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Health Resources and Services Administration (HRSA) Reasonable Accommodation Policy and Procedures Manual

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Health Resources and Services Administration (HRSA) Reasonable Accommodation Policy and Procedures Manual

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I. PURPOSE AND SCOPE

The purpose of this manual is to present HRSA's policy and procedures on processing reasonable accommodations for employees and applicants. HRSA developed procedures in compliance with the Equal Employment Opportunity Commission (EEOC) guidance and the Department of Health and Human Services (HHS) EEO and Diversity Management Policy and Procedures on Reasonable Accommodations.

This policy applies to all HRSA employees (except Commissioned Officers who must be fit for duty). For those employees who are members of the bargaining unit, the terms of the collective bargaining agreement shall control.

II. HRSA POLICY ON REASONABLE ACCOMMODATIONS

In accordance with the Rehabilitation Act of 1973, as amended, and HHS's policy on reasonable accommodations, it is HRSA's policy to provide reasonable accommodations for qualified individuals with temporary or permanent disabilities who are HRSA employees and applicants for employment, unless doing so would pose an undue hardship on the operations of the Agency. HRSA's reasonable accommodations policy applies to:

1. The application/hiring process to provide a qualified HRSA applicant with a disability an equal opportunity to be considered for a position.
2. The performance of the essential functions of a job to enable a qualified person with a disability to perform the essential duties of the job being sought or currently held.
3. The receipt of all benefits of employment to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities.

The need for a reasonable accommodation is determined on a case-by-case basis, taking into consideration the applicant's or employee's specific disability and existing limitations to the performance of a particular job function, the essential duties of a job, the work environment, and whether the proposed accommodation would create an undue hardship to HRSA's operations.

III. HRSA PROCEDURES ON PROCESSING REASONABLE ACCOMMODATIONS

A. REQUESTING A REASONABLE ACCOMMODATION

The reasonable accommodation process begins as soon as an employee, applicant, or a representative on behalf of the employee makes a request for a reasonable accommodation.

A request for a reasonable accommodation is a statement that an individual needs an adjustment at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. 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.

1. **For HRSA employees,** requests for accommodation should be submitted directly to the employee's immediate supervisor. However, the request may also be made to another management official in the employee's chain of command, or to the HRSA Reasonable Accommodation Coordinator at the Office of Equal Opportunity, Civil Rights and Diversity Management (OEOCRDM).
2. For **qualified HRSA applicants**, requests may be made through a HRSA Human Resources Specialist with whom s/he has contact in connection with the application process or the Reasonable Accommodation Coordinator.
3. A **family member, health professional, or other representative** may request reasonable accommodation on behalf of an employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.

Although a request for a reasonable accommodation may be made orally or in writing, for accurate recordkeeping and tracking purposes, **HRSA employees should prepare the "Request for a Reasonable Accommodation" form** (See Appendix E for form) when submitting a request.

If an employee requires assistance with this form, the employee's supervisor, other management official in the employee's chain of command, or the Reasonable Accommodation Coordinator will provide that assistance.

B. CONFIRMATION OF REQUEST

The requesting employee's supervisor/manager (i.e. deciding official) must acknowledge the request **as soon as it is received** to both the employee and the Reasonable Accommodation Coordinator by completing the **"Confirmation of a Reasonable Accommodation Request" form** (See Appendix E for form). If the employee requested an accommodation by completing the "Request for a Reasonable Accommodation" form the supervisor/manager must forward a copy of both the "Request for a Reasonable Accommodation" form ***and*** the "Confirmation of a Reasonable Accommodation Request" form to the Reasonable Accommodation Coordinator ***within three business days*** of the request.

C. DETERMINING WHO WILL PROCESS THE REQUEST

When a HRSA management official receives a request for a reasonable accommodation, s/he must determine who will be responsible for processing it and forward it to the appropriate deciding official, if necessary, ***as soon as possible, but in no more than three business days.***

1. **The Employee's Supervisor or other Management Official in that chain of command (supervisor/manager) will take the lead on processing and making decisions on accommodation requests from employees,** unless the request is one which should be referred to the Reasonable Accommodation Coordinator, as explained below.

2. **The Reasonable Accommodation Coordinator** will respond to the following requests:
   a) Requests from applicants.

b) Requests for adaptive equipment, including information technology and communications equipment, or specially designed furniture.
c) Requests for a reader, sign language interpreter, or other workplace personal assistants to enable employees to perform their job functions.
d) Request for removal of architectural barriers, including reconfigured work spaces.
e) Requests for accessible parking.
f) Requests for materials in alternative formats (e.g., Braille).
g) Requests for reassignment to another job in coordination with the Division of Human Resources Management.

Supervisors/managers, the Reasonable Accommodation Coordinator and any other individuals involved in the processing of reasonable accommodation requests must have designated back-ups to continue receiving and processing requests and providing reasonable accommodations.

D. TIMEFRAME FOR PROCESSING REQUESTS

All HRSA staff members are expected to act quickly in processing requests and providing accommodation in as short of a time frame as possible.

If a request can be processed by the employee's supervisor/manager, and does not require supporting medical information, and no extenuating circumstances apply:

1. The request shall be approved or denied in no more than ***ten business days*** from the date the individual makes the request, and sooner whenever possible.
2. The accommodation, if approved, will be provided within ***ten business days*** of the date the request was approved (*twenty business days from the date of the request*).

"Expedited Processing" of a reasonable accommodation is required:

1. In order to ensure that an applicant with a disability has an equal opportunity to apply for a job, contingent on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions. Therefore, the Human Resources Specialist at the Division of Human Resources Management will act as quickly as possible to notify the Reasonable Accommodation Coordinator who will make a decision and, if appropriate, provide a reasonable accommodation.
2. To enable an employee to attend a meeting or event scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting within a short time frame.

If Medical Documentation is required:

The Reasonable Accommodation Coordinator shall request that the employee contact his/her health care provider to obtain medical documentation in support of his/her request.

1. Time frames are suspended until the requested medical documentation is submitted.
2. Medical documentation upon submission will be reviewed by Federal Occupational Health (FOH) and FOH will render a recommendation.

3. The accommodation, if approved, will be provided within ***ten business days*** from the receipt of the medical documentation.

"Extenuating Circumstances" cover limited situations in which unforeseen or unavoidable events occurring beyond the control of HRSA personnel prevents the processing and delivery of an accommodation within the time frames listed above.

The following are examples, not intended to be exhaustive, of extenuating circumstances:

1. There is an outstanding initial or follow-up request for medical information.
2. Purchase of equipment may take longer than ten business days because of requirements under the Federal Acquisition Regulation.
3. Equipment must be back-ordered; the vendor typically used for goods or services has gone out of business or cannot promptly supply the needed goods or services and another vendor is not immediately available.
4. New staff needs to be hired or architectural barriers must be removed.
5. Items must be ordered from non-local sources.

When extenuating circumstances are present, the time frame for processing a request and providing the accommodation may be extended as necessary. **The deciding official (i.e. supervisor/manager) must promptly notify the employee, in writing, of the reason for the extension 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 in writing to the employee.

If there is a delay in providing an accommodation which has been approved, the deciding official must determine if **temporary measures** can assist the employee. This could include providing the requested accommodation on a temporary basis or temporarily providing a less effective form of accommodation. Deciding officials who approve temporary measures are responsible for assuring that they do not take the place of permanent accommodations and that all necessary steps to secure permanent accommodation are being taken.

HRSA may not delay processing or providing an accommodation because a particular staff member is unavailable. Failure to meet this time frame solely because of staff delays in processing the request is not an extenuating circumstance.

If the employee needs to try various accommodations to find one that is suitable, the time frame for providing the accommodation will be expanded by mutual consent between the employee and deciding official.

HRSA staff should move quickly to comply with requests because failure to respond promptly to a request for accommodation may result in a violation of the Rehabilitation Act.

E. THE INTERACTIVE PROCESS

Communication between the individual requesting the accommodation, the employee's supervisor/manager, as well as the Reasonable Accommodation Coordinator, when applicable, is a priority throughout the entire process.

In cases where the disability, the need for accommodation, and the type of accommodation to be provided are clear, extensive discussions are not necessary. If the need for an accommodation is not immediately obvious or if there are several options for providing accommodations, the employee and the deciding official will enter into an interactive process, through which they will arrive at a reasonable accommodation.

If the deciding official is the Reasonable Accommodations Coordinator, s/he shall review the request and enter an interactive process with the applicant/employee and the supervisor/manager.

The Reasonable Accommodation Coordinator is available to provide technical assistance to HRSA employees and/or supervisors/managers throughout this process, particularly when the specific limitation, problem, or barrier is unclear; or where an effective accommodation is not obvious.

When a request for accommodation is made by a third party, the deciding official 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 in an acute condition. In this situation, HRSA will process the third party's request and consult directly with the individual needing the accommodation as soon as it is practicable.

When engaging in an interactive process, consideration should be given to:

1. The essential functions and purpose of the employee's job;
2. The functional limitations imposed by the employee's disability or medical condition;
3. The factors in the work environment or job tasks that pose difficulties to the individual's performance of a particular job function;
4. Possible accommodations that have the potential to remove the difficulties, either in the work environment or job tasks, and which would allow the individual to perform the essential functions of the job; and
5. The effectiveness of possible accommodations and whether the various accommodations would pose an undue hardship upon the Agency.

As part of the interactive process, the supervisor/manager or Reasonable Accommodation Coordinator may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with the

disability. They may choose among effective accommodations, and thus, are not required to provide the specific accommodation requested.

Resources available to help both the supervisor/manager and the individual requesting the accommodation to identify possible accommodation are listed in Appendix D.

As soon as the deciding official determines that a reasonable accommodation will be provided, the decision should be immediately communicated to the employee or applicant. If the accommodation cannot be provided immediately, the supervisor/manager must inform the individual, in writing, of the projected time frame for providing the accommodation.

F. REQUESTS FOR MEDICAL INFORMATION

HRSA is not required to obtain medical documentation, and may not request it when the disability and need for accommodation are obvious or already on file at the agency. In these cases, HRSA will **not** seek any further medical information.

If a supervisor/manager believes that the condition for which the individual is seeking an accommodation is not obvious and that a request for medical documentation may be necessary, s/he will make a request to the Reasonable Accommodation Coordinator to obtain this information.

The Reasonable Accommodation Coordinator will make a determination as to whether medical documentation is necessary.

- If necessary, s/he may request relevant documentation about the disability, functional limitations and/or the need for accommodation. The request should be limited to the job-related functions for which the accommodation is requested and may only be used to substantiate that the individual has a disability covered by the Rehabilitation Act.
- If it is not necessary, the request for accommodation will be returned promptly to the supervisor/manager with an explanation, in specific terms, as to why medical documentation is not necessary and instructions to complete the processing.

When requests for medical information are necessary, the only information that should be requested is:

1. A short description of the disability;
2. How the disability or barrier limits or restricts the employee's ability to do the job or participate in HRSA activities, or the applicant's ability to apply, or interview for the job; and
3. How the requested accommodation is expected to improve the situation.

Requests for medical information will follow the requirements set forth in EEOC's *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act* (available on EEOC's Internet site).

The Reasonable Accommodation Coordinator may work with the supervisor/manager in identifying and providing appropriate information on the employee's job and functions.

The Reasonable Accommodation Coordinator may seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful information, all requests for information from outside sources will include a description of the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

The failure to provide appropriate documentation or to cooperate with the HRSA's efforts to obtain such documentation can result in a denial of the request for reasonable accommodation.

Once the medical documentation is received, the Reasonable Accommodation Coordinator will evaluate it, in consultation with the Federal Occupational Health Service (FOH will evaluate it. This evaluation will be performed at the Agency's expense.

If the information provided by the health care provider (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the Reasonable Accommodation Coordinator to determine whether an accommodation is appropriate:

- The Reasonable Accommodation Coordinator may request additional information by explaining to the individual seeking the accommodation, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.
- The individual requesting the accommodation may then contact the health care provider or other appropriate professional to request the missing information.
- Alternatively, the individual requesting the accommodation and the Reasonable Accommodation Coordinator may agree on a list of specific questions to be sent to the individual's health care provider. With the agreement of the employee, the Reasonable Accommodation Coordinator may directly contact the individual's health care provider.

The Reasonable Accommodation Coordinator will let the supervisor/manager know whether the documentation demonstrates that a reasonable accommodation is appropriate and provide, as necessary, additional relevant information about the individual's functional limitations. Medical documentation will not be shared with the requestor's supervisor, manager or co-workers.

G. CONFIDENTIALITY REQUIREMENTS

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. Any HRSA employee who obtains or receives such information is strictly bound by these confidentiality requirements.

All records received in connection with the reasonable accommodation process will be maintained in accordance with the Privacy Act, EEOC, General Records Schedule, HRSA records management policy, and HHS requirements.

All medical information that is obtained in connection with a request for reasonable accommodation, including information about functional limitations and reasonable accommodation needs, will be kept in a separate file record that is maintained by the Reasonable Accommodations Coordinator. **Managers/supervisors may not maintain any medical documentation pertaining to the request for reasonable accommodation.**

The Reasonable Accommodation Coordinator will respond to all requests for disclosure of the records. This information may be disclosed ***only*** as follows:

a. Supervisors and managers with a need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation, but medical information should be disclosed only if necessary;
b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
c. Government officials may be given information necessary to investigate or provide technical assistance to ensure compliance with the Rehabilitation Act; or
d. In certain circumstances, the information may be disclosed to Workers' Compensation offices or insurance carriers.

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

The Reasonable Accommodation Coordinator may consult the HRSA Office of Information Technology (OIT) in connection with requests for adaptive equipment for computers. However, OIT would not need to know the medical condition of the person seeking the accommodation. They only need to know the individual's functional limitations and how the limitations affect technology needs. Also, HRSA may interact with the Computer/Electronic Accommodations Program (CAP) (See Appendix D for Resources), to provide assistive technology, devices and services to HRSA employees with disabilities at no cost.

Any HRSA 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 officials need to know the information in order to make determinations on a reasonable accommodation request. Supervisors/managers should notify the Reasonable Accommodation Coordinator to obtain guidance, as necessary, to ensure that the proper procedures are followed.

H. REASSIGNMENT

Reassignment is a form of reasonable accommodation that may be provided, absent undue hardship, to an employee who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation. Reassignment may only

be considered if there is no other effective accommodation that would enable the employee to perform the essential functions of the current job, or if all other possible accommodations would impose an undue hardship on the organization. Reassignment is only available to employees, not applicants. (NOTE: reassignment is available only to a probationary employee if the employee adequately performed the essential elements of the position, with or without reasonable accommodation, before the need for the accommodation arose.) Neither the HHS nor HRSA is required to create new positions or move employees from their jobs to create a vacancy. The Reasonable Accommodation Coordinator will help to facilitate the reassignment process.

In considering whether there are positions available for reassignment, the Reasonable Accommodation Coordinator will work with HRSA leadership and the employee requesting the accommodation to identify: (1) all vacant positions within HRSA for which the employee may be qualified with or without the accommodation; and (2) all current vacancies identified, or projected vacancies (over the next ***60 business days***) within the affected employees current commuting area. If no current vacancies can be identified in HRSA, the Reasonable Accommodation Coordinator will work with the individual requesting the accommodation, and the Division of Human Resources Management to identify all projected vacancies (over the next 60 business days) throughout the Department for which the employee may be qualified, focusing first on positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, vacant lower level positions for which the individual is qualified may be considered.

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, HRSA will not pay for the employee's relocation costs. In addition, as part of the interactive process and if reassignment is contemplated, the individual should be asked to identify qualifications, interests, and willingness to accept a reassignment outside the local commuting area and to accept a downgrade if no vacant positions are identified at the same grade.

I. REASONABLE ACCOMMODATION AGREEMENT

Once an accommodation has been approved, the Reasonable Accommodation Coordinator may recommend that both the supervisor/manager and employee enter into a written reasonable accommodation agreement. Although not required, such an agreement serves to clarify the nature of the accommodation granted. Reasons for having such an agreement include the following:

1. The accommodated employee's functional limitations might increase or decrease, thus requiring periodic reviews and adjustments to the approved accommodation(s). For example, some disabilities are degenerative in nature and may require additional accommodation(s).
2. Conversely, a disability may improve to the point that an approved accommodation can be discontinued or removed.

Once the agreement has been reached, the supervisor/manager shall complete the "Reasonable Accommodation Agreement" form and forward it to the Reasonable Accommodation Coordinator. (See Appendix E for form). At a minimum, the Agreement should contain:

1. Statement describing the approved accommodation;
2. The responsibilities and expectations of both parties; and
3. Need for periodic evaluations/reviews, if applicable.

J. DENIAL OF A REASONABLE ACCOMMODATION DECISION

1. **The supervisor/manager must consult with the Reasonable Accommodation Coordinator before moving ahead with the decision to deny a request.**

2. As soon as an agreement has been reached between the supervisor/manager and Reasonable Accommodation Coordinator that a request for reasonable accommodation should be denied, the decision maker must complete the "Denial of Reasonable Accommodation Request" form (See Appendix E for form), and provide the completed form to the individual requesting the accommodation as well as the Reasonable Accommodation Coordinator. The Reasonable Accommodation will keep a copy of the form. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial.

3. When the deciding official has denied a specific requested accommodation, but offered to make a different one in its place, which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation, the reasons that the decision maker believes that the chosen accommodation will be effective and whether or not the accommodation was accepted or rejected by the requestor.

4. Reasons for the denial of a request for reasonable accommodation include those identified below. However, 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.

    a. The requested accommodation would not be effective.
    b. The requested accommodation would result in undue hardship. Before reaching this determination, the supervisor/manager and the Reasonable Accommodation Coordinator must have explored whether other effective accommodation options exist that would *not* impose undue hardship. A determination of undue hardship means that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of the HRSA's operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, HRSA will follow the standards enunciated in the regulations and in the "*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act." Oct 17, 2002* (See Section

VIII G, also available on the EEOC Internet Web Site http://www.eeoc.gov/policy/docs/accommodation.html).

c. Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
d. The requested accommodation would require the removal of an essential function.
e. The requested accommodation would require the lowering of a performance or production standard.
f. The failure by the employee to provide appropriate documentation or cooperate with the management official's efforts to obtain necessary information to address the request for reasonable accommodation.
g. An alternative effective accommodation was not accepted by the employee.

5. The written notice of denial shall inform the individual that she/he has the right to file an EEO complaint and may have rights to pursue Merit Systems Protection Board (MSPB) and union grievance procedures. The notice shall also explain the HHS procedures for appeal of a denial of reasonable accommodation available for informal dispute resolution.

K. APPEALS PROCESS FOR REASONABLE ACCOMMODATION

Individuals with disabilities can request prompt reconsideration of a denial of reasonable accommodation.

1. A request for reconsideration must be submitted to the original deciding official within ***five business days*** from the date of receipt of the "Denial of Reasonable Accommodation Request." If the original deciding official denies the request for reconsideration, the individual will present the request to the next-level supervisor in the requesting employee's chain of command who will respond to the request within ***five business days***.
2. If the original decision is not reversed, the request for reconsideration will be elevated to the next management official within the requesting employee's chain of command who will, in turn, respond within ***five business days***.
3. At any point in this process, the individual may contact the Conflict Prevention and Resolution Program (CPRP) staff and initiate the Informal Mediation Process or contact the Director of the OEOCRDM. Pursuing any of the informal dispute resolution procedures identified above, including seeking reconsideration from the immediate supervisor and appealing to the next person in the decision maker's chain of command, does not affect the time limits for initiating statutory and collective bargaining claims. 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, MSPB, or union grievance procedures.

L. RELATION OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS

1. This policy is **in addition to** statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation and does not replace these provisions. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims remain unchanged.

2. An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **must**:

    a. For an EEO complaint: contact the EEO Intake Coordinator in HRSA's OEOCRDM within ***45 days*** from the date of receipt of the written "Denial of Reasonable Accommodation Request" or reconsidered denial;
    b. For a collective bargaining claim; file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
    c. For appeals to the Merit Systems Protection Board: 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.

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

IV. APPENDICES

APPENDIX A: Interpreting Services

Scheduling a Sign Language Interpreter (SLI) for Meetings, Trainings, Office Functions, etc.
The supervisor of a deaf or hard of hearing employee is responsible for ensuring interpreting services are available for all bureau/office meetings, trainings and other events the employee is expected to attend. To that end, an efficient and user-friendly intranet tool for requesting an SLI, the "Request an Interpreter" link, can be accessed HRSA-wide from the HRSA Intranet home page and the OEOCRDM SharePoint site. Requests for interpreters are accepted on a first-come, first-serve basis -- with exceptions considered on a case-by-case basis.

Advance scheduling - preferably one to two weeks - is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings or training until interpreter services are available.

For impromptu events and those not scheduled in advance, supervisors are to email the Interpreting and Workplace Assistant Services (IWAS) Program Manager to check availability. If an interpreter is not available to cover the event, the meeting should be rescheduled or other forms of communicating with the deaf or hard of hearing employee during the meeting should be used, with the employee's consent.

If a meeting or event is expected to last longer than one hour, the IWAS will try to arrange for more than one interpreter to be present. If that is not possible, the meeting or event should include sufficient rest periods, including a "sign-free" lunch break, if necessary. Generally, one interpreter can work 45-60 minutes of consecutive interpreting, i.e. speakers taking turns speaking at a normal pace, before needing a 15-minute break.

An employee who knows sign language or who is taking a sign language class is not an acceptable substitute for a qualified SLI.

Work Events outside the Workplace
HRSA will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his/her job, attends training or a local meeting, or an event outside of the workplace. If the employee attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters. HRSA will provide interpreting services, however, if the sponsoring agency fails. It is the responsibility of the supervisor to check with the sponsoring organization to see if interpreting services will be provided. If not, a request should be submitted using the "Request and Interpreter" link on the HRSA Intranet site with all relevant information. If a sponsoring organization fails to provide interpreting services for out of town work-related events for which the employee is required to attend, the supervisor must confer with the Interpreting Services Program Coordinator at least two weeks in advance of the planned event to obtain approval for interpreting services.

Special Events

Interpreting services are routinely provided for office or Agency special events scheduled during official government time and which might be attended by employees who are deaf or hard of hearing. If a Bureau/Office has a special event, the supervisor of the deaf or hard of hearing employee is obligated to arrange for the services of an interpreter to be present at the event.

Interpreting Impromptu Exchanges

Employees who are deaf or hard of hearing should text, e-mail or use instant messaging software such as Office Communicator to inform the IWAS Program Manager (if time allows) that an interpreter is needed for an impromptu work-related exchange. If an interpreter is not available, hearing employees should use instant messaging or other forms of technology to communicate with the deaf or hard of hearing employees. Every effort should be made to include the deaf or hard of hearing employees in all necessary interactions/exchanges.

APPENDIX B: Workplace Assistant Services

HRSA's Workplace Assistant Services (WAS) Program provides assistance to employees with disabilities who have documented need when performing general work-related tasks and when traveling for business purposes.

Types of Workplace Assistance

Work-related tasks

Workplace assistance includes work-related tasks, such as copying and collating, filing, office organization, meeting preparation, note-taking, using computer applications, reading documents, etc. Workplace assistants may be provided on an "as needed" basis to assist severely disabled employees in arranging work materials, or transferring from a wheel chair to a taxi or other modes of transportation

Requests for a Workplace Assistant (WPA) should be submitted two to three weeks in advance, whenever possible, either by placing the request on the OEOCRDM WAS Calendar or by contacting the IWAS Program Manager. For recurring or regularly-scheduled standing requests, e.g. regularly-scheduled staff meetings, employees or their supervisors should create meeting requests on the OEOCRDM WAS Calendar as a recurring event.

For impromptu requests, employees or their supervisors should immediately contact the IWAS Program Manager, to check for availability. There is no guarantee that a WPA will be available at short notice, but every attempt will be made to provide one. If this is not possible, the supervisor ***must*** make a determination whether to provide alternative assistance from among the members of his/her staff, or reschedule the meeting/event/training request for a later date when a WPA is available.

If the employee's disability and need for the accommodation is obvious, the accommodation will be provided as soon as possible, but no more than ***ten business days*** from the date of the request. If medical documentation is needed in order to confirm the employee's disability, once the accommodation is approved by the Reasonable Accommodation Coordinator, the WPA will be provided as soon as possible, but no more than ***ten business days*** from the date the relevant medical documentation is received (see Section D regarding Request for Medical Documentation).

HRSA will not pay, nor arrange, for personal care-related assistance in the workplace. However, employers are required to consider allowing employees with disabilities to bring their own personal care assistants into the workplace. In such situations, HRSA will consider providing the

physical space for a personal care-related assistant, so that the employee's personal needs (i.e. eating, drinking, toileting, etc.) are met.

Travel-related (for out of town business travel purposes)

When an employee with a special need travels out of town on official business and needs to request a WPA, that request must be submitted **only after** the employee's travel request has been approved by his/her supervisor or other appropriate authority, with assurances that the employee's travel request is in accordance with HHS Travel Regulations. Requests for WPA submitted prior to obtaining these approvals will not be processed. Workplace Assistant Services, during official travel, are limited to assistance (excluding providing modes of transportation) with job-related tasks when the employee is attending conferences, meetings, training, etc., including overnight stays. HRSA will pay the wages for a locally-recruited WPA (i.e. a person resident in the location where the employee is travelling to), in order to provide assistance with general work-related tasks. In the event that a locally-recruited WPA cannot be secured, HRSA seek alternative assistant services from the conference/meeting organizers. HRSA will pay the travel expenses for a Workplace Assistant to travel with the employee, as well as any extra costs that the employee would not normally incur when working from his/her regular duty station.

Request for Medical Documentation for Travel-Related Assistant Services

1. If medical documentation is required for travel-related accommodations, the Reasonable Accommodation Coordinator shall direct a request to the traveler for proof of medical condition in writing along with a medical release form. The physician attesting to the medical condition must be the traveler's personal physician, specialist, or other medical provider, and not within the traveler's chain of command at work (either up or down). The signed medical release form gives the Reasonable Accommodation Coordinator and the FOH permission to review the documentation. (Given that the review process can take up to three weeks, the traveler should provide the requested information as directed by the Reasonable Accommodation Coordinator as soon as possible).

2. If the request for reasonable accommodation is approved, the Reasonable Accommodation Coordinator shall inform the employee and the accommodation will be granted as soon as possible.

3. If the request is denied, the Reasonable Accommodation Coordinator must inform the employee and his/her supervisor immediately and issue a written denial to the employee using the "Denial of Reasonable Accommodation Request" form (found in Appendix E*).* The denial should be issued ***within ten business days*** of the decision from the FOH.

APPENDIX C: Examples of Reasonable Accommodations

The types of actions that can be taken in connection with reasonable accommodation can best be determined on a case-by-case basis, taking into consideration the employee, his/her specific disability and the resulting limitations, the essential duties of the particular job, the work environment, and the feasibility of the proposed accommodation. Reasonable accommodation may include, but is not limited to, the following:

1. Modification of the Worksite

Facilities should be made readily accessible. Modifications may include, but are not limited to: arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to provide comfortable working heights; installing special holding devices on seats, desks, or machines; using Braille labels or other tactile cues for identification purposes; and installing special equipment such as telephone amplifiers.

2. Assistive Devices

HRSA is authorized to purchase equipment or assistive devices if they are necessary to fulfill the official business of the agency. Equipment or assistive devices may not be provided if they are of a personal nature such as eyeglasses or hearing aids. In determining whether the purchase of equipment and assistive devices should be authorized, consideration should be given as to whether the device will enable the person with a disability to perform tasks s/he would otherwise be unable to carry out, and whether the major benefit would be an increase in the quantity, quality, or efficiency of the employee's work.

3. Readers

Providing a reader for a qualified individual with a disability may be considered a reasonable accommodation if this would not impose an undue hardship. In some job situations, a reader may be the most effective and efficient accommodation, but in other situations, equipment or an assistive device may enable an individual with a visual impairment to read independently. A reader may be an employee who performs other duties.

4. Interpreting Service

Qualified Sign Language Interpreter – A Qualified SLI is one who is fluent in sign communication [be it American Sign Language (ASL), Pidgin Signed English (PSE), or manually coded English] to the extent that the deaf/hard of hearing employee can fully participate in any discussion, meeting or event in the workplace; and conversely, that any hearing person can fully understand the Sign-to-English spoken communication the deaf person expresses. This communication must be conveyed effectively, accurately, and impartially,

through the use of any necessary specialized vocabulary. (See Appendix A for procedures to schedule sign language interpreters.)

Captioning - The process of converting the audio portion of a video production or live event onto text which is displayed on a television or film screen or computer monitor. The captions are typically white upper-case against a black background and, when pre-recorded, displayed live as the show is broadcast. They may also be permanently visible (open-caption) or viewable only through a decoder (closed-caption) attached to or built in to the television.

Computer-Aided Real-time Translation (CART) - A form of captioning which provides a word-for-word transcription of what is being said. It may be read on a laptop computer or projected on to screen television or, for a large audience, on to a full-size screen.

5. Workplace Assistance Services

Providing workplace assistance to employees with disabilities, who have a documented need when performing general work-related tasks and when traveling for business purposes, may be considered a reasonable accommodation.

6. Flexible Leave Policies

HRSA has authority to adopt flexible leave policies, subject to appropriate laws and regulations that will accommodate employees with disabilities.

7. Adjusting Work Schedules

HRSA is encouraged to approve flexible or altered work schedules for employees who cannot meet the requirements of the regularly scheduled tour of duty for their position for reasons associated with their disability (examples include requirement for medical treatment, need for rest periods, or difficulty getting to work).

8. Restructuring Jobs

Job restructuring is one of the major means by which an employee with a disability can be accommodated. Supervisors should consult with the Reasonable Accommodation Coordinator to discuss changes that can be made to enable the person with a disability to perform the job.

9. Training

HRSA will accommodate and assume the costs incurred when an employee with a disability attends training. HRSA will also arrange reasonable accommodation needs for approved courses, whether held at the Agency or other locations, including arrangement of transportation to and from the training site.

APPENDIX D: Reasonable Accommodation Resources

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

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq. (1994), and the regulations, 29 C.F.R. § 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The two main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9 (1997), and (2) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The Manual includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

Job Accommodation Network (JAN)
1-800-232-9675 (Voice/TTY)
http://janweb.icdi.wvu.edu

A service of the Department of Labor's Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodation.

ADA Disability and Business Technical Assistance Centers (DBTACs)
1-800-949-4232 (Voice/TTY)

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

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
(703) 838-0030 Voice (703) 838-0459 TTY
(703) 838-0454 Fax

Office hours -- Monday - Friday, 9:00 AM to 5:00 PM EST

The Registry of Interpreters for the Deaf, Inc. (RID), is a national membership organization of professionals who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons. It is the goal of RID to promote the profession of interpreting and transliterating of both American Sign Language and English. RID's mission is to provide international, national, regional, state, and local forums by providing an organizational structure for the continued growth and development of the professions of interpretation and transliteration of American Sign Language and English.

The RID national office has at its disposal a vast array of informational resources on the field of interpreting, including papers on Interpreting Standards and Practices and How to Hire and Work with an Interpreter.

RESNA Technical Assistance Project
(703) 524-6686 (Voice) (703) 524-6639 (TTY)
http://www.resna.org

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products),
- centers where individuals can try out devices and equipment,
- assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.

USDA TARGET Center
1400 Independence Avenue
Room 1006-S
Washington DC 20250-9876
(202) 720-2600 (Voice/TTY)
(202) 720-2681 (FAX)
http://www.dm.usda.gov/oo/target/

The Target Center has a wide variety of assistive devices available for Federal employees to examine and test.

Computer/Electronic Accommodations Program (CAP)
(703) 681-8813 (Voice) (703) 681-0881 (TTY)
http://cap.tricare.mil/Request/Request.aspx or http://cap.tricare.mil

The Department of Defense (DoD) established CAP in 1990 to eliminate employment barriers for its employees with disabilities. Providing real solutions for real needs to ensure people with

disabilities have equal access to the information environment and opportunities in the Federal Government are the mission of the CAP. HHS entered into an agreement with CAP to provide free computer/electronic equipment to employees with disabilities.

Rehabilitation Services Agencies

Rehabilitation Services Agencies are state agencies that provide support for the employment, economic self-sufficiency and independence of individuals with disabilities. Local phone book should list them under state services. Sometimes they are listed by Vocational Rehabilitation Offices.

Some people who have minimal vision use Braille. This organization can convert documents to Braille. After arranging for payment, documents can be sent to the Services for the Visually Impaired as an e-mail attachment and the Braille copy will be mailed to the agency.

National Captioning Institute

1900 Gallows Road, Suite 3000
Vienna, VA 22182
703-917-7600

Federal law requires that all videos include captions, preferably open captions. The National Captioning Institute can add captions to videos.

APPENDIX E: HRSA Reasonable Accommodation Forms

1. Request for Reasonable Accommodation

   http://www.hrsa.gov/hr/nofearact/forms/requestforRA.pdf (PDF - 289 KB)

2. Confirmation of a Reasonable Accommodation Request

   http://www.hrsa.gov/hr/nofearact/forms/confirmationRArequest.pdf (PDF - 301 KB)

3. Reasonable Accommodation Agreement

   http://www.hrsa.gov/hr/nofearact/forms/RAagreement.pdf (PDF - 283 KB)

4. Denial of Reasonable Accommodation Request

   http://www.hrsa.gov/hr/nofearact/forms/denialRArequest.pdf (PDF - 376 KB)

5. Form 256, Self Identification of Disability

   http://www.hrsa.gov/hr/nofearact/forms/authorizationdisclosureinfo.pdf (PDF - 128 KB)

APPENDIX F: HRSA Reasonable Accommodation Resource Persons

M. June Horner, Director
Office of Equal Opportunity, Civil Rights and Diversity Management
5600 Fishers Lane, Room 6-105
Rockville, MD 20857
Office: (301) 443-5636, Fax: (301) 443-7898
Email: jhorner@hrsa.gov

Gwen Clark, Deputy Director,
Office of Equal Opportunity, Civil Rights and Diversity Management
5600 Fishers Lane, Room 6-105
Rockville, MD 20857
Office: (301) 443-5619, Fax: (301) 443-7898
Email: gclark@hrsa.gov

Linnette Hayward
Reasonable Accommodation Coordinator
Office of Equal Opportunity, Civil Rights and Diversity Management
5600 Fishers Lane, Room 6-105
Rockville, MD 20857
Office: (301) 443-5825, Fax: (301) 443-7898
Email: lhayward@hrsa.gov

Joseph A. Aguilar
Program Manager
Interpreting and Workplace Assistant Services
Office of Equal Opportunity, Civil Rights and Diversity Management
5600 Fishers Lane, Room 6-105
Rockville, MD 20857
Office: (301) 443-4138, Video Phone: (301) 234-6513, Fax: (301) 443-7898
Email: jaguilar@hrsa.gov

Ashley Poole
EEO Intake Coordinator
Office of Equal Opportunity, Civil Rights and Diversity Management
5600 Fishers Lane, Room 6-105
Rockville, MD 20857
Office: (301) 443-6632, Fax: (301) 443-7898
Email: apoole@hrsa.gov