

# Reclamation Manual

## Directives and Standards

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**Subject:** Reasonable Accommodation for Persons with Disabilities

**Purpose:** Provides a description of the Bureau of Reclamation's (Reclamation) policy regarding reasonable accommodations for persons with disabilities by establishing requirements and instructions for responding to requests from employees or applicants. The Department of the Interior (Department), Bureau of Reclamation will make reasonable accommodations for the known physical or mental limitations of qualified disabled employees or applicants, unless the accommodation would impose an undue hardship on the operation of the program. Overall resources of the Department will be taken into consideration.

**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 directive also supports the President's New Freedom Initiative, dated February 1, 2001.

**Contact:** Diversity and Equal Opportunity Division, D-7300

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1. **Applicability.** This directive applies only to qualified employees and applicants who have a permanent disability as defined under *Definitions*, below.
2. **Definitions.**
  - A. **Disabled Person** is one who has a physical or mental impairment which substantially limits one or more major life activities, and has a record of such an impairment, or is regarded as having such an impairment.
  - B. **Decision Maker** means supervisor or manager and/or designated staff in the chain of command.
  - C. **Essential Functions** include those job duties that are so fundamental to the position that the individual holds or desires, that he or she cannot do the job without performing them. A function can be "essential" if among other things:
    - (1) The position exists specifically to perform that function.
    - (2) There are a limited number of other employees who could perform the function.

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- (3) The function is specialized and the individual is hired based on his or her ability to perform it.

Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as it is actually performed and not simply the components of a generic position description.

- D. **Extenuating Circumstances** are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. Examples of extenuating circumstances are an outstanding initial or follow-up request for medical information, or the medical information is being evaluated; the purchase of equipment that may take longer than 10 business days because of Federal Acquisitions Regulations.
- E. **Major Life Activities** are those basic activities that the average person in the general population can perform with little or no difficulty. Major life activities include caring for self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.
- F. **Medical Documentation or Documentation of Medical Conditions** is a statement from a licensed physician or other appropriate practitioner, which provides information Reclamation considers necessary to enable Reclamation to make an employment decision. To be acceptable, the diagnosis or clinical impression must be justified according to established diagnostic criteria, and the conclusions or recommendations must be consistent with generally accepted professional standards.
  - (1) Reclamation may not request medical documentation in support of every accommodation request. For example, Elizabeth, whose left leg is amputated, makes a verbal request that her office be moved closer to the ladies restroom because of the fatigue and pain caused by using crutches. The request should be approved, unless the accommodation would create an undue hardship on the operation of the program. Elizabeth may be asked to submit a written request at a later date for Reclamation records, but medical documentation in support of the request is not required.
  - (2) Where the disability is not obvious or already known, Reclamation may ask for reasonable accommodation disability documentation.
  - (3) Where the disability is not obvious or already known, it is the responsibility of the individual with the disability requesting the reasonable accommodation to provide appropriate medical information related to the disability.

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- (4) Reclamation reserves the right to request relevant supplemental medical documentation if the information submitted: (a) does not clearly explain the nature of the disability, (b) the need for the reasonable accommodation, (c) does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job, (d) will assist the employee to enjoy the benefits and privileges of the workplace, or (e) in the case of an applicant, assist him or her with the application process.
- (5) Reclamation reserves the right to have medical documentation in order to evaluate and support a request for reasonable accommodation, as submitted by the individual with a disability, and have the medical documentation reviewed by a medical expert of Reclamation's choice at Reclamation's expense.
- (6) If medical documentation is deemed insufficient, Reclamation reserves the right to request, on a case-by-case basis, that an individual with a disability requesting a reasonable accommodation undergo a medical examination by a physician of Reclamation's choice at Reclamation's expense.
- (7) Where the medical documentation as submitted by the individual with a disability is insufficient, the decision making official will explain to the individual in writing, why the documentation is insufficient, and identify the information required to support the reasonable accommodation request.
- (8) Where failure to provide necessary medical documentation when it has properly been requested, the decision making official must explain to the individual with a disability, that this could result in denial of reasonable accommodation.

**G. Physical or Mental Impairment** means:

- (1) 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, respiratory, genitourinary, hemic and lymphatic, skin, and endocrine, or
- (2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**H. Qualified Disabled Person** is one who, with or without a reasonable accommodation in an employment setting, can perform the essential functions of the position in question without endangering the health or safety of the individual and others; and who, depending on the appointing authority being used:

- (1) Meets the experience or education requirements of the position, or

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- (2) Meets the criteria for appointment under one of the special appointing authorities for hiring disabled persons.
- I. **Reasonable Accommodation** is an adjustment or alteration that enables a person with a disability to apply for a job, perform job duties, or enjoy equal benefits and privileges of employment.
  - J. **Request for Accommodation** is a verbal or written statement that an individual with a disability, a family member, health professional, or other representative acting on behalf of the individual with a disability, submits to Reclamation. The request states that the individual with a disability needs an adjustment or change at work, or in the application process, for reasons related to a medical condition.
    - (1) Reclamation reserves the right to petition additional information from the requesting party. Precise words such as “reasonable accommodation” need not specifically be used by the requesting party before a request for reasonable accommodation is accepted for processing.
    - (2) Reclamation does not have to wait until after a written request is received from a requesting party before processing an oral request for reasonable accommodation.
    - (3) An employee will not be required to re-submit a request for reasonable accommodation if there is an ongoing need, such as for a sign language interpreter.
  - K. **Reassignment** is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not job applicants) who, because of a disability, can no longer perform the essential functions of their job. See *Examples of Reasonable Accommodation* under paragraph 6, page 11 for further guidance on reassignment.
  - L. **Regarded as Having Such an Impairment** is defined in three different ways which an individual may satisfy the definition of “being regarded as having a disability.”
    - (1) The individual may have an impairment which is not substantially limiting but is perceived by the employer as constituting a substantially limiting impairment.
    - (2) The individual may have an impairment which is only substantially limiting because of the attitudes of others toward the impairment.
    - (3) The individual may have no impairment at all but is regarded by the employer as having a substantially limiting impairment.

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- M. **Record of Such an Impairment** means that the employee or applicant has a history of, or has been classified (or misclassified) as having a mental or physical disability that substantially limits one or more major life activities.
- N. **Targeted Disabilities** are disabilities that involve deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, or distorted limb/spine.
- O. **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. Reclamation is not required to provide this type of accommodation. A determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed, and the impact of the reasonable accommodation on the operation of Reclamation. Overall resources of the Department will be taken into consideration when making a determination of undue hardship. The *Factors to Determine Undue Hardship* are explained in paragraph 8, page 13.

### 3. Responsibilities.

- 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;

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- (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
  - (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 Opportunity 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

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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 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*, page 15.

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. **Reasonable Accommodations Process.**

##### A. **Overview.**

- (1) A reasonable accommodation is a logical change or adjustment to a job or worksite that makes it possible for otherwise qualified employees with disabilities to perform the essential functions of the position. Accommodations are determined on a case-by-case basis, taking into consideration the needs of the employee or applicant, his or her specific disability, the essential duties for the position, the work environment, and the reasonableness of the proposed accommodation.

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- (2) In all cases, the employee or selectee must be consulted before an accommodation is made. An accommodation must be work-related and not for personal needs or use such as providing: eyeglasses, hearing aids, or transportation to work. The responsibility to provide a reasonable accommodation does not end when the person with a disability is placed in a position. The accommodation must also be considered in training and developing the employee.
- (3) Reclamation is required to make a reasonable accommodation for a qualified person with a disability unless Reclamation, after considering overall Department resources, can demonstrate that the accommodation would impose an undue hardship on the operations of Reclamation. These determinations must be made on a case-by-case basis. *Factors to Determine Undue Hardship* are in paragraph 8, page 13. All alternatives will be explored to determine if the reasonable accommodation is the most effective one for both the employee and Reclamation.

### B. Interactive Process.

- (1) The first step in determining an appropriate accommodation is to begin the interactive process. This means the supervisor or manager and the employee requesting the accommodation, should talk to each other about the request. Communication is a priority throughout the entire process. For applicants, see page 7, letter I.
- (2) The decision maker should explain to the employee or applicant that he or she will be making the decision on the request and describe what will happen in the processing of the request. This initial discussion should take place as soon as possible.
- (3) The decision maker should talk to the individual with the disability requesting reasonable accommodation when the specific limitation, problem, or barrier is unclear; an effective accommodation is not obvious; or where the parties are choosing between different possible reasonable accommodations.
- (4) The decision maker will have the principle responsibility for identifying and proactively searching out and considering possible accommodations. When needed, the decision maker may consult with the employee or applicant making the request as well as other appropriate resources for assistance.
- (5) The decision maker who receives information in connection with a request for reasonable accommodation may share information connected with that request with other Reclamation officials **only when Reclamation official(s) need to know the information in order to make determinations on a reasonable**

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**accommodation.** Rules governing confidentiality of medical information can be found under paragraph 11B, page 16.

- (6) Accommodation requests are to be determined for **known** physical and mental limitations. That is, Reclamation is not obligated, for example, to make an accommodation for a job interview or for an existing job, **until** the employee or applicant has communicated his/her needs.

C. **Reasonable Accommodation Assessment.** The assessment of a particular accommodation may be clarified by considering the following questions:

- (1) Is the accommodation necessary for the performance of essential duties?
- (2) What effect will the accommodation have on Reclamation's operation, and on the employee's job performance?
- (3) To what extent does the accommodation compensate for the limitations of an employee with a disability?
- (4) Will the accommodation give the employee the opportunity to function, participate, or compete on a more equal basis with co-workers?
- (5) Will the accommodation endanger the health and safety of the individual and others?
- (6) Will the accommodation impact applicable bargaining unit agreements and/or terms and conditions of employment?
- (7) Are there alternatives that would accomplish the same purpose?

### 5. Acting on Reasonable Accommodation Requests.

A. When an employee or applicant makes a request for reasonable accommodation, the following requirements apply:

- (1) A request for accommodation is a statement, oral or written, indicating that an individual needs an adjustment, a change at work, or in the application process for a reason related to a medical condition. Although the request may be oral, the employee or applicant seeking reasonable accommodation must follow up an oral request either by completing the sample written request template as provided in Appendix A or otherwise confirming their request in writing (including by e-mail). Additional information, as appropriate, may be obtained through the interactive process which follows the request.

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- (2) An employee should submit the request to his or her supervisor, or to another manager in the chain of command.
- (3) An applicant should submit the request to the HR office at the Reclamation location where the vacancy announcement was issued.
- (4) The reasonable accommodation process must begin as soon as the request for reasonable accommodation is made.
- (5) The request must describe the disability necessitating the accommodation and the accommodation needed to enable the employee to perform the job.
- (6) The request must specifically describe the nature of the abilities and disabilities with respect to the particular job.

B. Reclamation will take the following actions:

- (1) Upon receipt of the oral or written request for reasonable accommodation, the employee's supervisor, and/or a supervisor in the chain of command of the employee, will review the request and issue a written **decision letter** to the employee or applicant within **10 calendar days of receipt**, absent extenuating circumstances. An example of extenuating circumstances is outstanding initial or follow-up request for medical information, or the medical information is being evaluated. The Human Resources Manager, Equal Employment Officer, Reclamation Equal Employment Manager, or Regional EEO Manager will be consulted as needed. Reclamation may not wait until after a written request is received before processing an oral request for reasonable accommodation.
- (2) The following will be considered in determining whether an accommodation can be made:
  - (a) The employee's or applicant's specific disability and the existing limitations of the employee or applicant.
  - (b) The essential duties of the particular job.
  - (c) The work environment.
  - (d) The reasonableness of the proposed accommodation.
  - (e) Reclamation's resources.

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- (f) The Department's resources.
  - (3) The decision responding to the request for reasonable accommodation must state in writing whether the proposed accommodation will be made, including a specific description of the action(s) to be taken.
  - (4) If the supervisor and/or a supervisor in the chain of command of the employee cannot make a decision on the initial request for accommodation because medical information is needed, he or she may request such information as defined in 5 CFR Part 339.
6. **Examples of Reasonable Accommodations.** Examples of the kinds of actions which may constitute reasonable accommodations may include, but shall not be limited to the following:
- A. Making existing facilities readily accessible to, and useable by, a person with a disability.
  - B. Job restructuring, including part-time or modified work schedules.
  - C. Acquisition or modification of equipment or devices.
  - D. Appropriate adjustment or modification of job-related examinations.
  - E. Providing readers and interpreters.
  - F. Accommodations for meetings, conferences, seminars, and training.
  - G. Utilizing existing telework programs.
  - H. Reassignment to a position equivalent to the one presently held:
    - (1) If there is no vacant funded position within the geographical area, the employee will be reassigned to a vacant funded position in another Department location in the nation.
    - (2) Reclamation will consider reassignment of the employee to another vacant position for which they are qualified first within the geographical area where they are employed. Such determination will be made by the manager in consultation with the Human Resources Office. The individual will be consulted prior to being reassigned.

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- (3) If the employee is qualified for a new position, he/she will be reassigned to the position and will not have to compete for it. Reassignments are made only to vacant funded positions and for employees who are qualified for the new position. This determination will be made on a case-by-case basis.

### 7. Medical Documents to Support Requests for Reasonable Accommodation.

A. Medical documents provided or obtained in connection with a medical determination related to employability may include the following information:

- (1) The history of the specific medical condition(s) including references to findings from previous examinations, treatments, and responses to treatments.
- (2) Clinical findings from the most recent medical evaluation, including any of the following: findings of physical examination, results of laboratory tests, X-rays, electrocardiogram, and other special evaluations or diagnostic procedures. In the case of psychiatric disease, the findings of a mental status examination and the results of psychological tests.
- (3) Diagnosis including the current clinical status.
- (4) Prognosis, including plans for future treatment and an estimate of the expected date of full or partial recovery.
- (5) An explanation of the impact of the medical condition on overall health and activities including the basis for any conclusion that restrictions or accommodations are or are not warranted.
- (6) A narrative explanation of the medical basis for any conclusion that the medical condition has, or has not, become static or well stabilized and the likelihood that the individual may experience sudden or subtle incapacitation as a result of the medical condition.
- (7) An explanation of the medical basis for any conclusion which indicates the likelihood that the individual is, or is not, expected to experience sudden or subtle incapacitation by carrying out, with or without accommodation, the tasks or duties of a specific position.

B. Review of medical documentation is an assessment by, or in coordination with, a physician to ensure that the following criteria are met:

- (1) All diagnoses and clinical impressions are justified in accordance with established diagnostic criteria.

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- (2) The conclusions and recommendations are consistent with generally accepted medical principles and practice.

### 8. Factors to Determine Undue Hardship.

- A. The following are some of the factors that may be considered in determining whether an employee's or an applicant's requested accommodation will impose an undue hardship on the operation of Reclamation. It is noted though, that depending on the facts and issues in a particular case, it may be relevant to consider the resources of the Department as a whole.
  - (1) The nature and cost of the accommodation.
  - (2) The overall financial resources of facilities involved in the provision of reasonable accommodation; number of persons employed at such facility; the effect or expenses and resources; or the impact of such accommodation upon the operation of the facility.
  - (3) The overall size of Reclamation's program and financial resources (i.e., budget) with respect to the number of employees, number, type, and location of facilities.
  - (4) The type of Reclamation's operation, including composition and structure of the work force.
- B. Reclamation, in identifying resources for providing reasonable accommodations, must exhaust all Reclamation sources of funding before rendering any determination that an accommodation presents an undue hardship. Further, Reclamation may seek assistance through other Department sources, (e.g., Computer/Electronic Accommodations Program).

### 9. Denials of Reasonable Accommodation.

- A. As soon as the supervisor and/or supervisor in the chain of command determines that a request for reasonable accommodation will be denied, an explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial.
- B. Where the decision maker has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the decision maker believes that the chosen accommodation will be effective. Reasons for the denial of a request for reasonable accommodation must include specific reasons for the denial, why the accommodation would not be effective or why it would result in an undue hardship.

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- C. The written notice of denial should also inform the individual that he or she has the right to file an EEO complaint and may have rights to pursue Merit Systems Protection Board (MSPB) and union grievance procedures.
- (1) For an EEO complaint pursuant to 29 CFR § 1614, the individual must contact an EEO counselor in Reclamation's EEO Office, the Regional EEO Office, or the Office for Equal Opportunity within **45 days from the date of notice of denial of reasonable accommodation**, or
  - (2) For a collective bargaining claim, file a written grievance in accordance with the provisions of the applicable Collective Bargaining Agreement; or
  - (3) Initiate an appeal to the MSPB within **30 days of an appealable adverse action** as defined in 5 CFR § 1201.3.
- D. The decision maker will consult with the HRM prior to issuing a decision that denies a reasonable accommodation request. Where requests for reasonable accommodation are denied by supervisors and managers, the HRM will review the denial.
- E. Subsequent EEO complaints that may arise from said denial must be processed through another EEO office in Reclamation or through the Department, **if** the EEO Manager at the location where the complaint was filed had provided advice to the supervisor or manager on the denial decision.
10. **Reconsideration.** If the individual wishes to request reconsideration of a decision he or she may take the following steps:
- A. If an individual wishes reconsideration of an unfavorable decision, he or she should first ask the decision maker to reconsider the decision. The individual may present additional information in support of his or her request. The decision maker will respond to the request for reconsideration within **5 business days**. Exceptions where the 5 days may not be met are travel, personal emergencies, etc.
  - B. If the decision maker was the supervisor, and he or she does not reverse the decision, the individual can ask reconsideration by the supervisor's manager. The supervisor's manager will respond to this request within **10 business days**.
  - C. Absent extenuating circumstances, delivery of reasonable accommodation requests will be granted within **20 business days from date of initial request**.

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- D. Extenuating circumstances that may delay the processing of a specific request for accommodation or granting the accommodation, are limited to factors that could not reasonably have been anticipated or avoided in advance.
  - E. Where there are delays in the processing or granting of a reasonable accommodation, the HRM will notify the individual of the reason for the delay, and where possible, keep the individual informed of the date on which Reclamation expects to complete the process.
11. **Information Tracking and Reporting.** The EEOC established reporting requirements to ensure compliance with Section 501 of the Rehabilitation Act of 1973, as amended, with EEOC Management Directives 712 and 713, and with 29 CFR 1614.203. Appendix B may be used as a template for gathering information for reporting purposes. The reporting requirements are:
- A. The Equal Employment Manager will annually prepare a report that contains Reclamation-wide information. Regions will submit regional data on paragraphs (1) through (8), below. Data will be submitted by **October 10**, annually. Reasonable accommodation data will be maintained in each region for 3 years.
    - (1) The number of reasonable accommodations, by type, that have been made in the application process and whether those requests have been granted or denied;
    - (2) The jobs (occupational series, grade level, and office) for which reasonable accommodation have been requested);
    - (3) The types of reasonable accommodations that have been requested for those jobs;
    - (4) The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodation, by type, that have been denied;
    - (5) The number of requests for reasonable accommodation, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
    - (6) The reasons for denial of requests for reasonable accommodation;
    - (7) The amount of time taken to process each request for reasonable accommodation; and
    - (8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

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- B. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential.
- (1) Reclamation will keep medical information, records of individuals with disabilities requesting reasonable accommodation in confidential files, separate from Official Personnel Files (OPF).
  - (2) The Human Resource Office will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and the requirements of 29 CFR 1611.
  - (3) Information may not be disclosed and access is limited to authorized personnel only.
- C. Reclamation will maintain the records related to a particular individual with a disability, who has requested reasonable accommodation, for the duration of the employee's tenure.

## 12. Resources.

### A. Utilizing Sign Language Interpreters.

#### (1) Scheduling Interpreter Services.

- (a) The individual or office scheduling a meeting or event which will require interpreting services, (staff meeting, training, office function, etc.), is responsible for obtaining the services of an interpreter. **Please check to see if an interpreter is available before scheduling the date, time, and place of the event.**
- (b) Advance scheduling of preferably 2 to 3 weeks, is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.
- (c) If a meeting or event will last longer than 1 hour, arrangements must be made for more than one interpreter to be present at the meeting or event, and must be scheduled to include sufficient rest periods. Generally, one interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the

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interpreter, as he or she is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange).

- (d) An employee who knows sign language or who is taking a sign language class is **not** an acceptable substitute for a contract interpreter.

### (2) Work Events Outside the Workplace.

- (a) Reclamation will provide a sign language interpreter for an employee who is deaf or hard of hearing who, as part of his or her job, attends a meeting or event outside of the workplace. If he or she attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters.
- (b) When an employee goes to a meeting, conference, or training program outside the workplace, Reclamation will assess whether it would be effective to contract a sign language interpreter(s).

- B. **ADA Disability and Business Technical Assistance Centers (DBTACs)**, 1-800-949-4232 (Voice/TT). The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks, to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.
- C. **Assistive Technology Partners**, 1245 East Colfax Avenue, Suite 200; Denver, CO 80218; telephone number 303-315-1280; web site: <http://www.uchsc.edu/atp/index.htm>. This program is comprised of faculty and staff from the University of Colorado Health Sciences Center, School of Medicine. This site provides information that may be helpful in determining the type of reasonable accommodation to be provided. The library gives fast facts on different types of assistive technology as well as a resource listing for Colorado. This program also sponsors an open house every month where the community is invited to come and try the latest technology.
- D. **Department of Defense Computer/Electronic Accommodation Program (DOD/CAP)**, telephone number 202-208-7599, web site: [www.tricare.osd.mil/cap/about/pres\\_archive.cfm](http://www.tricare.osd.mil/cap/about/pres_archive.cfm). This website contains archived presentations on CAP as well as other topics on accommodation and employment of persons with disabilities.

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- E. **Job Accommodation Network (JAN)**, telephone number 1-800-526-7234 (Voice/TT), web site: <http://janweb.icdi.wvu.edu/>.
- F. **U.S. Equal Employment Opportunity Commission**, 1-800-669-3362 (Voice), 1-800-800-3302 (TT), web site: [www.eeoc.gov](http://www.eeoc.gov).
- (1) The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. 12101 et seq. (1994), and the regulations, 29 CFR 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The two main sources of interpretive information are:
    - (a) The Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations,) 29 CFR 1630, app. 1630.2(o), (p), 1630.9 (1997), and
    - (b) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The Manual includes a 200-page Resource Directory, including Federal and State agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations. This document is not available on EEOC's web site.
  - (2) The EEOC also has discussed many issues involving reasonable accommodation in numerous guidance and documents, which are all available on their web site.
- G. **RESNA Technical Assistance Project**, (703) 524-6686 (Voice), (703) 524-6639 (TT), web site: <http://www.resna.org/>. The Rehabilitation Engineering and Assistive Technology Society of North America can refer individuals to projects in all 50 states and the six territories, offering technical assistance on technology-related services for individuals with disabilities. Services may include:
- (1) Information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products);
  - (2) Centers where individuals can try out devices and equipment;
  - (3) Assistance in obtaining funding for and repairing devices; and
  - (4) Equipment exchange and recycling programs.