

U.S. Railroad Retirement Board
Procedure for Providing Reasonable Accommodation
for Individuals with Disabilities
June 2018

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1. PURPOSE

Executive Order 13164 requires all Federal Agencies to establish procedures on handling requests for reasonable accommodation. This policy and procedure establishes responsibilities and requirements for all Railroad Retirement Board (RRB) employees, including managers and supervisors, who request, receive, coordinate, review, process, and decide requests for reasonable accommodation. These procedures replace those issued in July 2001.

2. POLICY

It is the policy of the RRB to provide reasonable accommodations to individuals with disabilities in accordance with the requirements of the Rehabilitation Act of 1973 (as amended); the Americans with Disabilities Act of 1990 (as amended); and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008; unless to do so would cause a direct threat to health and safety or undue hardship.

The RRB is committed to providing reasonable accommodation to its employees and applicants for employment with disabilities in order to assure that individuals enjoy full access to equal employment opportunity at the RRB. The RRB provides reasonable accommodations:

- When an applicant with a disability needs an accommodation in order to fully participate in the application process;
- When an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; and
- When an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

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

Note: The procedure described in this document covers all employees of the RRB including employees in the Office of Inspector General (OIG). However, designated OIG officials are responsible for processing, approving and/or denying requests from employees or applicants for employment in their respective organization. Those designated OIG officials are the Assistant Inspector General for Investigations (AIGI) and the Assistant Inspector General for Audit (AIGA) for requests in their respective offices and the Inspector General for requests in the Inspector General's immediate office. Throughout this procedure, the term bureau/office director or bureau/office head shall be understood to include these OIG officials. Unless otherwise specified, when we use the terms RRB or agency, it includes all employees and officials including the OIG.

3. DEFINITIONS

Computer/Electronic Accommodations Program (CAP): A program funded and operated by the Department of Defense which provides electronic equipment or information technology accommodations to federal employees at no cost to the agency.

Direct Threat: A significant risk (high probability) of substantial harm to the health or safety of the employee or to others that cannot be eliminated or reduced by a reasonable accommodation. The decision-maker and the Reasonable Accommodation Coordinator must engage in an individualized assessment that is based on the medical documentation and the best available objective evidence.

Effective: The accommodation provided does not need to be the one that was requested, but if an alternative is suggested by the RRB, the alternative accommodation must be effective in meeting the needs of the individual by addressing the barrier created by the functional limitations. When there are two or more accommodations that would be equally effective, the decision-maker may choose the one that is easier or less expensive to provide. If more than one accommodation is effective, the preference of the employee should be given consideration. However, the decision-maker has the ultimate discretion to choose between effective accommodations.

Essential Functions: The essential functions of a job are the occupational duties that are fundamental to the position to the extent that the individual cannot do the job without being able to perform them.

The following factors are considered in determining whether a job function is essential:

- Whether the reason the position exists is to perform that function;
- The number of other employees available to perform the function or among whom the performance of the function can be distributed;
- The degree of expertise or skill required to perform the function;
- Written job descriptions prepared before advertising or interviewing applicants for the job;
- The amount of time actually spent on the job performing the function;
- The consequences of not requiring the incumbent to perform the function;
- The work experience of past incumbents in the job; and/or
- The current job duties of incumbents in the same or similar jobs.

Extenuating Circumstances: Factors beyond the RRB's control which make it impossible for a reasonable accommodation to be provided within the time frame are considered to be extenuating circumstances. (See Chapter 5, Section V).

Functional Limitations: Barriers to the performance of job functions due to a disability. For example, the functional limitations for an individual with multiple sclerosis may include neuro-cognitive changes, fatigue, mobility impairments, vision loss, and chronic pain.

Individual with a Disability: An "individual with a disability" is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a history of such impairment, or is regarded as having such impairment. This shall be viewed in the broad sense. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The individual, with reasonable accommodation when requested, can perform the essential functions of the position without being a direct threat to the health or safety of the individual or others. As to duration of the disability or functional limitation, if a disability has effects that are not both transitory and minor, it is covered by applicable law.

An Individual with a Disability Who is Qualified: The term "qualified," with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position and, with or without reasonable accommodation, can perform the essential functions of such position. Requiring the ability to perform "essential" functions assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions. An individual is not "qualified" if they pose a direct threat to the health and safety of themselves or others that cannot be eliminated or reduced by a reasonable accommodation.

Interactive Process: Process in which the person requesting reasonable accommodation and the person who is responding to the request engage in a discussion to identify the following: the precise nature of the problem that is generating the request, how a disability is prompting a need for accommodation, the specific limitations of the individual and what accommodation(s) would effectively overcome those limitations. Failure of the person requesting reasonable accommodation to engage in the interactive process may result in denial of the request however, an individual need not have a particular accommodation in mind before making the request.

Major Life Activities: Under the ADAAA, the definition of major life activities is very broad. Walking, seeing, hearing, standing, caring for one's self, performing manual tasks, eating, sleeping, talking, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating and working are major life activities. Under the ADAAA, major bodily functions are also considered to be major life activities. Thus, major life activities include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. Most disabilities affect one or more major life activities.

Mitigating Measures: Medications and assistive devices that an individual uses to eliminate or reduce the effects of functional impairment caused by a disability. The only mitigating measures that may be considered in determining disability are ordinary eyeglasses or contacts intended to fully correct the vision of an employee or applicant for employment. Other mitigating measures

may not be considered in the determination of an individual's disability status. For example, if an individual has a prosthetic leg, the person is still considered to have a disability covered by the Rehabilitation Act. In addition, non-ameliorative effects of mitigating measures, such as a reaction to medication, can be considered when determining disability status.

Personal Assistance Services (PAS): As part of federal agencies' obligation to engage in affirmative action, the RRB is required by EEOC regulations to provide Personal Assistance Services (PAS) to individuals with a targeted disability, unless doing so would impose an undue hardship on the agency. PAS helps an individual who, because of a targeted disability requires assistance to perform basic activities of daily living, like eating and using the restroom. The services will allow such individuals to enjoy the opportunity and independence offered by paid employment.

Not everyone with a targeted disability will require PAS. Medical conditions that are more likely to result in the need for PAS include missing limbs or paralysis due to spinal cord injury.

PAS are not intended to assist individuals perform his or her specific job functions. For example, services such as sign language interpreters enable individuals who are deaf to communicate with coworkers. This type of service is not required as a form of PAS. However, they are a form of reasonable accommodation.

Physical or Mental Impairment: A condition or disorder, including serious side effects of a prescribed medication, which limits the individual in performing a major life activity. A non-exhaustive list includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more major life activities. This includes any mental or psychological disorder such as post-traumatic stress disorder, traumatic brain injury, severe intellectual disability, organic brain syndrome, emotional or mental illness, and learning disabilities. Impairments include conditions that are episodic in nature or in remission, such as cancer or epilepsy. An impairment of a single organ is now covered under the ADAAA.

Reasonable Accommodation: A "reasonable accommodation" is a change in the work environment, work processes or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

Types of reasonable accommodations include, but are not limited to: modification or adjustment to a job application process to permit an individual with a disability to be considered for a job, modification or adjustment necessary to enable an individual with a disability to perform the essential functions of the job, and modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment.

Examples of reasonable accommodation include, but are not limited to, the following:

- Making facilities readily accessible to, and usable by, individuals with disabilities;

- Restructuring of, or elimination of, marginal job functions;
- Allowing a modified work schedule, telework on a regular or intermittent basis, liberal leave, and/or alternate work locations;
- Obtaining or modifying equipment, devices and/or assistive technology;
- Appropriately adjusting or modifying examinations and training to make them accessible (but retaining the substance);
- Providing readers, interpreters, personal assistants, and other auxiliary aids and assistive technologies; and,
- Reassignment to another position for which the individual is qualified (typically this is a last resort accommodation).

Record of Impairment: A “record of impairment” is a history of, or having been classified (or misclassified) as, having a mental or physical impairment that substantially limits one or more major life activities. On request, RRB is required to consider an accommodation request from an employee with a record of impairment.

Regarded as Having an Impairment or Disability: An individual is "regarded as having a disability" if the individual has been subjected to an action because of an actual or perceived impairment/disability that is not both transitory and minor. The RRB is under no obligation to provide reasonable accommodation to an individual who meets only the definition of "regarded as having a disability," but must be careful to not discriminate against these individuals by treating them disparately because of a perceived disability.

Reassignment. Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions at the same grade level and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it. Employees have no rights under this procedure to be reassigned from a lower to a higher grade. (See Chapter 5, Section III).

Substantially Limits: A condition will be substantially limiting if it “materially restricts” a major life activity. The term 'substantially limits' is not meant to be a demanding standard, the regulations provide that an impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. The term 'substantially limits' will be interpreted broadly in favor of expansive coverage.

Targeted Disability: Targeted disabilities are a subset of the larger disability category. The federal government has recognized that individuals with targeted disabilities, face significant barriers to employment, above and beyond the barriers faced by individuals within the broader range of disabilities.

Targeted disabilities include the following:

- developmental disabilities;
- traumatic brain injuries;
- deafness or serious difficulty hearing;
- blindness or serious difficulty seeing;
- missing extremities
- significant mobility impairments benefitting from the utilization of a wheelchair, scooter, walker, leg brace and/or other supports;
- epilepsy or other seizure disorders;
- intellectual disabilities;
- significant psychiatric disorders, for example, bipolar disorder, schizophrenia, PTSD, or major depression;
- dwarfism; and
- significant disfigurement.

Transitory and Minor: If an impairment is both transitory (temporary) and minor (does not substantially affect any major life activities), the RRB is not required to provide an accommodation. The deciding official or Reasonable Accommodation Coordinator must provide a written response explaining why the impairment is actually transitory and minor. If the disability substantially limits one or more major life activities, there is no minimum duration of the disability.

Undue Hardship: An "undue hardship" is the significant difficulty or expense incurred or anticipated should the agency provide a particular accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the agency. The following criteria are used to determine undue hardship:

- a) Nature and cost of the accommodation. In determining whether an accommodation is too costly, the financial resources of the RRB as a whole should be considered, not just those resources of the bureau or office.
- b) Overall size of the agency with respect to the number of employees, facilities and size of the budget.
- c) Type of operation, including composition and structure of the workforce.
- d) The impact of the requested accommodation on the operation of the bureau or office, including the impact on the ability of other employees to perform their duties and the impact on the bureau or office's ability to conduct business.

4. ROLES and RESPONSIBILITIES

Employees/Applicants: Employees and applicants for employment requesting reasonable accommodation are responsible for:

- Informing their supervisor, any manager in their bureau or office, administrative officials such as hiring staff in the Bureau of Human Resources, or the Reasonable Accommodation Coordinator of their need for an accommodation even if they do not know the particular accommodation needed in advance of making the request;
- Completing Section A of RRB Form HR-142, Request for Reasonable Accommodation, to document the request. However, this form does not have to be completed for the interactive process to begin;
- Participating with the official responding to their request in an interactive discussion regarding functional limitations and suggesting reasonable accommodation possibilities and/or options if known;
- Cooperating with management efforts to identify effective accommodations and/or reassignment, if necessary;
- Promptly providing supporting medical documentation (if needed and/or the disability is not obvious as described in Section IV) on the physical and/or mental impairment to be accommodated and how it relates to performing the essential functions of the position;
- Recognizing that, if the Agency asks for medical documentation, as described in Section IV, their requests for reasonable accommodation may not be processed until they provide the supporting medical documentation;
- Understanding that under Federal law they are entitled to an effective accommodation that does not impose an undue hardship to the Agency, which may or may not be the accommodation of their choice; and
- Understanding that they have the right to contact the Office of Equal Opportunity at any time to be advised of their rights but no longer than 45 days after any alleged act of discrimination.

Management Officials: Management officials including supervisors, bureau/office heads, Executive Committee members and all other management officials or administrative officials such as hiring staff in the Bureau of Human Resources contacted in connection with a request for reasonable accommodation are responsible for:

- Being knowledgeable about the policy and procedures for processing requests for reasonable accommodations;
- Promptly forwarding misdirected requests to the appropriate official for response and advising the employee/applicant that their request was forwarded to the appropriate official;
- Notifying the Reasonable Accommodation Coordinator and any other appropriate official of the receipt of the request;

- Processing the request within the time frames outlined in this procedure;
- Adhering to RRB and government-wide procedures in processing and making decisions on requests;
- Engaging in the interactive process with the employees/applicants to discuss their limitations and the need for accommodation to determine whether or not an accommodation is reasonable and, if so, what would be the most effective accommodation for the individual that does not impose an undue hardship on the Agency. (NOTE: Form HR-142 does not have to be completed for the interactive process to begin.);
- Consulting with the Reasonable Accommodation Coordinator throughout the process;
- Deciding whether to grant, recommend denial of or deny the request for reasonable accommodation;
- Maintaining confidentiality of requests for reasonable accommodation;
- Providing sufficient resources to ensure effective implementation of approved requests;
- Completing the appropriate section(s) of Form HR-142 to document actions and recommendations/decisions; and
- Forwarding all paperwork to the Reasonable Accommodation Coordinator when processing of the request is complete.

Reasonable Accommodation Coordinator: Reasonable Accommodation Coordinator is the agency's resource person for reasonable accommodation questions. S/he is responsible for:

- Overseeing the processing of all requests for reasonable accommodation to ensure that time frames are met and procedures followed;
- Providing accommodation information to employees and applicants for employment and answering questions about the reasonable accommodation process;
- Assisting supervisors and management officials at all levels with processing requests for reasonable accommodation;
- If requested, determining whether the employee or applicant is an "individual with a disability," as defined;
- Coordinating, tracking, maintaining and reporting all requests for reasonable accommodation and the disposition of those requests;
- Monitoring the timeliness of accommodation request processing;
- Attending reasonable accommodation training;
- Consulting with the Office of Equal Opportunity, Computer/Electronic Accommodations Program, Job Accommodation Network or other resources to identify reasonable accommodation options, if needed;
- Maintaining confidentiality of reasonable accommodation requests and related documentation;
- Working collaboratively with the Computer/Electronic Accommodations Program (CAP) to obtain assistive technology through the Department of Defense and submitting CAP requests on behalf of the RRB;

- Providing statistical reports with respect to data such as the number of requests, the type of requests and the processing time for requests;
- Publicizing the name and contact information of the coordinator on the agency's intranet; and
- Training supervisors and applicable staff (e.g. HR Specialists) regarding their role in processing requests for reasonable accommodation.

Director of Equal Opportunity. The Director of Equal Opportunity is responsible for:

- Developing an agency-wide reasonable accommodation policy;
- Ensuring that an effective process for responding to all requests for reasonable accommodations is established;
- Maintaining oversight for the agency-wide accommodation policy and process;
- Serving as an advisory expert for employees/applicants and management officials on general questions regarding reasonable accommodation matters while not becoming directly involved with or making any decision regarding specific requests for reasonable accommodations (except when the request is from a member of the staff in the Office of Equal Opportunity);
- Obtaining approval of the agency program from the Equal Employment Opportunity Commission whenever the procedure is revised;
- Reporting on the effectiveness of the agency program in the *Annual EEO Status Report*; and
- Publishing the Procedure for Providing Reasonable Accommodation for Individuals with Disabilities on the agency's public website.

Director of Human Resources. The Director of Human Resources is responsible for:

- Appointing the Reasonable Accommodation Coordinator;
- Ensuring that accommodations are provided timely; and
- Serving as the decision-maker with authority to approve or recommend denial of a reasonable accommodation request from applicants for employment (except for applicants for the Office of the Inspector General. See page 2). The Director of Human Resources will forward all recommendations for denial to the Executive Committee member over the bureau where applicant is applying. Only the Executive Committee Member has denial authority over requests from applicants.

5. REASONABLE ACCOMMODATION PROCEDURES

I. Initiating a Request

A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for accommodation is made to the employee's supervisor, another supervisor/manager in the employee's supervisory chain, the Reasonable Accommodation Coordinator, HR personnel, or staff in the OEO office. Any statement, written or oral, made to one of these individuals regarding a need for accommodation should be treated as initiating a request. (NOTE: The employee does not need to fill out a form or state a particular type of accommodation in their request to initiate the interactive process).

To enable the RRB to keep accurate records regarding requests for accommodation, all individuals seeking a reasonable accommodation should confirm the request in writing by completing Section A of RRB Form HR-142. "*Request for Reasonable Accommodation*" (attached as Appendix A).

For employees, this form is available on the RRB's Intranet at *Applications/Forms and Letters/Personnel Forms/General Use Forms*. Copies of the form are also available from HR, the Office of Equal Opportunity, or employees may copy the form at Appendix A. Any RRB official who receives a verbal request for accommodation should request that the employee complete this form to document the request. For applicants seeking a reasonable accommodation, the HR employee handling the posting will provide the applicant with a copy of Form HR-142 to complete.

If an individual needs assistance preparing the form, the immediate supervisor or the Reasonable Accommodation Coordinator shall transfer the information to Form HR-142 as soon as possible but not later than 5 working days from the date the request is received.

The employee/applicant should complete Section A and return Form HR-142 within 5 working days of the request. Receipt of the form is not, however, required to initiate processing of the request. The RRB will begin processing the request as soon as it is made, whether or not the formal request form has been received.

A written request is not necessary each time an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters). The written form is requested only for the first request for accommodation although, of course, appropriate notice must be given each time the accommodation is needed.

If the official to whom the statement is made is uncertain as to whether the statement constitutes a request for accommodation, the official must ask the employee whether s/he is making an accommodation request. If the employee responds that s/he is requesting accommodation, then the official should proceed according to the procedures set out in Sections II through VI below.

A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act". Also, the request does not have to state what type of accommodation is being requested. An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability.

A family member, friend, health professional, or other representative may request an accommodation on behalf of an RRB employee or applicant. All such requests are subject to verification by the employee or applicant to confirm that the individual with the disability does, in fact, want a reasonable accommodation. Such requests should be made in the same manner as if the employee or applicant had made the request.

An applicant for employment may request a reasonable accommodation, orally or in writing, from any RRB employee with whom the applicant has contact in connection with the application process (usually an HR Specialist or the Director of Human Resources). The Bureau of Human Resources is responsible for training staff involved in the application process to recognize requests for reasonable accommodation and forward them to the Reasonable Accommodation Coordinator (RAC) in the Bureau of Human Resources at RAC@rrb.gov.

All requests for reasonable accommodation from employees will be processed by the individual's immediate supervisor. Therefore, we recommend that all requests be directed to the supervisor. However, the agency will accept and process requests made by an employee to any of the following:

- his/her immediate supervisor (or designee, if absent);
- another supervisor or manager in his/her supervisory chain;
- the Reasonable Accommodation Coordinator;
- HR personnel; or
- the staff in the Office of Equal Opportunity (OEO).

Field Network Managers and officials in the OIG should also ensure that all staff having contact with job applicants know how to recognize and handle requests for reasonable accommodations and forward a copy of the request to the Reasonable Accommodation Coordinator.

In order to streamline the reasonable accommodation process and expedite processing of individual requests for accommodation, all requests submitted to any supervisor, manager or other official other than the employee's immediate supervisor will be forwarded to the immediate supervisor for processing. The immediate supervisor will acknowledge the requests, in writing, to the employee and will copy the RAC at RAC@rrb.gov.

NOTE: The Reasonable Accommodation Coordinator (RAC) must be notified of all requests because the employee may contact her/him for the status of or a question about the request. This will also assist the RAC in maintaining accurate records for tracking and reporting purposes.

II. Determining Which RRB Official Will Handle the Request

If an RRB staff member receives the request and s/he is not the requester's immediate supervisor, s/he should forward the request to the requester's immediate supervisor for processing and inform the requester of this action. In most cases, the individual who initiates processing of a request, typically the supervisor, may not be the final decision-maker. Exceptions would be small sections with only one level of supervision.

When an employee requests an accommodation, the immediate supervisor will initiate processing of the request. S/he will acknowledge the request in writing (e-mail) and copy the RAC on the acknowledgement. S/he will initiate the interactive process (see Section III below) and the request for medical documentation, if necessary (see Section IV below). The immediate supervisor is authorized to respond to and approve requests, within his/her control, whenever possible. However, if the accommodation request involves changes/modifications to work space or building structure, the Director of Administration must first be consulted before a determination is made. If the immediate supervisor cannot approve the request, s/he will make a recommendation to approve or deny the request to his/her bureau/office director. A bureau/office director may approve a request within his/her organization.

Requests may be approved by the immediate supervisor and/or the bureau/office director. If they cannot approve the request, they must inform the employee within 3 business days, as to who will be the final decision-maker and provide contact information for such person.

The Reasonable Accommodation Coordinator is the central point of contact for accommodation requests from RRB employees. Employees can contact the Reasonable Accommodation Coordinator at RAC@rrb.gov to inquire about their accommodation request. Applicants for employment can contact the Director of Human Resources at 312-751-4384 to inquire about a request for accommodation.

The only officials authorized to deny a request for reasonable accommodation are the following:

- a Board Member, for employees in his/her office;
- a member of the Executive Committee, for employees in bureaus under his/her jurisdiction and applicants applying for positions under his/her jurisdiction; or
- the Assistant Inspector General for Investigations (AIGI), Assistant Inspector General for Audit (AIGA) and the Inspector General, for employees in the Office of Inspector General (OIG) and applicants applying for a position in the OIG.

Any bureau/office head wishing to deny a request for reasonable accommodation must forward the recommendation for denial to the appropriate official cited above.

When an applicant for employment requests an accommodation in relation to the application process, the HR or OIG employee responsible for the specific vacancy announcement will initiate processing of the request and make a recommendation to the appropriate decision-maker. Within the OIG, the AIGI, AIGA and IG may approve or deny requests within their respective offices. For all other requests from applicants for employment, the Director of HR is designated as the decision-maker with authority to approve requests or recommend denial. The Director of HR will forward a recommendation for denial of a reasonable accommodation request to the Executive Committee member with jurisdiction over the appropriate bureau/section.

If an individual other than the employee's immediate supervisor (or the employee handling the posting, if from an applicant) receives a request for accommodation, either verbal or written, that individual must forward the request to the appropriate person as soon as possible but in no more than 2 working days. All referrals should be copied to the appropriate bureau/office director of the employee or applicant requesting the accommodation and to the Reasonable Accommodation Coordinator.

If the person receiving the request is the employee's supervisor, s/he should promptly notify the bureau/office director and the Reasonable Accommodation Coordinator that the request has been made. Initial notice may be made via e-mail, with a copy of Form HR-142 sent upon receipt from the employee or applicant. Requests from applicants for employment should also be copied to the Reasonable Accommodation Coordinator.

Supervisors and employees handling job postings will be able to respond to some requests without consulting other organizations within or outside the RRB; however, some requests will require contact with other bureau/offices. Requests that may require coordination with other bureau/offices include, but may not be limited to the following:

- Requests involving personnel actions, including requests for reassignment. These will be coordinated, as appropriate, with the Bureau of Human Resources.

- Requests for adaptive equipment, including communications equipment, or specially designed furniture should be coordinated with Acquisition Management.
- Requests for assistive technology should be coordinated with the Reasonable Accommodation Coordinator and the Bureau of Information Services.
- Requests for a reader, sign language interpreter, or other staff assistance to enable employees to perform their job functions, where the accommodation cannot be provided by current staff; and requests for materials in alternative formats (e.g., Braille, large print) which cannot be handled by the supervisor or bureau/office director. All bureaus/offices needing assistance may contact the Reasonable Accommodation Coordinator.
- Requests for changes to the building structure or reconfiguration of work spaces, should be discussed first with the Director of Administration who will coordinate with the Reasonable Accommodation Coordinator.

A bureau/office director may delegate processing of a request to another manager such as a division director or chief, or an executive assistant. The director, however, will retain official responsibility as the "decision-maker."

The Reasonable Accommodation Coordinator will be available, as needed, to provide assistance to employees, applicants for employment, supervisors and decision-makers in processing requests. The Reasonable Accommodation Coordinator may consult with staff in OEO or the Office of General Counsel, as appropriate, for citations and interpretations of accommodation regulations and law. OEO staff, however, will not participate in processing or deciding requests for accommodation.

All request-processing officials and decision-makers must have designated back-ups to continue receiving, processing, and providing reasonable accommodations when the request processor or decision-maker is unavailable for three or more working days. The time frames discussed in Section V below will not be suspended or extended because of the unavailability of a decision-maker or other individual involved in processing requests for accommodation

III. The Interactive Process

The next step is for the parties to begin the interactive process and talk about the request to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the official processing the request will engage in an interactive discussion about the potential accommodation, and how it will enable the

individual with a disability to perform the essential functions of the job or enable him/her to participate in the application process.

Communication is a priority throughout the entire process. The supervisor (or designated RRB employee handling the job posting, if the request is from an applicant) will have the principal responsibility for identifying possible accommodations. S/he should take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation. The Reasonable Accommodation Coordinator is available to provide assistance.

As the first step, the supervisor (or employee handling the job posting) will:

- explain to the applicant or employee that s/he will be processing the request and making a decision if possible. Otherwise s/he will be making a recommendation to the bureau/office head; and,
- describe what will happen in the processing of the request.

This initial discussion should begin within five working days of the employee's/applicant's request.

When a family member, friend, health professional, or other representative makes a request for accommodation on behalf of an employee or applicant, the supervisor (or employee handling the job posting) should, if possible, confirm with the applicant or employee with a disability that s/he, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized for an acute condition. In this situation, the RRB will process the third party's request, if it seems appropriate (e.g. by granting available leave) and will consult directly with the individual needing the accommodation as soon as it is feasible.

On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the supervisor (or employee handling the job posting) and the requesting individual should communicate to make sure that there is a full exchange of relevant information.

The decision-maker may need assistance with identifying an effective accommodation and may utilize the resources outlined on Appendix B, Selected Resources on Reasonable Accommodation.

The decision-maker, or any other RRB official who receives information in connection with a request for reasonable accommodation, may share information connected with that request with other agency officials only when the agency official(s) need to know the information in order to make determinations on a reasonable accommodation request and/or effectuate a reasonable accommodation. See Chapter 6 for specific rules governing the confidentiality of medical information.

There are specific considerations in the interactive process when responding to a request for reassignment.

- Reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship for the RRB.
- Reassignment as a form of reasonable accommodation cannot include a non-competitive promotion to a position at a higher grade or higher grade potential. Employees desiring higher graded positions must be qualified for the position and must bid competitively for such a position.

In considering whether there are positions available for reassignment, the supervisor and/or decision-maker will work with HR (or OIG administrative staff, in the case of OIG employees) and the individual requesting the accommodation to identify:

- all vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and
- all positions that HR has reason to believe will become vacant over the next 60 calendar days from the date the search is initiated and for which the employee may be qualified.

The RRB will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, RRB will consider vacant lower level positions for which the individual is qualified. Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, the RRB will not pay for the employee's relocation costs.

IV. When Medical Information is Needed for Disability Determination

Employees may be asked to provide sufficient medical documentation so that a determination can be made on whether they have a disability, to identify their functional

limitations, and/or determine an effective accommodation. In some cases the disability and need for accommodation will be obvious or otherwise already known to the decision-maker. A disability is considered obvious if it is apparent to all observers that it substantially limits one or more of the requester's major life activities. In these cases, the RRB will not seek any further medical information.

Medical documentation should be requested when a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the decision-maker. The RRB may require that the individual provide acceptable documentation about the disability and his or her functional limitations.

If a supervisor, employee handling the job posting, or decision-maker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, s/he will consult with the Reasonable Accommodation Coordinator prior to requesting such information. The supervisor (or employee handling the job posting) and the Reasonable Accommodation Coordinator will make a determination as to whether medical documentation is necessary. If documentation is not deemed necessary, the request for accommodation will continue with regular processing.

If a determination is made to seek medical information, the RRB will request information sufficient to substantiate that the individual has a physical or mental impairment and needs an accommodation, but will not ask for unrelated documentation.

The supervisor (or employee handling the job posting), in consultation with the Reasonable Accommodation Coordinator, as necessary, will ask the individual in writing to provide information or documentation about the disability and functional limitations from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor.

In order to get the most helpful possible information, all requests for information should describe the nature of the job and the essential functions the individual is expected to perform. It should also include a copy of the individual's or applicant's position description and any other relevant information about his or her job duties.

The Reasonable Accommodation Coordinator may work with the supervisor and/or bureau/office head in seeking appropriate information which may include:

- the nature of the medical condition;
- the major life activity or activities that are substantially limited and how they are substantially limited;
- the actual or expected duration of the medical condition; and,

- how the requested accommodation will address the individual's limitations and assist the individual in performing the essential functions of the job, enjoy a benefit of the workplace or participate in the application process.

Once the medical documentation is received, the supervisor (or employee handling the job posting) will evaluate it, in consultation with the Reasonable Accommodation Coordinator and/or a health care professional chosen by the RRB, if necessary.

To ensure consistency with requirements under the Genetic Information Nondiscrimination Act (GINA) of 2008, such that all requests for medical information warn the employee and/or health care provider from whom the information is requested not to provide genetic information including family medical history. The following language will be provided to the employee and the health care provider responding to a request for medical information:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Any cost associated with obtaining medical documentation for a reasonable accommodation request is the employee's or applicant's responsibility. An employee's personal leave time will be used if necessary to obtain medical documentation during normal work hours.

If the supervisor believes the information provided by the health care professional (or the information volunteered by the individual requesting the accommodation) is sufficient to document the need for an accommodation, s/he may proceed to recommend approval of the request.

If the supervisor believes the medical information is insufficient to enable the RRB to determine whether an accommodation is appropriate, s/he will consult initially with the bureau/office head and/or the Reasonable Accommodation Coordinator. Documentation is insufficient if, for example,

- it does not establish the existence of a disability and explain the need for the reasonable accommodation requested;

- it is from a health-care professional who does not have the expertise to give an opinion about the medical condition and the limitations imposed by it;
- the information does not specify the functional limitations due to the disability; or
- other factors indicate that the information provided is outdated, not credible, or may be fraudulent.

If the RRB decides to request additional documentation, the responsible supervisor (or employee handling the job posting) will explain to the individual seeking the accommodation, in specific terms, why the information which has been provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request. The individual may then ask his/her health care or other appropriate professional to provide the missing information.

Alternatively, the supervisor (or employee handling the job posting) may ask the individual requesting the accommodation to sign a limited release of medical information, allowing the RRB to submit a list of specific questions to the individual's health care professional or otherwise contact the individual's doctor. If the individual refuses, or if, after a reasonable period of time, there is still insufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the agency has the option of denying the accommodation or asking the employee or applicant to submit to an examination by a health professional of the agency's choosing and at the agency's expense.

In some cases, the individual requesting the accommodation will supply medical information directly to the supervisor (or employee handling the job posting) without being asked. In these cases, the documentation will be evaluated in the manner outlined above.

The failure to provide appropriate documentation or to cooperate in the RRB's efforts to obtain such documentation can result in a denial of the reasonable accommodation. While the applicant/employee needs to establish that the disability warrants a reasonable accommodation, the question of whether an individual's impairment is a disability should not demand extensive analysis. If the employee or applicant declines to provide appropriate documentation, or authorize the agency to obtain medical documentation or contact the appropriate health care provider, then the deciding official will make his/her decision based upon the information previously provided.

V. Time Frames for Processing Requests and Providing Reasonable Accommodation

The RRB will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. Where an accommodation can be provided in less than the maximum time frame, the RRB's failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act 29 C.F.R. § 1614.203(d)(3)(i)(O). The RRB recognizes, however, that the time necessary

to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

Expedited processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 15 working days discussed below. This includes when a reasonable accommodation is needed:

- to enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, HR or OIG staff or field office managers need to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.
- to enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

Normal processing. If a request for an accommodation can be processed by the requesting employee's supervisor or bureau/office director, no supporting medical information is required, and no extenuating circumstances apply, the request shall be processed and the accommodation, if granted, provided in no more than 15 work days from the date the supervisor receives the request and sooner, if possible.

Since supervisors may need the full 15 work days to engage in the interactive process and collect all relevant information about possible accommodations, they should not delay beginning this process. Failure to meet this time frame solely because an official delayed processing the request is not an extenuating circumstance. (See next page for information on "extenuating circumstances.")

If the supervisor (or employee handling the job posting) believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the supervisor (or employee handling the job posting) will consult with the Reasonable Accommodation Coordinator and make such a request as soon as possible after his/her receipt of the request for accommodation, but before the expiration of the 15 work day period. The RRB recognizes that the need for documentation may not become apparent until after the interactive process has begun.

If it is determined that medical information is needed, the 15 work day time period is frozen on the day the medical information is requested. A decision will then be made and the accommodation, if granted, will be provided before the remaining days in the 15 work day period expires. (For example: if medical information is requested on the 3rd day after a

request for a reasonable accommodation is received, a decision will be made and accommodation, if granted, will be provided within 12 work days after the information is received). In addition, the 15 work day period will be frozen for no more than 2 work days if a supervisor (or employee handling the job posting) must consult with a health care professional regarding a clarification or adequacy of medical documentation.

Examples of accommodations that can easily be provided within this 15 work day time frame include:

- An employee with diabetes who sits in an open area asks for 4 breaks a day to test her blood sugar levels so that she may do these tests in private.
- A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the disability makes it difficult to read and he needs more time to prepare.

Extenuating Circumstances. Sometimes factors exist that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. It is the RRB's policy that extensions based on extenuating circumstances should be limited to circumstances where they are strictly necessary. All RRB staff are expected to act as quickly as reasonably possible in processing requests and providing accommodations.

The following are examples of extenuating circumstances:

- There is an outstanding initial or follow-up request for medical information.
- The purchase of equipment may take longer than 15 work days because of requirements under the Federal Acquisition Regulation and RRB purchasing policies and procedures.
- Equipment is on back order, the vendor typically used by the RRB for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- The employee with a disability needs to try working with the equipment on a trial basis to ensure that it is effective before the RRB buys it.
- An accommodation involves the removal of architectural barriers.
- Funding restrictions.

"Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and implementation of an accommodation. For example, the RRB may not delay processing or providing an accommodation because a particular staff

member is unavailable. (See Section II on designating back-ups to handle requests when the decision-maker is unavailable.)

Where extenuating circumstances are present, the decision-maker must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual.

If there is a delay in providing an accommodation that has been approved, the decision-maker must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation.

In addition, the decision-maker may provide measures that are not reasonable accommodations within the meaning of the law if:

- they do not interfere with the operations of the Agency; and
- the employee is clearly informed that they are being provided only on a temporary, interim basis.

For example, there may be a delay in receiving assistive technology for an employee with a vision impairment. During the delay, the supervisor might arrange for a reader. This temporary measure may not be as effective as the assistive technology, but it will allow the employee to perform as much of the job as possible until the solution arrives.

If a delay is attributable to the need to obtain or evaluate medical documentation and the RRB has not yet determined that the individual is entitled to an accommodation, the RRB may also provide an accommodation on a temporary basis. In such a case, the decision-maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

RRB decision-makers that approve such temporary measures are responsible for assuring that all necessary steps to secure the permanent accommodation are being taken in a timely manner.

If the individual requesting the accommodation encounters extenuating circumstances in submitting the requested medical documentation, the requesting individual must notify the management official of the reason for the delay and the approximate date the documentation is expected to be submitted.

VI. Granting a Reasonable Accommodation Request

As soon as the decision-maker determines that a reasonable accommodation will be provided, that decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the decision-maker must inform the individual of the projected time frame for providing the accommodation. The initial notice need not be in writing but the approval should be documented on Form HR-142 and the file forwarded to the Reasonable Accommodation Coordinator. A copy of Form HR-142 should be provided to the individual for his/her records within 5 work days from the date of approval.

If the decision-maker has denied an employee's/applicant's specific requested accommodation but offered to grant another effective accommodation in its place, the RRB decision-maker will document the modification on Form HR- 142 and include reasons s/he believes that the different/modified accommodation will be effective.

VII. Denial of Reasonable Accommodation Request

As soon as a decision-maker determines that a request for reasonable accommodation will be denied, s/he must provide a written notice of the denial to the individual requesting the accommodation. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. Form HR-142 should also be annotated and copies distributed in the same manner as for approvals.

Reasons for the denial of a request for reasonable accommodation may include the following (keeping in mind that the actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship):

- The requested accommodation would not be effective (i.e., it would not assist the employee to perform essential job functions, gain access to the workplace or enjoy equal benefits and privileges of employment).
- Providing the requested accommodation would result in undue hardship. Before reaching this determination, the decision-maker must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. A determination of undue hardship means that the RRB finds that a specific accommodation would result in significant difficulty or expense in relation to the budget of the entire agency as a whole, or would fundamentally alter the nature of the RRB's operations.
- Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.

- The requested accommodation would require the removal of an essential job function.
- The requested accommodation would require the lowering of a performance or production standard.

When citing budgetary or administrative concerns to determine if undue hardship exists, the applicable standard(s) outlined in the regulations and in the *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act* should be stated.

The written notice of denial should also inform the individual that s/he has the right to contact the Office of Equal Opportunity within 45 calendar days of receipt of the written notice of denial to initiate an EEO complaint. The notice should also explain the RRB's procedures available for informal dispute resolution. (See Section VIII below).

Before a denial is issued, or an accommodation other than the one requested is granted, the decision-maker must consult with the Reasonable Accommodation Coordinator and provide written justification for the denial/alternative accommodation. The Reasonable Accommodation Coordinator shall consult with the OGC or OIG legal (for OIG employees/applicants) *before* issuing any denials.

VIII. Reconsideration of Denials

Employees/applicants may seek prompt reconsideration of a denied request for reasonable accommodation either informally or formally. It is important to note that the informal reconsideration process does not extend or change the timeframes associated with statutory, or collective bargaining procedures.

Informal reconsideration - If an individual wishes reconsideration, s/he should first ask the decision-maker to reconsider the decision. The individual may present additional information in support of his/her request. The decision-maker will respond to the request for reconsideration within 5 work days.

If the decision-maker does not reverse the decision, the individual may ask the Senior Executive Officer (SEO), or the Inspector General (IG) for OIG employees, for reconsideration of the denied request for reasonable accommodation. The SEO or IG will respond to this request within 10 work days.

If the SEO or the IG does not reverse the decision, the individual may contact the Reasonable Accommodation Coordinator and request that the dispute be referred for mediation. Pursuing these informal dispute resolution procedures does not affect the time limits for initiating statutory or collective bargaining grievances. An individual's participation in any or

all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, Merit Systems Protection Board (MSPB), or union grievance procedures. Requirements governing the initiation of statutory and collective bargaining claims, including timeframes for filing such claims, remain unchanged.

Statutory or Collective Bargaining Procedures - An individual who chooses to pursue an EEO complaint, union grievance or an MSPB appeal because s/he was denied reasonable accommodation MUST:

- For an EEO complaint, contact OEO for assignment of an EEO counselor within 45 calendar days from the date of receipt of the written notice of denial;
- For a union grievance, file a written grievance in accordance with the current provisions of the General Agreement; or,
- Initiate an appeal to the MSPB within the latter of 30 calendar days of the appealable action as defined in 5 CFR §1201.3, or the receipt of the agency's decision regarding such action.

6. CONFIDENTIALITY REQUIREMENTS REGARDING MEDICAL INFORMATION

Under the Rehabilitation Act and the Americans with Disabilities Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations that the RRB obtains in connection with a request for reasonable accommodation must be kept in secure files separate from the individual's personnel file or from other files (e.g., files kept by a supervisor, bureau/office head maintained with respect to the employee). It also means that any RRB employee who obtains or receives such information is strictly bound by these confidentiality requirements.

Bureau/office heads are responsible for maintaining all records obtained or created during the processing of a request for reasonable accommodation, including medical records, until a decision has been made on the request. No one involved in processing a request for accommodation may make copies of any documentation with respect to the request, with the exception of the required copies of Form HR-142 given to the employee/applicant, the bureau/office head and the Reasonable Accommodation Coordinator. The prohibition on copies includes all correspondence, medical records and other information obtained in the course of processing the request.

When a decision is made on the request whether approved, modified or denied, the file and any and all documents must be forwarded to the Reasonable Accommodation

Coordinator for retention. All parties (including attorneys who were contacted during the process) must forward all documents pertaining to the accommodation to the Reasonable Accommodation Coordinator so the confidentiality is maintained.

All records will be maintained in accordance with the Privacy Act, the requirements of 29 CFR § 1611, and approved records retentions schedules. Information concerning an accommodation request may be disclosed only as follows:

- supervisors, managers and/or facility management who have a need to know may be told about necessary restrictions on the work, space or duties of the employee and about the necessary accommodation(s), but medical information should only be disclosed if strictly necessary;
- first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
- government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act; and
- the information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers; and
- OEO officials may be given information to evaluate agency performance, maintain records, and complete reports.

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

7. POSSIBLE ACCOMMODATIONS

Telework - Not all employees with disabilities need - or want - to work at home. And not all jobs can be performed at home. However, allowing an employee to work at home may be a reasonable accommodation where the person's disability prevents successfully performing the job on-site and the job, or parts of the job, can be performed at home without causing significant difficulty or expense.

Telework, outside of the provisions of RRB's current Work-At-Home program, may be an appropriate reasonable accommodation for a qualified employee with a disability. This determination should be made through the "interactive process" which entails the supervisor and the employee discussing the request so that the supervisor understands why the disability might necessitate the employee working at home. The employee must explain what limitations from the disability make it difficult to do the job in the workplace, and how the job could still be performed from the employee's home. The supervisor and employee may wish to discuss other types of accommodations that would allow the person to remain in the workplace.

Assistive Technology - Computer/Electronics Accommodation Program (CAP) - CAP is a centrally funded Department of Defense (DoD) program that provides assistive technology for accommodation purposes to federal employees. RRB utilizes CAP services to fill some technology based accommodation requests. Some examples of equipment/assistive technology provided by CAP are Job Access with Speech software (JAWS), ergonomic keyboards, sit-to-stand workstations and listening devices.

Accommodation requests for assistive technology should be made directly to the Reasonable Accommodation Coordinator. Any person wanting further information concerning CAP may contact the Reasonable Accommodation Coordinator.

8. PERSONAL ASSISTANCE SERVICES (PAS)

Some individuals with targeted disabilities cannot work unless personal assistance services (PAS) are provided to them in the workplace. PAS includes assistance with performing daily living activities 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. Examples include providing assistance with removing and putting on clothing, eating, and using the restroom. PAS allow such individuals to enjoy the opportunity and independence offered by paid employment.

The RRB cannot discriminate against an individual based on the need for PAS. While PAS affords an employee assistance in their daily living activities while working, it is important to note that personal assistance services do not replace the employee's requirement from performing their specific job functions, such as reviewing documents, preparing correspondence or assisting customers.

As with any reasonable accommodation, an individual may request PAS by informing a supervisor, the Reasonable Accommodation Coordinator or an appropriate management official that he or she needs assistance with daily life activities because of a medical condition. The individual does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the agency's obligation to consider the request. As with other requests for reasonable accommodation, RRB will determine whether such services are required and has the right to deny such requests when provision of the services would pose an undue hardship.

9. INFORMATION TRACKING AND REPORTING

Employees and applicants for employment can track the status of their reasonable accommodation request by contacting the Reasonable Accommodation Coordinator in the Bureau of Human Resources at 312-751-4580 or e-mail RAC@rrb.gov.

All records related to a request for reasonable accommodation will be maintained by the employee's bureau/office head or by the Reasonable Accommodation Coordinator until a decision has been made on the request and the individual notified of the decision. The identity of the deciding official must be included in the record for recordkeeping requirements.

The bureau/office head shall forward the signed Form HR-142 with all documentation related to the request, including medical documentation, to the Reasonable Accommodation Coordinator within 10 work days of the decision date.

The Reasonable Accommodation Coordinator will ensure that s/he receives all medical records, files and documentation from the supervisor, employee handling the vacancy posting, decision-maker, employee representative or attorney, etc. S/he will also ensure that all records are made available to the EEOC, upon request, and in order that they may be used by the agency itself to determine whether the RRB is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 of the Rehabilitation Act.

The Reasonable Accommodation Coordinator will track all requests for accommodation by the following:

- The specific reasonable accommodation requested, if any;
- The name of the employee/applicant;
- The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;
- Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;
- Whether those requests were approved (which may include an accommodation different from the one requested) or denied;
- If not approved, the basis for the denial;
- Identity of the deciding official; and
- The number of days taken to process the request

The Reasonable Accommodation Coordinator will maintain records related to requests for the longer of the employee's tenure with the RRB or 5 years.

At the conclusion of each fiscal year, the Reasonable Accommodation Coordinator will provide the Director of OEO with an evaluation of the agency's performance in responding to requests for reasonable accommodation. The overall assessment will include at a minimum:

- The number of requests received:

- Of the number received, how many were approved/denied;
- Identity of the deciding official;
- The specific accommodation requested;
- The total costs associated with the accommodations;
- The processing time (number of days)
- Whether there were particular types of accommodations that the agency was unable to provide and why

In addition, the report will include any recommendations for improvement of the RRB's reasonable accommodation policies and procedures.

10. ADDITIONAL INFORMATION

If a member of the Office of Equal Opportunity staff has had any involvement in the processing of the request for reasonable accommodation, that staff member shall recuse him or herself from any involvement in the processing of an EEO counseling contact or complaint in connection with that request.

11. INQUIRIES

Any person wanting further information concerning the above procedure may contact the Reasonable Accommodation Coordinator by calling the Bureau of Human Resources at 312-751-4580 or e-mail RAC@rrb.gov. .

12. DISTRIBUTION

This procedure shall be distributed to all employees upon issuance. It will be posted on the RRB's public website and the agency's intranet site. In addition copies will be available in HR and OEO. The procedure will also be distributed to all new employees as part of their orientation on their first day of work. The RRB will include language in vacancy announcements to notify potential applicants of the availability of reasonable accommodation for any part of the application and hiring process, and how to request an accommodation. A copy of the procedure will then be provided to applicants who request an accommodation.

The Reasonable Accommodation Coordinator will provide this procedure in alternative formats when requested by or on behalf of an RRB employee or applicant.