

F ood & N utrition S ervice	FNS INSTRUCTION	NUMBER
	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	310-3

REASONABLE ACCOMMODATION PROCEDURES

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	U.S. DEPARTMENT OF AGRICULTURE 3101 PARK CENTER DRIVE ALEXANDRIA, VA 22302-1500	310-3

INFORMATION FOR: All Food and Nutrition Service (FNS) and Center for Nutrition Policy and Promotion (CNPP) Employees

REASONABLE ACCOMMODATION PROCEDURES

I PURPOSE

This Instruction prescribes general policies and procedures for Reasonable Accommodation Procedures in FNS and CNPP.

II REFERENCE

This instruction is issued in accordance with the following authorities:

- A Equal Employment Opportunity Commission (EEOC), Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation
- B Code of Federal Regulations, the Americans Disability Act (ADA) Amendments Act of 2008
- C USDA Departmental Regulation 4300-008, Reasonable Accommodations for Employees and Applicants with Disabilities
- D USDA Departmental Manual 4300-002, Reasonable Accommodation Procedures

III FORM

- AD-1163, *Confirmation of Request for Reasonable Accommodation Form* (Exhibit A)
- AD-1164, *Reasonable Accommodation Information Reporting Form* (Exhibit B)
- AD-1165, *Denial of Reasonable Accommodation Request Form* (Exhibit C)
- AD-700, *Procurement Request* (Exhibit D)
- FNS-847, *Reasonable Accommodation Information Reporting*

IV RESPONSIBILITIES

Department Disability Employment Program Manager: Overall responsibility for reasonable accommodation policy and procedures. Provides guidance, assistance and oversight of the disability employment program and serves as consultant, when appropriate, regarding any aspect of these procedures.

DATE:	MANUAL MAINTENANCE INSTRUCTIONS: New Instruction	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: HRD	Page 1
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A Employee: Any employee who wishes to be considered for an accommodation under these procedures may bring it to the attention of his/her first line supervisor or Mission Area Designee, a need for reasonable accommodation. An individual with a disability may be required to demonstrate, through medical or other documentation, that he or she has a disability and how the disability impacts essential job functions, the ability to participate in the job application process, or the ability to enjoy the benefits and privileges of employment. The employee must participate in the interactive process or designate someone to do so, and shall provide reasonable documentation in accordance with these procedures, when necessary. Requests for reasonable accommodation may also be made to any agency official proposing to take a performance or conduct action. This request may be oral or in writing.

B First Line Supervisor: Receives, processes and documents the reasonable accommodation request and is authorized to approve and provide the accommodation and/or forward the request to the Mission Area Designee for consideration; participates in the interactive process; responds expeditiously; maintains confidentiality; and consults with the Employee Relations staff when accommodation is requested in conjunction with an anticipated or pending performance and/or conduct based action.

C Human Resources Division (HRD): Oversees the reasonable accommodation process.

D Mission Area Designee (MAD): Receives reasonable accommodation requests, provides advice and assistance to employees, managers and supervisors regarding their rights and responsibilities under these procedures; maintains records for tracking and reporting reasonable accommodation requests and decisions as outlined in *Exhibit B*; maintains confidentiality; confers with the Department's Disability Employment Program Manager, USDA Medical Officer and the Target Center when needed; and confers with Employee Relations staff in situations where performance and/or conduct issues are involved.

E Human Resources Liaisons: Provides guidance to employees, managers and supervisors in consultation with and/or otherwise refer requests to the MAD. Participates in the *Interactive Process* when needed.

F USDA Medical Officer: Serves as consultant, reviews and interprets medical documentation, when necessary, for the purpose of assisting the MAD when determining if the individual requesting accommodation is an individual with a disability as defined in these procedures and has been determined to meet the definition of a qualified person with a disability.

G USDA Target Center: Provides on-site workplace assessments and demonstrations of assistive technology and ergonomic solutions and makes specific recommendations regarding reasonable accommodations. Responsible for collecting data, maintaining records and reporting results as required. The Center can be reached at (202) 720-2600 (v/TTY), or through their web page at www.dm.usda.gov/oo/target/.

V DEFINITIONS

A Disability - With respect to an individual, means:

1 A physical or mental impairment that substantially limits one or more of the major life activities of such individual; or

2 A record of such an impairment, or;

3 Being regarded as having such an impairment.

a An example of "a record of such impairment" includes having a history of or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

b An example of "being regarded as having such an impairment" includes having an impairment that does not substantially limit a major life activity but is treated by USDA as constituting such limitation; having an impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment; or having none of the impairments described in this section, but being treated by USDA as having a substantially limiting impairment.

B A Reasonable Accommodation: is a change in the workplace, or in the way things are usually done, that provides equal employment opportunities for individuals with disabilities and; an employer provides a reasonable accommodation to a qualified individual with a disability, if requested, and doing so does not pose an undue hardship to the agency.

C Employees are Entitled to an Effective Accommodation: FNCS must provide an accommodation that meets the employees' needs and removes a workplace barrier. However, the employee is not entitled to their accommodation of choice. If two or more accommodations would be effective, the employer may choose between them. It is critical that the employer understand the exact nature of the problem to determine all possible, effective accommodations, then assess whether any or all possibilities constitute "undue hardship." Employees should request a reasonable accommodation as soon as they believe there is a need. If an employee waits to request a reasonable accommodation when employee suspects that a disability may be causing a performance or conduct problem, this could result in disciplinary action or other consequences and delay getting an accommodation that would address the problem.

D In regard to Reasonable Accommodation: ONLY those employees or applicants who meet part (1) or (2) of the above definition for "Disability" shall be considered eligible for a reasonable accommodation. Reasonable accommodation is not considered for those individuals who "have a record of" or are "regarded as" having an impairment. Individuals with a relationship or association with a person with a disability are not entitled to receive reasonable accommodation. However, the protections provided by other aspects of the Rehabilitation Act of 1973 provide other protections for individuals who meet these other definitions.

E Essential Functions: are the fundamental job duties of the employment position the individual with a disability holds or desires. The reasons a function may be essential may include, but not be limited to:

- 1 The reason the position exists is to perform that function;
- 2 The limited number of other employees who could perform that function;

and/or

3 The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the particular function. Determination of the essential functions of a position must be conducted 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.

F Major Life Activities: Functions such as, but not limited to caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. This definition is expanded under the Americans with Disabilities Act (ADA) Amendment Act of 2008 (ADAAA) to include major bodily functions (e.g., "functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions").

G Mental Impairment: Any psychological or mental disorder, e.g. mental retardation, organic brain syndrome, emotional or mental illness or specific learning disability.

H Physical Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genitourinary, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

I Qualified Individual with a Disability : An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position who with or without reasonable accommodation is able to perform the essential functions of the position

J Reasonable Accommodation: Any change in the work environment or the application process that would enable a qualified individual with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:

- 1 Changes to a job application process to ensure that applicants with disabilities will have an equal opportunity to participate in the application process and to be considered for jobs;
- 2 Changes to enable an employee with a disability to perform the essential functions of the job or to gain access to the workplace; and
- 3 Changes to provide people with disabilities equal access to the benefits and privileges of employment.

K Substantially Limits: means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an 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 that same major life activity.

L Undue Hardship: The accommodation would be too difficult or too expensive to provide based on employer's size, resources and needs of the business. If a specific reasonable accommodation causes undue hardship, FNCS is not required to make that exact accommodation. If more than one accommodation works, the employer may choose which one to provide. Determination of undue hardship must always be made on a case- by-case basis, considering factors that include the nature and cost of the accommodation needed and the impact of the accommodation on the operations of FNCS.

M USDA Target Center: The USDA's resource center that provides on-site workplace assessments and demonstrations of assistive technology and ergonomic solutions to ensure appropriate implementation of reasonable accommodations for USDA's workforce.

VI PROCESSING AN ACCOMMODATION REQUEST

A A Request for Reasonable Accommodation: is a statement that an individual needs an adjustment or change of work, in the application process, or in a benefit or privilege of employment for a reason related to a physical or mental impairment. There is no requirement that a request include special words, such as "Reasonable Accommodation," "Disability," "Rehabilitation Act."

B Employee: May request a reasonable accommodation orally or in writing from his or her immediate or first line supervisor, division head, or Mission Area Designee. The request should outline the kind of accommodation requested, if known, as outlined in Exhibit A.

C Applicant for Employment: May request a reasonable accommodation orally or in writing to the Human Resources office responsible for servicing the job vacancy and identify the accommodation needed. Applicants with a disability contacted for an interview shall be asked "Is an accommodation needed for the interview?" If the answer is "Yes", then ask "What type of accommodation?"

D An Employee or Applicant: seeking reasonable accommodation or the receiver of the request must follow up an oral request by completing the "Confirmation of Request for Reasonable Accommodation" form (Exhibit A) or otherwise confirming the request in writing including by e-mail. However, the written document is not required to begin processing the request itself.

E Regularly Occurring and Continuing Accommodations: (e.g., sign language interpreter, reader, personal assistant) do not require written confirmation. The initial or subsequent request should contain language describing the accommodation as "recurring and

continuing”, and to the greatest extent possible, appropriate notice must be given each time the accommodation is needed.

VII INTERACTIVE PROCESS

Communication between the employee or applicant with a disability and appropriate agency official(s) is extremely important throughout the process. Most requests can be handled between the employee and the first line supervisor. However, others may be included in the interactive process if a specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are choosing between different possible accommodations.

The following list is an example of other resources that may be used in the interactive process:

- A The employee’s family member or representative;
- B A rehabilitation counselor;
- C A USDA Medical Officer;
- D The Department’s Disability Employment Program Manager;
- E The Mission Area Designee (MAD);
- F The Regional Civil Rights Director;
- G A Employee Relations Office;
- H USDA TARGET Center;
- I Job Accommodation Network (JAN);
- J And any employee representative.

The JAN is a service of the Department of Labor, Office of Disability Employment Policy and can provide free-of-charge information about many types of accommodations. JAN can be reached at 1-800-232-9675 (Voice/TTY), or their web site at <http://janweb.icdi.wvu.edu/>.

There are specific considerations in the interactive process when responding to a request for reassignment. Reassignments will only be considered if no other accommodations are available to enable the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship to the agency. Reassignments are made only to vacant positions and to employees who are qualified for the new position.

In considering whether there are positions available for reassignment, the first-line supervisor or decision maker will work with Human Resources, the Mission Area Designee, and the individual requesting the accommodation. Reassignments will 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, FNCS is not obligated to pay for the employee’s relocation costs.

VIII DETERMINING DISABILITY AND REQUESTING MEDICAL INFORMATION

A FNS is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. If the individual has an obvious disability or previously documented medical condition that qualifies him or her as an individual with a disability and the accommodation request is related to the known disability, the accommodation request shall be considered immediately without the need for further medical documentation.

B If the individual does not have an obvious disability or previously documented medical condition that qualifies the employee as an individual with a disability, the employee may be required to provide sufficient and reasonable documentation for his or her medical condition to the MAD, who will determine in consultation with the USDA Medical Officer whether the requestor is an individual with a disability. Not all information need be medical, as the appropriate information may be received from a social worker or rehabilitation counselor. However, the documentation received must be sufficient to determine if the requestor is an individual with a disability. Additional documentation may be requested to make this determination, if necessary. In order for appropriate and useful information to be obtained, all requests should describe the nature of the individual's job, the essential functions and any other relevant information. In the case of an applicant, relevant supplemental medical information may be requested to determine the nature of the disability or how the accommodation will assist with the application process.

C If the medical information submitted is insufficient to enable the MAD to determine if the requestor has a disability, the MAD may request supplemental information and/or documentation. The MAD will first explain why the information is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request. The individual may then ask the health care or other appropriate professional to provide the missing information.

D Alternatively, the MAD and the individual requesting the accommodation may agree that the individual will sign a limited release, and the MAD may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor. However, if after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability, the decision maker may request that a physician chosen by the Agency examine the individual at the Agency's expense. The decision maker will be advised, by the physician, of the individual's relevant medical condition and any additional relevant information about the individual's functional limitations, if necessary. Failure to provide the MAD with the additional information and/or documentation to determine that the employee or applicant has a disability requiring a reasonable accommodation may result in denial of the request for reasonable accommodation.

IX CONFIDENTIALITY REQUIREMENTS

A The Rehabilitation Act requires that medical information and/or documentation related to the reasonable accommodation process must be kept confidential. For this purpose, confidentiality means that all medical information including information about functional limitations and reasonable accommodation needs must be kept in files separate from an individual's personnel file. It also means that persons entitled to and having access to such medical information in order to make an accommodation decision (including appropriate HR, legal, MAD, and medical personnel) are strictly bound by these confidentiality requirements and must not disclose this information, except as follows:

1 Supervisors and managers who need to know will be informed of the determination of eligibility as an individual with a disability, the necessary restrictions on the work or duties of the employee, and about any recommended accommodations, but medical information will only be disclosed if strictly necessary;

2 Information about emergency treatment or assistance needed during an emergency may be disclosed to first aid and safety personnel;

3 Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act;

4 Under limited circumstances, information may be disclosed to worker's compensation offices or insurance carriers in accordance with EEOC regulations; and

5 The USDA Medical Officer when consulting with him/her regarding the interpretation of medical documents.

B Whenever information is disclosed, the individual disclosing it must inform the recipient of the confidentiality requirements as well as the requirement to comply with applicable provisions of the Privacy Act. For bargaining unit employees, information maintained by the Agency may be disclosed to the Union Representative having exclusive recognition in conjunction with representation functions related to the reasonable accommodation process.

X TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATION

A Reasonable accommodation should be provided as soon as reasonably possible. However, the following time frames shall be followed:

1 The process to consider a reasonable accommodation should begin immediately upon receipt of the request by the appropriate official, but no more than five business days from the date of the oral or written request;

2 In cases where the employee has an obvious disability or previously documented medical condition, the first-line supervisor must determine if the accommodation is effective and, if so, provide the accommodation in no more than 30 business days from the date of the oral or written request;

3 In cases where the individual does not have an obvious or previously documented medical condition, that qualifies him/her as an individual with a disability, the individual to whom the request is made shall forward it to the MAD within three business days from the date of the written or oral request;

4 With permission of the employee, the MAD shall request any needed additional documentation from the appropriate source within five business days;

5 Upon receipt of the documentation, the MAD shall within five business days consult with the USDA Medical Officer, as necessary, and make a decision whether the employee is or is not an individual with a disability and inform the first line supervisor of the decision within the same five business day period;

6 In situations where medical documentation is necessary, the 30 business day period for the first line supervisor to determine if the accommodation is effective and to provide the accommodation begins on the date the MAD issued the decision.

B When there are extenuating circumstances, it may be necessary to extend the above-mentioned time frames for processing the request and providing the accommodation. All requests for determining eligibility and providing an accommodation should be acted upon as quickly as possible. The following are examples of extenuating circumstances:

1 The purchase of equipment may take longer than 30 days;

2 The employee with a disability needs to try out equipment before purchase can be made;

3 If new staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

C The employee's supervisor shall notify the employee of the reason for the delay and the approximate date on which a decision, and/or provision of the reasonable accommodation is expected. The supervisor shall investigate whether temporary measures can be taken to assist the employee. A temporary measure may be taken even when the delay is caused by the need to obtain or evaluate medical documentation to determine if the employee has a covered disability. This in no way obligates USDA to continue or offer further accommodations if the determination is made that the employee does not have a covered disability.

XI GRANTING A REASONABLE ACCOMMODATION REQUEST

As soon as a decision to provide a reasonable accommodation is made, that decision shall be immediately communicated to the requestor. The employee and/or supervisor shall complete the appropriate sections of the "Reasonable Accommodation Information Reporting Form" (Exhibit B), and forward the signed form to the MAD. The MAD will sign the form and provide a copy to the requestor and the requestor's immediate supervisor. If the accommodation cannot be provided immediately, the immediate supervisor must inform the individual of the projected time frame for providing the accommodation.

XII DENIAL OF REASONABLE ACCOMMODATION REQUEST

As soon as a decision is made that an accommodation is denied, the decision shall be immediately communicated to the requestor using the "Denial of Reasonable Accommodation Request Form" (Exhibit C). A copy of this completed form shall be given to the requestor and the requestor's immediate supervisor. Reasons for the denial of a request shall include specific reasons, for example, why the accommodation would not be effective or why it would result in undue hardship. The written notice of denial also informs the individual that s/he has the right to file an Equal Employment Opportunity complaint and may have rights to pursue a grievance or the Merit Systems Protection Board procedures. The notice also explains the availability of Alternative Dispute Resolution to resolve issues associated with the denial of an accommodation.



Robin D. Bailey Jr.
Acting Associate Administrator and
Chief Operating Officer

Confirmation of Request for Reasonable Accommodation Form

Applicant or Employee Name: _____

Telephone Number: _____

Employee Only: Occupational Series: _____ Grade: _____

Applicant or Employee E-mail Address: _____

Date of Request: _____

Employee's Agency: _____

(1) Accommodation Requested (be as specific as possible)

(2) Reason for Request

(3) If accommodation is time sensitive, please explain:

This request form shall be given to your immediate supervisor or Mission Area/Agency Disability Employment Program Manager. This form is necessary for recordkeeping purposes only and will not delay the processing of your initial request.

Today's Date: _____

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Name of Individual Requesting Accommodation: _____

Agency and Office of the Requesting Individual: _____

1. Reasonable Accommodation (check one)

 Approved - Name & Title of Deciding Official: _____ Denied (attach form AD-1165 "DENIAL OF REASONABLE ACCOMMODATION REQUEST")

2. Date accommodation requested and date referred, if applicable: _____

3. Name & position of individual to whom request was made: _____

4. Date accommodation approved or denied: _____

5. Date accommodation provided: _____

6. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why:

7. Job held or desired by individual requesting accommodation (include occupational series, grade level and office):

8. Accommodation required for:

 application process performing job functions or accessing work environment accessing a benefit or privilege of employment (e.g., attending training, social event)

9. Type(s) of accommodation requested:

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (continued)

10. Type(s) of accommodation provided:

11. Was medical information required to process this request? If yes, explain why:

12. Cost, if any, of accommodation:

13. Sources of technical assistance, if any, consulted (Job Accommodation Network, family member, rehabilitation counselor, other)

DEPM Name

Signature

Date

Denial of Reasonable Accommodation Request Form

Name of Individual Requesting Accommodation: _____

(1) Type(s) of reasonable accommodation requested:

(2) Request for accommodation denied because (may check more than one)

Accommodation ineffective

Accommodation would cause undue hardship

Medical documentation inadequate

Accommodation would require removal of an Essential Function

Accommodation would require lowering of performance/production standard

Other (please specify)

(3) Detailed reason(s) for the denial of the accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship)

(4) If the requestor proposed one type of reasonable accommodation and the request is denied, and rejected an offer of an alternative accommodation, explain the reason for denial of the original requested accommodation and how the offered alternative accommodation would be effective.

Name & Title of Deciding Official Signature of Deciding Official

Date reasonable accommodation denied

Denial of Reasonable Accommodation Request Form

(1) If an individual wishes to request reconsideration of this decision, s/he may take the following steps:

- i. ask the decision maker to reconsider the denial and provide additional supporting information;
- ii. if the decision maker does not reverse the denial, and the decision maker is the individual's supervisor, the individual may ask the office chief/director to review the request;
- iii. if the decision maker is the office director/chief, the individual can ask the Agency Disability Employment Program Manager to review the request; or
- iv. if the decision maker is the Agency Disability Employment Program Manager (DEPM), the individual can ask the Departmental DEPM to review the request.

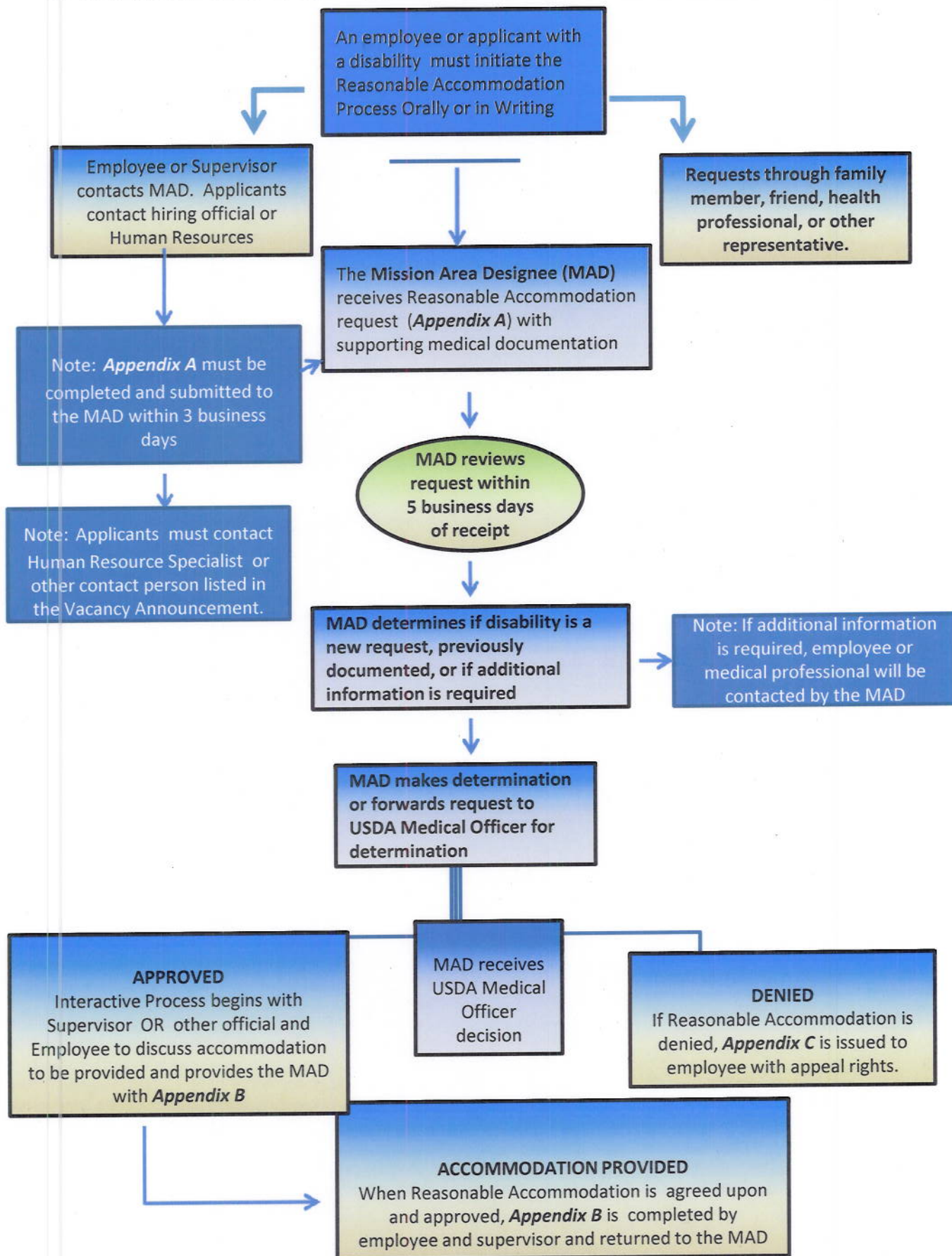
(2) If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures if applicable, s/he must take the following steps:

- i. For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor within 45 days from the date of this notice of denial of reasonable accommodation;
or
- ii. For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or Administrative grievance procedure as appropriate; or
- iii. Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3; or
- iv. Utilize the Alternative Dispute Resolution (ADR) process as outlined in Secretary's Memorandum 4710-1 (3/23/00). Pursuing the ADR process does not relieve the individual from adhering to the other time frames indicated above.

Procurement Request (AD-700)

PROCUREMENT REQUEST		TO: (Procurement Office)					1. REQUESTING OFFICE					
2. RECEIVING OFFICE NO.		3. CONTRACT NUMBER (If Applicable)		4. ORDER DATE	5.	6. UNIT CODE	7. FUND CODE	8. PURCHASE/DELIVERY ORDER NUMBER	9. SUB	1 A. PROCUREMENT REQUEST NO.		
										1B. DATE		
CHECK ONE <input type="checkbox"/> Purchase Order <input type="checkbox"/> Delivery Order <input type="checkbox"/> Credit Card		10. TO (Seller)					11. SHIP TO: (Consignee and Destination)					
							<input type="checkbox"/> INSIDE DELIVERY REQUESTED					
12. LINE ITEM	13. ACT. CODE	14. DESCRIPTION					15. BUDGET OBJECT	16. ACC. LINE	17. QUANTITY	18. UNIT ISSUE	19. UNIT PRICE	20. AMOUNT
		For additional information, please contact TECHNICAL CONTACT _____ TELEPHONE NO. _____										
21. FOB POINT		22. DISCOUNT TERMS					Sub-Total		25			
23. REQUIRED DELIVERY (Do not use ASAP)		23 A. NEGOTIATED DELIVERY		24. SHIP VIA		26. ESTIMATED FREIGHT		TOTAL		27		
28. ACC. LINE	29. ACCOUNTING CLASSIFICATION					30. DISTRIBUTION		31. AMOUNT				
	A	B	C	D	E							
RECOMMENDED SOURCE(S) (If necessary, use attachment)						I certify that the above items are necessary for use in the public service.						
						TITLE _____						
						SIGNATURE OF AUTHORIZED REPRESENTATIVE _____						

Overview of FNCS Reasonable Accommodation Process



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RESOURCES

The Equal Employment Opportunity Commission (EEOC) provides a wealth of resources regarding disability issues and enforcement guidance. In addition to the resources outlined in these Reasonable Accommodation Procedures, please use the EEOC for additional assistance. The following is a sample of resources available at <http://www.eeoc.gov/>:

- *EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000)*
- *EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (March 1, 1999)*
- *EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000)*
- EEOC's Notice Concerning the Americans With Disabilities Act (ADA) of 2008
http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm.

Requests for Technical Assistance on Reasonable Accommodation should be directed to:

Human Resources Division

Mission Area Designee for Reasonable Accommodations

United States Department of Agriculture, Food, Nutrition, and Consumer Services

3101 Park Center Drive, Alexandria, VA 22302-1500, Tel: (703) 305-2069

Reasonable Accommodation Questions and Answers (Q&A)

Q. What is a Reasonable Accommodation?

A. A reasonable accommodation is any change in the work place or in the way business is conducted that would enable an individual with a disability the ability to enjoy equal employment opportunities. This could be a modification or adjustment to a job application process; modifying a work schedule or redesign a building to allow accessibility.

Q. Can an employee request a Reasonable Accommodation (RA) either verbally or in writing to a supervisor or the Reasonable Accommodation Manager (RAM)?

A. Yes. An employee may work through their manager or supervisor or contact the RAM directly. Applicants for employment should inform Human Resources if a reasonable accommodation is required.

Q. How does an employee request a Reasonable Accommodation?

A. The RAM will instruct the employee to complete "The Confirmation of Request For Reasonable Accommodation" form (Appendix A), provide current medical documentation to support their request, and a copy of their current position description.

Q. How does a manager or supervisor request a Reasonable Accommodation on behalf of an employee?

A. The RAM will instruct the manager or supervisor to complete "The Confirmation of Request For Reasonable Accommodation" form (Appendix A). When received, the RAM will contact the employee and ask them to provide current medical documentation to support their request, and a copy of their current position description.

Q. What happens with the medical documentation provided?

A. Upon receipt of the medical documentation, the RAM determines if the accommodation can be granted. Otherwise, the documentation will be forwarded to the USDA Medical Officer for a determination on whether the employee meets the definition of a qualified person with a disability under the ADA.

Q. What happens after the Reasonable Accommodation is approved?

A. The employee and supervisor will begin the "Interactive Process" to decide on a reasonable accommodation that will meet both the needs of the employee and the Agency. Upon approval of the reasonable accommodation, "The Reasonable Accommodation Information Reporting Form" (Appendix B) is completed, signed by employee, supervisor, and RAM, and placed in the employee's file.

Q. What happens if a Reasonable Accommodation is denied?

A. If a Reasonable Accommodation is denied, "The Denial of Reasonable Accommodation Request" Form (Appendix C) is completed and the employee is contacted immediately and provided a written explanation for the denial. The written notice of denial also informs the employee of his/her right to file an Equal Employment Opportunity (EEO) Complaint.

Q. Who sees or has access to an employee's medical documentation?

A. All Reasonable Accommodation files are maintained in a secure location by the RAM for five years. Employees are entitled to Confidentiality and information is viewed only by those individuals who have a need to know.

Q. How long is a Reasonable Accommodation effective?

A. Reasonable Accommodations should be periodically assessed for adequacy and appropriateness. The frequency of the assessment will vary with the circumstances.