ADMINISTRATIVE COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION

HANDBOOK FOR REASONABLE ACCOMODATIONS

DEPARTMENTAL HANDBOOK ACSH-OFO-011

Distribution:
All Department of Education Employees

Approved by:
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History of Changes

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Vanessa Tesoriero Directives Management Officer	Reviewed by Kenton Stalder 1/24/2022. No substantive changes. Technical changes: Renumbered per new ACS document numbering system; Sec. 508 accessibility compliance updates	02/07/2022
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Charles Higgins, Acting Directives Management Officer CHARLES HIGGINS Digitally signed by CHARLES HIGGINS Date: 2024.04.30 09:28:25 -04'00'	Non-substantive changes as described in Appendix C; Section 508 accessibility updates.	See Digital Signature

For technical questions regarding this directive, please contact the Director, Office of Equal Employment Opportunity Services, at 202-401-3560 or email ReasonableAccommodations@ed.gov.

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I. Purpose

Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, requires all federal agencies to establish written procedures for handling requests for reasonable accommodation. The purpose of this Handbook is to provide education for basic policies, procedures and guidance for processing reasonable accommodation requests within the U.S. Department of Education (ED or Department), and to ensure that reasonable accommodation requests are handled promptly, tracked to completion, and processed fairly in accordance with applicable laws and regulations. This Handbook replaces the one dated April 27, 2004, issued under the Office of Management Administrative Communications System as Handbook OM-03, Handbook for Reasonable Accommodations.

II. Legal Overview

The federal government is subject to disability civil rights laws that require agencies to provide reasonable accommodation to qualified applicants and employees with disabilities, unless doing so would cause an undue hardship to the agency. Section 504 of the Rehabilitation Act of 1973, as amended (the Rehabilitation Act), prohibits federal agencies and recipients of federal funding from discriminating on the basis of disability in their programs, services, and activities. Section 501 of the Rehabilitation Act protects federal employees from disability discrimination and requires agencies to establish affirmative employment programs for people with disabilities. Section 501 of the Rehabilitation Act adopts the standards applied under title I of the Americans with Disabilities Act.

ED has a legal obligation to provide reasonable accommodation for employees and job applicants with disabilities, unless doing so would cause an undue hardship to ED. ED's regulation for federally conducted programs, at 34 CFR §105.30, states, "No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Department." ED is committed to ensuring that all employees are treated fairly and have the tools they need to do their jobs effectively. It is essential that both supervisors and employees read the Reasonable Accommodation Handbook (the Handbook or RA Handbook) to fully understand their roles and responsibilities in this process.

A reasonable accommodation enables a person with a disability to enjoy equal employment opportunities, benefits, and privileges. Many individuals with disabilities can apply for and perform jobs without an accommodation; but, where workplace barriers exist, a reasonable accommodation: (1) removes barriers that prevent people with disabilities from applying for or performing jobs for which they are qualified; and (2) enables agencies to expand the pool of qualified workers, which permits federal employers to benefit from the talents of people who might otherwise be arbitrarily barred from employment. Reasonable accommodation requests should be processed in a manner that imposes the fewest burdens on individuals with disabilities and permits the most expeditious consideration and delivery of the reasonable accommodation if one is available.

The ADA Amendments Act of 2008 (ADAAA or the Act) directs that the definition of "disability" be construed broadly, and that the determination of whether an individual has a "disability" under the Act generally should not require extensive analysis

III. Definition of Key Terms

A. **Affirmative Employment** – Affirmative employment refers to diversity workforce efforts to ensure that employees self-identified as disabled are included in retention efforts, considered for vacancies and promotion, and progress at comparable rates with the rest of the Department's workforce [Make a statement indicating what this Directive is to cover.

B. **Disability or Covered Disability** – A disability or covered disability means:

1. A physical or mental impairment that substantially limits one or more major life activities; or

2. A record of a physical or mental impairment that substantially limited a major life activity; or

3. A perceived impairment that is not both transitory and minor.

The ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals and generally should not require extensive analysis.

A disability is "obvious" or "already known" when it is clearly visible, or the individual previously provided medical information showing that the condition met the definition of disability under the Act.

A designation or determination of a medical condition as a "disability" by, or receipt of benefits or payments for a medical condition from, the U.S. Department of Veterans Affairs, the federal or a state department of labor, the federal or a state office of workers' compensation, a vocational rehabilitation center, and/or other entity does not automatically meet the definition of a disability under the Rehabilitation Act/ADAAA. When presented with such documentation, supervisors must still evaluate whether the condition meets the definition of disability under the Rehabilitation Act/ADAAA.

C. **Essential Functions** – The job duties that are so fundamental to the position that the individual holds or desires that they cannot do the job without successfully performing those duties. A function can be "essential" for several reasons, including, but not limited to: the position exists specifically to perform that function; there is a limited number of other employees who could perform the function; or the function is highly specialized, and the incumbent is hired for special expertise or ability to perform it.

D. **Interactive Process** – A collaborative process between a supervisor, management official, or Human Resources Specialist, and an employee or applicant to identify the precise workplace limitations resulting from the individual's disability and potential reasonable accommodations that may be effective. The duty to engage interactively with the employee is on-going. As a matter of good practice, supervisors should continue to engage interactively with the employee even after a reasonable accommodation is implemented to discuss its effectiveness and/or need for adjustment. (See Section VI(B), The Interactive Process.)

E. **Major Life Activity** – Basic activities that most people in the general population can perform with little or no difficulty. Examples of major life activities include, but are not limited to: caring for oneself, performing manual tasks, eating, sleeping, walking, talking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, bending, working, thinking, concentrating, reading, communicating, and interacting with others. Major life activities also includes the operation of major bodily functions including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, 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, e.g., kidney, liver, pancreas, or other organs.

F. **Medical Review Officer** – A third-party physician who provides an independent review and assessment of medical information related to reasonable accommodation requests. Such medical review services are available to supervisors as a fee-for-service through an interagency agreement between the Department and the U.S. Department of Health and Human Services' Federal Occupational Health (FOH). (See Section V(B), Medical Review Officer (MRO).

G. **Qualified Individual** – A qualified individual is a person who meets legitimate skill, experience, education, or other requirements of an employment position that they hold or seek, and who can perform the essential functions of the position with or without reasonable accommodation.

H. **Reasonable Accommodation (RA)** – Any change in the work environment or the way things are customarily done that provides an individual with a disability equal access to employment opportunities, benefits, and privileges. An RA can cover most things that enable an individual with a disability to apply for a job, perform the essential functions of a job, and/or have equal access to workplace opportunities, benefits, and privileges. There are three categories of RAs:

1. Modifications or adjustments to the job application process to permit an individual with a disability to be considered for a job;

2. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job; and

3. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment.

Common types of RAs include, but are not limited to:

- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how, where, or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to or providing a different office space;
- Providing telework beyond that provided by the relevant Personnel Manual Instruction (PMI);
- Making changes in workplace policies;
- Providing assistive technology, including information technology and communication equipment or specially designed furniture;
- Providing an interpreter, a reader, or other type of assistant to enable employees to perform the essential functions of their job, where the accommodation cannot be provided with existing staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking;
- Providing materials in alternative formats (e.g., Braille, large print); or
- Providing a reassignment to another job.

I. **Reassignment** – A change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

J. **Substantially Limits** – An impairment that substantially limits one major life activity need not limit other major life activities to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity must be made without regard to positive effects of mitigating measures (except mitigating effects of ordinary eyeglasses or contact lenses), such as:

1. Medication, medical supplies, equipment, or appliance, low-vision devices (except ordinary eyeglasses or contact lenses), prosthetics including limbs

and devices, hearing aids and cochlear or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

2. Use of assistive technology;

3. RAs, auxiliary aids, or services; and

4. 4Learned behavioral or adaptive neurological modifications.

K. **Undue Hardship** – An undue hardship means that a specific accommodation would cause significant difficulty or expense to the employer. The determination of whether providing a RA would create an undue hardship for the Department is always made on a case-by-case basis.

In making this determination, ED needs to consider factors such as: the nature and net cost of the accommodation, the Department's overall size and financial resources, the type of operation, and the impact of the accommodation upon the operation, including the impact on other employees' ability to perform their duties and the Department's ability to conduct business. The Department bears the burden of proof to demonstrate that providing an accommodation would cause an undue hardship.

IV. Policies

ED is committed to providing RAs to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. ED will:

A. Provide a RA when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job, unless doing so would cause an undue hardship to the Department;

B. Provide a RA when an employee with a disability needs an accommodation to perform the essential functions of the job, to gain access to the workplace and/or to enjoy equal access to benefits and privileges of employment (e.g. details, trainings, office and Department-sponsored events), unless doing so would cause an undue hardship to the Department;

C. Apply a fair and consistent procedure for determining whether an employee is a "qualified individual with a disability" as defined by law, when evaluating accommodation requests, determining what is reasonable, and what constitutes an undue hardship;

D. Inform supervisors and employees of this Handbook to ensure better understanding of RA policies and procedures, and provide training as appropriate;

E. Provide necessary resources to help supervisors and employees work through each step in the RA process: determining whether a disability exists, deciding on

appropriate accommodations, obtaining expert guidance and assessments, and procuring equipment and services needed for accommodation; and

F. Maintain the confidentiality of an individual's RA request, including supporting medical records, in accordance with applicable statutes and laws.

V. Personal Assistant Services

A. The Department is dedicated to ensuring that all employees who have a right to PAS are provided such services in an effective and timely manner.

B. The process for requesting PAS, the process for determining whether such services are required, and the agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations as described in this handbook.

VI. Roles and Responsibilities

A. Reasonable Accommodation Program Manager (RAPM):

The RAPM provides ED-wide technical assistance, training, and support to managers and employees as they move through the RA process. The RAPM may be consulted by managers and employees to facilitate the RA process, and serves as a neutral party to provide information and resources. The RAPM does not make decisions to approve or deny an RA request. Supervisors are not required to obtain the RAPM's concurrence on any decisions.

The RAPM develops and conducts training for all employees, including, but not limited to, supervisory and non-supervisory employee training, coordinates the development and implementation of RA policies, procedures, and resources within the Department; oversees sign language interpreter, captioning, and alternate format services; maintains RA records that are shared with the RAPM; and tracks all RA requests to completion for statistical analysis and process improvement purposes.

The RAPM manages a central budget for providing equipment, furniture, training services, facility modifications, and other goods or services as RAs for individuals with disabilities. (See Section VIII: Funding for Reasonable Accommodations.)

The RAPM is responsible for:

1. Educating employees and supervisors on the RA process;

2. Providing clarity for employee responsibilities and their supervisor's responsibilities during the process;

3. Addressing any issues in processing submitted RA request packages; and

4. Tracking and reporting data related to RA requests, approvals, and denials.

B. Medical Review Officer (MRO):

A supervisor may submit an employee's RA request and corresponding medical information to an MRO when the supervisor is unable to independently determine whether the employee has a disability and/or whether an accommodation is needed. The MRO's role is to evaluate the accuracy and completeness of the RA documentation, to advise Department managers on the severity and nature of the employee's impairment, and to advise whether a proposed accommodation is likely to be effective, given the functional limitations described. Please see Section VI (D) for more information on the MRO process.

The MRO neither decides whether to grant or deny an accommodation, nor determines whether an undue hardship exists. Such decisions are management decisions and should only be made by the employee's supervisor in the context of the job duties, workplace structure, and overall resources of the organization.

C. Employee and Labor Relations (ELR):

ELR specialists in both the Office of Finance and Operations, Office of Human Resources (OHR) and Federal Student Aid (FSA) provide technical advice and assistance to management on all matters pertaining to employee conduct and performance, and labor-management relations in the administration of negotiated labor agreements. Members of the ELR team may consult with managers and the RAPM on RA requests that are accompanied by disciplinary, performance, or conduct issues.

D. The Office of Finance and Operation s, Facilities Services (FS):

FS is responsible for planning, establishing, directing, controlling, and implementing policy, standards, and procedures governing all aspects of the following functions: space planning and management, facility management, property management and inventory, and the Federal Real Property Program. FS also installs adaptive and ergonomic furniture when needed for RA, and modifies ED facilities, as necessary, to ensure compliance with accessibility codes and to provide access for specific employees with disabilities.

E. The Office of Finance and Operations, Logistics Services (LS):

LS provides a wide variety of administrative services to ED and is responsible for planning, establishing, directing, controlling, and implementing policy, standards, and procedures governing all aspects of the following functions: supply management, motor vehicle and transportation operations, mail services, parking and transportation services, health services, and photocopy services. LS consults with managers and employees as needed to assist in determining adaptive and ergonomic furniture needs, and works with the RAPM and ELR within OHR or FSA, as appropriate, to ensure that ED facilities are safe and accessible to all employees, including those with disabilities.

F. The Office of Finance and Operations, Alternative Dispute Resolution Center (ADR Center):

The ADR Center provides all ED employees and applicants with an informal process to resolve disputes, disagreements, or complaints on a wide range of work-related matters, including disputes related to RA.

G. The Office of the Chief Information Officer, Assistive Technology Team (AT):

AT consults with the RAPM and supervisors on RA requests whenever necessary. AT provides support services to managers and supervisors in determining how technology can be used to meet the RA needs of employees with disabilities and assists with implementation. AT performs needs- assessments to determine what technology products may be effective as accommodations for employees with disabilities. AT prepares a report of needs-assessment results, and makes recommendations for hardware and software, installation and training on recommended assistive technology. AT also provides services to employees whose impairment do not rise to the level of disability and will provide preventive items, i.e., assistive technology, hardware, software or other services identified in needs assessment.

H. Supervisors and Employees:

1. Supervisors and employees are required to take mandatory training (online via the FedTalent and in-person by request to Office of Equal Employment Opportunity Services (OEEOS) to become familiar with RA procedures and work collaboratively to address RA requests.

2. Supervisors are responsible for:

a) Recognizing requests for accommodation when made by employees. Requests for accommodation can take many forms and there are no “magic words” required for an employee to initiate a request. An employee makes a request for an accommodation when they ask for a change in their work environment or the way things are usually done and connect the request to a disabling medical condition.

b) Ensuring that RA requests are handled correctly and expeditiously, and reported to the RAPM for tracking purposes;

c) Consulting with the RAPM, OHR ELR, or FSA ELR for assistance with the RA process, as needed;

d) Initiating and engaging in the interactive process with an employee who makes an RA request and monitoring the effectiveness of any approved RA;

e) Making decisions on RA requests in a timely manner; and

f) Keeping confidential any medical information submitted in support of an RA request.

3. Employees are responsible for:

a) Providing accurate and complete information to support their RA request;

b) Engaging in the interactive process with the supervisor in order to determine what, if any, accommodation(s) should be provided to the employee; and

c) Monitoring the effectiveness of any RA approved for them.

An employee's failure to engage in the interactive process may result in a denial of the employee's RA request.

VII. Procedures for Requesting and Providing Accommodation

A. Requesting Reasonable Accommodation

1. An applicant or employee (or his or her representative) is responsible for communicating to the Department that s/he needs an adjustment or change to the application process, their job, or workplace/employee benefits. First line supervisors are typically the primary processor and decision maker for requests. An employee or applicant may initiate their request with any supervisor in their chain of command, to OEEOS, or to any agency employee connected with the application process.

2. A request for RA is a statement, verbal or written, that an individual needs an adjustment or change at work, in the application process, or to use a benefit or privilege of employment for a reason related to a disability.

a) An RA request may be made at any time, and does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."

b) If it is unclear whether the employee or their representative is in fact requesting an RA for a disability (as opposed to, e.g., ergonomic work station adjustment as a preventative measure or for a condition that is not a covered disability), then the supervisor may seek clarification and/or confirmation from the employee or their representative as to whether the employee is requesting an RA for a disability that meets the definition of the Rehabilitation Act/ADAAA.

c) An individual with a disability or their representative may request a RA at any time, even if the employee has not previously disclosed the existence of a disability.

d) An employee or applicant can consult with the RAPM for further information or assistance in connection with requesting or processing a request for RA.

e) If an employee requests and is approved for a type of reasonable accommodation that they will need on a repeated basis, for example, sign language interpreters or reader/scribes, they are not required to resubmit their request in writing each time the accommodation is needed. They may need to share logistical information with the appropriate Departmental contact to facilitate the provision of the request.

3. The RA process begins as soon as the request for the change or identification of a barrier is made, whether orally or in writing, from the individual requesting the accommodation or their representative.

4. To maintain accurate records regarding RA requests, individuals seeking a RA are asked to follow an oral request either by completion of the Reasonable Accommodation Request form (see Appendix A), or otherwise confirming their request in writing (including by e-mail) to the employee's supervisor.

   While the written notice should be made as soon as possible following the initial request, it is not required before the request can be processed. The supervisor or Human Resources Specialist should begin processing an accommodation request as soon as it is made, whether or not written confirmation has been provided. The supervisor or Human Resources Specialist must also ensure that the RA request is reported to the RAPM to be tracked to completion.

5. The RAPM may be consulted for procedural requirements and technical guidance when responding to a request for RA. The RAPM does not make decisions to approve or deny an RA request. Supervisors are not required to obtain the RAPM's concurrence on any decisions.

6. A third party, for example, a family member, health professional, or other representative, may request a RA on behalf of an employee or applicant. The request should go to the employees' supervisor or other management official, or in the case of an applicant, to the Human Resources Specialist listed in the job announcement.

   a) When a third-party requests an accommodation on behalf of an employee, the supervisor should, as soon as possible, confirm with

the employee their desires and intent about the purpose of the request before proceeding. Where this is not immediately possible, for example, if the employee has been hospitalized in an acute condition, the supervisor will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the employee needing the accommodation as soon as it is practical to do so.

b) Once a request for RA has been made, if an employee wishes to designate a formal representative to act on their behalf throughout the accommodation process, this designation should be formalized in writing to the supervisor as soon as practicable.

B. The Interactive Process

1. After an individual makes an RA request, the next step is for the parties to begin the interactive process.

2. The interactive process encompasses open and regular communication about the nature of the employee's or applicant's disability, the extent of any limitations, and accommodations that may be effective.

3. Supervisors must contact the employee requesting the RA within fifteen (15) calendar days of receipt of an RA request to initiate the interactive process. In the case of an applicant requesting an RA, the Human Resources Specialist listed in the job announcement should contact the applicant within fifteen (15) calendar days of receipt of the RA request to initiate the interactive process.

4. The interactive process may include communicating with the employee or applicant and/or their representative to clarify the request, obtaining and exchanging information with the employee or applicant to the extent necessary regarding needs and alternative accommodations, seeking clarification on the extent of the limitations stemming from the disability, placing the employee or applicant in contact with the RAPM, searching for effective interim accommodation measures, consulting Department resources (see Appendix B), seeking guidance from the RAPM on how to determine whether the employee or applicant is a qualified individual with a disability, and evaluating possible accommodations. This information may not be necessary if the applicant's or employee's disability and/or effective accommodation are obvious.

5. Open communication is a priority throughout the interactive process, particularly where the limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of accommodation. The employee or applicant

and the decision-maker should work together to identify an effective accommodation. Both parties should consult with the RAPM for assistance in determining an effective accommodation.

6. The interactive process should be used to seek clarifying information to determine whether and how to provide the requested accommodation or an accommodation that is equally effective. The Department is entitled to receive medical information about the disability, if the employee's or applicant's disability is not obvious. Please refer to Section VI (D) for further guidance on requesting medical information.

7. The supervisor or Human Resources Specialist is responsible for evaluating all available information submitted by the applicant or employee, and will make the following determinations:

   a) Whether the employee is or is not a qualified individual with a disability;

   b) Whether to grant the requested accommodation or an effective alternative accommodation, or deny the accommodation altogether; or

   c) Whether more information is needed or other barriers exist, preventing issuance of a decision at that time.

8. Once the supervisor or Human Resources Specialist makes a determination on an RA request, they are responsible for notifying the employee or applicant of the decision.

9. Job applicants or employees who are denied a request for reasonable accommodation will be issued a written notice of the denial at the time of the Agency's decision and in an accessible format, when requested. The written notice will explain the reasons for the denial and notify the job applicant or employee of any available internal appeal or informal dispute resolution processes, with instructions on how to file an EEO complaint, pursuant to 29 C.F.R § 1614.106, and to invoke other statutory processes, as appropriate. The denial notice must also explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution and how to invoke other statutory processes, as appropriate.

10. Failure by supervisors to promptly engage in the interactive process or to initiate the processing of a request, oral or written, may cause harm, and may result in undue delay in providing RA, in violation of the Rehabilitation Act.

11. Failure by the employee to provide necessary documentation in support of a RA request in a timely manner could result in a denial of the request; however, this does not preclude an employee from making a new RA request in the future.

12. If more than one accommodation would be effective for a qualified individual who requests a RA, their preference should be given consideration; however, the Department has the ultimate discretion to choose among a variety of available RA, as long as the chosen accommodation is effective. Thus, as part of the interactive process, the Department may offer alternative accommodations, discuss if they would be effective, and may choose the accommodation that is less costly and/or less burdensome to provide, as long as it is effective.

13. To deny an accommodation based on cost, the decision maker must consider all resources available to the Agency as a whole..

14. If an employee believes their current RA is no longer effective, or needs to be adjusted, then they may notify their supervisor as part the ongoing interactive process.

15. The duty to engage interactively with the employee is ongoing. As amatter of good practice, supervisors should continue to engage interactively with the employee even after an RA is implemented to discuss its effectiveness and/or need for adjustment. The decision maker should be cautious when altering the terms of an already approved accommodation and should only do so when either the employee agrees with the need for adjustment, or the adjustment is necessary to prevent undue hardship..

C. Time Frames for Processing Requests and Providing Accommodations (including expedited processing and extenuating circumstances)

1. RA requests should be processed as soon as possible, but no later than thirty (30) calendar days from the date the request is made, absent extenuating circumstances. It is imperative to engage in the interactive process and maintain open and regular communication with individuals who request RAs about the status of their accommodation request.

2. When it is unclear whether an employee has made an RA request for a covered disability, and the supervisor seeks clarification and/or confirmation that the requested RA is for a disability, the 30-day processing timeline begins to run when the employee or their representative confirms the accommodation is for a disability.

3. An individual requesting an accommodation is expected to provide information about their disability and functional limitations, if their need for a RA is not obvious or already known to the Department.

4. The timeframe for processing an accommodation request stops when the Department requests medical documentation or information, and resumes when the Department receives the requested information.

5. If a supervisor requests an MRO assessment, the decision-making timeline may need to be extended based on the time necessary for the assessment.

6. When appropriate, the Department should implement effective interim accommodations during the timeframe that an individual's RA request is under review. The employee's supervisor should notify the employee in writing that they are being provided with a temporary accommodation while their RA request is under review.

7. When an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in violation of the Rehabilitation Act. 29 C.F.R. § 1614.203(d)(3)(i)(O).

8. Employees or applicants may track their accommodation status by requesting updates from their supervisor, the appropriate Human Resource Specialist, or their point of contact in the application process. If the first line supervisor or HR point of contact is unavailable or unable to provide a status update the employee or applicant can contact the RAPM at reasonableaccommodations@ed.gov or the OEEOS main line at 202-401-3560.

9. Expedited Processing:

   In certain circumstances a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than 30 calendar days. This includes where a RA is needed:

   a) To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for RA to ensure that an applicant with a disability has an equal opportunity to apply for a job.

   b) To enable an employee to attend a meeting, or other activity conducted by ED, scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled at the last minute (i.e., with less notice than the recommended time frame set forth by the sign-language interpreter and captioning services contract).

10. Extenuating Circumstances:

a) Extenuating circumstances are factors beyond the control of ED that could not reasonably have been anticipated or avoided in advance of a RA request. When extenuating circumstances are present, the time for processing a RA request and providing the accommodation will be extended as necessary. All ED management officials are expected to act quickly in processing requests and providing accommodations. Below are examples, not intended to be exhaustive, of extenuating circumstances:

b) There is an outstanding initial or follow-up request for medical information.

c) Purchase of equipment may take longer than 15 to 30 calendar days because of requirements under the Federal Acquisition Regulation.

d) There is a need to arrange/receive services from an outside source.

e) Equipment may not be readily available and has to be back-ordered.

f) Architectural barriers need to be removed.

g) ED may not delay processing or providing an accommodation because a particular management official is unavailable. Supervisors should make sure, in the event of their absence for any extended period of time; a designated back-up is available to process an accommodation.

When extenuating circumstances exist, the supervisor must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the RA, is expected. Any further developments or changes should also be communicated promptly to the individual. For example, if there is a delay in processing a RA request due to extenuating circumstances, the supervisor, who may consult the RAPM, must determine if interim measures could be taken to assist the employee. This could include providing the requested accommodation on an interim basis or providing a less effective form of accommodation. If an interim accommodation is provided, the employee must be informed in writing the accommodation is being provided only on a temporary, interim basis.

D. Request for Medical Information

1. The Department is entitled to ask an individual to provide medical information to show that they have a covered disability that requires accommodation, if their disability and/or need for an accommodation is

not obvious or already known to the Department, or to support an on-going need for a RA. Failure to provide necessary documentation could result in a denial of RA.

2. The Department will be guided by the principles set forth in the Rehabilitation Act/ADAAA when determining whether medical information is necessary to support an RA request and whether the requester has a covered disability. The ADAAA directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis.

3. Medical documentation must be sufficient to allow the supervisor to determine whether an employee is a qualified individual with a disability. The Department may request medical information or documentation that describes:

   a) The nature, severity, and estimated duration of the disability;

   b) The activity or activities that the disability limits;

   c) The extent to which the disability limits the employee's ability to perform the activity or activities; and/or

   d) How the requested RA would enable the individual to apply for a job, perform the essential functions of their position, or enjoy a benefit or privilege of the workplace.

4. An employee's failure to provide necessary documentation or information to support their RA request in a timely manner could result in a denial of the request. Denial for failure to submit supporting documentation does not preclude an employee from making a new RA request.

5. Where supporting documentation is found to be insufficient, employees will be informed of the specific reasons why.

6. The Department may request supplemental documentation when the medical information already submitted is insufficient to determine if the individual has a disability and/or whether a RA is needed. Failure to provide the requested information to the Department could result in a denial of the RA request. As part of the request for supplemental information, the supervisor may provide the employee with a list of questions for their healthcare provider to answer.

7. The decision maker may not request medical documentation from employees where: (a) both the disability and the need for accommodation are obvious; or (b) the individual has already provided the agency with

sufficient information to document the existence of the disability and his/her functional limitations. .

8. In instances where medical information is requested, the individual requesting an accommodation has the option of voluntarily submitting the medical information directly to the supervisor. If the individual prefers not to submit the medical information directly to the supervisor, they may submit this information to the RAPM, ELR staff person, or the Regional OHR Representative. If so, that supervisor will be consulted jointly with other management officials receiving the medical information in assessing whether the documentation is sufficient. Nonetheless, the supervisor will still need to have general awareness of the individual's health-related information, as the supervisor remains the decision-maker on the RA request.

9. The Agency has the right to have medical information reviewed by a medical expert chosen by the agency at the agency's expense. A supervisor may submit an employee's RA request and corresponding medical information to an MRO when the supervisor is unable to independently determine whether the employee has a disability and/or whether an accommodation is needed. If a supervisor requests an MRO assessment, they must submit an MRO review request to the RAPM.

   Only the RAPM interfaces with FOH in requesting MRO services, and only the RAPM liaises between the Department and FOH.

   As part of an MRO review request, the supervisor may seek the RAPM's assistance in compiling a list of questions to submit to the MRO. The supervisor will ask the employee to sign a limited medical release (a form generated by FOH), which permits the MRO to contact the employee's healthcare provider directly, if the MRO needs additional information to formulate an assessment. No medical records obtained by the MRO in this manner will be shared by anyone at the Department, though information the MRO obtains may be described or referred to in their assessment.

   The FOH limited medical release form can be found on connectED at https://connected.ed.gov/ofo/Documents/foh-authorization-for-disclosure-of-information-form.pdf. The supervisor must notify the employee in a timely manner that an MRO assessment was requested.

10. A designation or determination of a medical condition as a disability by, or receipt of benefits or payments for a medical condition from, the U. S. Department of Veterans Affairs, the federal or a state Department of labor, the federal or a state office of workers' compensation, a vocational rehabilitation center, and/or other entity does not automatically meet the definition of 'disability' under the Rehabilitation Act/ADAAA. When

presented with such documentation, supervisors must still evaluate whether the condition meets the above-described definition of a disability.

E. Reconsideration

1. The employee may request reconsideration by their second-line supervisor if they disagree with the first-line supervisor's decision. To be considered timely, requests for reconsideration must be made within fifteen (15) calendar days of receiving an accommodation decision from the first-line supervisor.

2. The second-line supervisor must issue a decision, in writing, within fifteen (15) calendar days of receiving a request for reconsideration. The second-line supervisor may consult with the RAPM, ELR, the Regional OHR Representative, the Office of the General Counsel (OGC), and/or the Office of Inspector General's (OIG's) Counsel's Office before deciding on the reconsideration request.

3. An employee whose RA request is denied may request accommodations subsequently based on changes in medical limitations or other new circumstances.

F. Reassignment

1. Reassignment must be an option considered if: (1) there are no effective accommodations that would enable the employee to perform the essential functions of their current position, or (2) the only effective RA option(s) would impose an undue hardship on the Department.

2. Reassignment is only available to an employee who is qualified for a vacant position. Reassignment is not an appropriate accommodation for applicants. An employee qualified for a vacant position can be reassigned to the job without competing for it. Reassignment is made only to existing positions within the Department that are vacant at the time of the reassignment search, or that the Department has reason to believe will become vacant within a reasonable time after the initiation of a reassignment search. ED is not required to create a position as a RA.

3. When it appears that a reassignment is an appropriate course of action, the supervisor and employee will work with the RAPM and the appropriate Human Resources Specialists (including, as needed, ELR Specialists and/or staffing/classification specialists) to identify vacant positions to which the individual can be reassigned or detailed.

4. ED will focus first on vacant positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, ED may consider vacant lower

level positions for which the employee is qualified. Reassignment may be made to a vacant position outside of the employee's commuting area, if the employee is willing to relocate. As with other transfers not required by management, ED will not pay for the employee's relocation costs. Reassignment does not include giving an employee a promotion. An employee must compete for any vacant position that would constitute a promotion.

G. Confidentiality Requirements

1. Under the Rehabilitation Act, medical information obtained in connection with the RA process must be kept confidential. All medical information that ED obtains in connection with an RA request must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any employee who obtains or receives such information is strictly bound by these confidentially requirements.

2. Disclosures may be made under the routine use exception to the Privacy Act. Routine disclosures include those for required statistical and public-health reporting, litigation or law-enforcement investigations, security clearances, and other statutory, regulatory, or administrative purposes that are compatible with the purpose for which the information was collected.All of the routine uses can be found in the System of Records Notice titled OPM Gov't-10, Employee Medical File System Records. The Privacy Act also permits ED employees with a need-to-know in the performance of their duties to review the medical information.

3. The fact that an employee has a disability or impairment or has requested or received a RA should be shared only on a need-to-know basis with those directly involved in making the decision or providing consultation. For example, supervisors, Executive Office personnel, or staff in offices such as OHR, FSA, OEEOS, OCIO (AT), OGC, or OIG's Counsel's Office may need to see information about an employee's impairment or medical condition in the course of assisting with the RA request. Each of these offices must respect the employee's confidentiality and share only the information necessary to properly complete the RA request. Even if the employee chooses to disclose their disability, or it is obvious to a casual observer (for example, the person uses a wheelchair), others must still treat additional information, such as the cause, diagnosis, or nature of the accommodation, as confidential, unless the employee has clearly indicated otherwise, or if disclosure is permitted by the Privacy Act.

4. In addition to disclosures of information needed to process an RA request, other disclosures of medical information are permitted as follows:

a) Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide RA;

b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation; and

c) Government officials may be given information necessary to investigate the Department's compliance with the Rehabilitation Act.

H. Dispute Resolution

Workplace ADR. Employees are encouraged to use voluntary informal dispute resolution via the OFO ADR Center when they disagree with the results of the accommodation process

Request for reconsideration. An employee dissatisfied with any aspect of the processing of their RA request may ask their second-line supervisor to review the immediate supervisor's RA decision. As stated in section VI (D) above, requests for reconsideration must be made within fifteen (15) calendar days of receiving an accommodation decision from the first-line supervisor.

EEO complaint. If the employee believes they have been subjected to discrimination on the basis of EEO protected categories, they have the option of pursuing an equal employment opportunity (EEO) complaint. To initiate the EEO complaint process or learn more information about it, they should contact OEEOS at ofo_eeos@ed.gov or by phone at 202-401-3560.

EEO contact must be initiated within forty-five (45) calendar days of: the date the employee became aware of the discrimination; the last date in a series of harassing events; the effective date of a personnel action; and/or the date the employee became aware their RA request was denied.

More information about the EEO complaints process at the Department can be found on OEEOS's connectED page: Office of Equal Employment Opportunity Services (OEEOS) (sharepoint.com).

VIII. Information Tracking and Reporting

A. ED has a legal obligation to track all RAs requested by and granted for applicants and employees. Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, and the EEOC's policy guidance on implementing the Executive Order, state that an agency must be able to track the following information:

1. The number and types of RAs that have been requested in the application process and whether those requests have been granted or denied;
2. The jobs (occupational series, grade level, and agency component) for which RAs have been requested;
3. The types of RAs that have been requested for each of those jobs;
4. The number and types of RAs for each job, by agency component, that have been approved, and the number and types that have been denied;
5. The number and types of requests for RA that relate to benefits or privileges of employment, and whether those requests have been granted or denied;
6. The reasons for denial of requests for RA;
7. The identify of the deciding official
8. The amount of time taken to process each request for RA; and
9. The sources of technical assistance that have been consulted in trying to identify possible RAs.

B. Because of this requirement, supervisors and employees must notify the RAPM when a RA is requested or has been provided. The RAPM will compile information in order to report to the EEO Commission as required, and to measure the Department's performance in handling RA requests appropriately. This information will help the RAPM track successes and problem areas, and take corrective actions as necessary.

IX. Funding for Reasonable Accommodations

A. **Centralized fund**. ED has centralized funding for reasonable accommodation purchases, managed by the RAPM. This funding is available to cover the costs of any equipment, services, or training needed to provide a RA for an employee with a disability or to assess the employee's impairment and/or need for an accommodation.

These funds are not for the purchase of routine equipment for employees who have impairments that do not rise to the level of disability.

The centralized funding mechanism has been established because, while Principal Offices (POs) are ultimately responsible for providing accommodations, it is often difficult to anticipate or budget for accommodation requests. POs should factor in the provision of accommodations for their employees during their yearly budget-planning processes.

All equipment purchased with the centralized funding remains the property of OFO/FSA or OCIO, is technically "on loan" to the receiving office. The equipment must be returned to OFO/FSA or OCIO when no longer needed.

B. **Program Office fund**. For RAs, PO Executive Offices are expected to purchase low-cost items themselves, such as those $150 or under, or items that are available from general office supply vendors.

C. **Office of Finance and Operations (OFO) Budget Service fund**. ED has also established centralized funding in the OFO/Budget Service to cover the salaries and expenses of interpreters, readers, or personal assistant positions. This enables POs to hire such individuals to provide RA services for an employee with a disability without fear of staffing or Full-time Equivalent (FTE) restrictions.

Interpreters, readers, and personal assistants may also be hired under the Schedule A excepted hiring authority, which can streamline the process.

OHR can assist with the Schedule A hiring process, and Budget Service can assist with information pertaining to funding such positions.

X. Inquiries and Distribution

Supervisors or managers who have questions regarding their union obligations should contact their servicing ELR Specialist in the OHR.

Any employee or supervisor wanting further information concerning this Handbook may contact RAPMs via e-mail:

- Department of Education: ReasonableAccommodations@ed.gov.
- Federal Student Aid: Liana.Nieves@ed.gov.

A copy of this Handbook will be posted on the OEEOS connectED page and the Administrative Communications System (ACS) Directives page on connectED.

XI. Additional Resources

U.S. Equal Employment Opportunity Commission (EEOC) 1-800-669-3362 (Voice 1-800 800-3302 (TT))

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. These documents are available at www.eeoc.gov.

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

The DBTAC consist of 10 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. The DBTACs can provide information or RAs and make referrals to local sources of expertise in RAs.

Registry of Interpreters for the Deaf (RID)

(301) 608-0050 (Voice/TT)

RID offers information on locating interpreters and transliteration services.

Appendix A: Reasonable Accommodation Request Form

An employee or applicant who wishes to request an RA for a disability may use the Reasonable Accommodation Form to make a request. **NOTE:** An RA request may be made verbally, but a supervisor may still ask the employee to complete this form following a verbal RA request.

For additional information or assistance in completing this form, contact the Reasonable Accommodation Program Manager (RAPM). Submit a copy of the completed form to (1) the approving official, i.e., supervisor or other designee, and (2) the RAPM.

Appendix B: Additional Services and Information

A. **Access to Meetings**: Whenever ED has a meeting that may be attended by employees with disabilities or that is open to members of the public, ED must ensure that the meeting is held in an accessible location and must provide access where needed. All announcements or advertisements for any event or activity conducted by ED must contain notice of how participants can request a RA to participate in the event or activity. This RA notice must contain the name of a contact person, their contact information, and a respond-by date by which to request an RA.

If printed documents will be distributed at this event or activity, the meeting organizer should check with invitees or potential attendees in advance to determine which formats are needed, and must ensure that the documents are available in alternate formats such as Braille, large-print, audiotape, or electronic media (e.g., CD, DVD, Flash drive), as needed.

Presenters should be notified that their materials must also be available in accessible formats. If audiovisual materials will be used, they must be accessible to all attendees.

Meeting organizers should ask attendees if they need communication-access resources, such as interpreters, assistive-listening systems, or live captioning (i.e., Communication Access Real-time Translation or CART, which can be on-site or remote), and should ask about which method is preferred. However, meeting organizers should not assume that sign language interpreting will be sufficient for all attendees with hearing impairments, since many people need some other form of communications access and do not use sign language.

B. **Providing Documents in Alternate Formats:** Whenever documents are provided to ED employees or members of the public, they must be made available in alternate formats to individuals with disabilities as needed. For accommodation purposes, this usually affects employees with visual disabilities who use Braille, large-print, audiotape, or computer disk as an alternative to standard print, but employees with learning or other disabilities also may benefit from these alternate formats.

ED has an Alternate Format Center, which produces Braille and audiotape, and can provide guidance on how to prepare large-print or disk versions for accessibility.

Whenever a document is to be disseminated on paper, the originating office should contact the Alternate Format Center to prepare alternate format versions, and should contact recipients in advance to determine which formats are needed.

Many documents are disseminated via e-mail only; these generally do not need to be provided in an alternate format as long as the electronic format is accessible (i.e., meeting Section 508/WCAG 2.0 AA) (see next section on information

technology access). Reference materials, such as Departmental directories and copies of regulations that are distributed desk-to-desk in hard copy, must be made available in alternate formats or accessible electronic format at the time of distribution.

ED also has an obligation to make all of its publications and materials distributed to the public available in alternate formats upon request. All public materials must have a notice stating that they are available in alternate formats upon request, and provide contact information on how to request them. The originating Principal Office is responsible for arranging the production of alternate formats, and for working with EDPubs or other venues to ensure that they are distributed appropriately.

C. **Information and Communication Technology (ICT) Access:** ED must make all of its ICT accessible to people with disabilities, in accordance with Section 508 of the Rehabilitation Act. Any ICT technology that ED develops, procures, maintains or uses after June 25, 2001 must meet a specific set of standards contained in the Section 508 regulations. These standards are intended to ensure that hardware and software systems either are accessible themselves or are compatible with assistive technology used by people with disabilities. For example, Section 508 standards on ICT require alternative text for graphic elements, because screen-reader software cannot tell a user what is in a picture if it is not properly tagged with text conveying any meaningful content it represents.

Offices or individuals purchasing ICT, or managing contracts to develop custom applications, must ensure that the product procured will meet the applicable access standards, so that it will be usable by ED employees, including those with disabilities.

Please consult the OCIO Assistive Technology Team ITAPsupport@ed.gov for guidance. Information on Section 508 and technology access also is available online at www.section508.gov.

D. **Computer-Related Accommodations:** Please contact the Assistive Technology Team in OCIO any time an employee with a disability has an accommodation need that may require purchase or modification of computer equipment, including hardware, software, input devices, scanners, or other peripherals. The Assistive Technology Team can perform a needs-assessment to ensure that the equipment will meet the employee's needs and can be correctly integrated with the Department's systems. PIVOT funds are used to purchase assistive technology, and many commonly used items are kept in stock for immediate response.

The Assistive Technology Team also provides some preventive equipment for employees who experience computer-related repetitive stress injuries, which cause impairments that may not be severe enough to be disabilities, but that would worsen without adaptive equipment. The Assistive Technology Team also can provide installation and training on how to use the equipment, or the Team can

arrange for a qualified vendor to do so. These services can be provided in the office or at a telecommuting location if the employee is unable to bring the equipment in for service.

Offices should not purchase or install assistive technology hardware or software without consulting with the Assistive Technology Team. It is essential that the Assistive Technology Team be notified of any specialized purchases. The Assistive Technology Team works collaboratively with the OHR, FedTalent, and the RAPM to provide training on new Departmental systems for users of assistive technology. Assistive technology and assistive technology training for employees with disabilities are funded out of PIVOT.

E. **Telecommunications Accommodations**: Please contact the Assistive Technology Team for a needs assessment for accommodations that require purchase or modification of telecommunications equipment. The employee with a disability, their supervisor, or the Executive Office may make the initial contact.

The Assistive Technology Team can recommend, and often purchase, the appropriate equipment with PIVOT funds, and it oversees the installation and maintenance of the TTY system. Certain telecommunications equipment and services such as amplified handsets, installation of analog or ISDN lines, caller-ID, or stutter dial tones must be handled by the Network Services Team in OCIO, which accepts requests only through Executive Offices. Contact the RAPM for additional assistance or funding for telecommunications accommodations.

F. **Ergonomics and Furniture Accommodations**: Please contact the RAPM regarding purchase or modification of furniture or other workplace structures that are approved as an RA for a disability. The employee with a disability, their supervisor, or the Executive Office may make the initial contact. The RAPM will work with Facilities Services in OFO or FSA, as appropriate, to make the needed modifications and purchases or get a professional ergonomic assessment to determine what type of furniture will be suitable for the employee. The Assistive Technology Team in OCIO can perform some basic assessments related to seating, computer positioning, keyboard trays, and workstation configuration, and can provide some preventive and assistive technology positioning equipment. Health and Environmental Safety in OFO's Logistics Services can perform some ergonomic assessments related to repetitive-motion injury and workstation configuration.

ED may contract with the Public Health Service or outside rehabilitation professionals to perform more complex workplace assessments or to provide recommendations for furniture or equipment that will meet an employee's needs. This is done on a case-by-case basis, depends on the individual's situation, and is funded by the central RA budget.

G. **Service Animals:** A service animal means any guide dog, signal dog, or other animal trained to provide assistance to persons with disabilities including, but not

limited to, guiding persons who have visual or hearing impairments. A service animal may be an animal trained to pull a wheelchair. If an employee needs a service animal in the workplace or because the animal assists with transportation to and from work, ED must allow the animal to be present.

ED also must allow the employee to care for the animal by taking it out periodically and giving it food and water during the day. Supervisors may grant administrative leave to service-animal users who need to be absent from work to receive training with the animal. The employee may be asked to provide documentation to support a request for administrative leave.

The supervisor may not require that a service animal have any certification or specialized training but may require that a service animal have the proper license and immunizations required by the state or county of residence. The employee is responsible for ensuring that the animal is properly trained and behaves appropriately in the workplace. If an animal behaves inappropriately, such as by barking, growling, or threatening others, the supervisor may ask the employee not to bring the animal to work until it can be trained to behave properly.

If other employees are allergic or are otherwise disrupted by the presence of the animal in the workplace, the disabled employee and their supervisor must try to resolve the problem. If there is no way that the animal can safely remain in the employee's immediate work area, the employee and the supervisor will explore the option of relocating the employee and animal to a more appropriate environment.

H. **Interpreters, Readers, and Personal Assistants**: Providing RAs may require interpreters for employees who are deaf or hearing-impaired, readers for employees who are blind or who have low vision, and personal attendants for employees with mobility impairments. ED has mechanisms in place to obtain and fund these services. Costs or FTE limitations should generally not be a barrier to providing these RA services to those who need them. ED has established a pool managed by the OFO (Budget Service) that can be used to fund interpreter, reader and personal attendant positions in any Principal Office.

Individuals who provide these services to disabled employees can be hired under the excepted Schedule A hiring authority. Determining the need for an interpreter, reader or personal attendant should be done through the same process as for any other RA request.

The employee's own estimation of their level of need for interpreting, reading, or attendant services should be given consideration in deciding how to provide these services; however, the Department may choose between alternative accommodations if there are two or more equally effective RAs.

Many of the services provided by an attendant are not strictly job-related, but may be necessary for the employee to be able to work and can be considered as part of

a RA request. For example, some employees with severe mobility impairments need attendant services to use the restroom, to remove or to put on a coat, or to assist at mealtimes. Individuals who need these services also are likely to need assistance with minor job-related tasks such as filing documents, reaching supplies, or other office functions.

When the services needed are personal in nature, such as assistance with the restroom or with mealtimes, it is preferable to hire a designated attendant so as to maintain a professional relationship with other employees. When the services are incidental or not as personal, such as helping with coats or filing, it may be appropriate to ask other employees to assist the employee with a disability. This arrangement should be formalized if it occurs regularly or takes more than a few moments, and there should be designated back-up if the person who normally performs these functions is unavailable.

Supervisors should first consider alternative approaches before assigning such responsibilities to another employee. Under no circumstances should interpreters, readers, or attendants be required to work overtime without appropriate compensation, i.e., overtime pay, compensatory time, as appropriate.

I. **Transportation for Work-Related Activities:** ED provides RA when needed for transportation for work-related activities. ED has two lift-equipped vans in its motor pool for use by headquarters employees; employees who use wheelchairs have priority over all other users in reserving these vans. ED is working to secure accessible vans in regional office motor pools and will provide an accessible vehicle through rental or contract, if necessary.

All Government shuttle services, whether operated by ED or other agencies, are required to be accessible to people with disabilities. All of the headquarters shuttle buses have wheelchair lifts. ED is not responsible for employees' transportation to and from work, and has no obligation to provide such transportation.

If an employee is experiencing difficulty with accessible transportation, such as local paratransit services (specialized accessible public transit) being unreliable, or is having difficulty negotiating surface streets due to snow or other environmental conditions, the employee may request a schedule change or a modification of leave or attendance policies as a RA.

Some employees with mobility impairments may find that occasional flexi-place is an appropriate accommodation to request in areas where winter weather is severe or if the disability is exacerbated by summer heat or other environmental conditions. If an employee has a disability that makes it difficult to use public transportation and must drive to work, s/he is entitled to priority in assignment of parking spaces.

J. **Accessible Parking at ED Facilities:** Accessible parking may be provided at no cost to the employee, provided that the employee can demonstrate they are an individual with a disability, has a need for accessible parking as an RA, and the supervisor has granted accessible parking as an RA for a disability. In communicating with ED's Transit Benefits office, which administers all parking permits, the employee may be asked to submit documentation that supports the application for an accessible parking spot, including their supervisor's written approval of accessible parking as an RA for a disability.

K. **Official Travel:** When an employee with a disability is traveling on official government business, the supervisor must provide RA for the duration of the travel, including transportation, lodging, and notification of conference or meeting sites. This may include modifying travel policies, acting as an intermediary with transportation and lodging providers to ensure that their services are accessible and assisting employees with administrative complaint procedures if a third party fails to provide legally required accessibility features or services, thus limiting the employee's ability to carry out official functions and detrimentally affecting the Federal government's interests.

If an employee with a disability requests not to travel or to modify proposed travel requirements as a RA, the supervisor should treat such a request as they would any other accommodation request that involves switching of job duties or changing of schedule. The supervisor should ask questions such as: Is the requirement to travel an essential job function? Can the conditions of travel be modified in order to accommodate the employee's disability, such as scheduling flights earlier or later, or allowing greater rest time between meetings or strenuous events? If travel is not an essential job function, can other employees take on some of the travel-related duties, in exchange for the disabled employee taking on some non-travel duties? Travel policies may be modified in order to accommodate employees with disabilities. The practice has been to grant such waivers on a case-by-case basis.

Supervisors will ensure that employees with disabilities are appropriately accommodated in travel, lodging, and other services. If a service provider is traveling with the employee with a disability, the service provider also is on official travel, and the Principal Office must pay for any associated expenses.

If an employee uses a personal attendant or medical services such as a respirator at home but not during working hours, and will need the services when traveling, the Principal Office must pay for the attendant's travel expenses and/or the cost of bringing or purchasing the medical services while on travel.

If the employee normally pays an off-hours attendant's salary, the Principal Office needs not reimburse that salary; however, if the employee's regular attendant is unable to accompany them on travel, the Principal Office must pay the salary and expenses of a substitute attendant for the duration of the official travel.

L. **Telework Program**: Flexi-place, now known in ED as Telework, also is known as flexible workplace, work-at-home, or telecommuting. Participation in this program is available to all qualifying ED employees, with supervisory approval, to enable them to work at an alternate worksite on a regularly scheduled or on an as-needed basis. For questions about Flexi-place, please contact the OFO/OHR Workforce Relations Division (WRD) Flexi-place Coordinator.

Working at home or at other alternate worksites as a RA should not be confused with Flexi-place. Flexi-place is a neutral benefit that should be granted or denied without regard to an employee's disability. In contrast, if an employee requests that they be allowed to work at home or at other alternate worksites as an accommodation to their disability, this request should be evaluated as a RA request, not as a request for Flexi-place. The employee must articulate the disability-related reason for working at home and why working at home will enable them to perform the essential functions of their job. The supervisor should determine whether the employee has adequately documented the disability and effectiveness of the proposed accommodation; whether working at home some or all of the time affects the employee's ability to perform the essential functions of the job or creates an undue hardship for the agency; and whether there is another accommodation that will be effective. This is the same analysis as that used for other RA requests.

If the employee and the supervisor together determine that working at home or at other alternate worksites is indeed a RA, they should use the Flexi-place program procedures to create an arrangement for working at home. Use of the Flexi-place program is desirable because it contains liability provisions and requires the employee to certify that the alternate worksite is safe. However, when using Flexi- place as a means of providing an accommodation, it is important to remember that the law requires the agency to modify its policies and procedures when necessary to provide equal access for persons with disabilities. If done, this should be spelled out in writing as a part of the Flexi-place agreement or in another document. For example, an employee might work at home four or five days a week, or might use Flexi-place on an as-needed schedule due to unpredictable changes in health conditions. However, the same performance, accountability, and communication expectations should be maintained for all employees working off-site regardless of whether they are on standard Flexi-place or accommodation-related work-at-home.

If an employee with a disability is working at home or at an alternate work site as a RA, the supervisor must provide him or her with all equipment needed to perform the essential functions of the job at home. If the employee with a disability is using Flexi-place, but not as an accommodation, then ED's obligation is simply to provide a comparable level of functionality that it might provide to other employees on Flexi- place. For example, someone working at home full-time as an accommodation might need a computer with adaptive equipment, fax machine, printer, and second phone line, while someone on standard Flexi-place

might get only a computer with the appropriate adaptive equipment, but no printer or fax machine.

Generally, the agency does not provide furniture or physical modifications for home worksites. Each employee's needs should be evaluated on an individual basis. Supervisors and employees should contact the appropriate RAPM and/or the OCIO Technology Center/Assistive Technology Team for guidance.

M. **Volunteers, Part-Time Employees, Student Interns, Detailees, and Temporary Employees**: ED's policy is to reasonably accommodate volunteers, part-time employees, student interns, detailees, and temporary employees who are qualified individuals with disabilities under the Rehabilitation Act/ADAAA. These individuals should be treated just like regular full-time ED employees for the purposes of the RA process, and accordingly, the RA process described herein is applicable to them.

RA for temporary employees should be provided quickly, as with all ED employees. When feasible, arrangements with the temporary employee should be made prior to their arrival at ED, so that the RA is in place at the time they first report for duty.

Detailees from another federal agency should be treated like ED employees with respect to RA, even though they technically remain employed by their home agency. If the detailee is being accommodated for a disability by their home agency, they may wish to bring RA items with them for the duration of their detail at ED. When feasible, arrangements with the detailee should be made prior to their arrival at ED.

N. Contractors

In most circumstances, the RA process covered in this Handbook does not apply to employees of federal contractors, employees of staffing firms, or other non-employees. Please contact the RAPM for further information on handling RA requests from non-employees.

Appendix C: Non-substantive Changes (April 2024)

Contact information was updated throughout the document.

Links were updated throughout the document.

Additional changes are shown in the following table:

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
V	N/A	**XII. Personal Assistant Services** A. The Department is dedicated to ensuring that all employees who have a right to PAS are provided such services in an effective and timely manner. B. The process for requesting PAS, the process for determining whether such services are required, and the agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations as described in this handbook.	Added Personal Assistant Services (PAS) section to the handbook in order to clarify that request for PAS follow the same policy as reasonable accommodations as outlined in the handbook

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VI H(a)	N/A	(a) Recognizing requests for accommodation when made by employees. Requests for accommodation can take many forms and there are no "magic words" required for an employee to initiate a request. An employee makes a request for an accommodation when they ask for a change in their work environment or the way things are usually done and connect the request to a disabling medical condition.	Added language to clarify to supervisors when a reasonable accommodation is triggered so they can better understand when to offer the process to their employees. This has always been the case but wanted to improve the language to make it more clear.
VII A(1) and VII A (6)	An applicant may request RA orally or in writing from a Department employee with whom the applicant has contact in connection with the application process	First line supervisors are typically the primary processor and decision maker for requests. An employee or applicant may initiate their request with any supervisor in their chain of command, to OEEOS, or to any agency employee connected with the application process.	Added language to clarify that both employees and applicants can initiate their request with any of the listed entities. This has always been the case but we wanted to improve the language to make it more clear.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII A (2)(d)	N/A	If an employee requests and is approved for a type of reasonable accommodation that they will need on a repeated basis, for example, sign language interpreters or reader/scribes, they are not required to resubmit their request in writing each time the accommodation is needed. They may need to share logistical information with the appropriate Departmental contact to facilitate the provision of the request.	Clarified that employees are not required to resubmit routine accommodations. This has always been the case but wanted to improve the language.to make it more clear.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII B (9)	If a supervisor or Human Resource Specialist decides to either grant an alternative accommodation or deny the requested accommodation, they must state with specificity and in writing (email suffices) the reasons for that decision. When the specific accommodation requested is denied, but an alternative accommodation is offered, the supervisor or Human Resource Specialist is responsible for providing the employee with the reason in writing (email suffices) that they denied the requested accommodation and that they believe the alternative accommodation will be effective.	Job applicants or employees who are denied a request for reasonable accommodation will be issued a written notice of the denial at the time of the Agency's decision and in an accessible format, when requested. The written notice will explain the reasons for the denial and notify the job applicant or employee of any available internal appeal or informal dispute resolution processes, with instructions on how to file an EEO complaint, pursuant to 29 C.F.R § 1614.106, and to invoke other statutory processes, as appropriate. The denial notice must also explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution and how to invoke other statutory processes, as appropriate	Change the language to include relevant statute and notification requirements that are also outlined later in the handbook. Wanted to put the information here as well to provide clarity to employee's and supervisors within the relevant section.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII B (12) & VII B (13)	Both supervisors and employees should continue to engage interactively even after RA is granted and implemented to discuss: the RA's effectiveness; the continuing need for the RA; any changes or updates to the RA; and/or changes in the employee's medical condition. As a matter of good practice, such check-ins should occur routinely and at intervals discussed between the supervisor and the employee, as appropriate for the particular medical condition for which an RA is granted (e.g., once a quarter, every three weeks; in two weeks; on X date). Ideally, such a timetable is discussed and agreed upon at the time of approval of an RA. If a supervisor believes that an employee may no longer need an RA, or the current RA is no longer effective, the supervisor may engage the employee in the interactive process. The duty to engage interactively with the employee is ongoing	Removed	The recommendations in this section were not requirements and have been determined to be overly burdensome and had the possibility to prompt supervisors to take unnecessary actions that could lead to liability. Removing the language provides clarity that once an RA has been approved and provided supervisors should not create additional burdens for the employee to continue to receive the accommodation.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII B 13	N/A	To deny an accommodation based on cost, the decision maker must consider all resources available to the Agency as a whole	Added language to clarify the process by which a supervisor could deny an accommodation based on cost. This does not change the policy but makes what already existed more explicit.
VII B 15	The duty to engage interactively with the employee is ongoing. As a matter of good practice supervisors should continue to engage interactively with the employee even after an RA is implemented to discuss its effectiveness and/or need for adjustment	The duty to engage interactively with the employee is ongoing. As amatter of good practice, supervisors should continue to engage interactively with the employee even after an RA is implemented to discuss its effectiveness and/or need for adjustment. The decision maker should be cautious when altering the terms of an already approved accommodation and should only do so when either the employee agrees with the need for adjustment, or the adjustment is necessary to prevent undue hardship.	Clarifies when an employee should engage in additional interactive dialogue after an accommodation has already been approved. This does not change the policy but makes what already existed more clear.
VII C (7)	N/A	When an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in violation of the Rehabilitation Act. 29 C.F.R. § 1614.203(d)(3)(i)(O).	Added language to clarify processing timeframe requirements. This does not change the policy but makes what already existed more clear

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII C (8)	N/A	Employees or applicants may track their accommodation status by requesting updates from their supervisor, the appropriate Human Resource Specialist, or their point of contact in the application process. If the first line supervisor or HR point of contact is unavailable or unable to provide a status update the employee or applicant can contact the RAPM at reasonableaccommodations@ed.gov or the OEEOS main line at 202-401-3560.	Added language to clarify who an employee can contact for status updates. This does not change the policy but makes what already existed more clear
VII D (7)	A supervisor or management official may request updated medical information when there is a need to modify an existing RA, confirm that the disability and the need for the RA are continuing, or when it is otherwise reasonable and necessary. Even when a disability is obvious or already known to the Department, medical information may still be requested when the need for RA is not obvious	The decision maker may not request medical documentation from employees where: (a) both the disability and the need for accommodation are obvious; or (b) the individual has already provided the agency with sufficient information to document the existence of the disability and his/her functional limitations.	Changed the language to provide clarity on when a decision maker can request medical documentation. The previous language was written in a way that could lead a decision maker to believe they could request medical documentation when it was not appropriate to do so. This does not change the policy but makes what already existed more clear.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VII D (9)	A supervisor may submit an employee's RA request and corresponding medical information to an MRO when the supervisor is unable to independently determine whether the employee has a disability and/or whether an accommodation is needed. If a supervisor requests an MRO assessment, they must submit an MRO review request to the RAPM…	The Agency has the right to have medical information reviewed by a medical expert chosen by the agency at the agency's expense. A supervisor may submit an employee's RA request and corresponding medical information to an MRO when the supervisor is unable to independently determine whether the employee has a disability and/or whether an accommodation is needed. If a supervisor requests an MRO assessment, they must submit an MRO review request to the RAPM… …The FOH limited medical release form can be found on connectED at https://connected.ed.gov/ofo/Documents/foh-authorization-for-disclosure-of-information-form.pdf."	Changed language to improve clarity for the process of requesting an MRO assessment and provided link to FOH Authorization for Disclosure Form so employees and supervisors could find the appropriate resource in the appropriate section. This does not change the policy but makes what already existed more clear.
VII H	**Workplace ADR**. If the employee still disagrees with the second line supervisor's decision, they may contact the ADR Center to attempt resolution of dispute or agreement	**Workplace ADR.** Employees are encouraged to use voluntary informal dispute resolution via the OFO ADR Center when they disagree with the results of the accommodation process	Changed the language to be more encouraging to employees in utilizing the ADR process. This does not change the policy but makes what already existed more clear.

Section	Document Approved 04/12/2019	This (revised) Document	Explanation of change/Justification for considering it non-substantive
VIII A (7)	N/A	The identify of the deciding official	Added the requirement that the RAPM must not only track request for reasonable accommodations but also the identity of the deciding official. This was the policy previously but this clarifies the requirement that the identity of the deciding official must also be tracked.