



U.S. AGENCY FOR
GLOBAL MEDIA

Title: Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

Last Updated: 3/1/2022

Originating Office: Office of Civil Rights, ocr@usagm.gov, (202) 920-2265

(a) PURPOSE: This policy establishes USAGM rules, guidelines, and procedures for responding to reasonable accommodation requests. The following implements the requirements set forth under Section 501 of the Rehabilitation Act of 1973 (29 C.F.R. § 1614.203(d)(3)) and Executive Order 13164 by establishing requirements for processing requests for reasonable accommodations.

(b) POLICY:

(1) Agency Commitment. USAGM is committed to providing reasonable accommodations to employees and employment applicants to ensure that individuals with disabilities enjoy full access to equal employment opportunities at all levels of the Agency, consistent with applicable law. Under the Rehabilitation Act of 1973, USAGM must provide reasonable accommodations to qualified employees or applicants with disabilities unless doing so would cause undue hardship (e.g., significant difficulty or expense), or would fit within other such limited exceptions. In addition, providing reasonable accommodations allows USAGM to expand its pool of qualified workers.

(2) Categories of Reasonable Accommodation. In general, an accommodation is a change in the work environment or in the application process that would enable a person with a disability to enjoy equal employment opportunities. USAGM provides reasonable accommodations in the following three general categories:

(i) Accommodations in a job application process to permit people with disabilities to be considered for jobs;

(ii) Accommodations that enable covered individuals with disabilities to perform the essential functions of their job; and

(iii) Accommodations that give covered individuals with disabilities equal access to the benefits and privileges of employment.

(3) Eligibility for Reasonable Accommodations.

(i) To be eligible for a reasonable accommodation, an individual must either:

(A) Have a physical or mental impairment that substantially limits a major life activity; or

(B) Have a record of a physical or mental impairment that substantially limits a major life activity. This may apply when the individual making a request is not presently experiencing any physical or mental impairment, such as with chronic conditions with symptoms that vary in severity over time.

(ii) Not all medical conditions meet the definition of a disability under the Rehabilitation Act. See Paragraph (g)(1) for the definition of disability. This means that not every individual who considers themselves disabled is entitled to a reasonable accommodation.

(iii) Individuals whose circumstances only meet the “regarded as” definition of disability under paragraph (g)(1)(iii) are not entitled to reasonable accommodations.

(4) The Interactive Process.

(i) USAGM will use an interactive process to evaluate requests for accommodation. This is a flexible process that emphasizes information-gathering and communication between the individual requesting an accommodation (“Requestor”), Agency management, the Agency’s Disability Program Manager (“DPM”), and any other relevant person (e.g., the Requestor’s healthcare provider).

(ii) The Deciding Official (i.e., the supervisor or manager who will make the final decision regarding the request for reasonable accommodation) will lead the interactive process.

(iii) The interactive process begins immediately after a Requestor makes a request for reasonable accommodation, whether orally or in writing, to the Requestor’s supervisor, the DPM, or another Agency official identified in paragraph (d)(2)(i). The Deciding Official and the DPM engage in a discussion with the Requestor, and any other relevant individuals, to collect whatever information is necessary to make an informed decision about the request.

(iv) Through the interactive process, the DPM will determine whether the requestor is a covered individual with a disability covered by the Rehabilitation Act. If not, the interactive process stops, and the request will be denied. If the Requestor is a covered individual with an eligible disability, then the Deciding Official, in consultation with the DPM, will determine what – if any – reasonable accommodation(s) will effectively allow the requestor to perform the essential functions of his/her job.

(5) Supervisor as Deciding Official. Ordinarily, the Requestor’s first-line supervisor is the Deciding Official. However, some Office Directors or Division Directors may act as the Deciding Official instead of first-line supervisors in their offices or divisions. Generally, the Deciding Official should be at the lowest supervisory level with the greatest knowledge of the Requestor’s position and job functions.

(6) DPM’s Role in the Interactive Process. The DPM will assist Requestors and Deciding Officials and provide expert advice throughout the interactive process. The DPM will make the decision regarding whether the Requestor is a covered individual with an eligible disability. In addition, the DPM will make a recommendation to the Deciding Official for complex requests, such as requests that involve:

(i) Adaptive equipment including information technology and communication equipment, or specially designed furniture;

(ii) A reader, sign language interpreter, or other staff assistant;

(iii) Reconfiguration of workspaces;

(iv) Accessible parking;

(v) Materials in alternative formats (e.g. Braille, large print); or

(vi) Reassignments.

(7) Reassignment as an Accommodation.

(i) The Agency will pursue all other accommodation options before reassignment.

(ii) The Agency may reassign employees who can no longer perform the essential functions of their job even with another type of reasonable accommodation.

(iii) The Agency can only reassign employees to vacant positions for which they are qualified. The DPM, in coordination with the USAGM Office of Human Resources (OHR), will identify positions for which the employee may qualify that are currently vacant or that may become vacant within the next 60 business days.

(iv) The Agency will attempt to place the employee in a position equivalent to the employee's current grade, status, and other relevant factors. If there is no such position, the Agency will consider lower-graded positions for which the employee qualifies.

(v) If the employee is qualified for the position, he/she may be reassigned to the job without competition. Reassignment to a vacant position for which the employee is qualified is considered a reasonable accommodation.

(vi) For more information on available vacancies that could be used for reassignment as a reasonable accommodation, supervisors and employees can contact OHR at HRCustomerService@usagm.gov, or call (202) 920-2400.

(8) Duration of Accommodation. Accommodations may be long-term or temporary, depending on the nature of the Requestor's physical or mental impairment. The Agency's decision regarding the request will specify whether the accommodation is long-term or temporary, providing an expiration date if the accommodation is temporary. The DPM will remind Requestors and Deciding Officials about a temporary accommodation's expiration date in sufficient time before its expiration – usually five business days – so that the Requestor can ask for extension or modification of the existing accommodation if necessary. See paragraph (d)(9) for additional procedures.

(9) Recurring Accommodations.

(i) Once the Agency approves a reasonable accommodation that an employee needs on a repeated basis (e.g., a sign language interpreter), the employee does not need to submit a written request each time they need the accommodation.

(ii) Any time the employee needs the accommodation, the employee should send a notice of the need to the Deciding Official who approved the accommodation or, if the Deciding Official is unavailable, to that individual's designated backup.

(10) Conflict of Interests.

(i) If the DPM is involved in processing or implementing a request for reasonable accommodation in which the DPM has a conflict of interest, or where a perceived conflict of

interest may exist, the DPM will recuse himself/herself, and the Director of the USAGM Office of Civil Rights (OCR) will assign another OCR employee to fill the DPM's role.

(ii) In addition, a conflict of interest could arise if the same person works on both the processing of a request for reasonable accommodation and responding to a complaint, challenging the Agency's handling of the accommodation request. The DPM, and any other OCR staff member, who has any involvement in the processing of a request for reasonable accommodation shall recuse himself/herself from working on any subsequent EEO counseling, investigation, or EEO complaint regarding that accommodation request. The OCR Director will re-assign work to another employee who does not have a conflict of interest as appropriate.

(11) Privacy.

(i) The Agency will not disclose the existence of a reasonable accommodation request, the associated costs, or any other aspects of the request unless necessary. For example, the Agency may share reasonable accommodation information with:

(A) Supervisors and managers to inform them of necessary restrictions on the employee's work or duties or about the necessary accommodation(s);

(B) Medical experts, as further discussed below.

(C) Government officials who are:

(1) Evaluating the Agency's compliance with the Rehabilitation Act;

(2) Responding to legal challenges; or

(3) Maintaining records, evaluating, and reporting on the Agency's performance in processing reasonable accommodation requests.

(D) First aid and safety personnel, when appropriate; and

(E) Workers' compensation offices or insurance carriers in certain circumstances.

(ii) To process some requests (e.g., to requisition equipment), the DPM may coordinate with other offices, such as the USAGM Offices of the Chief Financial Officer, Contracts, Facilities Management, and Human Resources. The DPM will protect the Requestor's personal information to the greatest extent possible.

(12) Medical Information Requests.

(i) The Agency has a right to request medical information to identify the Requestor's functional limitation or to document whether the Requestor's disability is covered by the Rehabilitation Act. At USAGM, requesting medical information is the sole responsibility of the DPM.

(ii) The DPM may ask the Requestor to provide medical documentation of a disability or functional limitation. The DPM will only ask for this information if the disability or need for reasonable accommodation is not obvious or already known to the Agency.

(iii) An Agency-chosen and Agency-compensated medical expert may review provided medical documentation.

(iv) All medical information, including information about functional limitations and accommodation needs, obtained in connection with a reasonable accommodation request will be kept confidential, maintained in files that are separate from the Requestor's personnel file, and held in the custody of the DPM.

(v) If the Deciding Official needs medical information to decide whether to approve a request, the Deciding Official must discuss the case with the DPM.

(13) Appointing Backups. Because the Agency cannot delay processing a request if a Deciding Official is unavailable, Agency officials who serve as Deciding Officials must designate a backup. Deciding Officials should inform their designated backup to their employees and the DPM.

(c) PRIMARY RESPONSIBILITIES:

(1) The Director of the Office of Civil Rights.

(i) Designates a DPM who has either extensive training in the reasonable accommodation process or a medical background, or both.

(ii) Designates a backup to serve as DPM in case the DPM has a conflict of interest or is unavailable.

(2) The Disability Program Manager (DPM).

(i) Has direct administrative responsibility for the Agency-wide reasonable accommodations program;

(ii) Notifies the relevant supervisor or manager as soon as the DPM receives a request for reasonable accommodation and immediately initiates the interactive process.

(iii) Participates in the interactive process, during which the DPM provides expert advice and assistance to Requestors and Agency managers regarding reasonable accommodation policies and procedures;

(iv) Requests additional medical information, as necessary, from Requestors, their healthcare providers, or medical experts retained by the Agency; and

(v) Securely maintains all reasonable accommodation records.

(3) Supervisors and Managers.

(i) Notify the DPM as soon as they receive a request for accommodation and immediately initiate the interactive process;

(ii) Participate in the interactive process;

(iii) Serve as the Deciding Official;

- (iv) Designate a backup Deciding Official to ensure the processing is not delayed; and
- (v) Inform their designated backup to their employees and the DPM.

(4) Requestor.

- (i) Participates in the interactive process;
- (ii) Completes the confirmation of request form when asked by the DPM¹; and
- (iii) Provides appropriate medical information related to the impairment at issue and the requested accommodation whenever the DPM requests this information. Inadequate medical information is grounds for denying a request.

(d) PROCEDURES:

(1) Initiating an Accommodation Request

(i) What to Include in a Reasonable Accommodation Request.

(A) To make a reasonable accommodation request and initiate the interactive process, it is sufficient to ask for a change in workplace conditions or assistance based on a medical condition.

(B) The Requestor does not need to use specific words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.”

(C) The Requestor does not need to identify a specific accommodation, and the Requestor does not need to have a particular accommodation in mind before making a request. However, when requesting an accommodation, Requestors are encouraged to identify accommodations that would enable them to:

- (1) Perform the essential functions of the position;
- (2) Complete the application process; or
- (3) Enjoy a benefit or privilege of employment.

(ii) How to Submit a Reasonable Accommodation Request.

(A) Requestors can submit an oral or written request for an accommodation (including via the confirmation of request form) to any of the following:

- (1) The employee’s first-line supervisor;
- (2) The employee’s Office/Division Director;

¹ The confirmation of request form will be made available upon request in alternative formats, such as in Braille and in large print, so as to be accessible to people with disabilities.

(3) If the Requestor is an applicant, an OHR specialist responsible for the recruitment process; or

(4) The DPM.

(B) Those who submit oral requests must also make the request in writing for recordkeeping purposes by completing a “Confirmation of Request for Reasonable Accommodation” form.²

(C) A health care professional, family member, or other representative may make a request on an employee’s or applicant’s behalf. Whenever USAGM receives this sort of third-party request, the Agency will confirm the request with the employee or applicant by using the “Confirmation of Request for Reasonable Accommodation” form.

(D) The Agency will continue engaging in the interactive process and will not stop processing the request for the Requestor to complete the confirmation of request form. However, if the Requestor does not provide required information during the interactive process, this may delay the processing or denial of the request.

(E) A Requestor who would like to track the processing of his/her request for reasonable accommodation should email OCR at ocr@usagm.gov to request an update.

(2) Guidance to Supervisors on How to Recognize Requests for Reasonable Accommodations.

(i) Supervisors should recognize the following as reasonable accommodation requests:

(A) Any request for assistance based on a medical condition; or

(B) Any inquiry about a change in workplace conditions due to a medical condition.

(ii) Supervisors might not recognize a request for reasonable accommodation if they believe the request must include information that is not required. As explained above in Section (d)(1), reasonable accommodation requests do not need to use specific language, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act” to be considered a request for accommodation. The request does not need to identify a specific accommodation. In addition, the request does not need to come from the employee or applicant directly. A health care professional, family member, or other representative may make a request on an employee’s or applicant’s behalf.

(iii) Supervisors who have questions about reasonable accommodation requests, or who want to check the status of specific request cases, should contact OCR at (202) 920-2265 or ocr@usagm.gov.

(3) Processing an Accommodation Request.

(i) As soon as any Agency supervisor or manager receives a reasonable accommodation request, they should inform the DPM.

² The confirmation of request form will be made available in alternative formats that are accessible to people with disabilities upon request.

(ii) The DPM will immediately initiate the interactive process by coordinating a discussion that includes the Requestor, the DPM, and the Deciding Official. At a minimum, the relevant parties should discuss the request, the process the Agency uses to determine whether to provide an accommodation, who will make the decision regarding the request, and the potential accommodations available. After the initial discussion, the interactive process continues. The Deciding Official and the Requestor engage in an open and ongoing dialogue. The DPM provides expert advice and helps facilitate the dialogue as necessary.

(iii) Ongoing communication through the interactive process is particularly important when:

(A) A specific limitation, restriction, or barrier is unclear;

(B) An effective accommodation is not obvious; or

(C) The parties are each considering different possible accommodations.

(iv) If the Deciding Official would like to request additional medical information from the Requestor, this requires further review.

(A) The DPM will determine whether additional medical documentation is necessary. If medical information is not necessary, the DPM will return the request for accommodation to the Deciding Official to complete processing. If medical information is necessary, the DPM will inform the Requestor why the current information provided is insufficient and what additional information the Agency needs. The list of needed information may address such areas as:

(1) The nature, severity, and duration of the individual's impairment;

(2) The activities the impairment limits;

(3) The extent to which the impairment limits the individual's ability to perform the job;

(4) If there is a specific reasonable accommodation requested; and

(5) How this accommodation will assist the Requestor to apply for a job, perform the essential functions of the job, or enjoy a workplace benefit.

(B) If the DPM requests medical information, the employee must provide the requested information within 30 calendar days.

(C) The DPM may ask an Agency-chosen and Agency-compensated medical expert to review provided medical documentation.

(D) If the Requestor is unable to provide sufficient information to support the reasonable accommodation request, the DPM may ask the Requestor to undergo an examination by a health care professional of the Agency's choice and at the Agency's expense.

(E) The DPM may ask the Requestor to sign a limited release allowing the Agency to submit a list of specific questions or to otherwise contact the individual's health care professional to obtain additional information. However, the Agency may not, and will

not, ask the Requestor to sign a release form so that the Agency can talk directly with the physician.

(F) Failure to provide appropriate documentation or to cooperate with the Agency's efforts to obtain such documentation may result in a denial of the reasonable accommodation.

(4) Timeframe for Processing a Reasonable Accommodation Request.

(i) The amount of time it takes to respond to each request for reasonable accommodation will depend on the nature of the accommodation and whether it is necessary to obtain supporting medical information. However, the Agency will provide the requestor a response and approved reasonable accommodations, if the request is granted, as quickly as reasonably possible.

(ii) Absent extenuating circumstances, the timeframe for a reasonable accommodation request will take no longer than 30 business days (approximately six weeks). This 30 business day timeframe begins when the request is made, and includes processing the request, notifying the requestor of the outcome, and – if the request is granted – providing a reasonable accommodation. However, if the DPM must request medical information from a requestor, the 30-day timeframe will stop on the day the DPM made the request and will resume on the day the DPM receives the information.

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

(iv) Extenuating circumstances, including all of the following, may slow the processing or delivery of a reasonable accommodation:

(A) If there is an outstanding request for medical information with the Requestor;

(B) If the DPM or the Agency's medical expert is evaluating provided medical information;

(C) If the purchase of equipment takes longer than 30 business days because of the requirements under the Federal Acquisition Regulation;

(D) If the needed equipment is not easily available because:

(1) Equipment is on backorder;

(2) The vendor typically used has unexpectedly gone out of business; or

(3) The vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(E) If the Requestor needs to test the equipment to ensure it is effective before the Agency purchases it;

(F) If the Agency needs to hire or contract new staff in order to provide the reasonable accommodation;

(G) If an accommodation involves the removal of architectural barriers or physical reconfiguration of workspace; or

(H) If the requestor is located overseas.

(v) Delayed Processing or Delivery. If there is a delay in either processing or delivering a reasonable accommodation, the Deciding Official must:

(A) Inform the Requestor of the specific reasons for the delay in writing;

(B) Keep the Requestor apprised, to the extent possible, of the date the Agency expects to complete the process;

(C) Evaluate whether to provide an interim accommodation (i.e., a temporary measure put in place) to assist a person with a disability until a reasonable accommodation is available. Deciding Officials are strongly encouraged to provide an interim accommodation whenever they determine it is reasonably likely that a Requestor is entitled to a reasonable accommodation, even if the interactive process is not yet complete. However, the Deciding Official must provide an interim accommodation if all of the following conditions apply:

(1) The Deciding Official has determined that the Requestor is entitled to a reasonable accommodation;

(2) Extenuating circumstances delay the Agency's providing an accommodation; and

(3) An interim accommodation is available that does not pose an undue hardship.

(vi) Expedited Processing. The Agency must expedite processing when the Agency determines that a reasonable accommodation request is time sensitive (e.g., for job applications or to participate in a specific Agency event scheduled to occur shortly).

(5) Approval Process.

(i) If the Agency approves a request for reasonable accommodation, the Agency will notify the Requestor in writing, using the "Disposition of Reasonable Accommodation Request" form. The Deciding Official must be identified on the form and sign the form.

(ii) The Deciding Official approving the request does not need to provide the specific reasoning for approving the request on the disposition form.

(6) Process for Denial or Alteration of Requests.

(i) Denial. If the Agency denies a request for reasonable accommodation, the Deciding Official must fill out the "Disposition of Reasonable Accommodation Request" form, sign it, and give the Requestor a copy. The form must contain the specific reason(s) for the denial, such as why the requested accommodation would not be effective or why the requested accommodation would present an undue hardship. The denial notice is available in accessible formats upon request.

(A) To deny an accommodation based on cost, the Deciding Official must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

(ii) Alteration. If the Agency denies the specific accommodation requested but offers a different accommodation, the Deciding Official must fill out the “Disposition of Reasonable Accommodation Request” form, sign it, and give the Requestor a copy. The form must:

(A) Explain the reasons for the denial of the requested accommodation; and

(B) Explain the reasons the chosen accommodation will be effective.

(7) Appeals Process.

(i) If the Agency denies a request, the Requestor has the right to:

(A) Request reconsideration from the Deciding Official;

(B) Seek redress through an Agency approved informal dispute resolution process (e.g. Alternative Dispute Resolution (ADR));

(C) File a formal EEO complaint with OCR; or

(D) If the Requestor is a bargaining unit employee, file a written grievance in accordance with the provisions of the applicable collective bargaining agreement.

(ii) Requesting Reconsideration. To request reconsideration, the Requestor must ask the Deciding Official to reconsider the decision, in writing, within five business days of receiving the initial decision and may present additional information in support of the request. The Deciding Official must respond to the request for reconsideration within five business days of receiving the reconsideration request. USAGM encourages the use of voluntary informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(U). Individuals interested in pursuing the informal dispute resolution processes should contact OCR at 202-920-2265 or ocr@usagm.gov.

(iii) EEO Process. If the Requestor wishes to file a formal EEO complaint, the Requestor must contact OCR within 45 calendar days from the date he/she received the form denying his/her request for accommodation.

(A) OCR will explain the Requestor’s options, which include:

(1) Traditional EEO counseling; or

(2) Mediation through the Agency’s Alternative Dispute Resolution process.

(B) If the matter is not resolved during the informal complaint stage or ADR process, the individual may file a formal complaint with the OCR Director. The complaint must be received by OCR within 15 calendar days from the date the individual is notified that the informal stage or ADR process has ended and has received a notice of right to file a complaint.

(8) Paying for a Reasonable Accommodation.

(i) To deny an accommodation based on cost, Deciding Officials must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

(ii) The Agency has dedicated centralized funding resources to pay for reasonable accommodation.

(A) Deciding Officials can arrange to use these resources for a reasonable accommodations request by emailing the DPM. The email should include:

(1) The specific reasonable accommodation; and

(2) The cost of the reasonable accommodation.

(B) The DPM will respond to requests for the use of centralized Agency funding resources within five business days.

(iii) For additional information, please see the Equal Employment Opportunity Commission's (EEOC) resources, particularly: [EEOC Enforcement Guidance; Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act](#) (July 27, 2000), and [EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#) (revised October 17, 2002).

(9) Records Management.

(i) The DPM and Deciding Official must work together to complete the "Reasonable Accommodation Information Reporting" form within five business days of issuing a decision.

(ii) The Agency must retain information and any records used to track reasonable accommodation performance for at least three years. The Agency will make these records available to the EEOC upon request.

(iii) The Agency's record-keeping systems must:

(A) Track the processing of requests for reasonable accommodation;

(B) Maintain the confidentiality of medical information received in accordance with applicable laws and regulations; and

(C) Allow the Agency to track the following information:

(1) The number of reasonable accommodations, by type, requested in the application process and whether those requests were granted or denied;

(2) The positions (occupational series, grade level, and agency component) for which reasonable accommodations were requested;

(3) The types of accommodations that were requested for each position;

- (4) The specific reasonable accommodation requested, if any;
- (5) The number of approved reasonable accommodations, by type, for each job;
- (6) The number of denied accommodations, by type, for each job;
- (7) Whether an accommodation is temporary, including the expiration date of all temporary accommodations;
- (8) The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and the final decision;
- (9) The reasons for denying reasonable accommodation requests;
- (10) The amount of time taken to process each request for reasonable accommodation;
- (11) The sources of technical assistance that were consulted to identify possible reasonable accommodations; and
- (12) The identity of the Deciding Official for each reasonable accommodation request.

(10) Additional Procedures for Temporary Accommodations.

- (i) If the Deciding Official determines to provide a temporary accommodation, the Deciding Official shall record this and specify an expiration date on the “Disposition of Reasonable Accommodation Request” form.
- (ii) A temporary accommodation expires on the date specified in the form, without any further action by the Requestor or Agency Management. However, the Requestor may request extension or modification of a temporary accommodation, as further described below.
- (iii) The DPM is responsible for keeping records of temporary accommodations and their expiration dates. The DPM shall remind both the Requestor and Deciding Official about a temporary accommodation’s expiration date in sufficient time before its expiration – usually five business days – so that the Requestor can ask for extension or modification of the existing accommodation if necessary.
- (iv) If the Requestor would like to request an extension or modification of a temporary accommodation, the Requestor is responsible for making that request to the Deciding Official before the expiration of the temporary accommodation.
- (v) If the Deciding Official approves an extension or modification to a temporary accommodation, the Deciding Official shall record this on the “Disposition of Reasonable Accommodation Request” form and provide a copy of the updated form to the DPM. The DPM is responsible for keeping records of the extension or modification, including the expiration date of any extension.

(e) SCOPE:

(1) These procedures apply to federal government elements of the U.S. Agency for Global Media (referred to in this policy as “Agency” or “USAGM”), including the Voice of America (VOA) and the Office of Cuba Broadcasting (OCB).

(2) This policy applies to applicants for employment at USAGM.

(f) AUTHORITIES:

(1) The Rehabilitation Act of 1973;

(2) The Americans with Disabilities Act (as amended by the ADA Amendments Act of 2008);

(3) 29 C.F.R. Part 1630 – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act;

(4) Executive Order 13164 – Establishing Procedures to Facilitate the Provision of Reasonable Accommodation; and

(5) EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000), available on the EEOC’s Web site.

(g) DEFINITIONS:

(1) Disability.

(i) In general, disability means, with respect to an individual who has:

(A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) A record of such an impairment; or

(C) Being regarded as having such an impairment as described in 42 U.S.C. 12102 and 29 C.F.R. 1630.2. This means that the individual has been subjected to an action prohibited by the ADA (as amended) because of an actual or perceived impairment that is not both “transitory and minor.”

(ii) An individual may establish coverage under any one or more of these three prongs of the definition of disability, i.e., paragraphs (g)(1)(i)(A) (the “actual disability” prong), (g)(1)(i)(B) (the “record of” prong), and/or (g)(1)(i)(C) (the “regarded as” prong) of this section.³

³ Where an individual is not challenging a covered entity’s failure to make reasonable accommodations and does not require a reasonable accommodation, it is generally unnecessary to proceed under the “actual disability” or “record of” prongs, which require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. In these cases, the evaluation of coverage can be made solely under the “regarded as” prong of the definition of disability, which does not require a showing of an impairment that substantially limits a major life activity or a record of such an impairment. An individual may choose, however, to proceed under the “actual disability” and/or “record of” prong regardless of whether the individual is challenging a covered entity's failure to make reasonable accommodations or requires a reasonable accommodation.

(iii) See 29 C.F.R. § 1630.3 for exceptions to this definition.

(iv) This definition of disability is not limited to obvious physical or mental impairments and specifically includes hidden disabilities or impairments that are not visible, such as asthma, arthritis, chronic fatigue syndrome, epilepsy, diabetes, cancer, kidney disease, HIV infection, chronic depression, learning disabilities, autism spectrum disorder, and mild intellectual disability.

(2) Deciding Official. An employee's first-line supervisor or an employee's Office/Division Director who is charged with either granting or denying a reasonable accommodation request.

(3) Essential Functions. Those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be "essential" if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the incumbent is hired based on his/her ability to perform it. Determination of the essential functions of a position is on a case-by-case base so that it reflects the job as actually performed, and not simply a generic position description.

(4) Major Life Activities. In general, major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

(ii) The operation of a major bodily function, including the following: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

(iii) In determining other examples of major life activities, the term "major" shall not be interpreted strictly to create a demanding standard for disability, consistent with the Americans with Disabilities Act Amendments Act [section 2\(b\)\(4\)](#) (Findings and Purposes). Whether an activity is a "major life activity" is not determined by reference to whether it is of "central importance to daily life."

(5) Physical or Mental Impairment.

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(ii) Any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(6) Qualified. “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 such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. See 29 CFR § 1630.3 for exceptions to this definition.

(7) Requestor. An Agency employee or an applicant for employment who submits a reasonable accommodation request.

(8) Undue Hardship. An accommodation that causes undue hardship means the accommodation would require significant difficulty or expense. This determination considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency. However, to deny an accommodation based on cost, the Deciding Official must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

**CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION**

1. Applicant's or Employee's name: _____

2. Applicant's or Employee's phone number: _____

3. Date of request: _____ Employee's Office and Symbol: _____

4. Supervisor and/or Division Director: _____

5. Job Title, Series, and Grade: _____

6. Accommodation requested, if known: (be as specific as possible, e.g., adaptive equipment, reader, interpreter, working space modification, etc.)

7. Reason for the request (please briefly explain the physical or mental impairment that is the basis of this request and how it affects your ability to either perform functions of the position or participate in Agency-sponsored activities):

8. If you believe the accommodation is time sensitive, please explain:

**(Return form to Disability Program Manager)
(Disability Program Manager will assign number)**

9. Log No. _____

Privacy Act Statement

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

DISPOSITION OF REASONABLE ACCOMMODATION REQUEST
 (Must complete items 1-4 and 8; complete items 5-7 only if applicable)

1. Name of individual requesting reasonable accommodation (Requestor):

2. Type(s) of reasonable accommodation requested: (Attach additional sheets if needed)

3. The Disability Program Manager (DPM), in consultation with a medical professional if necessary, has determined the Requestor:

- Has a disability covered by the Rehabilitation Act
- Does not have a disability covered by the Rehabilitation Act

Name of DPM

Signature of DPM

4. Accommodation(s):

- approved as specifically requested
- approved but different from original request
- denied

5. If the request is approved, indicate the duration:

- Long-term
- Temporary – if selected, specify when the accommodation expires: _____

6. If the request is denied, indicate general reason(s) for denial (may check multiple boxes):

- Requestor does not have a disability covered by the Rehabilitation Act
- Accommodation Ineffective
- Accommodation Would Cause Undue Hardship
- Requested Medical Documentation not Provided or Inadequate
- Accommodation Would Require Removal of an Essential Function
- Accommodation Would Require Lowering of Performance Standard
- Accommodation can be fully met through other law or USAGM program
- Other (please identify)

7. If the request is denied, provide a rationale for denial (e.g., explain why accommodation is ineffective or causes undue hardship). Attach additional sheets if necessary

8. If the individual proposed one type of reasonable accommodation which is being denied, but Agency management offered a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and why the accommodation the Agency offered would be effective. Attach additional sheets if necessary.

9. If you are dissatisfied with the decision to deny your request for accommodation, you have the following appeal rights:

- a. Request reconsideration from either the decision maker denying the request or the next level supervisor above the decision maker. Your request for reconsideration must be made within 5 business days from the date you received this form notifying you that your request has been denied, and/or
- b. Contact the Office of Civil Rights (OCR) within 45 calendar days from the date you received this notice informing you that your request has been denied to:
 - Pursue an EEO Complaint pursuant to 29 C.F.R. 1614.
 - File a formal EEO complaint with OCR
- c. For a bargaining unit employee,, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or
- d. 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.

10. Signature block

Name of Deciding Official

Signature of Deciding Official

Date: _____

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Name of individual requesting reasonable accommodation: _____

Office of Requesting Individual: _____

1. Reasonable accommodation: (check one)

_____ **Approved**

_____ **Denied** (if denied, attach copy of the written denial – See page 10 of the Reasonable Accommodation Procedures)

2. Date reasonable accommodation requested: _____

Name and title of person who received the request: _____

3. Date reasonable accommodation request referred to decision maker (i.e., supervisor, Office/Division Director, or the Disability Program Manager): _____

Name of decision maker: _____

4. Date reasonable accommodation approved or denied: _____

5. Date reasonable accommodation provided (if different from date approved):

6. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why: (attach extra sheets if needed)

