

F ood & N utrition S ervice	F N S N O T I C E	NUMBER
	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	399

REASONABLE ACCOMMODATION PROCESS GUIDANCE

PURPOSE

This standard operating procedure (SOP) establishes the reasonable accommodation (RA) procedure for FNS employees as well as applicants for such positions. The RA SOP is focused on, but not limited to, establishing a procedure that will support the prompt, fair, and efficient processing of RA requests; increase awareness of the roles and responsibilities in providing a RA for employees and applicants with qualified disabilities; and promote compliance of the applicable laws, USDA, and FNS policies.

REFERENCES and AUTHORITIES

- 29 C.F.R. §1614.203, *Rehabilitation Act* plus amendments.
- 42 U.S.C. §12101, *Americans with Disabilities Act (ADA)* of 1990.
- Public Law 110-325, Sept. 25, 2008, *ADA Amendments Act* of 2008 (ADAAA).
- 29 C.F.R. §1630, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*, as amended.
- Departmental Regulation 4300-008, *Reasonable Accommodation and Personal Assistance Services*
- Departmental Manual 4300-002, *Reasonable Accommodation Procedures*

SPECIAL INSTRUCTIONS

- This guidance is effective upon publication and remains in effect until superseded.

DATE:	EXPIRATION:	RESPONSIBLE FOR PREPARATION AND MAINTENANCE:	Page 1
-------	-------------	--	--------

- Requests for Personal Assistance Services are part of the reasonable accommodation process however the steps in providing this service once the reasonable accommodation is approved is addressed in PASSOP version 1.1.
- This guidance is applicable to all FNS organizations and is in compliance with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other applicable guidance from the United States Department of Agriculture (USDA), Equal Employment Opportunity Commission (EEOC), and Office of Personnel Management (OPM).
- This guidance does not limit, supplant, or delay any equal employment opportunity or civil rights policies or process.
- The term “employee” within this guide refers to applicants for employment as well as current employees.
- The reasonable accommodation procedures shall be available to all employees during new hire orientation and on the FNS intranet site. The Reasonable Accommodation Coordinator (RAC) will provide copies upon request.

CONTACT PERSON

Questions and comments pertaining to this SOP should be directed to FNS Reasonable Accommodation Coordinator (RAC).

Roles and Responsibilities

Employee: Any employee may be considered for a reasonable accommodation under this guidance by bringing the request to the attention of their first line supervisor, manager, and/or Reasonable Accommodation Coordinator (RAC). The request may be oral or written. Once the process is initiated by the employee, they must participate in the interactive process and are responsible for providing the documentation as outlined in this guidance.

Supervisor/Manager: Responsible for receiving, documenting, and communicating all considerations and decisions regarding accommodation to the RAC within the time frames outlined in this guidance. The supervisor/manager will participate in the interactive process and will routinely monitor and evaluate the reasonable accommodation for effectiveness once it is in place. The supervisor/manager will maintain confidentiality of an employee’s request and the accommodation authorized. The supervisor/manager will not maintain medical records received during the RA process.

Reasonable Accommodation Coordinator (RAC): RAC will initiate the interactive process with the employee requesting the reasonable accommodation and ensure only those people or resources needed to evaluate or process a RA request are involved. The RAC will monitor the appropriate steps of the process for compliance with the timelines. Once a RA is approved the RAC will assist the supervisor in monitoring the RA for continued effectiveness. Only the RAC may determine whether medical documentation is needed to assess the RA, and if so may request the information from the employee, and with the employee's permission, the appropriate health professional. Only the RAC will maintain medical records provided to FNS as part of the RA process.

Reasonable Accommodation Process Information

GENERAL

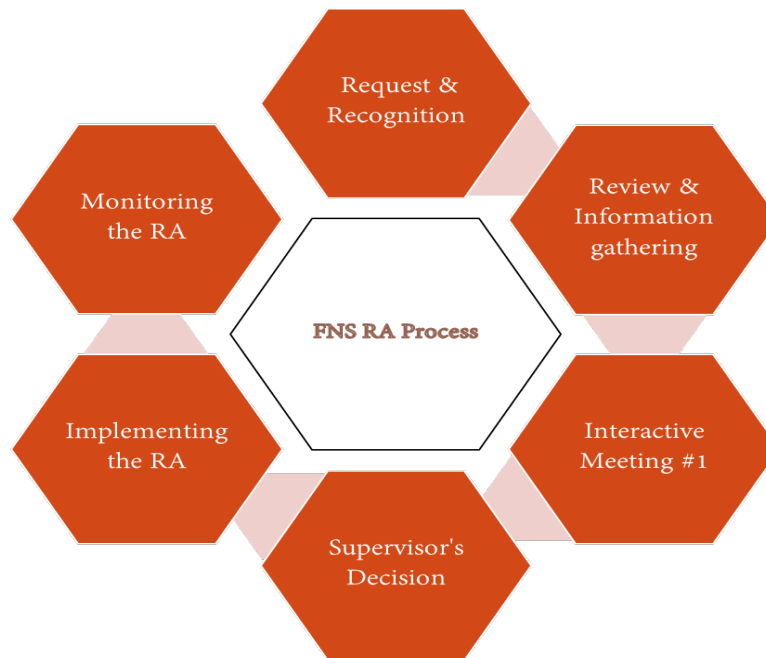
- Most reasonable accommodation requests are initiated by the employee. However, it is important that supervisors, management officials, and the RAC do not assume that because an individual appears to have a physical or mental disability that he or she will necessarily require or request an accommodation. An individual may have a disability that does not limit the employee's ability to perform the essential functions of their job or require a workplace modification. Because each individual's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.
- In *rare* instances, when a disability and associated need for an accommodation is obvious (e.g. an applicant is blind and cannot access an applicant tracking system, an employee who uses a wheelchair cannot access a restroom) a hiring manager or supervisor may initiate the reasonable accommodation process and begin the interactive discussion with the employee, but are required to reach out to the RAC to ensure the process is completed.
- Reasonable accommodations are monitored for continued effectiveness. Certain employees require only one reasonable accommodation, while others may need more than one. Still others may need one reasonable accommodation for a period of time, and then at a later date, require a different type of reasonable accommodation. If an individual requests multiple reasonable accommodations, she/he is entitled only to those accommodations that are necessitated by a disability and that will provide an equal employment opportunity or the ability to enjoy one (1) or more a benefit(s) of employment.
- Reasonable Accommodations which involves hardware/software or equipment (office chairs, desks, etc.) for the office location are the property of FNS. The employee is required to return that equipment should they leave FNS.

- An approved reasonable accommodation (RA) follows the employee and not the supervisor. This means that if an employee has an approved RA and a change in supervision occurs due to the employee taking a new FNS position or in their current position a new supervisor is assigned, the Reasonable Accommodation Coordinator (RAC) will assist the current supervisor and the employee in determining, based on the working environment and assigned duties, if the approved RA will continue to be effective or a modification is needed. If a modification is needed, the RAC will initiate the appropriate steps of the FNS RA process.

CONFIDENTIALITY

- Federal law requires the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as all associated communications during the interactive process. Medical information includes the employee's request, that an employee has an accommodation, or has a qualified disability. It also includes information concerning an employee's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question. Accordingly, every FNS employee who is involved in any capacity in processing a request for reasonable accommodation must maintain confidentiality regarding the request and may share information connected with such a request only as follows:
 - Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s).
 - First aid and safety personnel may be told if the disability might require specialized emergency treatment.
 - Government officials (for example, from the Equal Employment Opportunity Commission) may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act.
 - The RAC may utilize information to prepare the annual reports required by this instruction.
 - The employee or applicant may voluntarily choose to disclose their own otherwise-confidential information. An employee or applicant may provide written permission to a FNS employee.

Reasonable Accommodation Steps



Step 1: Request and Recognition

When an employee decides to request accommodation, the employee or her/his representative must let the employer know that she/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation."

When an employee makes a request to someone not in her/his supervisory chain or to the RAC, the person who received the request will notify the supervisor and/or the RAC. To assist FNS in accurate recordkeeping for accommodation, employees will follow up an oral request by providing an AD-1163 to her/his immediate supervisor and the RAC. If an employee with a disability requires assistance with preparing the request, the RAC will provide that assistance. The AD-1163 may be found at [Documents - Reasonable Accommodations Information \(usda.net\)](https://www.usda.net/documents-reasonable-accommodations-information) .

Methods the RA is requested.

- A family member, friend, health professional, or other authorized representative may request a reasonable accommodation on behalf of an employee or applicant with a disability.

- An employee or applicant with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. The ADA does not preclude an employee with a disability from requesting a reasonable accommodation because she/he did not ask for one when applying for a job or after receiving a job offer. Rather, an employee with a disability should request a reasonable accommodation when she/he knows that there is a workplace barrier that is preventing her/him, due to a qualified disability, from effectively competing for a position, performing the essential duties of his/her position, or gaining equal access to one (1) or more benefit(s) of employment.
- While the written confirmation should be made as soon as possible, it is not a requirement for the request itself. Employees and applicants may request an accommodation in conversation or may use any other mode of communication.

Step 2: Review and Information Gathering

FNS will begin processing the request as soon as it is made, whether or not the written confirmation (AD-1163) has been provided by the employee.

- After an initial request is confirmed in writing, written confirmation is not required for subsequent requests when the employee needs a reasonable accommodation on a recurring basis -- for example, assistance of a sign language interpreter or reader.
- The RAC, in response to a request for reasonable accommodation, will only request documentation that is necessary to determine the existence of a disability and the necessity for the requested accommodation. If an employee has more than one qualified disability, the RAC can request information pertaining only to the disability that the employee has asked for a reasonable accommodation.
- When the disability and/or the need for accommodation is not obvious, the RAC may ask the employee for reasonable medical documentation about her/his disability and functional limitations. FNS is entitled to sufficient documentation to determine that the employee has a covered disability for which she/he needs a reasonable accommodation. The RAC will provide the employee with a medical documentation package. This package contains a memorandum with information about the employee's assigned duties and a list of questions related to functional limitations based on the medical condition or treatment for the said condition, the need for a reasonable accommodation, and recommendations that may assist the employee in performing his/her assigned duties.
- The RAC may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation

professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, licensed doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Step 3: Interactive Meeting #1

The initial interactive meeting is particularly critical when a type of accommodation cannot be immediately determined, it is important for the individual and the decision maker to talk to each other about the request, including exploring options or alternatives for meeting the employee's accommodation needs. The employee requesting the accommodation may have a personal representative, (i.e. family member, friend) with them.

The supervisor has the primary responsibility for identifying possible accommodations, the employee requesting the accommodation will also participate, to the extent possible, in helping to identify an effective accommodation. When engaging in an interactive process, consideration should be given to:

- The essential functions and purpose of the employee's position;
- The functional limitations imposed by the employee's disability or medical condition;
- The factors in the work environment or essential duties that pose barriers to the individual when performing their essential duties;
- Possible accommodations that have the potential to remove the difficulties, either in the work environment or job tasks, and which would allow the individual to perform the essential functions of the job; and
- The effectiveness of possible accommodations and whether the various accommodations would pose an undue hardship on the agency.

Communication between the employee requesting the accommodation and the supervisor, as well as with the RAC, is critical throughout the process. This may require several follow on interactive meetings.

Other resources of information that may aid the supervisor or RAC in determining a potential accommodation:

- Office of the Chief Information Officer (OCIO) may need to be consulted in connection with specific requests for adaptive equipment or technology. It is important to note, however, that OCIO does not need to know any information about the medical condition of the person seeking the accommodation. OCIO will only need to know the employee's functional limitations insofar as these limitations affect technology needs.

- The Human Resource Division (HRD) Employee/Labor Relations Specialist may need to be consulted about leave options such as Family Medical Leave Act (FMLA) or leave donation program. These specialists may also assist if an employee with a reasonable accommodation is or begins to experience performance or conduct issues during the term of the accommodation.
- USDA Target Center is a resource center that can assist in determining the types of assistive services to implement under a reasonable accommodation process. Prior to reaching out to the Target Center contact with the RAC is required.
- Human Resource Division-Staffing and Classification are consulted when determining a redistribution of duties for RA to ensure these duties are not grade controlling duties or essential duties for the position. They are also the main contact for accommodations that may lead to reassignment actions.

Step 4: Supervisor's Decision

The supervisor is the deciding official and will make all reasonable accommodation decisions on a case by case basis. A reasonable accommodation is designed to address the employee's individualized need and limitations. A supervisor's decision is based on several factors, including the employee's accommodation of choice, however an accommodation of choice is not automatic. Prior to issuing a decision the deciding official will consult with the RAC. As soon as possible, but no later than thirty (30) business days, a supervisor's decision is provided in writing and in plain language to the employee requesting the accommodation. This decision is also provided to the RAC who will retain it in the FNS system of records.

- **Approval:** The supervisor provides the employee and the RAC with a copy of the AD-1164 and the memorandum outlining the approved accommodation. If the accommodation cannot be provided immediately, i.e. awaiting the delivery of equipment, the supervisor will inform the individual and the RAC of the projected frame for providing the accommodation.
- **Denial:** A denial of a reasonable accommodation is promptly communicated to the employee in writing with the AD-1165 "Denial of Reasonable Accommodation Request Form" attached. This written decision will be provided to the RAC and will include the following information.
 - The specific reason in plain language for the denial;
 - Include that a denial does not preclude the individual from making another request at a later time if their medical circumstances change.

- The employee's option to file, within ten (10) business days, a request for reconsideration from the second line supervisor and that the second line supervisor has fourteen (14) business days to provide a response to the employee, first line supervisor, and RAC.
- **Appeal:** The written notice of denial will inform the employee that she/he has the right to file an equal employment opportunity (EEO) complaint and may have rights to pursue an administrative grievance, union grievance, or Merit Systems Protection Board complaint. The notice will include the timelines and instruction for filing in each process. It will also include the option for alternative dispute resolution (ADR) and the notice that election of ADR does not extend or suspend the timelines associated with the applicable appeal processes.

Step 5: Implementing the Reasonable Accommodation

Implementation of a reasonable accommodation decision is as based on the supervisor's decision. The implementation may include phases or a specific end date. The supervisor ensures all steps of the reasonable accommodation decision are implemented when identified in the decision memorandum. If there are any delays in the implementation of a reasonable accommodation the supervisor will communicate the delays to the RAC and the employee.

Examples of items to implement:

- Work schedules changed in WebTA,
- Equipment ordered and delivered,
- SF-52 initiated as needed for changes to the employee's personnel record.

Step 6: Monitoring the Reasonable Accommodation

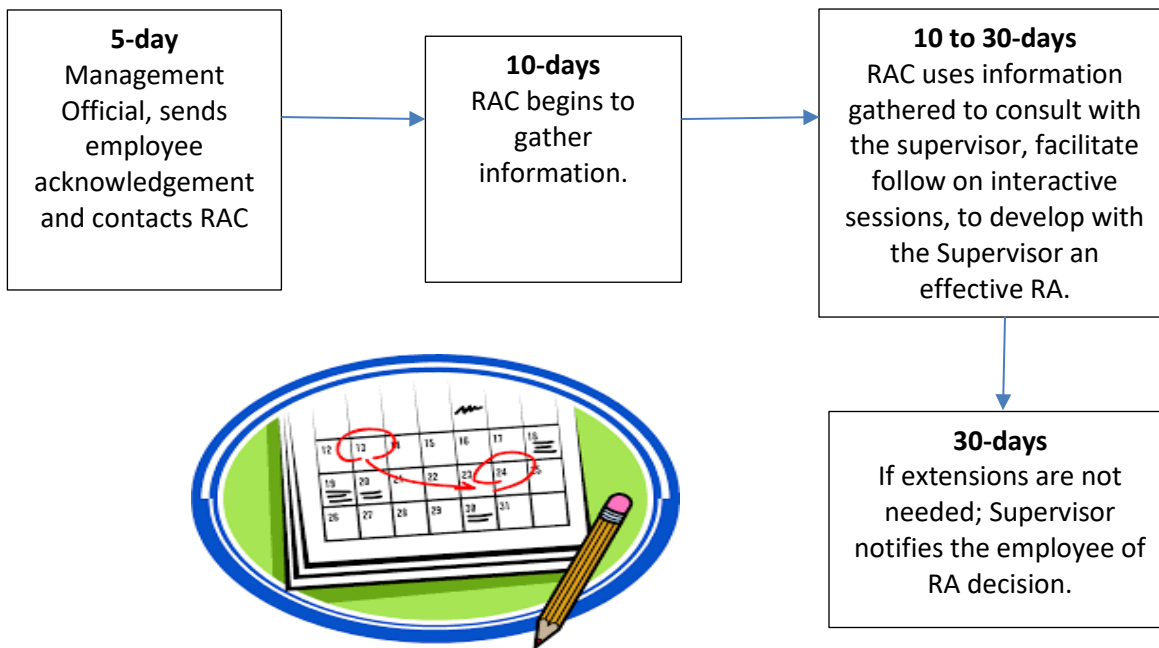
Once the supervisor has successfully determined and implemented the type(s) of reasonable accommodations, these accommodations will be monitored and periodically reviewed. A reasonable accommodation is a "living" document and is modified as needed to continue providing an employee with the accommodation he or she needs to continue to successfully perform the essential duties of his/her assigned position. If needed the accommodation may be modified to reflect the current status of the medical condition and/or treatment plan. Either the employee and/or supervisors may revisit an accommodation if either determines the current accommodation is no longer effective. For example, if the accommodation involved equipment, the equipment may need periodic maintenance. If the accommodation involved software that interfaces with an existing network, the software may need to be updated as the overall network is updated. If the accommodation involved a new or changed work process or duty location, the accommodation may need to be modified to reflect the workplace changes.

One of the best ways to monitor accommodations is to keep the lines of communication open with employees. The interactive process is an expected action throughout the accommodation process.

Supervisors will document the monitoring sessions and modification to existing accommodation decisions.

Reasonable Accommodation Time Frames

RA Time Frame: *Total process is thirty (30) working days.*



Time Frame Considerations:

- The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the RAC. The goal is to process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame for processing a request including providing the accommodation notice if approved, is as soon as possible but no later than thirty working days from the date the request was made.
- If the RAC must request that an employee obtain medical information or documentation from the treating physician, the time frame may result in an extension of the thirty day time frame. It is recommended that the employee work closely with their health care provider to expedite their response to the RAC's inquiry.

- If the process takes longer than thirty (30) days, such as when equipment must be back-ordered or still pending medical documentation, etc., the supervisor will inform the employee and the RAC of the reason for the delay and the anticipated completion date or new date of accommodation. When a delay occurs, the supervisor, in consultation with the RAC, will consider the ability to provide an interim accommodation absent an undue hardship (unnecessary delays to customers, work schedule changes to the entire staff, etc.).

Expedited Processing of a Request: Certain circumstances may require a request for reasonable accommodation to be expedited for review and decision. This includes the following:

- To enable an applicant to apply for a vacancy. Depending on the timetable for receiving applications, conducting interview, conducting evaluations, and making hiring decision, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a vacancy.
- To enable an employee to attend a meeting scheduled with little or no notice. For example an employee may need a sign language interpreter for a meeting scheduled to take place in five days.
- To address a safety related concern in the workplace. For example office renovations resulting in an increase in dust and a degradation in air quality which results in an asthmatic employee developing breathing difficulties.

Appendix A: Definitions

Bargaining Unit Employee: An employee included in an exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition.

Confidentiality: All information regarding a medical condition gathered on an applicant or an employee requesting a reasonable accommodation must be collected and maintained on a separate forms and in separate medical files.

Days: Business days.

Deciding Official: A supervisor or manager who is authorized to make determinations regarding reasonable accommodation requests.

Direct Threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by RA.

Disability: A person has a disability if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning, or operation of a major bodily function); has a history of a disability (such as cancer that is in remission); and/or has a disability if he or she is subject to an adverse employment action and is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

Emotional Support Animal: Also called comfort animals and therapy dogs. They do not meet the standard for service animals under the ADA because they do not undergo formal training to perform a service for the employee. Though they do help their owners with conditions such as depression, anxiety, stress or mood disorders, they are not medically certified.

Essential Functions: Are the fundamental job duties as identified by the deciding official for the employment position, the individual employee performing the functions, other employees performing similar functions, the position description, and the time spent on the function. The functions are also evaluated by how highly specialized the function is and if the person in the position is hired for special expertise or ability to perform it.

Major Life Activity: As defined under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 to 12213 and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), include, but are not limited to; caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing,

reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running, and working.

Medical Documentation: Describes the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and substantiates why the requested reasonable accommodation is needed.

Personal Assistance Service (PAS): Assistance provided by humans to perform activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a RA, including for example, assistance with removing and donning clothing, eating, and using the restroom. Does not include performing the individual's assigned duties or providing medical services.

Physical or Mental Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems (i.e. respirator, musculoskeletal, etc.) and/or any mental or psychological disorder (i.e. intellectual disability, emotional or mental illness, learning disabilities, etc.).

Qualified: An individual with a disability who satisfies the requisite skill, experience, education, and other job related requirements of the employment position with or without a reasonable accommodation who can perform the essential functions of this position.

Reasonable Accommodation: Any change in the work environment or in the customary way work is performed which enables a disabled individual to enjoy equal employment opportunities. There are three general categories; 1) changes in the job application process, 2) changes for an employee with a disability to perform the essential functions of their job or gain access to the workplace, and 3) changes to provide equal access to the benefits and privileges of employment. Determined by the deciding official on a case by case basis.

Reasonable Accommodation Coordinator: An agency employee with overall responsibility for FNS reasonable accommodation processes. Provides guidance, assistance, and oversight of the disability employment and reasonable accommodation programs. Serves as a consultant, when appropriate, regarding any aspect of these procedures.

Reasonable Accommodations Reporting Form: AD-1164, outlines the accommodation granted and is signed by the deciding official and the RAC.

Request Denial Form: AD-1165, outlines the denial of a reasonable accommodation request and is signed by the deciding official.

Request Form: AD-1163, submitted by the employee to the RAC and the supervisor.

Service Animal: Any dog (sometimes miniature pony) that is individually trained to do work or perform task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are not pets.

Substantial Limitations: An employee or applicant who is unable to perform a major life activity that the average person in the general population can perform; or who is significantly restricted as to the condition, manner, or duration under which the individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.

System of Records: A group of records from which information is retrieved by the name of an individual, or by any number, symbol, or other unique identifier assigned to that individual. It may be electronic or physical file containers.

Time Limits: Barring extenuating circumstances, 30 calendar days from the date the RA is received by the supervisor, RAC, or other management official. However, an agency may waive filing time limits for good cause.

Undue Hardship: A specific accommodation that the agency determines will result in a significant difficulty or expense for an agency to accommodate a qualified individual with a disability.

Vacant Position: A position that is available when the employee asks for reasonable accommodation, or that FNS knows it will become available within a reasonable amount of time. A "reasonable amount of time" should be determined by the supervisor and HRD. All relevant facts are taken into consideration on a case-by-case basis.

Appendix B: Examples of Appropriate RAs

The types of RA provided are determined on a case by case basis and when approved do not establish a precedent for other RA requests. Consideration includes the employee's request, the specific disability and resulting limitations, the essential duties of the employee's position, the work environment, and the feasibility of the proposed accommodation. Types of reasonable accommodations may include but are not limited to:

(1) Modification of the Worksite

Facilities should be made readily accessible. Modifications include arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to provide comfortable working heights; installing special holding devices on seats, desks, or equipment; using Braille labels, or other tactile cues for identification purposes; and/or installing special equipment like ergonomic chairs or raised/standing desks.

(2) Assistive Devices

Equipment or assistive devices are purchased if they are necessary and will enable the employee to accomplish the official business of FNS. Equipment or assistive devices may not be provided if they are primarily of a personal nature, such as eye glasses or hearing aids. When determining the purchase of equipment and assistive devices the supervisor should do so ONLY if it assists the employee in continuing to successfully perform her/his assigned tasks.

(3) Readers, Interpreters, Personal Assistance Services, and Service Animals

Under 5 U.S.C. § 3102 FNS has the authority to obtain the services of readers, interpreters, and personal assistants and to assign such assistance as necessary to enable the employee with a disability to perform his or her job, either at the regular duty station or while traveling on official business.

- **Reader:** A reader is a trained person who reads written or printed materials to a person who is blind or has low-vision. It may be a reasonable accommodation to provide a reader for a qualified individual with a disability if this would not impose an undue hardship. In some job situations a reader may be the most effective and efficient accommodations but in other situations an assistive device or software may enable a visually impaired individual to read independently.
- **Qualified Sign Language Interpreter:** A trained specialist who is fluent in American Sign Language and English (or other languages as applicable) and is able to facilitate communications between deaf and hearing by using sign language.

- **Captioning:** The process of converting the audio portion of a video production or live event into text that is displayed on a television, film screen, and/or computer monitor.
- **Computer Aided Real Time Translation:** A form of captioning that provides a word for word transcription of what is being said by the presenters. It may be read on a laptop computer or projected onto a screen television or for a large audience on a full size screen.
- **Personal Assistance Service (PAS):** These services are provided by humans. The purpose is to help employees who, because of their targeted disabilities, require assistance to perform basic activities of daily living such as assistance with putting on or removing clothing, eating, and using the restroom. Functional assistance include general administrative tasks, carrying items, lifting and moving equipment and files, as well as other tasks needed to perform the job functions. Provided they do not pose an undue hardship to the agency, these services may be provided during work hours to include work related travel, if the employee has a targeted disability and they are needed for the employee to perform the essential functions of her/his position.
- **Service Animals:** A service animal is specifically trained to assist a person with a disability. Some of the services provided by service animals include guiding people who are blind, alerting deaf people, pulling a wheelchair, alerting and protecting a person who is having a seizure, and reminding an employee with a mental impairment to take their medication.
 - When an employee with a disability requests to use a service animal at work, the supervisor has the right to request documentation or demonstration of the need for the service animal (when the need is not obvious) and that the service animal is appropriately trained and will not disrupt the workplace. However, while awaiting medical documentation that an employee has a covered disability, the supervisor may need to consider documentation from other sources that explains the need for the service animal and that shows the animal is appropriately trained. The supervisor must request and the employee is required to show evidence that the animal has the proper licenses and immunizations required by the geographical area where the employee performs her/his assigned duties.
 - The employee is responsible for ensuring the animal is properly trained, behaves appropriately in the workplace and is not disruptive. Service animals must be harnessed, leashed, and tethered, unless these devices interfere with the service animal's work or the employee's disability. If an animal behaves inappropriately, such as barking, growling, or threatening other employees,

the supervisor may ask the employee not to bring it to work until it is trained properly.

(4) Adjusting Work Schedules: Supervisors have the option to consider flexible or alternative work schedules for employees, based upon the nature of the position, who cannot meet the requirements of the regularly scheduled tour of duty for their position for reasons associated with their disability. Considerations regarding work schedules and telework are done in accordance with applicable FNS and USDA instructions and regulations.

(5) Telework: Allowing an employee to telework may be a reasonable accommodation where the person's disability prevents the successful performance of the essential functions of the position or parts of the essential functions of the position at the duty location. There are multiple considerations the deciding official will examine when determining if a telework arrangement is a reasonable accommodation and is not an undue hardship.

(6) Leave: The ADA requires that employers consider exceptions to their policies, including leave policies, when required and appropriate to provide a reasonable accommodation. Employers are allowed to have leave policies that establish the maximum amount of leave an employer will provide or permit, they may be required to grant leave beyond this amount as a reasonable accommodation to employees who require it because of a disability, unless the employer can show that doing so will cause an undue hardship. Medical documentation may be requested by the RAC to support leave as a reasonable accommodation request. An employee requesting leave as a reasonable accommodation should respond to questions from her/his supervisor and/or RAC as part of the interactive process and work with her/his health care provider to obtain the requested medical documentation.

- **Paid Leave:** If an employer receives a request for leave for reasons related to a disability and the leave falls within the employer's existing paid leave policy, it should treat the employee requesting the leave the same as an employee who requests leave for reasons unrelated to a disability. Reasonable accommodation does not require an employer to provide *paid* leave beyond what it provides as part of its paid leave policy.
- **Unpaid leave:** Where an employee's paid leave has run out, the supervisor will consider providing unpaid leave to an employee with a disability as a reasonable accommodation if: 1) the employee requires it; and 2) it does not create an undue hardship for FNS. Leave as a reasonable accommodation is consistent with the purpose of reasonable accommodation when it enables an employee to return to work following the period of leave. If unpaid leave is requested, the supervisor will coordinate with the applicable Employee/Labor Relations Specialist.

(7) Travel: When an employee with a qualified disability is traveling on official government business, FNS must provide reasonable accommodations for the duration of the travel. Reasonable accommodations may be required in connection with transportation, lodging, and conference/meeting sites. All travel requests must comply with DM 2300-001 "Agriculture Travel Regulation". If an employee with a qualified disability requests not to travel or to modify travel requirements as a reasonable accommodation, the request is processed using the guidance in this directive.

(8) Reassignment: Reassignment is commonly known as the accommodation of last resort. This is because accommodations that will enable an employee to remain in their current position should, under ordinary circumstances, be considered first. However, this accommodation strategy should not be misinterpreted to mean that it's only possible to consider reassignment when the search for accommodations in the original position is exhausted. The employer does not have to remove an employee from a position or create a position to provide a reassignment accommodation. Supervisors and RACs who are discussing a reassignment as a RA option must coordinate with the FNS Human Resources Division.

- a. Reassignment can be considered when it does not impose an undue hardship to the agency and in the following situations:
 - There is not a reasonable accommodation available that will enable an employee with a disability to perform the essential functions of their current position;
 - The employee and supervisor agree that an alternative position is a more appropriate accommodation solution due to the employee's limitations and ability to perform essential functions of their position without an accommodation.
 - The location where work is performed causes a work related barrier due to limitations affecting an employee's commute and need to access specialized healthcare and a vacant position at a different location will allow the employee to perform the essential functions of his/her position.
- b. An employee with a qualified disability may be reassigned at any time, consistent with merit promotion guidelines. However, she/he may not be reassigned to a position where they are unable to perform the essential job functions of the targeted position with or without a reasonable accommodation.

c. Requirements for a proposed vacant position:

- Will generally be commensurate to the employee's current position at the same grade and base pay.
- Must not be at a higher grade or pay than the employee's current position or have a non-competitive promotion potential beyond that which existed in the employee's assigned position.
- If there isn't a commensurate vacant position available within a reasonable amount of time, the employee may be accommodated through reassignment to a lower-graded position, provided the reassignment is consistent with the merit promotion and pay regulations.

Appendix C: Frequently Asked Questions

Reasonable Accommodation Process

1. What is a reasonable accommodation?

A: In relation to the Rehabilitation Act/ADA, a reasonable accommodation is a modification or adjustment to the job, the work environment, or the way things are usually done. Reasonable accommodations are provided to ensure a qualified applicant or employee with a disability can participate in the application process, perform essential functions of the job, and enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. The Agency is required to provide an effective reasonable accommodation to qualified individuals with disabilities, unless doing so would impose an undue hardship to the agency.

2. Who is a qualified individual with a disability?

A: A qualified individual with a disability is an individual who has the skills, experience, education, and other requirements of the job the individual holds or desires and can perform the essential functions of the position with or without reasonable accommodations.

3. How do I request a reasonable accommodation?

A: Requests for a reasonable accommodation may be made either in writing or orally at any time during the application process or while employed. Requests for a reasonable accommodation can be made to the employee's supervisor, manager, Reasonable Accommodation Coordinator (RAC), Human Resources Office, sending an email to SM.FNS.HRD.ReasonableAccommodations@usda.gov or the agency contact identified in a vacancy announcement.

4. Who is responsible for granting an RA?

A: The supervisor or hiring official is responsible for granting a RA.

5. Who can ask for medical documentation and when is it appropriate?

A: The RA Coordinator may request medical documentation when needed during the RA process to support the RA request.

6. Who can request a RA?

A: A reasonable accommodation can be requested by an employee, applicant, or a family member, health care professional or other representative on behalf of the employee or applicant.

7. What steps should a supervisor and the Reasonable Accommodation Coordinator take after receiving a request for RA?

A: The following are the steps a Supervisor and Reasonable Accommodations Coordinator should take in response to an accommodation request:

- a. The Reasonable Accommodation Coordinator will verify the employee's disability, when the disability is not obvious.*
- b. The Supervisor will identify the essential job functions.*
- c. The Supervisor will consult with the individual during the interactive process to identify what accommodations would be effective to reduce or remove barriers.*
- d. The Supervisor may implement an effective accommodation, absent undue hardship, taking into account the preferences of the individual with disabilities.*

8. Do I give my medical documentation to my supervisor or Reasonable Accommodation Coordinator (RAC)?

A: All medical documentation(s) related to your RA request should only be given directly to the Reasonable Accommodations Coordinator. A request for RA and medical documentation related to the RA request are strictly confidential.

9. May I have a representative with me as I go through the reasonable accommodation process?

A: Yes, but you must provide the RAC with the name of your representative and if you are giving permission for the RAC to discuss your medical condition and reasonable accommodation options with you with the representative present.

Personal Assistance Service (PAS)

1. What is a Personal Assistance Service (PAS)?

A: PAS means assistance for individuals with targeted disabilities with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and is not otherwise required as a reasonable accommodation. Examples include, but are not limited to:

- *assistance with removing and putting on clothing;*
- *eating; and*
- *using the restroom.*

2. What is a targeted disability?

*A: A disability designated as a “targeted disability or health condition” on OPM SF-256 or a disability falling under one of the first 12 categories of disability listed in Part A of question 5 of the EEOC’s Demographic Information on Applicants Form. [SF-256 \(opm.gov\)](#)
Examples: Traumatic Brain Injury, Blindness, Epilepsy, mobility challenges (wheelchair, scooter), bi-polar, etc.*

3. What type of situations is PAS required?

A: Agencies are required to provide PAS to employees with targeted disabilities who require PAS because of their targeted disabilities unless to do so would cause an undue hardship. PAS may be required:

- *During the workday, including during telework.*
- *During employer-sponsored events, such as a holiday party.*
- *During work-related travel, both work and off-work hours (as an RA).*

4. How do I request a PAS?

A: Requests for PAS may be made either in writing or orally at any time during employment. Requests for a PAS may be made to the employee’s supervisor, manager, Mission Area/Agency or Staff Office Reasonable Accommodation Coordinator, or HR servicing office, or SM.FNS.HRD.ReasonableAccommodations@usda.gov

If you have any questions not answered in this list please reach out to the FNS-Reasonable Accommodations Coordinator (RAC).