



Office of Thrift Supervision
Department of the Treasury

Directive

Directive No.: 1702
Date: October 27, 2006

Subject: REQUESTS FOR REASONABLE ACCOMMODATION

1. **PURPOSE.** This directive establishes guidelines for providing reasonable accommodation to individuals who are covered by and meet the requirements of this document.
2. **SCOPE.** This directive applies to OTS employees and applicants for employment.
3. **POLICY.** OTS is committed to providing reasonable accommodation to qualified employees and applicants for employment. It is the policy of OTS that:
 - A. Reasonable accommodation is provided to qualified employees and applicants with disabilities unless it is determined that a particular accommodation would impose an undue hardship on the operations of OTS.
 - B. Requests for reasonable accommodation are processed in a timely, efficient, and fair manner.
 - C. Open and continuous communication will be maintained to ensure employees, applicants for employment, and supervisors are aware of accommodation options and the status of requests.
 - D. The confidentiality of medical information, including information about functional limitations and reasonable accommodation needs, will be protected, and shared only with those individuals with a need to know, e.g., medical professionals, managers, and supervisors.
 - E. A reassignment may be considered a reasonable accommodation if it is determined that no other accommodation will permit the employee with a disability to perform the essential functions of his or her current position. Reassignments will be made only to vacant positions and for employees who are qualified for the new position. If the employee is qualified for the position, he or she may be reassigned to the job without having to compete.
4. **AUTHORITY.**
 - A. The Rehabilitation Act of 1973 (29 U.S.C. 701), as amended.
 - B. Equal Employment Opportunity Commission Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (March 1, 1999).
 - C. Executive Order 13164: Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000).
 - D. Equal Employment Opportunity Commission Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, No. 915.003 (October 20, 2000).

5. RESPONSIBILITIES.

- A. The Director has overall responsibility for the development, implementation, and maintenance of a Reasonable Accommodation Program that operates in accordance with all applicable rules and regulations.
- B. The Director of Human Resources and Administrative Services is delegated the responsibility for developing, implementing, and maintaining a Reasonable Accommodation Program that operates in accordance with all applicable rules and regulations.
- C. First Line Supervisors and Interviewing Officials are responsible for:
 - 1) Handling simple requests for accommodation, that is, those that require no medical or other documentation, e.g., requests asking for a fan and/or heater, requests asking that the office temperature in an individual's assigned office be adjusted, requests asking to have ceiling lights in an individual's assigned office dimmed or turned off or, an applicant's request asking permission to bring a "Seeing Eye Dog" to an interview. Employees and applicants do not have to meet the disability standard to make a simple request for an accommodation. Supervisors and interviewing officials must report simple requests for accommodation to Human Resources for reporting reasons.
 - 2) Communicating to Human Resources as soon as is practicable, but not later than five (5) work days of an employee's request for reasonable accommodation, all relevant information regarding the request.
 - 3) Communicating, to all involved parties, approval, modification, and denial decisions on requests for reasonable accommodation.
 - 4) Initiating reasonable accommodation discussions with employees when there is reason to believe a disability, for which reasonable accommodation is appropriate, may exist.
- D. Second Line Supervisors are responsible for addressing employees' requests for reconsideration of denied or modified reasonable accommodations.
- E. Human Resources is responsible for:
 - 1) Advising supervisors on employees' requests for reasonable accommodation.
 - 2) Being the point of contact for applicants with requests for reasonable accommodation.
 - 3) Initiating reasonable accommodation discussions with applicants when there is reason to believe a disability, for which reasonable accommodation is appropriate, may exist.
 - 4) Researching options for reasonable accommodation and making recommendations.
 - 5) Providing information on reasonable accommodation procedures to employees, applicants, and supervisors.

- 6) Participating in ongoing communication with all parties involved in processing requests for reasonable accommodation.
 - 7) Ensuring the confidentiality of medical information collected to support reasonable accommodation requests.
 - 8) Working with the appropriate staff person or, when necessary, outside resources, to obtain equipment and/or services approved for reasonable accommodation.
 - 9) Communicating, to all involved parties, approval and denial decisions on requests for reasonable accommodation.
 - 10) Coordinating the reconsideration process.
 - 11) Tracking the status of requests for reasonable accommodation.
 - 12) Conducting an annual evaluation of the Reasonable Accommodation Program to ensure continued efficiency and effectiveness.
- F. Employees and applicants are responsible for:
- 1) Making requests for reasonable accommodation and requests for simple accommodations or designating a third party to initiate a request when he or she is unable to do so.
 - 2) Providing the necessary medical documentation to support requests for reasonable accommodation.
 - 3) Participating in ongoing communication with their first line supervisors or, for applicants, Human Resources and other appropriate parties involved in processing their request for reasonable accommodation.

6. DEFINITIONS

- A. Applicant. An individual who has applied for a current employment opportunity with OTS.
- B. Disability. Consistent with applicable laws, a physical, psychological, or medical impairment that substantially limits one or more major life activities. The employee or applicant must have a record of such impairment or must be regarded as having such impairment.
- C. Employee. An individual who has completed the entrance on duty process through Human Resources.
- D. Essential Function. Those job duties that are so fundamental to the position of record to which an employee is assigned, or, in the case of an applicant the position applied for, that the individual cannot do the job without performing those duties.
- E. Extenuating Circumstances. Factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation.
- F. First Line Supervisor. For employees, generally, the person who signs their position description as the supervisor and performance appraisal documents as the rating official.
- G. Human Resources. The office is Washington DC managing the Reasonable Accommodation Program. An individual within Human Resources will be assigned the duty of processing reasonable accommodation requests.

- H. Major Life Activities. Basic activities an average person can perform with little or no difficulty. Examples include, speaking, walking, seeing, hearing, learning, caring for oneself, performing manual tasks, etc.
- I. Qualified Individual with a Disability. A person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position, and who can perform the essential functions of the position with or without reasonable accommodation.
- J. Reasonable Accommodation. An adjustment or alteration that enables a qualified individual with a disability to apply for a job or perform job duties.
- K. Second Line Supervisor. For employees, generally, the person who signs their performance appraisal documents as the reviewing official.
- L. Simple Requests. A request where no medical or other documentation is required and no other extenuating circumstances exist. This includes minor requests for accommodations from applicants, e.g., bringing a “Seeing Eye Dog” to an interview.
- M. Undue Hardship. When an accommodation would cause significant expense or disruption to OTS operations. In situations of undue hardship, OTS is not required to provide a requested accommodation.

7. REQUESTS FOR REASONABLE ACCOMMODATION

- A. General Provisions. Requests for reasonable accommodation will be considered when an employee or applicant has a disability that needs accommodating in order to:
 - 1) Apply for a position or complete any portion of the job selection process, e.g., interviews.
 - 2) Perform essential functions of his or her job.
 - 3) Participate in employment-related activities that are available to OTS employees without disabilities.
 - 4) Successfully overcome issues raised in a disciplinary or performance-based action proposed or taken against him or her.
- B. Requesting Reasonable Accommodation.
 - 1) The reasonable accommodation process begins when employees or applicants make a request orally and/or in writing, or when an employee’s first line supervisor or, for applicants, Human Resources, becomes aware that the employee or applicant has a disability.
 - a) Written requests may be submitted through email, fax, or postal service and must:
 - (1) Describe the medical condition requiring accommodation.
 - (2) Describe the specific accommodation being requested.
 - (3) Explain how the requested accommodation would assist the employee or applicant in: performing the essential duties of his or her position; using the job application process; or taking advantage of a benefit or privilege offered by OTS.

- b) Oral requests must be later confirmed in writing, by the requester, or other designated individual, within ten (10) work days of the initial date of the request. The review process will begin immediately upon receipt of an oral request, but it must be confirmed in writing before reasonable accommodation is granted. The written confirmation must contain the information specified in Section B1)a) above.
 - c) A family member, friend, health professional, or other representative may submit a request for reasonable accommodation on behalf of an employee or applicant. The employee or applicant, or a third party, will be contacted to confirm that he or she desires reasonable accommodation and, if appropriate, that the third party is a designated representative.
- 2) An employee or applicant may request reasonable accommodation when desired, even if he or she has not previously disclosed the existence of a disability.
 - 3) Employees should request reasonable accommodation through his or her first line supervisor or, for applicants, Human Resources. For simple requests for accommodation, applicants should contact the interviewing official.
 - 4) Medical documentation may be required, depending on the nature of and the circumstances surrounding the request for reasonable accommodation. For example, medical documentation will be necessary when the disability and/or need for reasonable accommodation are not obvious.
 - a) The first line supervisor or, for applicants, Human Resources, will attach a job description and/or performance plan to the employee or applicant's written request for reasonable accommodation to assist them, their representative, if applicable, and any appropriate health provider, in addressing the impact of the disability on major life functions and the necessity of the accommodation to perform job duties.
 - b) Medical documentation must be from a medical professional such as medical doctor, medical specialist, psychiatrist/psychologist/psychiatric social worker, physical therapist, rehabilitation counselor, etc.
 - (1) At a minimum, medical documentation must include the:
 - (a) Diagnosis of the medical condition.
 - (b) Nature, severity, and duration of the impairment.
 - (c) Affected major life activity.
 - (d) Impact of the condition on performance of the job.
 - (e) Requested accommodation and how it will help the employee or applicant perform the job, apply for the job, or enjoy a benefit of the workplace.
 - (2) If the medical documentation provided is insufficient for a decision to be made on the reasonable accommodation request, additional information will be requested. Employees and applicants will receive written notice specifying the information needed.
 - (3) If sufficient information is not provided within the requested time frame, a physician, chosen by OTS, may, with the employee or applicant's

- (4) Failure to provide sufficient medical documentation or to cooperate in efforts to obtain medical documentation will result in denial of the requested reasonable accommodation.
 - (5) If an employee or applicant makes a future request for the same reasonable accommodation involving the same medical condition, additional medical documentation may be required.
 - (6) Recurring accommodations, such as for an interpreter or a reader, do not need to be formally requested for each use. Employees need only request the initial accommodation and provide a written request through e-mail, fax, or postal service when future accommodations are needed. Requests for recurring accommodations should be made to the first line supervisor in a timely fashion.
 - (7) Accommodations provided to employees may be reviewed periodically to determine if new technology or other modifications to the accommodation are appropriate.
- 5) Simple requests for accommodation should be made to the first line supervisor or, for applicants, the interviewing official.

C. Processing Requests for Reasonable Accommodation

- 1) Requests for reasonable accommodation will be reviewed, decided, processed, and, if appropriate, the accommodation provided, in the shortest time frame reasonably practicable.
- 2) When needed, as part of the application or selection process for applicants or when an employee has to attend an upcoming event, e.g., meeting or training, every effort will be made to expedite the request.
- 3) Simple requests for accommodation, those not involving medical or other documentation or any other extenuating circumstances, if approved, will be processed within one work week from the supervisor or interviewing official's receipt of the oral and/or written request.
- 4) Human Resources will notify employees and applicants of any extensive delays, the reason for the delay, and the approximate time frame of when the process will continue.

D. Approval or Denial of Requests for Reasonable Accommodation

- 1) The first line supervisor or, for applicants, Human Resources, will act as the deciding official, determining whether a request for reasonable accommodation will be approved or denied. For simple requests for accommodation, the first line supervisor or interviewing official will make the decision.
- 2) The first line supervisor or, for applicants, Human Resources, will make every reasonable effort to provide the requested accommodation. However, other options may be explored and the determination of the appropriate reasonable accommodation remains with OTS.
- 3) The first line supervisor or, for applicants, Human Resources, will notify the requestor, in writing, that his or her request for reasonable accommodation has

been approved, an explanation of any modifications made to the requested accommodation, and an estimated time frame in which the accommodation will be provided. For simple requests for reasonable accommodation, the first line supervisor or interviewing official will notify the individual of the approval.

- 4) When a request for reasonable accommodation is denied or modified, the first line supervisor or, for applicants, Human Resources, will notify the requestor in writing, specifying the reason(s) for the denial or modification and instructions on how he or she may request reconsideration of the decision and information on requesting, if applicable, reconsideration and claims to the Equal Employment Opportunity Commission (EEOC) and Merit Systems Protection Board (MSPB). Information on how the reconsideration process operates is discussed in Section E of this directive.

Employees and applicants requesting simple accommodations will be notified by their first line supervisor or interviewing official respectively.

- 5) Some common reasons on which a denial or modification of a request for accommodation may be based include, but are not limited to:
 - a) The requested accommodation will be ineffective;
 - b) The requested accommodation would cause undue hardship on OTS;
 - c) Medical documentation supporting the requested accommodation is insufficient;
 - d) The requested accommodation would require the removal of an essential job function; or
 - e) The requested accommodation would require lowering a performance standard.
- 6) Human Resources will maintain all records obtained or created during the processing of accommodation requests.

E. Reconsideration of Denied or Modified Requests. If a request for reasonable accommodation is denied or modified, the employee or applicant may request reconsideration or alternative dispute resolution services as follows:

- 1) Request for reconsideration. Employees should submit their requests for reconsideration to their second line supervisor. Applicants should submit their requests for reconsideration to Human Resources. Requests for reconsideration must be in writing and submitted to the appropriate individual within 10 workdays of the employee or applicant's receipt of the notice of denial or modification. An extension to this deadline may be requested. The request for an extension must be in writing and explain why additional time is needed.

Employees and applicants will receive a decision on their request for reconsideration within 10 workdays, unless extended, from the date they first presented their request for reconsideration. The decision on the request for reconsideration is final.

Requests for reconsideration of a denial or modification decision made on a request for a simple accommodation should be made following the above instructions.

- 2) Request for Alternative Dispute Resolution Services. Employees and applicants may use the services of a neutral third party to provide alternative dispute resolution services. The request must be made in writing and, for Washington, D.C. employees, submitted to the Office of Equality and Workplace Principles (OEWP). Regional employees and applicants may submit their requests to the regional OEWP contact.
- 3) Seeking reconsideration does not change the time limits for initiating claims with other authorities, e.g., EEOC, MSPB.

Director John M. Reich

Date Signed