

# Reasonable Accommodation: Best Practices



**PRESENTER:**

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## Agenda



- Go over housekeeping items
- Learn about the reasonable accommodation process
- Circumstances under which it is required
- Question and Answer
- Evaluation form

## Housekeeping Items

- Group sessions - - please e-mail the total # of participants in the room to Angela\_Butsch@fws.gov.
- To close a panel, click the panel tab. Click it again to open the panel.
- Click on the hyperlink in the Chat panel for a copy of the handouts.
- Participants' phone lines will be in silent mode during the presentation portion.
- This presentation is closed captioned.

\*\*\* Today's presentation is being recorded \*\*\*

## History

- Rehabilitation Act of 1973, as amended
- ADA of 1990
- Executive Order 13164
- ADAAA of 2008



**The Service will provide reasonable accommodations to qualified disabled employees or applicants, unless the accommodation imposes an undue hardship.**

## **Undue Hardship**



**Factors to consider include:**

- Overall size of the program with respect to the number of employees
- Number and type of facilities
- Size of the budget
- Type of the agency operation including composition and structure of the agency's workforce
- Nature and cost of the accommodation

## Definition of Reasonable Accommodation

A logical change or adjustment to a job or worksite that makes it possible for a qualified employee with a disability to perform the essential functions of the position in question.

## What are Essential Duties?

- Does the job exist to perform the function?
- How much time per week is spent doing this function?
- What degree of experience or skills is required to perform this function?
- Did the previous employee do this function?
- Would there be significant consequences if this function were not performed?

## Definition of Disability

- Three part definition:
  - A physical or mental impairment that substantially limits one or more major life activities;
  - A record of such an impairment; or
  - Regarded as having such an impairment

## Major Life Activities

- Caring for Oneself
- Performing Manual Tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Learning
- Reading
- Standing
- Sitting
- Reaching
- Lifting
- Bending
- Speaking
- Breathing
- Interacting with Others
- Communicating
- Concentrating

## Major Life Activities (cont.)

### Major Life Activities Expanded to Include Bodily Functions

### Substantially Limits is a Lower Standard

- Lower degree of functional limitation
- Construed broadly
- Individualized Assessments
- Mitigating Measures
- Episodic or Remission
- No more extensive analysis

## Reasonable Accommodation Requests

- In most cases, process is started by the employee
- What managers need to listen for
- The request may be made verbally or in writing
- Who should get the RA request
- Interactive Process

## Determining “Individual with a Disability”

- Obvious/Visually Apparent
- Hidden/Not Obvious
- Medical Documentation
- Failure to Provide Documentation
- Disclosing Medical Information
- Storing Medical Information

## Considering Reasonable Accommodations

- Case by Case Basis
- Essential Duties
- Reasonable Accommodation Examples
- Timelines
- Denials
- Tracking and Report

## What Can DCR Do To Help You

- Provide guidance and forms
- Conduct intake interviews of requestors and conduct research to identify a variety of possible reasonable accommodations to suggest to employees and management
- Serve as the liaison between manufacturers, vendors, CAP, Vocational Rehabilitation Offices, Non-Governmental Organizations, on behalf of the employee and management

## What Can DCR Do To Help You (cont.)

- Conduct reasonable accommodation needs analysis or identify other needs analysis resources (i.e. Disability Access Consultants, State Vocational Rehabilitation Offices)
- Confer with the Office of the Solicitor when legal issues arise
- Provide management with routine status updates during the reasonable accommodation process
- Provide reasonable accommodation and accessibility training upon request.

## OTHER RESOURCES

**Job Accommodation Network (JAN)**

**800-526-7234**



- **Leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.**
- **Consultants offer one-on-one guidance both over the phone and online.**
- **JAN's services benefit – private employers, government agencies, employee representatives, service providers, people with disabilities and their families.**

**Computer/Electronic Accommodation Program (CAP)**

**703-681-8813**



- **MOU between DOI and DOD**
- **Complete a needs assessment**
- **Browse for assistive technology**
- **Submit an application**

**Web Address: [www.tricare.mil/cap](http://www.tricare.mil/cap)**

**National Center on Accessibility (NCA)  
812-856-4422**



- **Services provided by NCA include:**
  - Research
  - Training
  - Technical Assistance
  - Consultation

**Web Address: [www.ncaonline.org](http://www.ncaonline.org)**

**U.S. Access Board  
800-872-2253**



- **Independent Federal agency devoted to the accessibility for people with disabilities.**

**Web Address: <http://www.access-board.gov>**

**Equal Employment Opportunity Commission (EEOC)  
800-669-4000**



- **The EEOC provides access to Federal employment laws and regulations.**
- **Publications are made available on the website on a variety of topics.**

**Web Address: [www.eeoc.gov](http://www.eeoc.gov)**

**ADA National Network  
800-949-4232**



- **Leading resource on information concerning reasonable accommodations, architectural barriers, program accessibility, transportation, or any other ADA concern.**
- **Services are provided to businesses, Federal, State and local government, consumers, architects, and contractors.**
- **Expert staff are available to provide training, publications and respond to inquiries.**

**Web Address: [www.adata.org](http://www.adata.org)**

**Registry of Interpreters for the Deaf (RID)  
703-838-0030**



**Mission Statement: The Registry of Interpreters for the Deaf, Inc. promotes excellence in the delivery of interpreting services among diverse users of signed and spoken languages through professional development, networking, advocacy, and standards.**

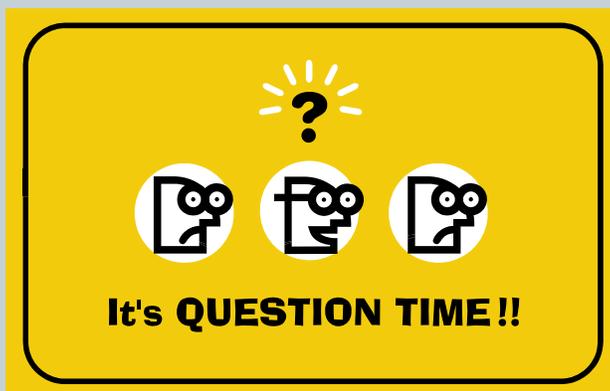
**Web Address: <http://www.rid.org/>**

**Disability.gov**



**Web Address: <https://www.disability.gov>**

## QUESTIONS



## Thank You!

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