



Reasonable Accommodation

Participant Guide





Welcome

How to Interact with the Instructor

If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that "protocol" for asking questions or making comments.

With TELNPS courses there is also a "protocol" to follow to ensure that you can easily ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it.

As part of the TEL station equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

When you have a question, press and hold down the push-to-talk button, maintaining a distance of 12-18 inches, wait a second and then ask your question or make your comment. It would sound something like this:

Excuse me [instructor's first name], this is [your first name] at [your location]. I have a question (or I have a comment)."

Then release the push-to-talk button. This is important because until you release the button, you will not be able to hear the instructor.

The instructor will acknowledge you and then ask for your question or comment. Stating your name and location not only helps the instructor, but also helps other students who are participating at different locations to get to know their classmates.

Why a Reasonable Accommodations program?

This course is designed to help Administrative Specialists provide advice and guidance to supervisors and employees regarding issues relating to Medical Issues and Reasonable Accommodations. A step-by-step approach will be outlined for evaluating reasonable accommodation requests. Students will also learn what resources are available and how to access those programs.

Learning Objectives

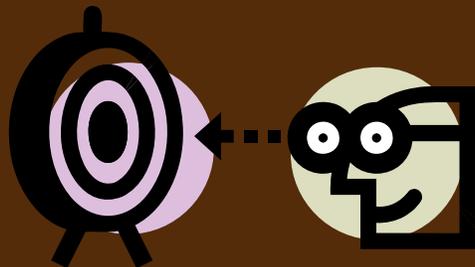
After completing this program, participants will be able to:

- Explain who a qualified individual with a disability is under the Rehabilitation Act of 1973
- Determine when medical documentation is required
- Analyze whether a reasonable accommodation request should be granted
- Explain the appeal procedures when the desired accommodation is not provided
- Explain the reporting requirements established by the DOI

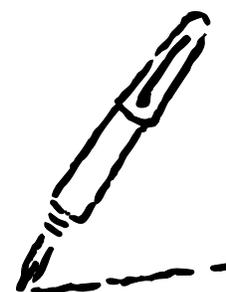


Objectives

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SITUATIONS IN WHICH MEDICAL ISSUES ARISE

- Unusual amount of sick leave
- Behaving oddly at work
- Requests some special treatment because of medical condition
- On the job injury



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RIGHTS/RESPONSIBILITIES OF EMPLOYEES IN DEALING WITH MEDICAL ISSUES

- Safe work environment
- Inform supervisor of physical or mental condition impacting on job performance or conduct
- Support a claim of impairment impacting on performance by supplying medical documentation
- Request accommodation when necessary



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RIGHTS/RESPONSIBILITIES OF SUPERVISORS IN DEALING WITH MEDICAL ISSUES

- Expect employee to work and behave appropriately
- Request sufficient medical evidence
- Ensure work gets done
- Ensure the safety of the workplace
- Engage in interactive discussion of reasonable accommodation
- Notify HR and/or EO staff



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Rehabilitation Act of 1973

- Federal agencies must provide reasonable accommodations for the *known physical or mental limitations of qualified applicants or employees with a disability* unless the accommodation would:
 - Pose an undue hardship on the agency, or
 - Cause a direct threat to health and safety



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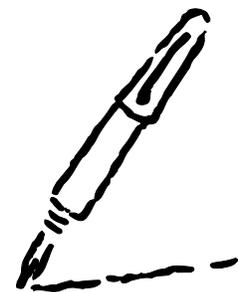


APPLYING COMMON SENSE TO REASONABLE ACCOMMODATION ANALYSIS

- If condition and accommodation are obvious and accommodation is reasonable, simple and inexpensive
 - Do not request medical documentation
 - Grant accommodation
 - Keep documentation of request and outcome



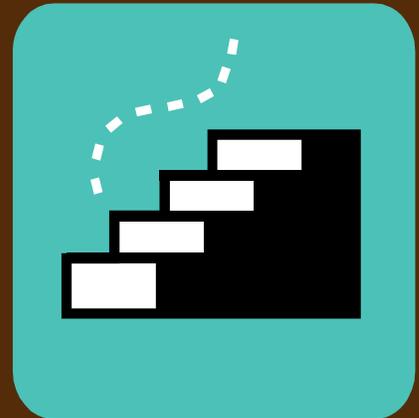
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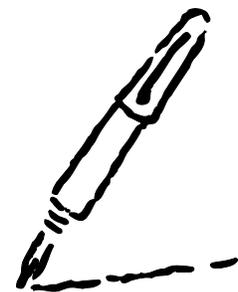


STEPS IN EVALUATING REQUEST FOR REASONABLE ACCOMMODATION

- **Request medical documentation if necessary**
- Determine if employee/applicant is an individual with a disability
- Determine if employee/applicant is a qualified individual with a disability
- Determine if accommodation would:
 - Pose undue hardship
 - Result in direct threat to health/safety of individual or others
- Make decision and notify employee



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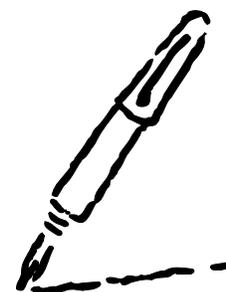


WHY GET MEDICAL DOCUMENTATION?

- Documentation can shed light on whether:
 - The employee has a medical condition
 - There is a nexus between the condition and an on-the-job problem
 - The requested accommodation will be effective
 - There is another, better alternative accommodation



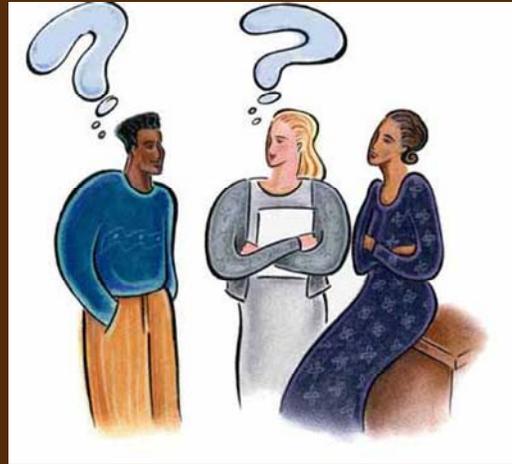
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TO REQUEST MEDICAL DOCUMENTATION OR NOT

Is it ever a bad idea to request medical documentation?



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When Not to Ask

- Disability is obvious and requested accommodation meets the limitations of the disability
- Adequate and suitable documentation has been provided
- When it is already a common practice



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STEPS IN EVALUATING REQUEST FOR REASONABLE ACCOMMODATION

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 - Is reasonable
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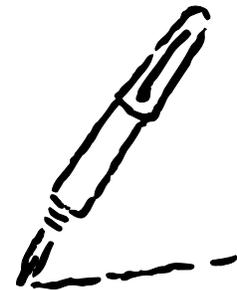


INDIVIDUAL WITH A DISABILITY?

- An individual with a disability is someone who:
 - Has a physical or mental impairment that **substantially limits** them in a **major life activity**
 - Has a record of having such an impairment
 - Is regarded as having such an impairment



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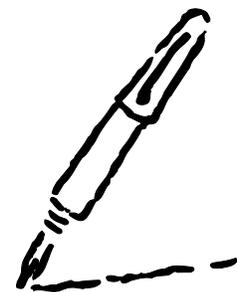


Substantially Limiting Condition

- The individual is either *completely unable* to perform the major life activity or is *significantly restricted* as to the manner, condition or duration under which he or she can perform an activity as *compared with members of the general population*.



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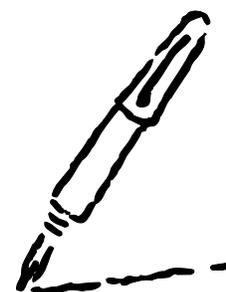


Substantially Limiting

- The **nature and severity** of the impairment
- How long it is expected to last
- Its **permanent or long term impact, or expected impact**
- Whether or not the condition is **corrected** with medication, prosthetics, etc.



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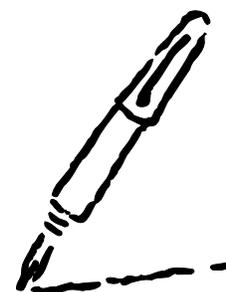


INDIVIDUAL WITH A DISABILITY?

- Major life activities include:
 - Walking
 - Seeing
 - Hearing
 - Learning
 - Breathing
 - Working
 - Performing manual tasks



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Case Study A

At your site,
complete CASE STUDY A



Is the Employee an Individual With A Disability?

1. Bob is a seasonal employee on the Trail Crew. Over the weekend, he participated in and won the Calf Roping competition in the local rodeo. Unfortunately, during his victory dance with his horse, the horse missed a step and landed on Bob's foot, crushing several bones. Bob will be wearing a cast for at least 6 weeks. Is Bob an individual with a disability?
2. Susan has been a Resource Management Specialist at the park for 5 years. She has recently told you that her Asthma has been getting worse. She has experienced several Asthma attacks while out in the park in the last several months, and on two occasions, has required emergency medical treatment. Is Susan an individual with a disability?
3. Fernando has applied for a vacant Librarian position. He indicated in his application package that he is hearing impaired and if he is interviewed in person he will need a sign language interpreter present. He also said that if he is interviewed over the telephone the call should be placed through the TDD Operator. Is Fernando an individual with a disability?



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- **Determine if employee/applicant is a qualified individual with a disability**
- Determine if accommodation:
 - Is reasonable
 - Pose undue hardship
- Make decision and notify employee



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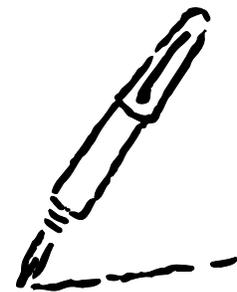


A qualified individual with a disability is one who...

- Meets *all* of the education, experience, skill, license, etc. requirements of the position
- Can perform *all* of the essential functions of the position either with or without some form of reasonable accommodation



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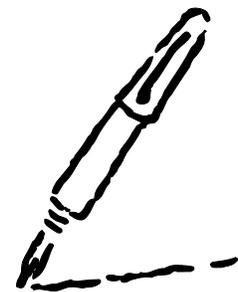


Defining Essential Job Functions

- The employer’s judgment
- The written job description
- The amount of time spent performing the job duty and
- The consequences of not requiring the employee to perform the function



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Case Study B

At your site,
complete CASE STUDY B



1. Florita has been employed at the park as a Visitor Use Assistant for 3 years. She works full-time in the entrance station collecting money from visitors as they enter the park. She recently was in a car accident and sustained a serious back injury. As a result, she says she can no longer sit in the entrance stations and collect money. Is Florita a qualified individual with a disability and therefore entitled to reasonable accommodation?

2. Edison is applying for a Civil Engineer position. The position is in an occupational series that has a positive education requirement. He is a wheelchair user, as you find out at the interview. You describe the duties of the position to him and ask him if he will be able to perform those duties either with or without reasonable accommodation. He tells you that he can perform the essential functions either with or without an accommodation. While reviewing his application, you notice that he does not have a degree in any field of Engineering, in fact he

does not have a college degree at all. Is Edison a qualified individual with a disability?

3. You requested medical documentation from Susan, the Resource Management Specialist suffering from Asthma. The medical documentation from her physician indicates that Susan should not perform field work alone in backcountry locations. Susan is requesting to be reasonably accommodated by having the field work assigned to another employee. Based on information from your advisors in Personnel and from a Federal Medical Physician, you decide that Susan's condition probably does limit her in a major life activity. It has been determined that field work is an essential job function for Susan. Is Susan a qualified individual with a disability?

4. Irene is an EEO Specialist working for you. Six months ago, you had to rate her performance as "Results Not Achieved" and placed her on a Performance Improvement Plan. You have now determined that she failed on the Performance Improvement Plan (PIP). After the conclusion of the PIP, she is claiming that her performance failure resulted from her disability, narcolepsy, and has provided you with medical documentation which indicates that she does have narcolepsy. The documentation further indicates that there is no cure for this condition and that persons suffering from Narcolepsy may experience uncontrollable daytime sleepiness. Irene claims that being so drowsy at work has made her unable to concentrate and therefore has caused her to fail in her performance. She has indicated that stress aggravates her narcolepsy and that you can accommodate her by reassigning her to a position where there are no deadlines. If you accommodate her in this manner, she claims, she will be able to perform because her stressors will be gone. Is Irene a qualified individual with a disability?



STEPS IN EVALUATING REQUEST FOR REASONABLE ACCOMMODATION

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- Determine if employee/applicant is a qualified individual with a disability
- **Determine if accommodation:**
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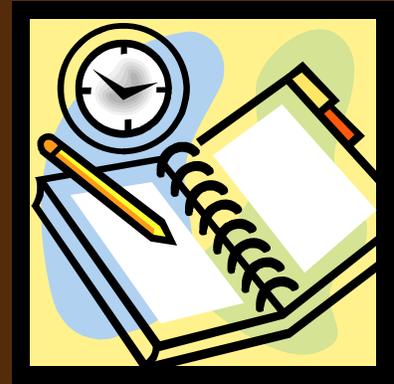
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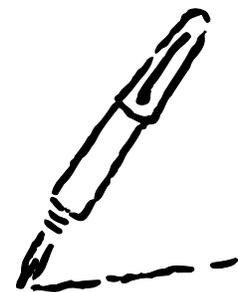


Reasonable Accommodation Can Include

- Allow flexible work schedule
- Permit telecommute
- Purchase equipment
- Change supervisory communication methods
- Provide readers or interpreters
- Restructure job
- Modify facilities
- Reassign to vacant position



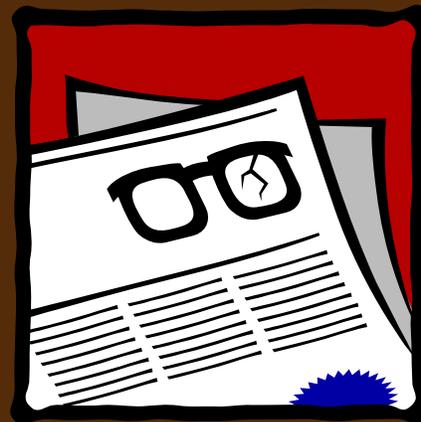
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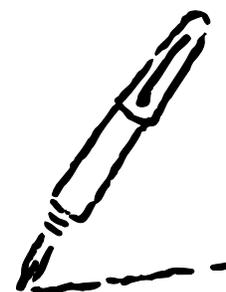


REASONABLE ACCOMMODATION OR UNDUE HARDSHIP?

- An employer is not required to grant a reasonable accommodation that would pose an undue hardship or would pose a direct threat to health or safety
- An undue hardship is an action that requires “significant difficulty or expense”



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Undue Hardship Factors to Consider

- Nature and net cost of accommodation
- Financial resources
- Type of operation, including
- Impact of accommodation on the operation of the facility



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DIRECT THREAT

- Case-by-case analysis of:
 - The nature, duration, and severity of the risk;
 - The probability that the risk will actually occur; and,
 - Whether reasonable modifications of policies, practices or procedures will mitigate the risk.



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Case Study C

At your site,
complete CASE STUDY C



1. Rodrigo is among the top 5 candidates for the position of Personnel Officer that you are hiring for right now. He is legally blind and has told you that he can perform the essential duties of the position with a reasonable accommodation. The reasonable accommodation he has articulated is for the agency to provide him with a reader. Rodrigo estimates that he would need the reader about 20-25 hours per week because of the high volume of reading required to do the job. Is this a reasonable accommodation or is it an undue hardship?

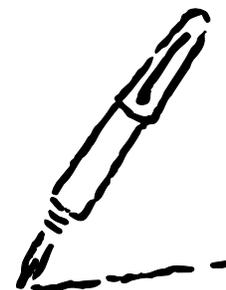
2. Maggie is an Interpretive Park Ranger in a park with a small staff. She was recently in a diving accident that left her paralyzed from the neck down. After being off for several months she has indicated that she is ready to come back to work. Her job has several essential functions, one of which is leading interpretive hikes throughout the park. She has indicated that she will be able to perform all of her essential functions if the park will make

handicapped accessible all of the hiking trails that she takes visitors on. Is this a reasonable accommodation or is it an undue hardship?

3. Susan, the Resource Management Specialist with Asthma, informs you that her doctor says she can go into the backcountry as long as she goes with an EMT. Is this a reasonable accommodation or is it an undue hardship? Would Susan pose a direct threat to her own health and safety if the Agency agreed to accommodate her in this way?

4. A. Alvin is a dispatcher working in a park dispatch operation. Simon, Alvin's boss, has known for several years that Alvin has epilepsy and that he is on medication to control the seizures. Theodore, another coworker, has expressed concern to Simon that if Alvin had a seizure while he was on-duty alone, there could be a real threat not only to Alvin's health and safety, but also that of the Protection Rangers he dispatches and potentially to members of the public, as well. Does the Park have reason to conclude that Alvin poses a direct threat to his own safety or that of others?

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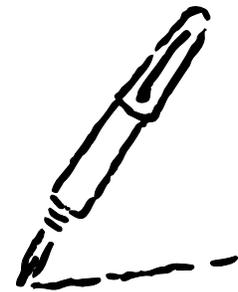


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- **Make decision and notify employee**



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Timelines From DOI Policy

- 10 days for decision (after request or medical received)
- 20 days accommodation is provided
- Failure to process request in a timely manner may result in a finding of discrimination



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DOI Reasonable Accommodation Policy

- http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3682
- Securing records
- Written decision on denials of requests
- Reconsideration procedure
- CORE



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