

Reclamation Manual

Policy

Subject: Reasonable Accommodation for Persons with Disabilities

Purpose: Provides an outline of the Bureau of Reclamation (Reclamation) policy on reasonable accommodations for persons with disabilities and established requirements and instructions for responding to requests from employees or applicants.

Authority: Section 501 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990 (as it pertains to employment); 29 Code of Federal Regulations (CFR) Part 1630 (Regulations to Implement the Equal Employment Provisions of the American with Disabilities Act); the Equal Employment Opportunity Commission (EEOC) Management Directives 712 and 713 (Affirmative Action for Hiring, Placement and Advancement of Individuals with Disabilities); the U.S. EEOC Regulations at 29 CFR Part 1614.203 (Federal Sector Equal Employment Opportunity); and Executive Order 13164, dated July 26, 2000. This policy also supports the President's New Freedom Initiative, dated February 1, 2001.

Contact: Diversity and Equal Opportunity Division, D-7300

1. **Policy.** In accordance with the aforementioned Federal statutes and regulations, Reclamation will provide reasonable accommodation for known physical or mental limitations of qualified disabled employees or applicants, unless the accommodation would impose an undue hardship on the organization.
2. **Definitions.**
 - A. **Applicability.** This policy applies only to qualified employees and applicants who have a disability as defined under 29 CFR 1630.2 (M). The concept of reasonable accommodation applies to all aspects of employment, including but not limited to recruitment, hiring, training, promotion, reassignment, and developmental assignments.
 - B. **Reasonable Accommodation.** A reasonable accommodation is an adjustment or alteration that enables a person with a permanent disability to apply for a job, perform job duties, or enjoy equal benefits and privileges of employment.
 - C. **Undue Hardship.** The term undue hardship means that a specific type of reasonable accommodation causes significant difficulty or expense to accomplish. The concept of undue hardship is not limited to financial difficulty. The undue hardship refers to any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of Reclamation. A determination of undue hardship will be made on a case-by-case basis, considering

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factors that include the nature and cost of the reasonable accommodation needed, and the impact of the reasonable accommodation on the operation of Reclamation.

- D. **Resources.** Reclamation will look at overall resources of the Department of the Interior (Department) when considering requests for accommodations as well as using other organizations that specialize in reasonable accommodation [i.e., Computer/Electronic Accommodation Program (CAP)].
 - E. **Dissemination.** Reclamation will widely disseminate its reasonable accommodation policy and procedures and must integrate the topic of reasonable accommodation into existing training for managers and supervisors, as well as for employees involved in the recruitment and hiring process.
3. **Responsibility/Accountability.**
- A. The **Deputy Assistant Secretary for Human Resources and Workforce Diversity** is responsible for setting Department policy on reasonable accommodation (that is, ensuring that reasonable accommodation is made for qualified employees or applicants with a disability in accordance with applicable laws, regulations, and applicable bargaining unit agreements). Policy guidance is provided to the Department of the Interior by the U. S. Equal Employment Opportunity Commission (EEOC).
 - B. The **Director for Equal Opportunity (OEO)** is responsible for establishing procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
 - C. The **Commissioner**, Bureau of Reclamation, is responsible for ensuring policy and procedures on reasonable accommodations are in place in accordance with applicable laws, regulations, Department policy, and applicable bargaining unit agreements.
 - D. Reclamation's **Equal Employment Officer** is responsible for:
 - (1) Providing Reclamation-specific policies and procedures on reasonable accommodation;
 - (2) Disseminating policy guidance to Reclamation supervisors and managers who make reasonable accommodations to qualified disabled employees or applicants;
 - (3) Providing expert advice to Reclamation supervisors and managers in the interpretation of reasonable accommodation policy, procedures, and regulations; and

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- (4) Monitoring and reporting Reclamation's reasonable accommodation data to the Department's OEO and to the EEOC.
- E. Reclamation's **Equal Employment Manager** is responsible for:
- (1) Providing technical assistance and guidance to supervisors, managers, employees, applicants, and to the Regional Equal Employment Opportunity (EEO) Managers on implementing Reclamation's reasonable accommodation policy, and directives and standards.
 - (2) Providing consultation services to supervisors, managers, employees, and to the Regional EEO Managers on determinations of reasonable accommodation requests.
 - (3) Collecting, preparing, and reporting Reclamation's reasonable accommodation data to Reclamation's Equal Employment Officer for dissemination to the Department's OEO and to the EEOC.
- F. **Supervisors and Managers** will serve as the decision makers on requests for reasonable accommodation. They are responsible for taking the appropriate action on workplace accommodations, assignments, and other activities that will benefit the disabled employee and applicant. These determinations will be made in consultation with appropriate management officials such as Facilities Manager, Property and Office Services Manager, Information Technology Manager, Safety Manager, Human Resources Manager, Equal Employment Officer, Reclamation Equal Employment Manager, and/or Regional EEO Managers, Union Officials, physicians, and other individuals and organizations that can assist in determining the appropriate accommodation. The supervisor/manager will serve as a liaison between the employee and the Human Resources Manager and will maintain records on requests for reasonable accommodations. All supervisors and managers are responsible for ensuring that selections of qualified disabled employees and applicants are made in a non-discriminatory manner and that the directives and standards for reasonable accommodation for persons with disabilities are implemented.
- G. The **Human Resources Manager** (HRM) will serve as the Disability Program Manager. The HRM is responsible for conducting job analyses on Reclamation's vacancies to ensure that the knowledge, skills, and abilities identified are related to the essential functions of the job and that artificial barriers are removed from the hiring process. Reasonable accommodation requests will be made in consultation with the appropriate official(s), Human Resources Manager(s), Equal Employment Officer, Reclamation Equal Employment Manager, and/or Regional EEO Manager(s) who can assist in deciding the appropriate accommodation. The HRM is responsible for training staffing specialists who are involved in the application process to recognize

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requests for reasonable accommodation, and to handle them appropriately. The HRM should also engage the local Unions on impacts that a reasonable accommodation may have on applicable bargaining unit agreements and/or terms and conditions of employment.

- H. **Regional Equal Employment Opportunity (EEO) Managers** are responsible for:
- (1) Providing technical assistance to supervisors, managers, employees, and applicants on matters related to reasonable accommodation; and
 - (2) Reporting regional tracking and reporting data to Reclamation's Equal Employment Manager on all reasonable accommodation requests, as outlined in Reclamation's Standards and Directives, HRM 06-01, paragraphs 11A(1) through (8), *Information Tracking and Reporting*.
- I. **Employees and Applicants** are responsible for bringing their request (written or verbal) for reasonable accommodation to the attention of the appropriate office or official, and for providing specific information on the nature of their abilities and disabilities with regard to the requirements of the job, so that an assessment can be made of possible means for reasonable accommodation. Employees should bring their request to the attention of the applicable supervisor or manager. Applicants should bring their request to the Servicing Personnel Office having the vacancy for which he or she wants to be considered.
4. **Information Tracking and Reporting.** Reclamation's Equal Employment Manager will annually prepare a Bureau-wide consolidated report using the regional data submitted by the EEO Managers. Additionally, the report will provide a qualitative assessment of Reclamation's reasonable accommodation program, including any recommendations for program improvement or changes in Reclamation's policy and procedures. The Equal Employment Officer will retain and be able to provide the OEO and the EEOC, the information or any cumulative records used to prepare said annual reports which tracks Reclamation's performance with regard to reasonable accommodation.
5. **Standards and Directives.** Reclamation Manual Directives and Standards necessary to define the procedures and minimum mandated standards of practice for Reasonable Accommodation can be found at: <http://www.usbr.gov/recman/hrm>.