

CATEGORY: GENERAL ADMINISTRATION

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PROPOSERS: Office of the Director, Office of Dispute Resolution and Equal Employment Opportunity; Office of the Chief Operating Officer; Atlanta Human Resources Center, Workforce Relations Division and Outreach and Marketing Branch

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POLICY FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

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I. PURPOSE

This chapter implements the Centers for Disease Control and Prevention (CDC)² reasonable accommodation policy by providing instructions for acting on such requests from employees and applicants for employment.

II. ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

A. For the purpose of this policy, the following abbreviations and acronyms will apply:

- 1. AHRC** – Atlanta Human Resources Center
- 2. AO** – administrative officer

- 3. ATSDR** – Agency for Toxic Substances and Disease Registry
- 4. CAP** – Computer/ Electronic Accommodations Program

- 5. **CDC** – Centers for Disease Control and Prevention
- 6. **EEO** – Equal Employment Opportunity
- 7. **EEOC** – Equal Employment Opportunity Commission
- 8. **MSPB** – Merit Systems Protection Board
- 9. **NC3** – national center

¹ Revised to bring CDC into compliance with EEOC regulations. (See references)

² References to CDC also apply to the Agency for Toxic Substances and Disease Registry (ATSDR).

³ For ease of reference within policy documents, “NC” will refer collectively to CDC’s national centers, institute, the National Immunization Program, the National Office of Public Health Genomics, and the Agency for Toxic Substances and Disease Registry (an independent Health and Human Services agency for which CDC provides administrative services).

⁴In certain circumstances, referring and processing a request will have to be made very quickly. For example, an applicant may need an accommodation, such as help filling out an application form immediately. See Section VII (F) Time Frames for Processing Requests and Providing Reasonable Accommodation for more information, including when a request must be expedited.

⁵ If a request that involves removal of an architectural barrier(s) is not feasible, the employee should be provided a temporary accommodation until or in lieu of removal of the barrier.

- 10. **NCPHI** – National Center for Public Health Informatics
- 11. **ODREEO** – Office of Dispute Resolution and Equal Employment Opportunity
- 12. **OHS** – Office of Health and Safety
- 13. **OSEP** – Office of Security and Emergency Preparedness

B. For the purpose of this policy, the following definitions apply:

- 1. **Person with a Disability** – an individual with a physical or mental impairment which substantially limits one or more major life activities (such as: caring for ones self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); or has a record of such an impairment; is regarded as having such an impairment.
- 2. **Qualified individual with a Disability** – an individual with a disability is qualified if (1) s/he satisfies the requisite skill, experience, education, and other job related requirements of the position; and (2) s/he can perform the essential functions of the position with or without reasonable accommodation.
- 3. **Reasonable Accommodation** – any change in work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities.
- 4. **Reassignment** – a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it.
- 5. **Essential Functions** – those job duties that are so fundamental to the position

that the individual holds or desires that s/he cannot do the job without performing them. A function can be “essential” if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

6. Undue Hardship – if a specific type of reasonable accommodation causes significant difficulty or expense, then CDC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the agency.

7. Reasonable Medical Documentation – the employer may require only the documentation that is needed to establish that a person has a disability that necessitates a reasonable accommodation. Thus, an employer, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

8. Management Official – For the purpose of this policy, management official is that person who has responsibility and authority to make certain determinations and decisions relative to an employee’s request for reasonable accommodation.

III. BACKGROUND

In accordance with the [Rehabilitation Act of 1973](#) (as amended), it is the policy of CDC to provide reasonable accommodations for qualified individuals with disabilities.

IV. COVERAGE

This chapter applies to CDC employees and applicants for employment with disabilities requiring a reasonable accommodation; including employees sustaining job-related injuries; and employees with temporary disabilities requiring a reasonable accommodation. United States Public Health Service Commissioned Corps Officers are excluded.

V. POLICY

CDC will adhere to applicable federal laws, regulations, and guidelines with respect to providing reasonable accommodations to afford equal employment opportunity to qualified individuals with disabilities. A flexible, interactive process that involves both qualified individuals with a disability and CDC officials will be used to identify the appropriate reasonable accommodation. Where possible and appropriate, reasonable accommodations shall be provided in a timely and cost-effective manner.

Accommodations may include such things as: special equipment; readers; or interpreters; altering the work environment; job restructuring; and part-time or modified

work schedules, accessibility, assistive devices, etc. Reassignment to another position may be appropriate in instances where there is no reasonable accommodation that would permit the employee to perform the essential functions of his or her current job.

CDC provides reasonable accommodations:

- when an applicant with a disability needs an accommodation for any part of the application or hiring process in order to be considered for a job;
- when an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

CDC will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner. As a model employer, CDC may take steps, as appropriate, beyond those required by the reasonable accommodation process.

VI. RESPONSIBILITIES

A. Agency Designated Physician, Appropriate Healthcare or Rehabilitation Professional (Office of Health and Safety)

At the request of agency management, reviews employee or applicant medical documentation. Consults with agency management as to whether the medical information (diagnosis, clinical impressions, etc.) is justified according to established diagnostic criteria and if the conclusions and recommendations are consistent with generally accepted professional standards.

B. Director, CDC and Administrator, ATSDR, or the designee

Ensure that its managers and supervisors are familiar with, follow, and implement the agency's reasonable accommodation policy; ensure that reasonable accommodations are made for employees or applicants for employment with disabilities in accordance with applicable law and regulations, supporting medical documentation, applicable bargaining agreements, and this policy.

C. Employee/Applicant for employment

Employees and applicants for employment are responsible for initially raising medical issues to the attention of management officials in accordance with the procedures outlined in this manual issuance, including the providing of medical documentation as requested.

D. Office of Dispute Resolution and Equal Employment Opportunity (ODREEO),

Reasonable Accommodation Coordinator

Provides guidance on the agency's policy regarding reasonable accommodations to employees, applicants for employment, supervisors, and other management officials. The Reasonable Accommodation Coordinator will:

1. Coordinate and facilitate the implementation of the procedures in this policy.
2. Assist in obtaining adaptive equipment, including information technology and communications equipment, or specially designed furniture. The Reasonable Accommodation Coordinator will coordinate adaptive equipment requests with NCPHI and furniture requests with Real Property and Space Management.
3. The Reasonable Accommodation Coordinator will be available, as needed, to provide assistance to employees and decision makers in processing requests.
4. Assist management officials in obtaining relevant medical documentation to evaluate the suitability of the reasonable accommodation request.

E. Atlanta Human Resources Center (AHRC)

Will provide reasonable accommodation to applicants with a disability for any part of the application or hiring process. Ensures that all vacancy announcements include the following statement in accordance with Office of Personnel Management (OPM) guidelines "Applicants with a disability who need a reasonable accommodation for any part of the application or hiring process must notify AHRC at (770) 488-1725. The decision on granting reasonable accommodation will be made on a case-by-case basis within three business days of the request." CDC will train staff members who are involved in the application process to recognize requests for reasonable accommodation and to respond appropriately. All staff having contact with applicants needs to know how to recognize and respond to request for reasonable accommodation. Further, AHRC will also assist management in locating vacant positions that can be utilized for reassignment or change to lower grade as a reasonable accommodation.

F. Work Force Relations and Partnership Branch

Consults and advises all levels of management on issues related to reasonable accommodation in connection with employees' performance or conduct issues.

G. Management Official

Examines each job to determine which functions are essential to performance. These essential elements should be listed as major duties in the position description. Consults with the employee or applicant about potential accommodations that would enable the employee to perform the essential functions of the job. Takes the request for accommodation seriously and acts promptly to find an accommodation that balances the legitimate needs of both

the employee and agency. Is receptive and shares decision with employee. Maintains written records on request (s) for accommodation and provides a copy of the request to ODREEO, Reasonable Accommodation Coordinator, MS/D-20.

VII. PROCEDURES

A. Requests for Reasonable Accommodation

1. A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for the change or identification of a barrier is made. An employee may request reasonable accommodation orally or in writing.

2. A request does not have to use any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if she has not previously disclosed the existence of a disability. Any CDC employee or applicant may consult the Reasonable Accommodation Coordinator for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

3. An applicant may request reasonable accommodation from any CDC employee within AHRC which the applicant has contact with in connection with the application process.

4. A family member, health professional, or other representative may request reasonable accommodation on behalf of an employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request. Whenever possible, the management official will confirm the request with the person with the disability.

B. The Interactive Process

Parties begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the decision maker must talk to each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodation.

Communication is a priority throughout the entire process. The CDC management official will have the principal responsibility for identifying possible accommodations. S/he will take a proactive approach in researching and considering possible accommodation, including consulting appropriate resources for assistance. The applicant or employee requesting accommodation should also participate to the extent possible in helping to identify effective accommodation. Resources available to help both the decision maker and the individual requesting the accommodation to identify possible accommodation are listed in Appendix B. The Reasonable Accommodation Coordinator is available to provide assistance.

As the first step, the CDC management official will: (1) acknowledge the request, in writing (2) explain to the applicant or employee that s/he will be making the decision on the request; and (3) describe what will happen in the processing of the request. This initial discussion should take place as soon as possible.

When a request for accommodation is made by a third party, the management official should, if possible, confirm with the applicant or employee who has the disability that s/he, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the management official will process the third party's request and consult directly with the individual needing the accommodation as soon as it is practicable.

Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear; an effective accommodation is not obvious; or the parties are considering different possible reasonable accommodations. Extensive discussions are not necessary in cases where the disability, the need for accommodation, and the type of accommodation to be provided are clear. The accommodation that suits one individual may be totally unsuitable for another individual with the same disability. Every reasonable accommodation is provided on a case-by-case basis. The management official and requesting individual should communicate to ensure a full exchange of relevant information.

The management official or any other CDC official who receives information in connection with a request for reasonable accommodation may share information connected with that request with other agency officials only when the officials need to know the information in order to make determinations on a reasonable accommodation request. The management official should notify the Reasonable Accommodation Coordinator to obtain guidance, as necessary, to ensure that the proper procedures have been followed. See Section VII (E) on confidentiality of medical information.

While the written confirmation should be made as soon as possible following the request, it is not a requirement for the request itself. The management official will begin processing the request as soon as it is made, whether or not the confirmation has been provided.

A written confirmation is not required when an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters and readers, etc). The written form is required only for the first request although, of course, appropriate notice must be given each time the accommodation is needed.

The CDC Office of the Chief Information Officer may be consulted in connection

with requests for adaptive equipment for computers. However, this office would not have a need to know the medical condition of the person seeking the accommodation. It only needs the individual's functional limitations and how the limitations affect technology needs. Also the Department of Defense and the Department of Health and Human Services now have an Interagency Agreement with the Computer/Electronic Accommodations Program (CAP), to provide assistive technology, devices and services to DHHS employees with disabilities at no cost (see Appendix B).

C. Determining Which Official Will Respond to the Request:

As the first step in processing a request for reasonable accommodation, the NC staff member who receives the request must determine who will be responsible for handling it and forward it, if necessary. There are four avenues for requesting a reasonable accommodation: an employee's first-level supervisor, an employee's administrative officer, an employee's director, and the Reasonable Accommodation Coordinator. The request should be forwarded to the appropriate person **as soon as possible but in no more than five business days**.⁴

1. Requests from applicants will be handled by the Human Resources Management Specialist (Personnel Generalist) responsible for the recruitment and/or selection process.

2. Requests from employees will be handled by the requesting employee's supervisor or designated management official within the organization in consultation with the Reasonable Accommodation Coordinator.

3. The Reasonable Accommodation Coordinator will respond to the following:
 - o Requests for adaptive equipment, including information technology and communications equipment, or specially designed furniture.

 - o Requests for a reader, sign language interpreter, or other personal assistant to enable employees to perform their job functions, when the accommodation cannot be provided by current staff.

 - o Request for removal of architectural barriers, including reconfigured work spaces..⁵

 - o Requests for accessible parking will be handled through OSEP. Information on these accommodations shall be documented and included in the reports of all reasonable accommodations.

- Requests for materials in alternative formats (e.g., Braille) which cannot be provided by the supervisor or Administrative Officer.

- Requests for reassignment to another job in coordination with AHRC.

The Reasonable Accommodation Coordinator will be available, as needed, to provide assistance to employees and management officials in processing requests.

All decision makers must have designated back-ups to continue receiving and processing requests, and providing reasonable accommodations when the decision maker is unavailable. Decision makers should ensure that individuals know who has been designated as back-up. The time frames discussed in Section VII (F) will not be suspended or extended because of the unavailability of a decision maker.

- The Human Resource Management Specialist (for applicants) and the Reasonable Accommodation Coordinator must each designate a back-up.

D. Requests for Medical Information

When requests for medical information are necessary, the only information that should be requested is: a short description of the disability; how the disability or barrier limits the employee's ability to do the job or participate in CDC activities or the applicant's ability to apply or interview for the job; and how the requested accommodation is expected to improve the situation.

CDC management officials are not required to obtain medical documentation, and may not request it when the disability and need for accommodation is obvious or otherwise already known. In these cases, the management official will **not** seek any further medical information. However, when a disability and/or need for reasonable accommodation is not obvious or already on file, the management official has the right to request relevant documentation about the disability, functional limitations related to the duties at issue, and the need for accommodation. The request for medical documentation will be limited to the job related functions for which the accommodation is requested. In most situations, this means the management official may not request access to a person's complete medical records because they are likely to contain information unrelated to the disability at issue and the need for accommodation.

If a management official believes that medical information is necessary in order to evaluate the suitability of the requested reasonable accommodation, s/he will make a request to the CDC Reasonable Accommodation Coordinator to obtain the information.

The CDC Reasonable Accommodation Coordinator will make a determination as to whether medical documentation is necessary. If it is, s/he will request the

necessary medical information. If it is not necessary, the request for accommodation will be returned promptly to the decision maker with instructions to complete the processing.

If a determination is made to seek medical information, the Reasonable Accommodation Coordinator will request information only to substantiate the individual has a disability covered by the Rehabilitation Act and require the reasonable accommodation requested; he/she will not ask for unrelated documentation. Requests for medical information will follow the requirements set forth in EEOC's *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act* (See Section VIII, Reference I of this policy). The employee requesting a reasonable accommodation will be given fifteen calendar days to provide medical information.

The CDC Reasonable Accommodation Coordinator will seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful possible information, all requests for information from outside sources will describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The Reasonable Accommodation Coordinator may work with the supervisor and/or other management officials in identifying and providing appropriate information on the job and functions. The types of medical information or documentation that may and may not be requested by the agency are described in the EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Section II.D.17. If the employee refuses to provide the requested information, the Agency can no longer provide assistance.

Once the medical documentation is received, the Reasonable Accommodation Coordinator, in consultation with OHS medical consultants, will evaluate it.

If the initial medical documentation is provided by the employee at the time of the request and it is insufficient to enable the management official to determine whether an accommodation is appropriate, s/he may request additional information:

The Reasonable Accommodation Coordinator will explain to the individual seeking the accommodation, in specific terms, why the information which has been provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

The individual requesting accommodation may then contact the health care or other appropriate professional to request the missing information.

Alternatively, the individual requesting the accommodation and the Reasonable Accommodation Coordinator may agree on a list of specific questions to be sent to the individual's health care

professional. With the written permission from the employee, the Reasonable Accommodation Coordinator or an Agency Physician from OHS may directly contact the individual's health care professional. There may be instances where the OHS Medical Consultants may not be in the best position to formulate an opinion on the occupational limitations imposed on a disabled individual and therefore may consult with other medical experts outside CDC for assistance. Appropriate professionals include, but are not limited to doctors (including psychiatrists), psychologist, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. This evaluation will be performed at the agency's expense. (EEOC Policy Guidance on Executive Order 13164: Establishing Procedures To Facilitate the Provision of Reasonable Accommodation, Section II, D, 17-18)

If, after a reasonable period of time, the individual's health care professional has not provided sufficient information to demonstrate that the individual has a disability and require reasonable accommodation, the CDC Reasonable Accommodation Coordinator may request that the individual be examined by a physician chosen by the OHS at the agency's expense. (EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Section II, D, 17-19).

The Reasonable Accommodation Coordinator will inform the management official whether the documentation demonstrates that a reasonable accommodation is appropriate and provide, as necessary, additional relevant information about the individual's functional limitations.

In some cases, the individual requesting the accommodation will supply medical information directly to the management official without being asked. In these cases, the management official will consider such documentation and, if additional information is needed, the management official will work with the CDC Reasonable Accommodation Coordinator as set forth in this section. (See Section VII (E) for instructions on storage of this information.)

The failure to provide appropriate documentation or to cooperate with the management official's efforts to obtain such documentation can result in a denial of the request for reasonable accommodation (EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act) – (See Section VIII, Reference G of this policy).

The entitlement of the CDC to reasonable documentation can extend the periodically requesting documentation to ensure that the need for accommodation is effective and continues.

E. Confidentiality Requirements Regarding Medical information and the

Reasonable Accommodation Process

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. Any CDC employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The Reasonable Accommodation Coordinator will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act, EEOC, DHHS and CDC requirements.

This information may be disclosed **only** as follows:

supervisors and managers who need to know (including the decision that the medical information be obtained) may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation, but medical information should only be disclosed if strictly necessary.

first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment;

government officials may be given information necessary to investigate compliance with the Rehabilitation Act; and

the information may in certain circumstances be disclosed to Workers' Compensation offices or insurance carriers.

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that are attached to it.

F. Time Frames for Processing Requests and Providing Reasonable Accommodation

CDC will process requests for reasonable accommodation and provide accommodations, in as short a time frame as reasonably possible. CDC recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

1. Expedited processing: In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than ten business days as discussed below:

- 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 reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, AHRC must act as quickly as possible to make a decision and, if appropriate, provide reasonable accommodation.

- to enable an employee to attend a meeting or event scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting in a short time frame.

2. If a request for an accommodation can be processed by the requesting management official, no supporting medical information is required, and no extenuating circumstances apply, the decision should be given to the employee as soon as possible but no more than fifteen business days from the date the individual made the request. However, prior to approval, the management official will contact the Reasonable Accommodation Coordinator. The accommodation, if granted, should be provided within ten business days from the date of the approval unless there are extenuating circumstances. Items that must be ordered from non-local sources may take longer than the ten-day limit. However, officials should move quickly to comply with requests because failure to respond promptly to a request may result in a violation of the Rehabilitation Act. Since management officials may need the full 15 business days to engage in the interactive process and collect all relevant information about possible accommodations, they should not delay beginning this process. Failure to meet this time frame solely because a management official delayed processing the request is not an extenuating circumstance.

- If the management official believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or identify the functional limitations, the management official will make such request to the Reasonable Accommodation Coordinator as soon as possible after receipt of the request for accommodation, but before the fifteen-day period ends. CDC recognizes that the need for documentation may not become apparent until after the interactive process has begun.

- If the management official requests that the CDC Reasonable Accommodation Coordinator obtain medical documentation, the time period for the decision process is frozen until the medical information is provided. The Reasonable Accommodation Coordinator has five working days to determine whether medical documentation is required. If the Reasonable Accommodation Coordinator determines that medical information is not needed, s/he will notify the management official and the 15-day time period for processing the request resumes. When a determination is made that medical documentation is required, the Reasonable Accommodation

Coordinator has five working days to notify the decision maker and employee in writing of the requirement for medical documentation and specific relevant information to be provided by the individual's primary care physician. The letter will notify the employee or applicant that s/he has fifteen calendar days from date of receipt of the notice to provide the requested documentation.

Examples of accommodations which can be provided immediately include:

An employee with diabetes who sits in an open area asks for four breaks a day to test his/her blood sugar levels so that s/he may do these tests in private.

An employee with a disability that affects his/her arm strength requests that certain files in his/her office be moved from the overhead storage to the desktop.

Examples of accommodations which can easily be provided within two business days include:

An employee who takes anti-depressants which make it hard to get up in time to get to the office at 9:00, requests that s/he be allowed to start work at 10:00 and still put in an 8 hour day.

A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the disability makes it difficult to read and he needs more time to prepare.

3. Extenuating circumstances cover limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, CDC may not delay processing an accommodation because a particular staff member is unavailable. Where extenuating circumstances are present, the management official must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation is expected. Any further developments or changes should also be communicated promptly to the individual. The following are examples of extenuating circumstances:

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

Purchase of equipment may take longer than 15 or 20 business days because of requirements under the Federal Acquisition Regulation.

Equipment may be back-ordered; the vendor typically used for goods or services has gone out of business or cannot promptly supply the needed goods or services and another vendor is not immediately available.

New staff needs to be hired or architectural barriers must be removed.

Any further developments or changes should also be communicated promptly to the individual.

If there is a delay in providing an accommodation which has been approved, the management official must determine if temporary measures can assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the management official may provide measures that do not constitute reasonable accommodation within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the agency; and (2) the employee is clearly informed that they are being provided only on a temporary, interim basis.

If a delay is attributable to the need to obtain or evaluate medical documentation and it has not yet determined that the individual is entitled to an accommodation, an accommodation may be provided on a temporary basis. In such a case, the management official will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

CDC management official who approve temporary measures are responsible for assuring that they do not take the place of permanent accommodation and that all necessary steps to secure permanent accommodation are being taken.

G. Reassignment

Reassignment will only be considered if no other accommodation enables the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship for the agency. Reassignment is available only to employees, not to applicants. CDC is not required to create new positions or move employees from their jobs to create a vacancy.

In considering whether there are positions available for reassignment, the

CDC Reasonable Accommodation Coordinator, in consultation with the management official, will work with AHRC and the individual requesting the accommodation to identify; (1) all vacant positions within the agency for which the employee may be qualified; and (2) all positions which the AHRC have reason to believe will become vacant over the next **60 business days** and for which the employee may be qualified. The agency will first focus on positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the organization will consider vacant lower level positions for which the individual 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, CDC will not pay for the employee's relocation costs.

H. Granting the Reasonable Accommodation Request

Upon request for reasonable accommodation the management official will contact the Reasonable Accommodation Coordinator of such requests and coordinate the processing of the reasonable accommodation request. As soon as the management official determines that reasonable accommodation will be provided, the decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the management official must inform the individual of the projected time frame for providing the accommodation. This notice can be provided in writing if it is requested by the employee.

I. Denial of the Reasonable Accommodation Request

The management official must consult with the Reasonable Accommodation Coordinator before moving ahead with the decision to deny a request.

As soon as the management official decides that a request for reasonable accommodation should be denied, s/he must complete the "Denial of Reasonable Accommodation Request" (Appendix D), and give the completed form to the individual requesting the accommodation. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. When the management official has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the management official believes that the chosen accommodation will be effective. Reasons for the denial of a request for reasonable accommodation may include the following (keeping in mind that the actual notice to the individual **must include specific reasons for the denial, or example, why the accommodation would not be effective or why it would result in undue hardship**):

The requested accommodation would not be effective.

Providing the requested accommodation would result in undue hardship. Before reaching this determination, the management official must have explored whether other effective accommodation options exist which would *not* impose undue hardship and therefore can be provided. A determination of undue hardship means that the CDC finds a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of the operating division's operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, CDC will follow the standards enunciated in the regulations and in the "*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.*" (See Section VIII, Reference G of this policy).

Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.

The requested accommodation would require the removal of an essential function.

The requested accommodation would require the lowering of a performance or production standard.

The failure to provide appropriate documentation or cooperate with the management official's efforts to obtain necessary information to address the request for reasonable accommodation.

The written notice of denial shall inform the individual that s/he has the right to file an EEO complaint and may have rights to pursue MSPB and union grievance procedures. The notice shall also explain the CDC procedures available for informal dispute resolution.

J. Informal Dispute Resolution

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

The request for reconsideration will be submitted to the original decision maker within

five business days. If the original decision maker denies the request for reconsideration, the individual will present the request to the next level supervisor who

will respond to the request within **ten business days.** If the original decision is not

reversed, the request for reconsideration will be elevated to the next management

official within the chain of command who will, in turn, respond within **ten business days.**

At any point in this process, the individual may also contact the Alternative Dispute Resolution Office in ODREEO and initiate the Informal Mediation

Process.

Pursuing any of the informal dispute resolution procedures identified above, including seeking reconsideration from the decision maker and appealing to the next person in the decision maker's chain of command, does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, MSPB, or union grievance procedures.

K. Relation of Procedures to Statutory and Collective Bargaining Claims

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

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

For an EEO complaint: contact an EEO counselor in the CDC ODREEO **within 45 days** from the date of receipt of the written "Denial of Reasonable Accommodation Request" or reconsidered denial;

For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or

Initiate an appeal to the MSPB **within 30 days** of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

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

L. Written Requests for Record Keeping Purposes

To enable CDC to keep accurate records regarding requests for accommodation, the management official who receives the request must follow up an oral request either by completing the attached "Confirmation for Request" form or otherwise confirming the request in writing (including by e-mail) to the Reasonable Accommodation Coordinator. For applicants seeking a reasonable accommodation, the Human Resources Management Specialist handling the

request must give them the “Confirmation for Request” form to complete. If an individual with a disability requires assistance with this requirement, the staff member receiving the request will provide that assistance. Decisions regarding a request for reasonable accommodation will be made by the employee’s immediate supervisor or other designated management official within the organization.

M. Information Tracking and Reporting

The management official will complete the “Information Reporting” form (Appendix E) and submit it to the CDC Reasonable Accommodation Coordinator within **ten business days** of the decision. The management official should attach to the form copies of all information, including medical information s/he received as part of processing the request.

The Reasonable Accommodation Coordinator will maintain the records for the length of the employee’s tenure with CDC or five years, whichever is longer.

The Reasonable Accommodation Coordinator will prepare an annual report, to be made available to all employees.

This annual report will also be provided to the HHS EEO Programs Group, Office of Human Resources, with the EEOC Federal Agency Annual EEO Program Status Report: Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Targeted Disabilities.

The report will contain the following information, presented in the aggregate:

- the number of reasonable accommodations, by type, that were requested in the application process and whether these requests were granted or denied;

- the jobs (occupational series, grade level, and agency component) for which reasonable accommodation has been requested;

- the types of reasonable accommodation that have been requested for each of those jobs;

- the number of reasonable accommodations, by type, for each job that were approved, and the number of accommodations, by type, that were denied;

- the number of requests for reasonable accommodation, by type, that relate to the benefits or privileges of employment, and whether those requests were granted or denied;

- the reasons for denial of requests for reasonable accommodation;

the amount of time taken to process each request for reasonable accommodation; and

the sources of technical assistance that were consulted in trying to make possible reasonable accommodations.

In addition, the report will provide a qualitative assessment of the CDC reasonable accommodation policies and procedures, including recommendations for improvement.

N. Provision of Accommodation – Funding

There are several areas of funding for reasonable accommodations. For funding accommodations that require ergonomic design or physical construction that alters the facility, CDC has established a source of centralized funding dedicated to these purposes. CDC is also a participant in the Department of Defense's Computer/Electronic Accommodations Program "CAP", through which a broad range of assistive technologies are available at no cost to the agency, (refer to appendix B). For accommodations that are necessary in the context of particular CDC programs but are not available under CAP, there are appropriated funds within program budgets. If funding under the aforementioned sources is unavailable, the agency maintains a discretionary pool of funds that can be put toward a variety of uses, including reasonable accommodations.

VIII. REFERENCES

- A.** [The Rehabilitation Act of 1973, as amended](#)
- B.** [The Americans with Disabilities Act of 1990](#)
- C.** [CFR 1614, Federal Sector Equal Employment Opportunity](#)
- D.** [29 CFR 1630, Regulations to Implement the EEO Provisions of the Americans with Disabilities Act](#)
- E.** [5 CFR 339, Medical Qualification Determinations](#)
- F.** [EEOC Enforcement Guidance on Preemployment Disability-Related Questions and Medical Examinations](#) , October 1995
- G.** [EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#) , October 2002
- H.** [EEOC Enforcement Guidance on the Americans with Disabilities and Psychiatric Disabilities](#) , March, 1997
- I.** [EEOC Disability-Related Inquiries and Medical Examinations of Employees Under the ADA](#) , July 2000
- J.** [CDC-GA-2005-09, Equal Employment Opportunity](#) . Updated August 5, 2005.
- K.** [CDC-IR-2002-01, Information Resources Management](#) . April 10, 2002.
- L.** [CDC-IR-2002-02, Acquisition and Use of Information Technology](#) . April 10, 2002.
- M.** [Policy Statement on Employment and Accommodations of Persons with Disabilities, Director, CDC and Administrator, ATSDR dated November 1, 2006](#)

APPENDIX A

SIGN LANGUAGE INTERPRETING SERVICES

CDC will make readers, interpreters, and other personal assistants available, as appropriate. Other personal assistants perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a file. The investigator would perform the essential functions of the position - e.g., conduct the investigation and draft documents - and the assistant would perform only the physical task. In no case should a staff assistant be called upon - by management or by the employee(s) to whom he or she is assigned - to perform the essential functions of the job held by the employee with the disability.

HIRING AUTHORITY. Readers, interpreters, or other personal assistants hired to fill approved positions may be appointed under the non-competitive Schedule A authority, 5 CFR 213.3102 (II) ["I" is lower case, double "L"]. Persons with disabilities hired as readers, interpreters, or assistants may also be hired under the 213.3102 (u) authority.

CDC'S INTREPRETING SERVICES POLICY

Sign Language interpreting is a reasonable accommodation that may be required by individuals who are deaf or hard-of-hearing (d/hoh) including CDC employees wanting to participate equally in the workplace; visitors entitled to access to CDC's programs offered to members of the public; or applicants applying for a position within the CDC. Upon request ODREEO will assist in providing sign language interpreters for all CDC sponsored events, including applicant interviews, orientations, meetings, functions, training, office parties, or other events during regular business hours. Interpreting services will be provided for the Atlanta Area, as well as throughout the Regions, through the use of Service Level Agreements.

1. SCHEDULING INTERPRETER SERVICES: The individual or office scheduling a meeting or event which will require interpreting services (staff meeting, training, office function, etc.) is responsible for providing an interpreter. **Please check to see if a sign language interpreter is available before scheduling the date, time, and place of the event.**

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

The length of the meeting or event will determine if arrangements must be made for more than one interpreter to be present, or the meeting or event must be scheduled to include sufficient rest periods including a "sign-free" lunch break, if necessary. Generally, one interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the interpreter if s/he is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange).

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

2. WORK EVENTS OUTSIDE THE WORKPLACE. The NC will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his/her job, attends a meeting or event outside the workplace. If s/he attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters. CDC will provide interpreting services, however, if the sponsoring agency fails to do so.

3. SPECIAL EVENTS TO WHICH STAFF INTERPRETERS ARE INVITED:

Interpreting services are routinely request for special events during official government time and which might be attend by employees who are deaf or hard of hearing. If NCs have staff members who are deaf or hard of hearing and express the desire to attend these “all-employee” functions in an off-duty capacity, arrangements will be made by the NC for contract interpreting services.

4. INTERPRETING PHONE CALLS. Employees who are deaf or hard of hearing should schedule an interpreter when services are needed to interpret business-related phone calls. These employees may also request that the interpreters retrieve and report all voice-mail messages. Telecommunication relay services are available to all employees to serve telephone needs when a sign language interpreter is not available.

APPENDIX B

SELECTED REASONABLE ACCOMMODATION RESOURCES

U. S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TTY)

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

The EEOC also has discussed issues involving reasonable accommodation in the following guidance and documents: (1) Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995); (2) Enforcement Guidance: Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and (5) Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

All of the above-listed documents, with the exception of the ADA Technical Assistance Manual and Resource Directory are also available through the Internet at <http://www.eeoc.gov>.

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TTY)

<http://janweb.icdi.wvu.edu>

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

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TTY)

The DBTACs consist of ten federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business,

disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

333 Commerce Street Alexandria, VA 22314

(703) 838-0030 V (703) 838-0459 TTY (703) 838-0454 Fax

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

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

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

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TTY)

<http://www.resna.org>

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

Services may include:

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

USDA TARGET Center

1400 Independence Ave.

Room 1006-S

Washington DC 20250-9876

(202) 720-2600 (Voice/TTY)

(202) 720-2681 (FAX)

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

CAP (Department of Defense)

(703) 681-8813 (Voice) (703) 681-0881 (TTY)

<http://www.tricare.osd.mil/cap/requests>

<http://www.dhhs.cap@hhs.gov>

CAP “Computer/Electronic Accommodations Program”, the Department of Defense (DoD) established CAP in 1990 to eliminate employment barriers for its employees with disabilities. Providing real solutions for real needs to ensure people with disabilities have equal access to the information environment and opportunities in the Federal Government are the mission of the Computer/Electronic Accommodations Program (CAP). DHHS entered into an agreement with CAP to provide free computer/electronic equipment to employees with disabilities.

Rehabilitation Services Agencies

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

Services for the Visually Impaired

Judy Rasmussen

8720 Georgia Avenue, Suite 210

Silver Spring, MD 20910

(301) 589-0894

Email: judyras@tidalwave.net

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

National Captioning Institute

1900 Gallows Road, Suite 3000

Vienna, VA 22182

703-917-7600

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

**Appendix C: Confirmation of Request for Reasonable Accommodation
(CDC Form 0.1283)**

<http://intraspn.cdc.gov/maso/EForms/PDF/01283.pdf>

**Appendix D: Denial of Reasonable Accommodation Request
(CDC Form 0.1284)**

<http://intraspn.cdc.gov/maso/EForms/PDF/01284.pdf>

**Appendix E: Reasonable Accommodation Information Tracking
(CDC Form 0.1285)**

<http://intraspn.cdc.gov/maso/EForms/PDF/01285.pdf>