form REE-172 should be distributed as follows--immediate supervisor or deciding official should maintain a copy for his/her files; the original to the employee; and a copy to the REE RA Program Manager which will be maintained for at least 5 years or when the employee separates from the agency—whichever is later. *Electronic signatures and electronic copies of the form are also acceptable.*

Although Form REE-172 is required for recordkeeping purposes for all “formal” reasonable accommodations, the written document is not a prerequisite in order for the immediate supervisor or designated deciding official to begin the process and discussion of implementing a reasonable accommodation. The request, if made verbally, should still be considered and processed in accordance with the timelines outlined in these procedures. (*see Section 14, Time Limits*)

Accommodations needed on a repeated basis such as sign language interpreters do not require Form REE-172. Employees should contact the REE RA Program Manager (*see Section 23, Resources*) regarding the internal procedures for their respective REE Agency.

In rare situations when a reasonable accommodation request is denied, Form REE-173, Denial of Reasonable Accommodation must also be completed. The immediate supervisor or deciding official should maintain a copy for his/her files; the original is provided to the employee which details his/her appeal rights; and a copy to the REE RA Program Manager which will be maintained for at least 5 years or when the employee separates from the agency—whichever is later. *Electronic signatures and electronic copies of the form are also acceptable.*

## 10. INTERACTIVE PROCESS

The Equal Employment Opportunity Commission strongly recommends that employers fully engage in what is described as the interactive process--the act of all applicable parties fully engaging in the process towards implementing an effective reasonable accommodation. *This is an essential part of the process.*

Most reasonable accommodations can be resolved between the individual with the disability and the immediate supervisor or deciding official. In most cases, the individual with the disability will be able to provide information regarding the exact type of accommodation that is needed. However, either or both parties are permitted to include others in the interactive process if a specific limitation, restriction, or barrier is not clear; when the type of accommodation is not known; and/or where the parties are choosing between different reasonable accommodations that are all equally effective. Below are a few examples of individuals or entities that may need to be a part of the process. Regardless of who is involved, communication is key to success!

- A Family Member of the Individual with a Disability
- Rehabilitation Counselor
- Medical Care/Mental Health Care Professional of the Individual with a Disability
- USDA's TARGET Center
- Departmental Reasonable Accommodation Program Manager
- Departmental Disability Employment Program Manager
- REE Reasonable Accommodation Program Manager
- REE Disability Employment Program Manager
- REE HR Division, Personnel & Labor Solutions Branch
- Department of Labor's Job Accommodation Network
- Union Representative of the Individual with a Disability

## 11. REQUESTS FOR MEDICAL DOCUMENTATION

Once a reasonable accommodation is requested, it is important that the immediate supervisor or the deciding official know if the employee or applicant has a disability which entitles the individual to an accommodation, unless doing so would create an undue hardship. In order to do this, a request for medical documentation from the individual will need to be made particularly if the disability is not visible or apparent. Although requests for medical documentation are made by the immediate supervisor or the deciding official, the REE RA Program Manager is the agency's designee for making disability determinations and therefore, must be included in the process.

If an individual *does not* have an apparent disability and/or there is no prior record on file of a disability relating to the accommodation being requested, the individual will be required to provide sufficient medical documentation for a disability determination to be made by the

REE RA Program Manager. In certain circumstances, the individual may agree to sign a limited medical release authorizing the REE RA Program to contact the health care provider directly or by submitting a list of specific questions.

If the individual or the agency is unable to substantiate the existence of a disability to warrant the need for an accommodation, then the agency has a right to request that a health care professional of the agency's choice examine the individual at the agency's expense. This action would generally be initiated by the immediate supervisor or deciding official with guidance provided the REE RA Program Manager.

For situations when a disability is visible or apparent; there is a previously documented disability; and/or the accommodation request is related to the known disability, the deciding official should immediately consider the request *without the need for further medical documentation*.

Medical documentation must be legible, signed by the preparer (*i.e. the medical or mental health professional*), and provided on the letterhead, prescription slip, or equivalent stationary of the preparer. *Electronic or wet signatures are acceptable*. Documentation must include the following information, if not currently on file--

- The claimed disability (i.e. diagnosis) for which the employee is seeking to be accommodated.
- The limitations or restrictions that are creating a barrier impacting the individual's ability to successfully perform their essential (critical) job functions.
- The impact the medical condition imposes on and off the job.
- Recommended or suggested accommodation(s) by the physician.
- Expected duration an accommodation(s) is needed.
- Prognosis (i.e. estimated date of recovery) or if the condition is permanent.

## **12. DISABILITY DETERMINATIONS**

On September 25, 2008, President George W. Bush signed the Americans with Disabilities Amendments Act which simplified the process for determining if an employee had a disability. This made it much easier for employers to make these determinations. The REE RA Program Manager is the agency's designee to review medical documentation to make such determinations on behalf of the deciding official.

The REE RA Program Manager will seek information or documentation about the disability and the functional limitations from the individual and/or ask the individual to obtain such information from an appropriate professional. All information need not be medical. Appropriate information may be received from a social worker, rehabilitation counselor, etc. The documentation received must be sufficient enough for the REE RA Program Manager to determine if the requestor is an individual with a disability. If the medical documentation provided is insufficient to make a disability determination, further information may be requested by the deciding official and/or the REE RA Program Manager.

The individual may then ask their medical care professional, mental health care professional, or other professional, whichever is applicable, to provide the missing information. The REE RA Program Manager and the individual requesting the accommodation may agree that a signed Limited Release of Medical Documentation is necessary to authorize the aforementioned professional to remit the necessary information directly to the REE RA Program Manager on behalf of the individual with a disability. This may include submitting a list of specific questions to be addressed or by having the REE RA Program Manager contact them directly to obtain the missing information.

In a situation where medical information is requested, submitted, and/or obtained that is unrelated to a reasonable accommodation request, this medical information shall be confidentially discarded immediately.

The failure to provide appropriate medical documentation and/or not cooperate with the agency's efforts to obtain such documentation would demonstrate an individual's disengagement of the interactive process. This could result in a denial of the reasonable accommodation until the individual chooses to do so.

In the case of a job applicant, relevant medical documentation may need to be requested to determine the nature of the disability or how the accommodation would assist in the application process.

### **13. CONFIDENTIALITY REQUIREMENTS**

Under the Rehabilitation Act of 1973, as amended *medical documentation obtained in connection with the reasonable accommodation process must be kept confidential*. This means all medical documentation, including information about functional limitations and the reasonable accommodation needs. Any information obtained in connection with a reasonable accommodation request must be kept in files separate from the individual's personnel files, including the Official Personnel Folder.

Confidentiality applies to all aspects of the agency's reasonable accommodations process, whether the accommodation was provided via the formal process or the informal process. It also means that any REE employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The REE RA Program Manager will maintain custody of all medical records obtained or created during the "formal" reasonable accommodation process and will respond to all requests accordingly for disclosure of information found in such records. All records will be maintained in accordance with Privacy Act provisions and any information found in those records may only be disclosed as follows:

- Supervisors and managers needing to know if the individual meets disability criteria; the workplace restrictions/limitations on the individual's job duties; and about any recommended accommodations by the physician. *Copies of medical documentation will only be disclosed by the REE RA Program Manager if absolutely necessary and if it is consistent with business necessity to do so.*

- First Aid and safety personnel may be given specific medical documentation if the disability might require emergency care or treatment.
- Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act of 1974.
- In certain circumstances, medical documentation may be disclosed to certain HR professionals such as Employee Relations Specialists, Worker's Compensation Specialists and/or insurance carriers in accordance with Equal Employment Opportunity Commission guidelines, regulations, and other requirements as cited in the Rehabilitation Act of 1974.

Whenever information is disclosed, the individual disclosing it must inform the recipient of the confidentiality requirements as well as the requirements to comply with applicable Privacy Act provisions.

*For bargaining unit employees--* information may be disclosed to the Union Representative with representation functions related to making reasonable accommodation determinations, however the confidentiality requirements of the Union Representative must be consistent with Equal Employment Opportunity Commission guidelines, regulations, and other requirements as cited in the Rehabilitation Act of 1974.

#### **14. TIME LIMITS FOR PROCESSING REQUESTS**

It is expected that whether a request is made by an individual with a disability or an individual with a transitory medical condition, a reasonable accommodation should be acknowledged and considered as soon as it is reasonably feasible to do so. Special circumstances may influence the overall timing of the process, however most accommodations can be provided immediately or within a few days of the request. When an immediate accommodation is not possible, the timelines indicated below must be followed.

- The reasonable accommodation request should be acknowledged by the immediate supervisor or deciding official and the process of consideration must be initiated as soon as the request is made whether orally or in writing.
- When the disability is not apparent or visible, the immediate supervisor or deciding official may need to request medical documentation and await a disability determination by the REE RA Program Manager. Although one may be awaiting medical documentation, once the request is made, the immediate supervisor or deciding official must still acknowledge the request and initiate the accommodation immediately. In other words, an interim accommodation should be provided while awaiting medical information.
- An accommodation must be provided within 30 business days from the date of the request, however, if an accommodation can reasonably be provided in less than the 30 days, it is required to do so. Unnecessarily waiting to implement an accommodation that could have been provided immediately, within a day or so, or any other timeframe totaling less than the maximum number of days is a violation of Section 501 of the Rehabilitation Act.

- In certain situations, an expedited accommodation may be required. This includes but is not limited to enabling an applicant to apply for a job or to enable an employee to attend a meeting or other agency-sponsored event scheduled to occur very soon. In either case, the immediate supervisor or deciding official of the individual should work in concert with the REE RA Program Manager to ensure the individual is expeditiously accommodated.
- Extenuating circumstances may require more than 30 days for full implementation, however, this practice is generally the exception and not the rule. In these instances, an interim accommodation must be provided and the immediate supervisor or designated deciding official shall notify the employee in writing of the reason for the delay; provide a justification for the delay; and provide the approximate date that a final decision is expected to be made.
- When all facts and circumstances are known to the immediate supervisor or deciding official that would entitle the employee to an accommodation, however, the accommodation cannot be provided immediately, absent an undue hardship, the immediate supervisor or deciding official must provide the individual with an interim accommodation.

## **15. RECOGNIZING AND GRANTING A REASONABLE ACCOMMODATION REQUEST**

As mentioned in *Section 4, Responsibilities*, an employee need only express their accommodation need(s) to their immediate supervisor or other Agency official designated to accept such requests. EEOC's guidance states that an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation" when making a request. Likewise, supervisors need to be able to recognize a request for an accommodation in the absence of certain words. Below are examples of what a reasonable accommodation request might sound like—

- “I am deaf and will need an interpreter for the job interview.”
- “I’ve been diagnosed with Carpal Tunnel Syndrome and it hurts to type.”
- “My doctor prescribed a new medication and I’m having difficulty getting to work on time.”
- “The lighting in my office is giving me a really bad headache. Can the fluorescent light bulbs be removed?”

When a supervisor is faced with a request, it is advised to next ask the employee, “What can I do to help you?” to engage the interactive process. Once a reasonable accommodation decision has been made to grant the request, the immediate supervisor or deciding official should immediately communicate this to the employee if not already known to him/her. This includes completing and signing Form REE-172, Reasonable Accommodation Request (*see Section 9, Recordkeeping of “Formal” Reasonable Accommodation Requests*). This may also include outlining and detailing work expectations associated with the accommodation if unknown to the employee.

The immediate supervisor or deciding official is responsible for determining if the requested accommodation is effective. If not, they should engage the interactive process by having further discussions with the individual needing the accommodation until both parties can agree on the most effective accommodation possible.

## **16. FUNDING REASONABLE ACCOMMODATIONS**

The vast majority of reasonable accommodations require little to no funding. When costs are incurred, immediate supervisors or deciding officials must use their discretionary funds to provide those accommodations as long as providing the requested accommodation is effective, would enable the individual to perform their essential job functions, and would not impose an undue hardship. Purchases may include, but not limited to, equipment, supplies, hardware and/or software.

Agency designees authorized to grant or deny requests or those authorized to make hiring decisions, must utilize all resources available to the agency as a whole. This means if the agency designee is authorized to grant or deny requests, but is not a funds holder, they must elevate the request for funding to their next level of leadership and/or beyond to obtain such funds in order to fully implement the reasonable accommodation. Additionally, individuals with disabilities must not be excluded from employment due to anticipated costs of a reasonable accommodation if the resources are available to the agency as a whole.

Claims of no funding solely as a basis for undue hardship claims is prohibited and violates Section 501 of the Rehabilitation Act.

*Note: Funding resources that were designated by statute for a specific purpose are exempt for reasonable accommodation purposes.*

## **17. DENYING A REASONABLE ACCOMMODATION REQUEST**

Denials are extremely rare since most reasonable accommodations are approved although adjustments or modifications may have been made to the individual's initial request. However, when an approval isn't possible, the immediate supervisor or deciding official must communicate this to the employee as soon as the decision to deny the request is made. It is also required that the immediate supervisor or designated deciding official complete and sign Form REE-172, Reasonable Accommodation Request **and** Form REE-173, Denial of Reasonable Accommodation Request to document the reason and an explanation for the denial. For example, if granting a particular accommodation would cause an undue hardship, the immediate supervisor or deciding official must select this option on the form and provide an explanation.

The employee should receive the original forms of both the REE-172 and REE-173. The REE-173 in particular informs the individual of his/her appeal rights. This may include filing an EEO complaint or pursuing a grievance under the Merit Systems Protection Board procedures. Form REE-173 also encourages employees to utilize the agency's Alternative Dispute Resolution process. *Electronic signatures and electronic copies of the form(s) are also acceptable.*



## **18. REASSIGNMENT AS A REASONABLE ACCOMMODATION**

Reassignment is the accommodation of last resort and must be considered when no other accommodation is available that would enable the individual to perform his or her essential job functions or when the only effective accommodation would cause an undue hardship. Reassignments made to a vacant position for which the employee is qualified--not just permission to compete for such position--is a reasonable accommodation. If qualified, the employee will be reassigned without competition. The new position cannot have greater promotion potential than the position currently held.

In considering whether there are positions available for reassignment, the immediate supervisor or deciding official will need to collaborate with the REE RA Program Manager and the REE HR Staff. Communications with the Department's Office of Human Resources Management (OHRM) may also be required for vacancy searches beyond the REE mission area. HR Staff will:

- Identify all vacant positions within the agency for which the employee may be qualified, *with or without a reasonable accommodation*.
- Identify all positions which REE HR Staff or OHRM has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified.

The immediate supervisor or deciding official will first focus on positions that are equivalent to the employee's current position and will then consider vacant lower level positions for which the individual is qualified. A reassignment may be made to a vacant position outside of the employee's commuting area, but only if the employee is willing to relocate. As with other reassignments not directed by management, REE is not obligated to pay relocation expenses.

After the agency has concluded that there were no vacant positions available and determined that the employee was not qualified for any position, an agency may initiate a separation action based on the inability to perform. This would be considered an *involuntary separation*.

An employee may also apply for disability retirement as a voluntary separation if they meet certain eligibility requirements. Whether the disability-based separation is voluntary or involuntary, neither action is considered a disciplinary action.

## **19. TELEWORK AS A REASONABLE ACCOMMODATION**

Telework may be appropriate and should be considered as a reasonable accommodation for employees with disabilities as long as this type of accommodation will enable the individual with a disability to perform the essential (critical) functions of their position and is an effective option. This is at the discretion of the deciding official. The determination as to whether an individual may be granted telework as a reasonable accommodation should be made on a case-by-case basis recognizing that not all positions and job duties are portable and that other accommodation types may be as equally effective as telework. It is important to consult with the REE RA Program Manager for guidance since telework as a reasonable accommodation follows a different set of considerations and provisions than those of a typical telework request used as a work/life balance tool.

## 20. PERSONAL ASSISTANCE SERVICES

Effective January 3, 2018, Section 501 regulations of the Rehabilitation Act of 1973 requires federal agencies to provide Personal Assistance Services (PAS) on the job as part of their affirmative action requirements. The new regulations specifically require Federal agencies to provide PAS to individuals with a “targeted” disability (*see Section 6, Definitions*) if they require such services.

PAS are services that provide assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability and that is not otherwise required as a reasonable accommodation. For example, assistance with activities of daily living to include, but not limited to, removing and putting on clothing, eating, bathing and using the restroom. *PAS are “functional” services not “medical” services nor medical care.*

In addition to job-related services required as a reasonable accommodation, current regulations require agencies to provide an employee with PAS during work hours for job-related travel if the employee requires such services because of a targeted disability. The new regulations now provide PAS for non-working hours to help the individual prepare for their work day. Provisions of such services would, together with any reasonable accommodations needed, enable the employee to perform the essential functions of his or her position, as long as providing the services does not impose an undue hardship on the agency.

PAS must be performed by a PAS provider. Agencies may require PAS providers to provide services to more than one individual. Agencies may also require PAS providers to perform tasks unrelated to personal assistance services, *but only to the extent* that doing so does not result in their failure to provide PAS in a timely manner.

When selecting someone who will provide PAS to a single individual, agencies are required to give primary consideration to the individual's preferences to the extent permitted by law. This may include a family member, a coworker, or an independent contractor. No matter which party is chosen, their *primary function must be to provide PAS.*

Although providing PAS is not a reasonable accommodation, ***the procedures for requesting PAS are the same*** as outlined in this policy. This includes determining whether such services are required and the agency's right to deny such requests, if providing such services poses an undue hardship. As with reasonable accommodation requests, cost as an undue hardship is not easily defensible.

Forms REE-174, Request for Personal Assistance Services and/or REE-175, Denial of Personal Assistance Services Request should be used instead. (*see Exhibits 3 & 4*)

## 21. PROGRAM TRACKING AND REPORTING REQUIREMENTS

REE Agencies must keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements under Section 501 of the Rehabilitation Act. Such records must be made available to the Equal Employment Opportunity Commission (EEOC) upon the EEOC's request.

To that end, the REE RA Program Manager is responsible for maintaining accurate reasonable accommodation records, tracking trends and/or complying with various initiatives and reporting requirements as requested or mandated by, but not limited to OHRM, the Office of Personnel Management and/or the EEOC. These reporting requirements do not disclose a medical condition nor do they reveal the name of an employee(s) that is being accommodated. Reporting efforts are intended to demonstrate and highlight the agency's proactive efforts in support of persons with disabilities. The EEOC requires that reporting data include the following information:

- The specific reasonable accommodation;
- The job sought by the requesting applicant or job held by the employee (including occupational series, grade level, and agency component);
- Whether the accommodation was needed to apply for a job, to perform the essential functions of a job, or to enjoy the benefits and privileges of employment;
- Whether the request was granted or denied;
- The identity of the deciding official;
- The basis of the denial; and
- The number of days taken to process the request.

## 22. RESOURCES

- The Equal Employment Opportunity Commission is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, **disability** or genetic information.

*Equal Employment Opportunity Commission Reasonable Accommodation Enforcement Guidance*

<https://www.eeoc.gov/policy/docs/accommodation.html>

*Equal Employment Opportunity Commission Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act*

<https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>

- The Job Accommodation Network is a service of the Department of Labor, Office of Disability Employment Policy. This agency provides written materials and information to the public solely for educational purposes. Materials are not intended to be legal or medical advice.

*Job Accommodation Network (JAN) Contact Information*

[www.askjan.org](http://www.askjan.org)

1-800-526-7234 (Voice)

1-877-781-9403 (TTY)

*Employers Practical Guide to Reasonable Accommodation Under the ADA*

<https://askjan.org/ErGuide/ErGuide.pdf>

*Personal Assistance Services (PAS) in the Workplace*

<https://askjan.org/media/PAS.html>

- The TARGET Center provides onsite workplace assessments and demonstrations for assistive technology and ergonomic solutions. They also provide recommendations regarding reasonable accommodation requests.

*USDA TARGET Center*

[www.usda.gov/oo/target.html](http://www.usda.gov/oo/target.html)

202-720-2600 (Voice/TTY)

- The REE Reasonable Accommodation Program Manager is available to provide additional guidance and resources to help facilitate an effective reasonable accommodation between an individual with a disability and their deciding official. For more information or questions regarding the contents of this policy and procedures, please contact:

*USDA/ARS/Office of Outreach, Diversity, and Equal Opportunity*

*Tonya B. Morris, REE Reasonable Accommodation Program Manager*

Direct Line: 301-504-4339

Main Line: 202-720-6161

Email: [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov)

## 23. LIST OF EXHIBITS

- **Exhibit 1**, REE-172, Request for Reasonable Accommodation
- **Exhibit 2**, REE-173, Denial of Reasonable Accommodation Request
- **Exhibit 3**, REE-174, Request for Personal Assistance Services
- **Exhibit 4**, REE-175, Denial of Personal Assistance Services
- **Exhibit 5**, Sample Letter for Requesting Medical Documentation (*for Supervisors*)
- **Exhibit 6**, Limited Release of Medical Documentation
- **Exhibit 7**, Step-by-Step Formal Reasonable Accommodation Process (*Visual Aid*)
- **Exhibit 8**, Informal vs. Formal Reasonable Accommodation Process (*Visual Aid*)



# Exhibit 1

United States Department of Agriculture  
 Research, Education, and Economics Agencies

## REQUEST FOR REASONABLE ACCOMMODATION

<i>This Section to be Completed by Individual Requesting an Accommodation</i>			1. Date of Request
2. Individual's Name	3. Telephone Number	4. Individual's E-mail Address	5. REE Agency and Office
6. Accommodation Requested (attach separate sheet, if further explanations needed)		7. Reason for Request	
8. Applicant or Individual's Signature and Date			

<i>This Section to be Completed by the Immediate Supervisor or Other Deciding Official</i>		
1. Name of Individual Requesting Accommodation	2. REE Agency and Office	
3. Reasonable Accommodation (Check one)  <input type="checkbox"/> Approved  <input type="checkbox"/> Denied (If denied, attach copy of the "Denial of Accommodation Request" form - Form REE-173)	4. Name of Individual to Whom Request was Made (if not immediate supervisor)	
6. Date Accommodation Requested		7. Date Accommodation Approved or Denied
		8. Date Accommodation Provided
9. If time frames outlined in the Reasonable Accommodation Procedures P&P were not met, please explain. (if met, enter N/A)		

10. Title of Job Held or Desired by Individual Needing the Accommodation (include series and grade level)	11. Accommodation Requested (if different from above)	12. Accommodation Provided (if different from what was requested)
13. Was Medical Documentation Required to Process this Request? If yes, was it provided to RA Program Manager for review?		14. Cost of Accommodation (if any)
15. Supervisor Signature and Date		16. Title

Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/OA/Office of Outreach, Diversity & Equal Opportunity, 5601 Sunnyside Avenue, Mail Stop 5144, Beltsville, MD 20705-5144.  
 Form REE-172 (Rev. 11/2017) This form was electronically produced by USDA/ARS/OA/OEASB.

# Exhibit 2

United States Department of Agriculture  
 Research, Education, and Economics Agencies

## DENIAL OF REASONABLE ACCOMMODATION REQUEST

1. Name of Individual Requesting Accommodation	2. Type(s) of Reasonable Accommodation Requested
--	--

3. Reason for the Denial (Check all that apply)

<input type="checkbox"/> Accommodation ineffective <input type="checkbox"/> Accommodation would cause undue hardship <input type="checkbox"/> Medical documentation inadequate	<input type="checkbox"/> Accommodation would require removal of an Essential Function <input type="checkbox"/> Accommodation would require lowering of performance/production standard <input type="checkbox"/> Other (please specify) _____
--	--

4. Give Detailed Reason(s) for the Denial (Must be specific. For example, explain why the accommodation is ineffective or causes undue hardship.)

---

5. If the requestor proposed an accommodation that was denied and subsequently rejects an alternative accommodation that is as equally effective, please explain the reason for the denial of the original request and why or how the alternative accommodation would be as effective. (If not applicable, enter N/A)

6. If an individual wishes to request reconsideration of this decision, he/she may take the following steps:

- (a) Ask the decision maker to reconsider the denial and provide additional supporting information, if applicable;
- (b) If the decision maker is the immediate supervisor and he/she is unable to reverse the denial, the individual may ask the second level supervisor (i.e., Office Chief, Director, etc.) to review the request for reconsideration;
- (c) If the decision maker is the second level supervisor (i.e., Office Chief, Director, or equivalent), the individual may elevate the request to the next leadership level. He/she may also ask the REE Reasonable Accommodation Program Manager to review the request. The REE Reasonable Accommodation Program Manager is not the deciding official, however, can work with the deciding official(s) and offer additional guidance to facilitate an effective accommodation.

7. If an individual wishes to file an EEO complaint, pursue Merit Systems Protection Board procedures, and/or pursue Union Grievance Procedures, they may take the following steps:

- (a) For an EEO complaint pursuant to 29 C.F.R. & 1614, contact an EEO counselor in their Agency's Civil Rights Office within 45 days from the date of this denial notice; or
- (b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement or the Agency's Administrative Grievance Procedures; or
- (c) Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. & 1201.3; or
- (d) Utilize the Agency's Alternative Dispute Resolution (ADR) process. Note, pursuing the ADR process does not relieve the individual from adhering to the time frames indicated above.

8. Deciding Official Name	9. Title	10. Deciding Official Signature and Date
---------------------------	----------	--

Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/OA/Office of Outreach, Diversity & Equal Opportunity, 6601 Sunnyside Avenue, Mail Stop 5144, Beltsville, MD 20705-5144.

# Exhibit 3

United States Department of Agriculture  
 Research, Education, and Economics Agencies

## REQUEST FOR PERSONAL ASSISTANCE SERVICES

<i>This Section to be Completed by Individual Requesting Personal Assistance Services (PAS)</i>			1. Date of Request
2. Individual's Name	3. Telephone Number	4. Individual's E-mail Address	5. REE Agency and Office
6. Type of PAS Requested <i>(attach separate sheet, if further explanations needed)</i>			7. Reason for Request
8. Applicant or Individual's Signature and Date			

### *This Section to be Completed by the Immediate Supervisor or Other Deciding Official*

1. Name of Individual Requesting PAS		2. REE Agency and Office	
3. Reasonable Accommodation <i>(Check one)</i>  <input type="checkbox"/> Approved  <input type="checkbox"/> Denied <i>(If denied, attach copy of the "Denial of Personal Assistance Services" - Form REE-175)</i>		4. Name of Individual to Whom Request was Made <i>(if not Immediate supervisor)</i>	
		5. Position Title	
6. Date PAS Requested	7. Date PAS Approved or Denied	8. Date PAS Provided	
9. If time frames for providing PAS were not met, please explain below. See P&P 122.2v3, Reasonable Accommodation Procedures, Section 13. <i>(If met, enter N/A)</i>			

10. Title of Job Held or Desired by Individual Needing PAS <i>(include series and grade level)</i>	11. Type of PAS Requested <i>(if different from above)</i>	12. Type of PAS Provided <i>(if different from what was requested)</i>
13. Was Medical Documentation Required to Process this Request? If yes, was it provided to RA Program Manager for review?		

14. Cost of PAS	15. Name of PAS Provider
16. Supervisor Signature and Date	17. Title

**Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/OA/Office of Outreach, Diversity & Equal Opportunity, 5601 Sunnyside Avenue, Mail Stop 5144, Beltsville, MD 20705-5144.**

Form REE-174 (Rev. 11/2017)

This form was electronically produced by USDA/ARS/OIC/OEASB.



# Exhibit 4

United States Department of Agriculture  
Research, Education, and Economics Agencies

## DENIAL OF PERSONAL ASSISTANCE SERVICES (PAS)

1. Name of Individual Requesting PAS	2. Type(s) of PAS Requested
--------------------------------------	-----------------------------

3. Reason for the Denial (Check all that apply)

- Providing PAS would cause undue hardship
- Medical documentation inadequate
- Other (please specify): \_\_\_\_\_

4. Give Detailed Reason(s) for the Denial (Must be specific. For example, explain why providing PAS is ineffective or causes an undue hardship)

5. If an individual wishes to request reconsideration of this decision, he/she may take the following steps:

- (a) Ask the decision maker to reconsider the denial and provide additional supporting information, if applicable;
- (b) If the decision maker is the immediate supervisor and he/she is unable to reverse the denial, the individual may ask the second level supervisor (i.e., Office Chief, Director, etc.) to review the request for reconsideration;
- (c) If the decision maker is the second level supervisor (i.e., Office Chief, Director, or equivalent), the individual may elevate the request to the next leadership level. He/she may also ask the REE Reasonable Accommodation Program Manager to review the request. The REE Reasonable Accommodation Program Manager is not the deciding official, however, can work with the deciding official(s) and offer additional guidance to facilitate the request.

6. If an individual wishes to file an EEO complaint, pursue Merit Systems Protection Board procedures, and/or pursue Union Grievance Procedures, they may take the following steps:

- (a) For an EEO complaint pursuant to 29 C.F.R. & 1614, contact an EEO counselor in their Agency's Civil Rights Office within 45 days from the date of this denial notice; or
- (b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement or the Agency's Administrative Grievance Procedures; or
- (c) Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. & 1201.3; or
- (d) Utilize the Agency's Alternative Dispute Resolution (ADR) process. Note, pursuing the ADR process does not relieve the individual from adhering to the time frames indicated above.

7. Deciding Official Name	8. Title	9. Deciding Official Signature and Date
---------------------------	----------	---

Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/OA/Office of Outreach, Diversity & Equal Opportunity, 5601 Sunnyside Avenue, Mail Stop 5144, Beltsville, MD 20705-5144.

## Exhibit 5

### TEMPLATE FOR SUPERVISORS (REVISED 6/2018)

DATE:

SUBJECT: Reasonable Accommodation Request

TO:

The \_\_\_\_\_ (Agency Name) \_\_\_\_\_ is concerned with the continuing health and well-being of its employees. Where a medical condition exists which might have on-the-job implications, it is important for management to understand the details of the situation in order to make a determination regarding our ability to provide a reasonable accommodation to you.

I am therefore requesting you provide further medical documentation from your physician. Please note, you are responsible for any costs in connection with obtaining this medical documentation which should address the statements listed below.

- The claimed disability (i.e. diagnosis) for which the employee is seeking to be accommodated.
- The limitations or restrictions that are creating a barrier impacting the individual's ability to successfully perform their essential (critical) job functions.
- The impact the medical condition imposes on and off the job.
- Recommended or suggested accommodation(s) by the physician.
- Expected duration an accommodation(s) is needed.
- Prognosis (i.e. estimated date of recovery and/or if the condition is permanent).

**Important Note:** Your physician must also indicate in the medical assessment as to whether your impairment qualifies you as an individual with a disability. As defined by the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 2008, as amended, an individual with a disability is someone who has a physical impairment affecting one or more body systems or intellectual or psychological impairment that substantially limits one or more major life activities.

I am also enclosing a form to be used as authorization to obtain/release medical information to the Agency from your physician. This form is for you to sign and to be provided to your physician(s) if you opt to have him/her submit the medical information to the Agency on your behalf in lieu of providing it directly to you. It also authorizes the Reasonable Accommodation Program Manager to contact your physician in the event the medical information is vague, unclear and/or makes it difficult to make an effective reasonable accommodation determination. This form is *optional*.

The medical documentation should be submitted within 15 days of the date you receive this letter. An extension may be considered on a case-by-case basis. Medical documentation may be submitted to a confidential fax line on (301) 504-3309 or it may be mailed in a sealed envelope as follows:

CONFIDENTIAL – TO BE OPENED BY ADDRESSEE ONLY

USDA/ARS/Office of the Administrator  
Office of Outreach, Diversity & Equal Opportunity  
**Tonya B. Morris, REE Reasonable Accommodation Program Manager**  
5601 Sunnyside Avenue, Mail Stop 5144  
Beltsville, MD 20705-5144

Lastly, enclosed is a copy of your position description and performance standards. These are being provided to you for your physician's information to describe the duties and responsibilities required of your position to assist in determining an appropriate reasonable accommodation.

Should you have any questions regarding this request, please contact Ms. Morris on 301-504-4339 or via email at [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov).

*/Supervisor's Signature/*

# Exhibit 6

## PATIENT LIMITED RELEASE OF MEDICAL DOCUMENTATION FOR REASONABLE ACCOMMODATION REQUEST EVALUATION BY PHYSICIAN

**Patient:**

I understand and agree that in the course of addressing my request for reasonable accommodation, I have signed a limited release authorizing my health care practitioner(s) to release relevant medical records related to my current claimed disability and request for a reasonable accommodation.

- The claimed disability (i.e. diagnosis) for which the employee is seeking to be accommodated.
- The limitations or restrictions that are creating a barrier impacting the individual's ability to successfully perform their essential (critical) job functions.
- The impact the medical condition imposes on and off the job.
- Recommended or suggested accommodation(s) by the physician.
- Expected duration an accommodation(s) is needed.
- Prognosis (i.e. estimated date of recovery and/or if the condition is permanent).

**Important Note:** Your physician must also indicate in the medical assessment as to whether your impairment qualifies you as an individual with a disability.

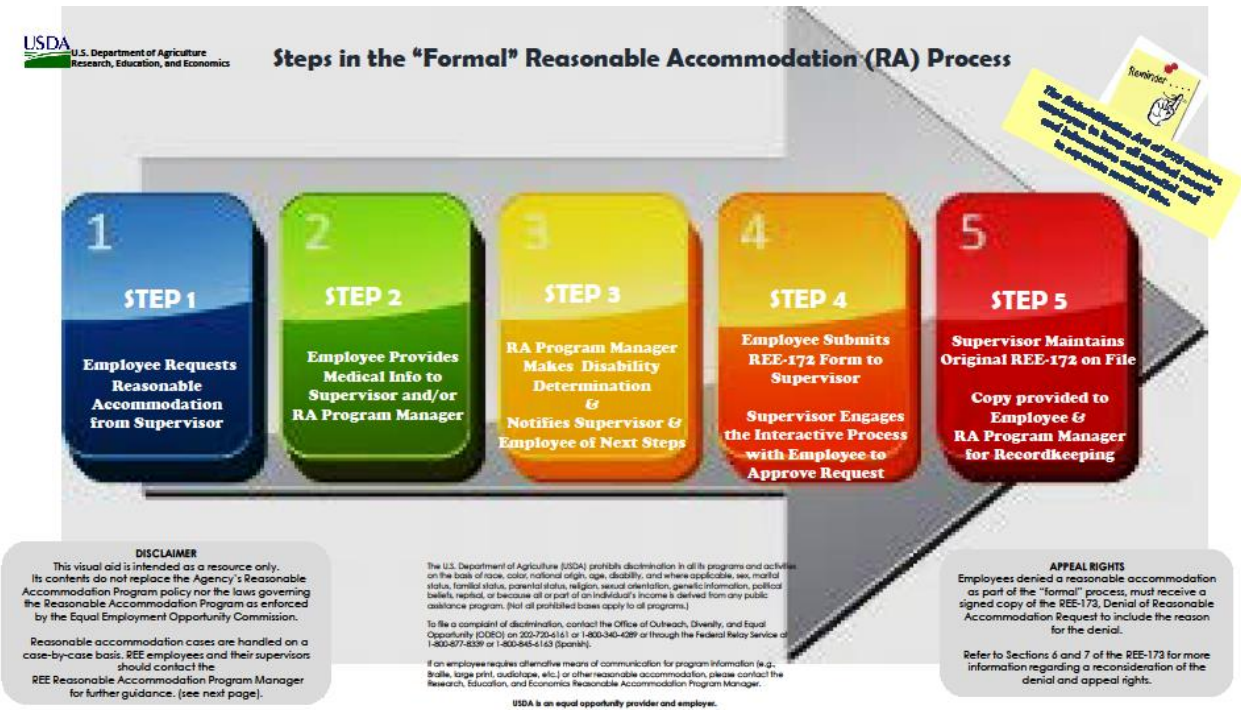
As defined by the Rehabilitation Act of 1973, as amended, and the 2008 Americans with Disabilities Act, as amended, an individual with a disability is someone who has a physical impairment affecting one or more body systems or intellectual or psychological condition that substantially limits one or more major life activities.

\_\_\_\_\_  
PATIENT'S SIGNATURE

\_\_\_\_\_  
DATE

# Exhibit 7

## Front



## Back

**CONTACT:**  
Tonya B. Morris  
REE Reasonable Accommodation Program Manager  
Email: [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov)

USDA/ARS/Office of the Administrator  
Agricultural Research Service  
Office of Outreach, Diversity & Equal Opportunity  
5601 Sunnyside Avenue, Room 2-1118  
Mail Stop 5144  
Beltsville, MD 20705-5144

Desk: 301-504-4339 Main Line: 202-720-6161  
Secured Fax Line: 301-504-3309

**REE Reasonable Accommodation Policy**  
<https://www.afm.ars.usda.gov/media/10864/1222v3.pdf>

**Job Accommodation Network**  
[www.askjan.org](http://www.askjan.org)

**Form REE-172, Request for Reasonable Accommodation**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-172.pdf>

**Form REE-173, Denial of Reasonable Accommodation Request**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-173.pdf>

REE employees without access to AXON may obtain PDF copies of RA form(s) by contacting the REE RA Program Manager.

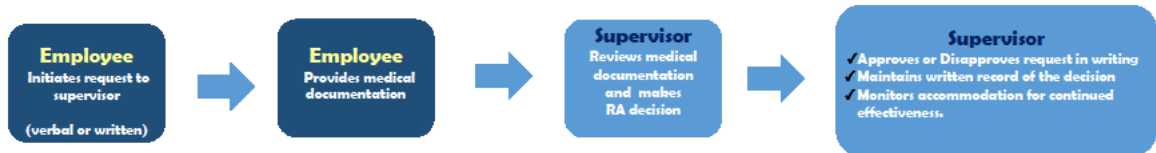
# Exhibit 8

## Front

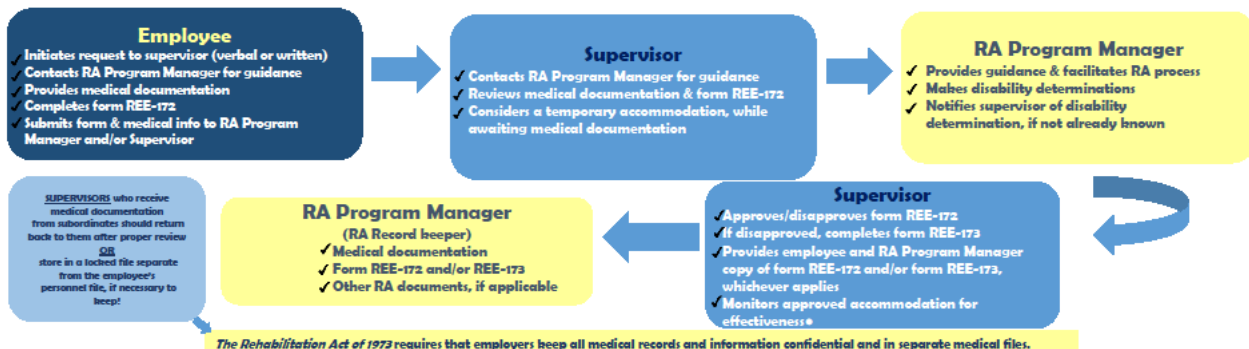


### Informal vs. Formal Reasonable Accommodation Requests

#### "Informal" Process



#### "Formal" Process



## Back



**CONTACT:**  
 Tonya B. Morris  
 REE Reasonable Accommodation Program Manager  
 Email: [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov)

USDA/ARS/Office of the Administrator  
 Agricultural Research Service  
 Office of Outreach, Diversity & Equal Opportunity  
 5601 Sunnyside Avenue, Room 2-1118  
 Mail Stop 5144  
 Beltsville, MD 20705-5144

Desk: 301-504-4339

Main Line: 202-720-6161

Secured Fax Line: 301-504-3309



**REE Reasonable Accommodation Policy**  
<https://www.afm.usda.gov/media/10864/1222v3.pdf>

**Job Accommodation Network**  
[www.askjan.org](http://www.askjan.org)

**Form REE-172, Request for Reasonable Accommodation**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-172.pdf>

**Form REE-173, Denial of Reasonable Accommodation Request**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-173.pdf>

REE employees without access to AXON may obtain PDF copies of RA form(s) by contacting the REE RA Program Manager.

**DISCLAIMER**  
 This visual aid is intended as a resource only. Its contents do not replace the Agency's Reasonable Accommodation Program policy nor the laws governing the Reasonable Accommodation Program as enforced by the Equal Employment Opportunity Commission.  
 Reasonable accommodation cases are handled on a case-by-case basis. REE employees and their supervisors should contact the REE Reasonable Accommodation Program Manager for further guidance. (see above).

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, receipt of, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.)  
 To file a complaint of discrimination, contact the Office of Outreach, Diversity, and Equal Opportunity (OOEO) on 202-720-6161 or 1-800-340-4289 or through the Federal Relay Service at 1-800-877-8339 or 1-800-845-6163 (Spanish).  
 If an employee requires alternative means of communication for program information (e.g., Braille, large print, outline, etc.) or other reasonable accommodation, please contact the Research, Education, and Economics Reasonable Accommodation Program Manager.  
 USDA is an equal opportunity provider and employer.

**APPEAL RIGHTS**  
 Employees denied a reasonable accommodation as part of the "formal" process, must receive a signed copy of the REE-173, Denial of Reasonable Accommodation Request to include the reason for the denial.  
 Refer to Sections 6 and 7 of the REE-173 for more information regarding a reconsideration of the denial and appeal rights.