

Manager's Guide to Reasonable Accommodation

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Manager's Guide to Reasonable Accommodation

This publication answers some commonly asked questions about the Rehabilitation Act of 1973 as amended by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008 and will help you in making reasonable accommodation decisions concerning job applicants and your employees.



What Is the Rehabilitation Act?

The Rehabilitation Act does the following:

- a. Prohibits discrimination based on a disability in federal employment.
- b. Imposes an obligation on federal employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship to the employer.

Who Is Eligible for Protection Under the Rehabilitation Act?

The Act protects four categories of people. An individual must be qualified to perform the job and show that he or she fits into one of the four categories:

- Has a disability.
- Has a record of a disability.
- Is associated with a person with a disability.
- Is regarded as having a disability.

In addition, the Act protects impermissible inquiries and disclosure of medical information of all employees and applicants, whether or not they are disabled.

Who is Entitled to Reasonable Accommodation?

Employees and applicants are entitled to reasonable accommodation if they meet the following conditions:

- Have, or have a record of, a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- Can satisfy the requisite skill, experience, education, and other job-related requirements of the employment position the individual holds or desires; and
- With or without reasonable accommodation, can perform the essential functions of the position.

What Is a Physical or Mental Impairment?

A physical or mental impairment can include any of the following:

- Any physiological disorder or condition.
- Cosmetic disfigurement.
- Anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, circulatory, cardiovascular, reproductive, digestive, genitourinary, hemic, lymphatic, skin, immune, or endocrine.
- Any mental or psychological disorder, such as an intellectual disability or organic brain syndrome, emotional or mental illness, and specific learning disabilities.



What Is a Major Life Activity?

Major life activities include, but are not limited to, the following:

- Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

- The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.



When Does an Impairment Substantially Limit a Major Life Activity?

The “substantially limits” standard is not a demanding one. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity. You must determine whether an impairment limits substantially a major life activity without regard to the ameliorative effects of mitigating measures (with the exception of ordinary eyeglasses or contact lenses). An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

What Is the Goal of Reasonable Accommodation?

The goal of reasonable accommodation is to enable individuals with disabilities to enjoy equal employment opportunity. The Postal Service requires the same performance standards and conduct of employees with disabilities as it does of other employees.

What Activates the Accommodation Process?

The Postal Service activates the reasonable accommodation process whenever an employee or applicant, or someone acting on the individual's behalf, makes a request for reasonable accommodation, orally or in writing. To request an accommodation, an individual may use plain language and need not mention the Rehabilitation Act or use the phrase “reasonable accommodation.” You will likely receive the request as either an employee's supervisor or manager or as

an applicant's selecting official. It is important to recognize that an employee's request for a change due to a medical condition might be a request for reasonable accommodation. A delay in processing or providing a reasonable accommodation for a qualified individual could result in a violation of the Rehabilitation Act.

Further, you must initiate the interactive process to determine if accommodation is necessary if you observe either of the following:

- An employee with a known physical or mental disability having difficulty performing the essential functions of his or her job.
- An employee with a known physical or mental disability is otherwise experiencing workplace problems because of that disability.

To ensure that every request receives a timely decision, requests — including verbal requests — for reasonable accommodation must be documented and acted upon promptly (refer to Handbook EL-307 for a confirmation form and decision guide).

What Is My Responsibility?



As the supervisor or manager who receives the request, you are responsible for processing the accommodation request promptly. Alternatively, there are district, area, and Headquarters Reasonable Accommodation Committees (RACs)

to whom you may refer the request for processing. If an employee who is deaf or hard of hearing submits an oral or written request for a communication accommodation, you must forward the request to the respective District Disability Coordinator. Then, the District Disability Coordinator will forward the request to the RAC for review.

How Do I Process a Request for Reasonable Accommodation?

Process a request for reasonable accommodation by involving the employee or applicant in an interactive process. Your discussion with the individual should take place at the earliest opportunity upon receipt of his or her request for accommodation. The six-step interactive process described here is a flexible, problem-solving approach that makes the reasonable accommodation determination individualized and fact specific. If you need assistance at any point in the process, contact the RAC or refer to Handbook EL-307 for more information.

Six-Step Interactive Process

Step One: Determine Whether the Individual Requesting the Accommodation Has a Disability and Meets the Minimum Qualification Standards

You are entitled to know that an employee or applicant has a disability that could require a reasonable accommodation. When an applicant's or employee's impairment is obvious, you cannot request medical documentation to confirm the existence of the impairment. When a disability, need for reasonable accommodation, or both is not obvious or otherwise known, the employee or applicant may be required to provide documentation. You must request this documentation promptly. The documentation must come from an appropriate professional and do the following:

- a. Explain the nature of the disability,
- b. The need for reasonable accommodation, or
- c. Clarify how the requested accommodation will assist the employee to perform the essential functions of the job.



Supplemental medical documentation (including, where appropriate, examination by a medical specialist of the Postal Service's choosing and at Postal Service's expense) may be required if the information supplied is not sufficient. Based on all information provided, determine whether the employee or applicant is an individual with a disability. If so, proceed to Step Two. If you believe the applicant or employee is not

an individual with a disability, notify the individual in writing that you are referring his or her request to the RAC for further review or assessment. If you have any questions in determining if the individual has a disability, consult with one of the following:

- The Headquarters Manager, Disability Programs.
- The Manager, Human Resources (District).
- The RAC.

Step Two: Determine Essential Functions of the Job

Essential functions of a job are those functions that define the job. The essential functions are determined on a case-by-case basis. Do not presume that any two Postal Service jobs with the same title are the same; the essential functions may vary depending on the location, tour, and other factors. For example, the essential functions of a carrier who holds a bid job in one office might be casing and delivering mail for a prescribed route. In the same office, the essential functions of another carrier's job might include collections in addition to casing and delivering mail. You must identify the essential functions of the position that the individual with a disability holds or desires to reach an individualized determination. *Remember: Determine essential functions of the job on a case-by-case basis.* To identify essential functions, use the Essential Functions Review Worksheet located in Handbook EL-307, Chapter 2, Exhibit 2-4.



Step Three: Identify the Individual's Abilities and Limitations

The individual is best able to tell you what he or she is able to do as related to the essential functions of the position. Discuss the following with the individual:

- The nature of the job.
- The essential functions you expect the individual to perform.

- The manner in which an employee usually performs the essential functions.

Ask the individual to identify the functions for which he or she needs accommodations.

Step Four: Identify Potential Accommodations

If the individual is unable to perform the essential functions of the job, determine whether the Postal Service can make accommodations to enable the individual to perform those functions safely. Begin by asking the individual what he or she thinks is needed to enable him or her to perform the job. Safety specialists, human resources and medical personnel, and external agencies, such as the Job Accommodation Network (JAN), may be able to provide information about types of reasonable accommodation that would enable the individual to perform the job's essential functions. You can make accommodations for testing applicants locally without further consultation as long as the accommodations do not affect the competitive nature or validity of the selection process.

Step Five: Determine the Reasonableness of Accommodations and Whether Implementation Would Impose an Undue Hardship

Consider whether the proposed accommodation would do any of the following:

- Eliminate or alter the essential functions of the job.
- Impose an undue hardship on the Postal Service.
- Violate the provisions of the collective bargaining agreement.
- Fail to eliminate or reduce the direct threat of harm to the disabled individual or others.

Denial may be appropriate in such situations. When you are uncertain or unable to provide the accommodation locally, you must refer the case to the RAC. If your decision is to deny the accommodation, you must refer the request promptly to the RAC for review. See Handbook EL-307, Chapter 2, for a full discussion of considerations.



Step Six: Select and Implement the Accommodation from Identified Reasonable Alternatives That Can Be Implemented Without an Undue Hardship

Consider the individual's preferences and the effectiveness of each accommodation and its cost. Select the accommodation most appropriate for both the operation and the individual. The chosen accommodation need not be the best or most expensive, or even the one preferred by the individual. As long as the accommodation is reasonable and enables the individual to perform the essential functions of the position, it is acceptable. The employer makes the ultimate decision as to what accommodations, if any, are provided.



Once you select an accommodation, it is important to ensure the Postal Service implements it properly (e.g., install approved equipment properly or, if a schedule change is required, advise the appropriate managers). Keep the lines of communication open with the employee to ensure that the accommodation remains effective and advise the RAC if there are changes or problems with the accommodation.

How Much Time Do I Have to Make a Decision?

In all instances, you must handle requests for accommodations as promptly as possible given the facts and circumstances. Generally, you should be able to reach a decision to provide the accommodation or to refer the case to the RAC after your interactive meeting with the employee. See Handbook EL-307 for the following:

- More on extenuating circumstances.
- Periods for processing reasonable accommodation requests.
- To obtain the form that documents the analysis you used to reach the decision (Exhibit 2-3, Reasonable Accommodation Decision Guide).

Can I Deny a Request for Reasonable Accommodation?

If your decision is to deny the accommodation, you must refer the request promptly to the RAC. See Handbook EL-307 and consult with your manager, Human Resources, or designee for further advice.

Does Every Individual With a Disability Require an Accommodation?

No. Many qualified individuals with disabilities are able to perform the job without any accommodation. Often, when an accommodation is necessary, it is incidental rather than substantial in scope or cost.

Does Reasonable Accommodation Apply to Applicants Taking Postal Service Examinations?

Most job applicants and current employees taking Postal Service examinations do not need accommodations in testing. However, for some individuals with disabilities, the examination can serve as an artificial barrier to demonstrating the knowledge, skills, and abilities required to perform the essential functions of the job. In these instances, the Postal Service provides reasonable accommodation to individuals to enable their participation in the competitive process.

What Is the Purpose of a Medical Assessment?

You cannot schedule a pre-employment medical assessment until you make a conditional job offer. A conditional job offer is one made to an applicant selected either competitively or noncompetitively after having met the overall eligibility and personal suitability requirements. The job offer is conditional



on the satisfactory result of the medical assessment. The medical assessment provides critical information about an applicant's ability to perform a job by identifying restrictions or limitations that are physical, mental, or both. The assessment may suggest job modifications or accommodations that would reduce applicant risk and allow



the applicant to perform the job safely. The assessment is not a recommendation for or against hiring and placement; that decision rests with the hiring official based on an individualized determination of the situation and the individual in question.

Is an Occupational Injury Always Considered a Disability Under the Rehabilitation Act?

No. An employee with an occupational injury defined as a disability by the Federal Employees' Compensation Act (FECA) may or may not have a disability as defined by the Rehabilitation Act.

Impairments resulting from occupational injury may last only several weeks, have little or no long-term impact, or both. On the other hand, some occupational injuries may limit a major life activity substantially. If you have questions about a particular occupational injury case, consult your RAC or Human Resources office.

What About Other Laws?

There are times when the Rehabilitation Act and other laws may cover an employee. The Rehabilitation Act and FECA may protect an employee who sustains disabling injuries on the job. The Family Medical Leave Act (FMLA) may cover the same employee for absences related to a serious health condition. It is important to understand that the Postal Service's obligations under the Rehabilitation Act, FECA, FMLA, and collective bargaining agreements are not mutually exclusive. The Postal Service must satisfy simultaneously the separate requirements imposed upon it by each authority.

Why Is It Necessary to Use the Reasonable Accommodation Decision Guide?

We have designed the Decision Guide form to document the reasonable accommodation decision-making process and to guide the decision maker conducting an interactive meeting with an applicant or employee. The form is not required to document:

- A recurring job accommodation need for a specific employee.
- Job accommodations made for persons who have medical restrictions but are not disabled as defined by the Rehabilitation Act.
- Requests for communication accommodations by employees who are deaf or hard of hearing. The Postal Service handles these requests under a different process. Refer to Management Instruction EL-670-2013-6, *Providing Communication Accommodation to Employees and Applicants Who Are Deaf or Hard of Hearing*.



What is My Responsibility With Regard to Confidentiality and Privacy of Reasonable Accommodation Request Information?

In accordance with the Privacy Act and Postal Service policy, you must treat an employee's medical records as confidential information (see Management Instruction EL-860-98-2, *Employee Medical Records*). The Privacy Act and the Rehabilitation Act specifically prohibit disclosure of medical information except in certain limited situations. For example, when you need to know specific information in order to provide a requested accommodation, you may give or receive access to the records needed to make that determination. However, the law prohibits an employer from disclosing that an employee is receiving a reasonable accommodation because that usually amounts to a disclosure that the individual has a disability.

Privacy Act



Under the Privacy Act, the Postal Service may disclose information in relevant legal proceedings; to law enforcement when the Postal Service or requesting agency becomes aware of a violation of law; to a congressional office at the request of the employee or applicant; to entities or individuals under contract with the Postal Service; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel.

You must provide a copy of the received PS Form 6710, *Communication Accommodation Request Form*, or the *Confirmation of Request for Reasonable Accommodation* form to the requesting individual to ensure she or he receives a Privacy Act Statement.

The Genetic Information Nondiscrimination Act of 2008 (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits the following:

- Discrimination against employees or applicants because of genetic information.
- Employers from requesting genetic information about their employees except as specifically allowed by this law.

“Genetic information” means information about the following:

- Genetic tests;
- The genetic tests of family members;
- Family medical history (which means the manifestation of a disease or disorder in family members);
- Request for or receipt of genetic services;
- Participation or a family member’s participation in clinical research that includes genetic services; or
- Genetic information of a fetus carried by the individual or a family member or an embryo lawfully held by the individual or a family member receiving assistive reproductive services.

Where Can I Get Additional Information About Reasonable Accommodation?

We intend this material as a general reference for information purposes. For detailed information, see Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, available from the following sources:

- Hard copy from your Human Resources office or the Material Distribution Center.
- Online on the Postal Service's intranet (PolicyNet at blue.usps.gov) or Internet (about.usps.com).

The Postal Service is committed to building and maintaining an effective, diverse, and motivated workforce — a goal reinforced in the Postal Service's strategic plan.



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