

## Reasonable Accommodation, An Interactive Process

Handbook EL-307

October 2008

### Transmittal Letter

- A. Introduction.** The Transformation Plan of the Postal Service™ is about enabling the Postal Service to successfully carry out its long-standing mission of providing affordable, universal service. A key goal of the Plan is maintaining an effective, diverse, and highly motivated workforce. Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, is a critical tool for meeting our legal and regulatory responsibilities by providing managers and supervisors with procedures, guidance, and instructions on matters of reasonable accommodation that involve applicants and employees with disabilities.
- B. Explanation.** This issue of Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, contains revisions to procedures and guidance on reasonable accommodation in employment and placement matters.
- C. Distribution.** This handbook is available electronically on the Postal Service PolicyNet Web site at <http://blue.usps.gov/cpim> and on the Internet Web site at [www.usps.com](http://www.usps.com).
- D. Comments.** Submit questions and comments about the content of this document to:
- SELECTION, EVALUATION, AND RECOGNITION  
EMPLOYEE RESOURCE MANAGEMENT  
US POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 9671  
WASHINGTON DC 20260-4250
- E. Cancellations.** All previous issues of Handbook EL-307 are obsolete.
- F. Effective Date.** This handbook is effective October 1, 2008.



Deborah Giannoni-Jackson  
Vice President  
Employee Resource Management

# Contents

<b>1</b>	<b>Introduction to Reasonable Accommodation</b>	<b>1</b>
11	Policy	1
12	Purpose	1
13	Applicable Laws	1
131	The Rehabilitation Act	1
132	The Americans With Disabilities Act	1
14	Individuals Eligible for Protection Under the Rehabilitation Act	2
141	Determining Who Is a Person With a Disability	2
141.1	Defining Physical and Mental Impairments	2
141.2	Defining Major Life Activities	2
141.3	Defining “Substantially Limits” Criteria	3
142	Determining Who Is an Individual With a Record of a Disability	3
143	Determining Who Is an Individual Associated With a Person With a Disability	3
144	Determining Who Is an Individual Regarded as Having a Disability	4
145	Determining Who Is a Qualified Individual	4
146	Determining Direct Threat	4
147	Determining the Essential Functions of a Job	5
15	Requirements to Provide Reasonable Accommodation	5
151	Goal	5
152	Determining What Is Reasonable	5
153	Determining What Is Undue Hardship	6
153.1	Example of Undue Hardship: Expense	6
153.2	Example of Undue Hardship: Fundamental Alteration of the Nature or Operation of the Business	6
154	Reducing the Direct Threat	6
16	Other Laws	7
161	Multiple Protections	7
162	Confidentiality	7
<b>2</b>	<b>The Reasonable Accommodation Process</b>	<b>9</b>
21	Questions About Reasonable Accommodation	9
22	The Interactive Reasonable Accommodation Process	11
221	Step One: Determine Whether an Individual Has a Disability	11
222	Step Two: Determine the Essential Functions of the Job	12
223	Step Three: Identify the Abilities and Limitations of the Individual	13
223.1	Gaining the Individual’s Participation	13
223.2	Documentation	14

223.3	Defining Abilities and Limitations: Job Applicants . . . . .	14
223.4	Defining Abilities and Limitations: Employees . . . . .	15
224	Step Four: Identify Potential Accommodations . . . . .	15
225	Step Five: Determine the Reasonableness of the Accommodations and Select Options . . . . .	16
225.1	Altering the Essential Functions of the Job . . . . .	16
225.2	Identifying Undue Hardship . . . . .	16
225.3	Determining the Impact on Collective Bargaining Agreements . . . . .	17
225.4	Minimizing Safety Hazards . . . . .	17
23	Accessibility of Facilities . . . . .	17
24	Time Frames for Processing Requests for Reasonable Accommodation . . . . .	18
25	Denying a Requested Accommodation . . . . .	19
251	Reasons for Denial . . . . .	19
252	Informal Dispute Resolution . . . . .	20
26	Record Keeping . . . . .	20
261	Completing the Reasonable Accommodation Decision Guide . . . . .	20
262	Filing the Reasonable Accommodation Folder . . . . .	21
<b>3</b>	<b>Reasonable Accommodation in the Examination Process . . . . .</b>	<b>31</b>
31	Special Needs of Test Applicants . . . . .	31
32	Postal Service Examination Policy for Applicants With Disabilities . . . . .	31
321	Maintaining the Competitive Nature of the Examination . . . . .	32
322	Preserving the Examination’s Effectiveness as a Measurement Tool . . . . .	32
33	Determination of Reasonable Accommodation for Applicants With Disabilities . . . . .	33
331	Applicant’s Responsibilities . . . . .	33
331.1	Requesting a Reasonable Accommodation for Examinations . . . . .	33
331.2	Documentation Required . . . . .	33
332	Postal Service Responsibilities . . . . .	34
332.1	Accommodations That Do Not Affect the Competitive Nature or Validity of the Selection Process . . . . .	35
332.11	Accessibility Accommodations of Testing Site . . . . .	36
332.12	Other Testing Accommodations . . . . .	36
332.2	Accommodations That May Affect the Competitive Nature or Validity of the Selection Process . . . . .	36
333	Accommodations That May Not Be Reasonable in Examinations . . . . .	37
334	Other Selection Process Accommodations . . . . .	37
334.1	Interviews . . . . .	37
334.2	Performance Tests . . . . .	38
334.3	Applications, Supplemental Applications, and Employment Questionnaires . . . . .	38
334.4	End-of-Training Examinations . . . . .	38
<b>4</b>	<b>Employment and Placement Procedures . . . . .</b>	<b>41</b>
41	Policy . . . . .	41

## Contents

42	Recruitment	41
43	Competitive Selection and Placement of Individuals With Disabilities	42
44	Noncompetitive Selection and Placement of Individuals With Disabilities	43
441	Overview	43
442	Job Information for Rehabilitation Counselors	43
443	Noncompetitive Hiring Process	44
444	Probation Period for Individuals Hired Under the Noncompetitive Process	44
45	Medical Assessment	45
451	Information Furnished for Medical Assessment	45
452	Function of the Medical Assessment	45
<b>5</b>	<b>Reasonable Accommodation After Appointment</b>	<b>49</b>
51	Orientation and Training	49
52	Bids, Promotions, and Reassignments	49
53	Disabilities Inquiries and Medical Examinations	50
54	Employee's Request for Reasonable Accommodation in Current Job	51
541	Limited Duty, Light Duty, Permanent Rehabilitation Assignments, and the Rehabilitation Act	52
541.1	Reasonable Accommodation for an Employee With an Occupational Illness or Injury Which Is Also a Disability Under the Rehabilitation Act	52
541.2	Reasonable Accommodation for An Employee Who Requests Light Duty	53
542	Reassignment as a Reasonable Accommodation	53
55	Modification of Vehicles, Vehicle Assignments, and Automated Mail Processing Machines as a Reasonable Accommodation	54
56	Disability Retirement	54
<b>6</b>	<b>Role of the Reasonable Accommodation Committee</b>	<b>57</b>
61	Policy	57
62	Members	57
63	Consultation With the Law Department	58
64	Referral to a Reasonable Accommodation Committee	59
641	Limited Duty, Light Duty, and Permanent Rehabilitation Positions	59
642	Family and Medical Leave Act Requests	60
643	RAC Role in Medical Suitability Determinations	60
65	The RAC's Decision-Making Process	61
651	Meeting With an Employee or Applicant: The Interactive Process	61
652	The RAC's Findings	61
66	Final Decision	62
67	Confidentiality	62
	<b>Glossary</b>	<b>63</b>

# Exhibits

Exhibit 2-1	
U.S. Postal Service Confirmation of Request for Reasonable Accommodation . . . . .	22
Exhibit 2-2	
U.S. Postal Service Reasonable Accommodation Decision Guide . . . . .	24
Exhibit 2-3	
Essential Functions Review Worksheet. . . . .	26
Exhibit 2-4	
Sample Reasonable Accommodation Denial Letter . . . . .	29
Exhibit 3-1	
Accommodation Options for Testing Individuals Who Are Deaf or Hard-of-Hearing . . . . .	39
Exhibit 4-1	
PS Form 3666, Certification for Postal Service Employment of Individuals with Severe Disabilities	46
Exhibit 5-1	
Reasonable Accommodation for the Deaf and Hard-of-Hearing . . . . .	55

# 1 Introduction to Reasonable Accommodation

## 11 Policy

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Postal Service™ policy provides procedures, guidance, and instructions on matters of reasonable accommodation that involve applicants and employees with disabilities in order to assist managers and supervisors in meeting our legal and regulatory responsibilities in the day-to-day decision-making process.

## 12 Purpose

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This handbook establishes procedures that enable Postal Service managers and supervisors to make sound decisions regarding reasonable accommodation for qualified individuals with disabilities during the processes of recruitment, examination, or hiring and during the course of their employment, including requests for accommodation to perform a current job or for placement in other jobs.

## 13 Applicable Laws

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### 131 **The Rehabilitation Act**

The Rehabilitation Act prohibits discrimination against qualified employees and job applicants with disabilities in the federal government, including the United States Postal Service.®

The Rehabilitation Act also imposes an obligation on the Postal Service to find reasonable ways to accommodate a qualified individual with a disability. In other words, the Rehabilitation Act requires the Postal Service to consider ways to change the manner of doing a job to allow a qualified person with a disability to perform the essential functions of a particular job, or to be considered for a position he or she desires.

### 132 **The Americans With Disabilities Act**

The Americans with Disabilities Act (ADA) covers private-sector employers while the Rehabilitation Act covers public-sector employers. Even though the

ADA does not apply to the Postal Service, the two Acts mirror one another and the same regulatory standards apply.

## 14 Individuals Eligible for Protection Under the Rehabilitation Act

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The Rehabilitation Act protects four categories of people. Regardless of the specific category, an individual must be qualified to perform the job and show that he or she is one of the following:

- A person with a disability.
- An individual with a record of a disability.
- An individual associated with a person with a disability.
- A person regarded as having a disability.

### 141 **Determining Who Is a Person With a Disability**

To determine whether an individual is a person with a disability, the following two questions must be resolved:

- Does the person have a physical or mental impairment?
- If so, does that physical or mental impairment substantially limit a major life activity?

#### 141.1 **Defining Physical and Mental Impairments**

A physical impairment can include:

- Any physiological disorder or condition.
- Cosmetic disfigurement.
- Anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic, lymphatic, skin, and endocrine.

Mental impairments can include any mental or psychological disorder, such as mental retardation or organic brain syndrome, and can also encompass emotional or mental illness and specific learning disabilities.

Physical and mental impairments do not include normal physical characteristics, such as being overweight, or personality traits within the range of normal, such as poor judgment or a quick temper.

#### 141.2 **Defining Major Life Activities**

Major life activities include such obvious characteristics as hearing, seeing, walking, speaking, caring for oneself, performing manual tasks, and breathing. Generally, a major life activity is something of fundamental significance to people in the general population, and not simply an activity important to a particular individual. For example, major life activities include walking, seeing, learning, and working, but do not include activities such as swimming, jogging, or enduring physical stress.

It is important to note that where individuals claim that they are limited in the major life activity of working, they must show that they are significantly restricted in their ability to perform either a class of jobs, or a broad range of jobs in various classes, as compared to the average person of comparable training, skills, and abilities. Generally this requirement could not be met simply by asserting inability to work in any job for a particular employer.

#### 141.3 **Defining “Substantially Limits” Criteria**

An impairment substantially limits a major life activity if that impairment renders the individual either unable to perform a major life activity or significantly restricts his or her performance of that activity as compared to the average person’s performance of the activity.

Not all medical conditions are substantially limiting. A person with broken bones or a sprained ankle does not have a permanent or long-term impairment because the condition will heal within a reasonable time. Similarly, a woman who has a normal pregnancy (and related conditions) does not have a permanent medical condition and, therefore, does not meet the definition of a person with a disability. In addition, if an individual employs measures to mitigate his or her impairment (e.g., medication, eyeglasses, hearing aids), the effect of those measures should be considered in determining whether an impairment is substantially limiting as to that individual.

Some permanent impairments are not substantially limiting. A back condition that places lifting restrictions of 25 or more pounds is generally not a substantially limiting condition. Other examples of permanent impairments that do not substantially limit a major life activity are:

- Inability to get along with a supervisor.
- Simple obesity.
- Allergies to a substance used only in a particular job or found in a particular workplace.

#### 142 **Determining Who Is an Individual With a Record of a Disability**

An individual with a record of a disability is someone who does not now have, but sometime in the past had, a medical condition that at that time substantially limited a major life activity. Examples of individuals with a record of a disability may include:

- A person who suffered from cancer but whose cancer is in remission.
- A recovered drug addict with a record of addiction.
- A person who had repeated hospitalizations and numerous periods of leave for a long-term or permanent ailment.

#### 143 **Determining Who Is an Individual Associated With a Person With a Disability**

The law prohibits discrimination against individuals who are associated with or take care of a person with a disability. The Postal Service may not refuse

to hire a person simply because he or she must take care of a spouse or family member who has a disability.

#### 144 **Determining Who Is an Individual Regarded as Having a Disability**

The Rehabilitation Act protects a person who the employer erroneously believes has an impairment that substantially limits a major life activity. For example, an applicant for a letter carrier job who has a limp may be regarded as having a disability if the hiring official concludes without any inquiry that the applicant could not walk a full route. In this case, the applicant may be erroneously regarded as having a disability because there is no individualized basis or medical support for concluding that the applicant cannot perform the major life activity of walking.

An employee may also be regarded as having a disability if the employer believes the employee has an impairment that the employee does not have at all. For example, an employee who is infected with HIV (a treatable virus that is not spread by casual contact, through the air, or from food, water, or other objects) is believed to have AIDS.

There is a significant difference between erroneously regarding a person as having a disability and finding a person medically unsuitable for a job. It is legal for a hiring official to conclude, relying on reasonable medical judgment that is based upon the most current medical knowledge, that the person has a medical condition that prevents him or her from performing an essential function of the job. For example, if a city carrier position requires 4 to 5 hours of walking a day, including walking up and down stairs, but the applicant's medical records demonstrate that there is a significant risk of substantial harm if he or she walks more than 2 hours a day or walks up and down stairs at all, then the appointing official can legitimately conclude that the job applicant cannot perform the requirements of the job and can refuse to hire him or her.

#### 145 **Determining Who Is a Qualified Individual**

To be protected under the Rehabilitation Act, an individual must also be a "qualified individual" for the job. In other words, the person must meet both the job prerequisites and be able to perform the essential functions of a job safely, with reasonable accommodation if necessary, just like any other employee. Therefore, a person seeking a truck driver job must have a valid driver's license, and an applicant for a data conversion operator job must have the ability to enter data.

#### 146 **Determining Direct Threat**

An individual is not a "qualified individual" for the position if his or her performance in the job would subject him or her or others to a direct threat of harm. "Direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced to an acceptable degree by reasonable accommodation. The risk of harm must be more than just speculative or hypothetical. There must be a high probability of verifiable, substantial harm.

To this end, a determination that a person poses a direct threat to his or her own health and safety or that of others, must be supported by objective, factual medical or scientific evidence. Determining whether an employee poses a significant risk of substantial harm to himself or herself or to others must be based on an individualized assessment of that person's ability to safely perform the essential functions of the job in light of the following factors:

- The nature and severity of the potential harm.
- The duration of the risk.
- The likelihood that the potential harm will occur.
- The imminence of the potential harm.

In assessing the degree of risk, consider the following:

- Input from the applicant or employee.
- The applicant or employee's experience in prior jobs that were similar.
- The opinions of medical experts, rehabilitation counselors, and physical therapists.
- The opinions of engineering or other job specialists, when needed.

Remember, in determining whether the individual poses a significant risk of substantial harm, you must also consider whether there is a reasonable accommodation that would reduce the direct threat of harm to an acceptable level.

#### 147 **Determining the Essential Functions of a Job**

The essential functions of a job are those functions that define the job. In other words, the job exists to perform those tasks. The essential functions of a job are not the marginal or infrequently performed tasks that could be eliminated without altering the fundamental nature of the job. The items you should consider in defining the essential functions of the job are outlined in [222](#).

## 15 Requirements to Provide Reasonable Accommodation

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#### 151 **Goal**

The goal of reasonable accommodation is to enable qualified individuals with disabilities to perform the essential functions of the job and to enjoy equal employment opportunities.

#### 152 **Determining What Is Reasonable**

A reasonable accommodation is one that is effective and practicable in removing workplace barriers for individuals with disabilities.

An accommodation is not reasonable when it requires the elimination of legitimate selection criteria, lowers standards of performance or production, creates a job where none exists, violates the seniority provisions of a

collective bargaining agreement (absent special circumstances, see [225.3](#)), reallocates or eliminates essential job functions, or otherwise substantially changes the fundamental nature of the job. (See chapter [2](#) for detailed information.)

### 153 **Determining What Is Undue Hardship**

The law does not require the Postal Service to provide any and every accommodation requested by an applicant or employee. The Postal Service is required to provide only those accommodations that would allow the individual to perform the essential functions of the job and/or to enjoy equal employment opportunity. Accommodations that would impose an undue hardship on Postal Service operations are not required.

#### 153.1 **Example of Undue Hardship: Expense**

Accommodations that are unduly costly and require expenditure of significant sums of money are generally not required. Factors establishing hardship based on cost are:

- Nature and cost of accommodation.
- Overall financial resources of the facility or organization.
- Number of employees.
- Effect on expenses and resources.

#### 153.2 **Example of Undue Hardship: Fundamental Alteration of the Nature or Operation of the Business**

Accommodations that would change the fundamental nature of business operations are generally not required. Factors to consider in establishing hardship based on fundamental alteration are:

- Type of operations conducted.
- Composition, structure, and functions of the workplace.
- Geographic separateness and administrative or fiscal relationship of the facility in question to the employer.

Impacts of the accommodation upon the fundamental alteration of the operation of the facility are:

- The ability of other employees to perform their duties.
- The facility's ability to conduct business.

### 154 **Reducing the Direct Threat**

The law does not require the Postal Service to adopt an accommodation if it will not eliminate or reduce the direct threat of substantial harm to the individual or others to acceptable, reasonable safety levels.

## 16 Other Laws

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### 161 **Multiple Protections**

Although an individual may not qualify for reasonable accommodation under the Rehabilitation Act, he or she could still be entitled to the benefits of other laws, rules, or regulations. For example, a pregnant employee is not covered by the Rehabilitation Act, but she may be entitled to leave protection under the Family and Medical Leave Act (FMLA).

Similarly, there may be times when the Rehabilitation Act and other laws, rules, or regulations cover an employee. An employee who sustains an on-the-job injury that results in permanent or long-term substantial limitations of a major life activity may be protected by both the Rehabilitation Act and the Federal Employees' Compensation Act (FECA). Persons in permanent rehabilitation positions have the same rights to pursue promotional and advancement opportunities as other employees. In addition, an employee with a serious health condition covered by FMLA may also be covered by the Rehabilitation Act if the condition is long-term and substantially limits a major life activity. An employee's circumstances may meet the criteria for any one of the three statutes simultaneously.

### 162 **Confidentiality**

In accordance with the Privacy Act and Postal Service policy, an employee's medical records are to be treated as confidential information (see Management Instruction EL-860-98-2, *Employee Medical Records*, May 15, 1998). 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.

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# 2 The Reasonable Accommodation Process

## 21 Questions About Reasonable Accommodation

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Qualified individuals with disabilities may require reasonable accommodation during the application process, during the course of their employment with the Postal Service, or both. Requests for reasonable accommodation can be made orally or in writing by the individual or by someone on behalf of the individual.

Questions concerning reasonable accommodation arise in three instances:

- When an applicant requests reasonable accommodation in the examination or hiring process.
- When you are deciding whether an applicant will be able to perform the job with or without reasonable accommodation.
- When an employee requests reasonable accommodation to perform his or her current job.

To request an accommodation, an individual may use plain language and need not mention the Rehabilitation Act or use the phrase “reasonable accommodation.” An employee can make a request for accommodation to his or her supervisor or manager or the Manager, Human Resources (District). A job applicant may make a request for accommodation to the examiner, selecting official, or Manager, Human Resources (District).

The reasonable accommodation process is activated whenever:

- A request for reasonable accommodation is made by the employee or applicant, or someone acting on behalf of the employee or applicant.
- An employee with a known physical or mental impairment is observed having difficulty performing the essential functions of his or her job because of an impairment.

When you receive an accommodation request, you must process the request promptly, using the guidance contained in this handbook. Whether the request is made orally or in writing, you must act promptly (see subchapter [24](#) for time frames for processing requests). Engage the requestor in an informal dialogue to determine exactly:

- The accommodation requested.
- The reason for the request.
- The nature of the impairment and the major life activity affected.

- The essential functions that require accommodation.
- Whether the need for accommodation is time sensitive.

Alternatively, you may refer the request to your district or area Reasonable Accommodation Committee (RAC) for processing, as appropriate (see Chapter [6](#), Role of the Reasonable Accommodation Committee).

You must refer a request for accommodation to the RAC when an employee has requested an accommodation or modification of his or her work assignment or job duties based on a medical reason, and one or more of the following is true:

- You are not certain if the impairment rises to the level of a disability under the Rehabilitation Act.
- You have questions concerning the reasonableness of the accommodation requested and whether it poses an undue hardship.
- You need help finding a way to accommodate the individual.
- You believe the request for accommodation should be denied.
- You are considering separating the employee for inability to perform the functions of his or her position.

In addition, referral is appropriate when an individual with an obvious or known disability is observed having difficulty performing the essential functions of his or her job due to that disability. In these cases, you must advise the employee of the referral to the RAC. Referral to the RAC is also appropriate when an Appointing Official questions the medical suitability of an applicant.

**Note:** Not all requests for accommodation need to be referred to a RAC. For example, if an employee requests specialized equipment, such as an ergonomic chair, and local management can provide the equipment expeditiously, there is no need for RAC involvement.

Verbal requests for reasonable accommodation should be documented for local record keeping and to ensure that every request receives a timely decision (see [Exhibit 2-1](#), Confirmation of Request for Reasonable Accommodation, and [Exhibit 2-2](#), Reasonable Accommodation Decision Guide).

**Exception:** Once an employee requests and is granted a type of reasonable accommodation that he or she is likely to need on a repeated basis (e.g., a sign language interpreter), then documentation for record-keeping purposes is not required each time the accommodation is needed (see subchapter [26](#)).

Whenever the reasonable accommodation process is activated, you must go through a five-step process to determine whether to provide an accommodation to the job applicant or the employee. The steps are as follows:

- *Step One:* Determine whether an individual has a disability.
- *Step Two:* Determine the essential functions of the job.
- *Step Three:* Identify the abilities and limitations of the individual.
- *Step Four:* Identify potential accommodations.

- *Step Five:* Determine the reasonableness of the accommodations and select options.

Each step is discussed in detail in subchapter [22](#).

Remember that the interactive process may require you to consult and work with a number of different people, including the individual, medical and safety personnel, human resources and rehabilitation specialists, and supervisors and managers.

The five-step interactive process is not required if it is definitively clear that an individual is not a qualified individual with a disability. For example, an individual with a temporary condition such as pregnancy or a broken leg is not a qualified individual with a disability (see [141.3](#)).

## 22 The Interactive Reasonable Accommodation Process

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The interactive reasonable accommodation process contains five steps, which are described below. Your Reasonable Accommodation Committee can assist you with any step or with the entire decision-making process.

Informal dialogue with the individual seeking accommodation to obtain relevant information is encouraged throughout the process and is necessary to make an informed decision.

### 221 **Step One: Determine Whether an Individual Has a Disability**

The Postal Service is entitled to know that an employee or applicant has a covered disability which requires a reasonable accommodation. You may not ask for documentation to support the existence of a disability when an applicant's or employee's disability is obvious (such as blindness), but you may ask for documentation to clarify how the requested accommodation will assist the employee to perform the essential functions of the job. Questions to consider:

- Does the individual have a physical or mental impairment?
- Does the impairment render the individual unable to perform a major life activity? If not,
- Does the impairment substantially limit the performance of a major life activity as compared to the average person's performance of that activity?
- Is the individual qualified?

A qualified individual with a disability must also meet minimum qualifications for the job. Being minimally qualified includes meeting the requisite license, required examination(s), skills, experience, education requirements, and

other job-related requirements for the position. At this first step, consider whether the individual has met the minimum qualifications for the job at issue.

**Note:** An individual with a disability may also require reasonable accommodation in exams and/or training needed to meet job prerequisites (see chapter 3).

If you have determined that the individual has a covered disability and is minimally qualified, proceed with steps 2 through 5 to determine whether he or she is able to perform the essential functions of the position, with or without accommodation, and what accommodation, if any, is appropriate. Informal dialogue with the individual to obtain relevant information is encouraged throughout the process and is necessary to make an informed decision.

Contact the Manager, Human Resources (District) or your manager of Equal Employment Opportunity when you need help with making this determination. Alternatively, your Reasonable Accommodation Committee can assist you with this step or the entire decision-making process.

## 222 **Step Two: Determine the Essential Functions of the Job**

Step 2 in the five-step reasonable accommodation process is to determine the essential functions of the job. The term “essential functions” is defined as the fundamental job duties of the position the individual with a disability holds or desires; the term excludes marginal functions of the position. Disabled individuals must be able to perform all essential functions and if they cannot, then you must determine whether some accommodation will allow them to perform these functions.

It is important to note that when a function is essential, the Postal Service is not required to eliminate it or assign it to another employee. Instead, try to find new or alternative ways for the employee to perform the function.

A job function may be considered essential for several reasons, including but not limited to, the following:

- The function may be essential because the position exists to perform that function.
- The function may be essential because of the limited number of employees available to whom the performance of the job function can be distributed.
- The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to, the following:

- The employer’s judgment regarding a determination as to which functions are essential.
- Written job descriptions.
- The amount of time spent performing the function.

- The consequences of not requiring the incumbent to perform the function.
- The terms of a collective bargaining agreement.
- The work experience of past incumbents in the job.
- The work experience of current incumbents in a similar job.
- Actual duties performed by a person holding the job.

In addition, the relative importance of the specific functions for a particular position may differ according to how the position is implemented locally. Variable factors may include tour, operation, mail volume, and the age and configuration of the facility. The essential functions of the job are determined on a case-by-case basis. Do not assume that any two Postal Service jobs are necessarily alike. For example:

- A mail handler's actual responsibilities may vary depending on his or her tour and the operation, mail volume, and the age and configuration of the facility.
- A postmaster's actual functions in a level 13 Post Office™ will differ from those in a level 20 Post Office.

Position descriptions, qualification standards, job preview videos, and job announcements can assist you to determine the essential functions of a job. However, these materials generally describe the requirements of a job generically. You may need to interact with others and go beyond generic descriptions to ascertain the actual essential functions of a specific job in a specific facility.

The Essential Functions Review Worksheet is an optional tool that may help you to evaluate essential job functions. You can also use the worksheet to identify how essential functions are actually performed (e.g., physical requirements, vehicles or equipment used). When you use the worksheet, be sure to gather all relevant information about the job and its key responsibilities, including the position description and qualification standard or job announcement (see [Exhibit 2-3](#), Essential Functions Review Worksheet).

## 223 **Step Three: Identify the Abilities and Limitations of the Individual**

The next step in the interactive process is to determine the physical and mental abilities of the employee or job applicant. Of course, the individual is best able to tell you what he or she can do and cannot do. Therefore, discuss the job with the individual, including the nature of the job, the essential functions the individual is expected to perform, and the manner in which the essential functions are usually performed.

### 223.1 **Gaining the Individual's Participation**

Gaining the individual's participation is a key part of the process — that's what makes it interactive. The following are examples of questions that, as

appropriate, may be modified and used to gain the individual's participation in the reasonable accommodation process:

- At the present time, the essential functions are performed in this manner. Can you tell us or show us how you can achieve the same results?
- This equipment is used on a regular basis in this manner. Can you show us how you would use it to complete required tasks?
- Historically, this job has been done using this sequence and method. Do you feel you could accomplish the same results in this or in another way?
- This is the normal arrangement of the work area. Do you have any suggestions regarding changes or modifications that may be necessary to enable you to perform the job?

### 223.2 **Documentation**

In some cases, further documentation may be required to provide more information about the disability and its effects and job restrictions, and to clarify how the requested accommodation will assist the employee to perform essential functions of the job.

When a disability and/or need for accommodation is not obvious or otherwise already known, reasonable documentation may be required to support the existence of a disability and the need for the accommodation requested. This documentation must come from an appropriate professional to explain the nature of the disability and the need for reasonable accommodation, or to clarify how the requested accommodation will assist the employee to perform the essential functions of the job.

If the information provided is not sufficient to substantiate that the individual has a disability and/or needs the reasonable accommodation requested, supplemental medical information may be required including, if appropriate, examination by a medical specialist of the Postal Service's choosing and at the expense of the Postal Service.

A medical expert of the Postal Service's choosing and at the expense of the Postal Service may also review the medical information submitted to support a request for reasonable accommodation.

Medical information obtained in connection with the reasonable accommodation process must be kept confidential and retained in the Employee Medical Folder. Supervisors and managers who need to know the information to perform their responsibilities may be told about the necessary medical restrictions or the need for accommodations, but medical information should be disclosed only when necessary.

### 223.3 **Defining Abilities and Limitations: Job Applicants**

After making a conditional job offer, schedule a medical assessment to assist you in defining the applicant's abilities and limitations. When physical limitations or restrictions are identified in the preemployment medical assessment findings, the appointing official must review the medical assessment findings and discuss the requirements of the particular job with the manager of the operation or office to confirm that the assessment was

based on accurate job information and to determine whether the medical restrictions or limitations would permit safe performance of the job.

If restrictions would not permit safe performance of the job, or if no accommodation can be readily provided to permit safe performance of the job, or the appointing official is simply unsure, the applicant should be referred to the Reasonable Accommodation Committee for an in-depth analysis of the applicant's ability to perform the essential functions of the position.

Additional sources of information to assist in making an individualized determination for an applicant include current medical knowledge, the best available objective evidence, or both, and the individual's work history and potential accommodations.

Remember, never make medical inquiries or schedule medical assessments before making a conditional job offer!

#### 223.4 **Defining Abilities and Limitations: Employees**

For employees requesting reasonable accommodation, consider medical information that their physicians may provide to determine job-related limitations and how they could be overcome. Ask the employee what he or she thinks is needed to enable him or her to perform the job. Alternatively, all districts and areas have Reasonable Accommodation Committees to whom you may refer a decision on accommodating an employee. Other important sources of information that will assist you in defining the employee's abilities and limitations include past medical records, current medical examinations, and work history. It may be necessary to schedule a medical evaluation to obtain a better understanding of the employee's abilities and limitations.

#### 224 **Step Four: Identify Potential Accommodations**

Once you have identified essential functions of the job as well as the individual's abilities and limitations, you are then in a position to determine the following:

- Whether the individual can perform the essential functions of the job.
- Whether accommodations can be made to enable the individual to perform the essential functions of the job.

Consult with a number of people to identify potential accommodations. First, you should ascertain from the job applicant or employee what he or she thinks is needed to enable him or her to perform the job. Second, you will need to consult with operations, safety, and/or medical personnel, as appropriate, to determine whether the employee's proposed accommodation is feasible and whether other accommodations can be made. You may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual. All districts and areas have Reasonable Accommodation Committees with whom you can consult to identify potential accommodations.

You may also want to seek guidance from people outside the Postal Service, particularly state agencies and nonprofit organizations dedicated to assisting people with disabilities in the workplace. As an example, the national Job

Accommodation Network (JAN) at 800-232-9675 can provide information, free of charge, about many types of reasonable accommodation.

## 225 **Step Five: Determine the Reasonableness of the Accommodations and Select Options**

Once potential accommodations are identified, it is your responsibility to determine whether the potential accommodations are reasonable. Consider whether the proposed accommodation would:

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

Consider the individual's preferences and the effectiveness of each accommodation and its cost. Select the accommodation most appropriate for both you 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, it is acceptable. The employer makes the ultimate decision as to what accommodations, if any, shall be adopted.

### 225.1 **Altering the Essential Functions of the Job**

Sometimes an accommodation involves a job restructuring or altering the nonessential requirements of a particular job. The law, however, does not require the Postal Service to change or alter the essential functions of a job. For example, an essential function of a postal police officer at a particular location is the ability to read identification cards. It would be unreasonable for an applicant with a visual impairment to demand that the Postal Service hire a reader to assist him or her so that the cards can be read. Under the law, the employer is not required to reallocate the essential functions of the job to another individual. In this case, reading is an essential function. If reading were only a minor or unimportant aspect of the job, some form of accommodation would be in order.

### 225.2 **Identifying Undue Hardship**

Accommodations that would impose an undue hardship on the Postal Service are not required. "Undue hardship" in this context means a significant difficulty or expense in providing the accommodation.

Factors, among others, to consider in determining whether an undue financial hardship exists are the following:

- The nature and cost of the accommodation.
- The overall financial resources of the facility.
- The number and composition of the workforce at the facility.
- The effect on expenses and resources.

An accommodation can also impose an undue hardship when it alters the fundamental nature of the business or operations. Factors to consider in this context include the following:

- Type of operations conducted.
- Composition and functions of the workforce.
- Geographic separateness and administrative or fiscal relationship of the facility to the Postal Service.
- Impact on the operations of the facility, specifically compliance with safety rules and policies.
- Impact on other employees' abilities to perform their jobs.
- Impact on the facility's capability to conduct business.

There must be a strong fact-based analysis underlying the undue hardship determination. Generalizations or speculation about the effects of accommodations are not acceptable.

### 225.3 **Determining the Impact on Collective Bargaining Agreements**

The Postal Service is not required to adopt an accommodation that would violate the seniority provisions of a collective bargaining agreement. Consult your area law office when the requested accommodation conflicts with seniority provisions. Similarly, if the accommodation involves a job restructuring, job reassignment, or work schedule modification, you must determine whether the proposed accommodation would violate the terms of a collective bargaining agreement and, if so, consult with your area law office.

### 225.4 **Minimizing Safety Hazards**

In some situations, the disability of a job applicant or an employee may subject the employee, applicant, or others to a direct threat of harm. You must determine whether the accommodation would reduce the risk of harm to an acceptable level. If no accommodation can adequately reduce or eliminate the risk, then the employer can deny employment to the job applicant or take other appropriate action concerning the employee. Of course, before concluding that a person poses a direct threat of harm with or without reasonable accommodation, you should verify that your conclusion is based on current recognized scientific and/or medical data and an individualized assessment of the situation and the individual in question (see [146](#)).

## 23 Accessibility of Facilities

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The Postal Service's policy, as prescribed by federal law, is to provide accessibility for all individuals with disabilities, employed or to be employed, by making any required alterations to specific buildings where they work. Detailed guidance on facility accessibility for individuals with disabilities is contained in Postal Service Handbook RE-4, *Standards for Facility Accessibility by the Physically Handicapped*.

## 24 Time Frames for Processing Requests for Reasonable Accommodation

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The time necessary to process a request depends on the nature of the accommodation needed and whether it is necessary to obtain substantiating information regarding the impairment of the individual and/or the need for accommodation. In all instances, requests for accommodation should be processed and provided as promptly as possible given the facts and circumstances. When the need for accommodation is clear, the requested accommodation is simple and straightforward, and no extenuating circumstances apply, you should provide the decision as soon as possible but no later than 20 business days from the date of the request (business days are Monday through Friday, excluding federal holidays).

Expedited processing may be necessary where:

- The reasonable accommodation process is needed to enable an individual to apply for a job (for example, an applicant with a permanent disability resulting from a back injury requests a special chair with back support for a scheduled typing performance test).
- The accommodation is needed for a special activity that is scheduled to occur shortly (for example, an employee who is deaf or hard-of-hearing is selected to participate in a focus group and requests an interpreter).
- An employee with a known disability has a recurring, predictable need for accommodation (for example, sign language interpreter or large print for an employee who has previously been granted this accommodation).

When a disability and/or need for reasonable accommodation is not obvious or otherwise known, the employee or applicant may be required to provide documentation. This documentation should be requested promptly and must come from an appropriate medical professional to explain the nature of the disability, the need for reasonable accommodation, or to clarify how the requested accommodation will assist the employee to perform the essential functions of the job.

If you request medical information, then you should make your decision to adopt or deny the requested accommodation within 20 business days from the date you receive the completed documentation, absent extenuating circumstances. When extenuating circumstances exist, you may extend the time for processing a request, as necessary. Notify the individual of the reason for delay, the approximate date on which a decision is expected, and whether temporary measures can be taken to assist him or her. You should also communicate further developments or changes to the individual.

Extenuating circumstances are limited situations in which unforeseen or unavoidable events prevent the prompt processing of a request or of providing accommodation. The following are examples of extenuating circumstances:

- The purchase of equipment may take longer than 20 business days.

- The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before the Postal Service buys it.
- A medical expert is evaluating medical information provided by the individual.

Additional medical information is necessary in order to determine whether a disability exists or if an accommodation is feasible, including where appropriate, examination by a specialist.

## 25 Denying a Requested Accommodation

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If you deny an individual's request for accommodation, you must notify the individual in writing of the denial as soon as possible. (See subchapter [24](#) for time frames for processing requests and [Exhibit 2-4](#) for a sample denial letter.) The denial must:

- Be given in writing and in plain, specific language.
- Give the reasons for denial.
- Identify the individual or office that made the decision.
- Provide the following:
  - Notification of the individual's right to file an equal employment opportunity (EEO) complaint.
  - Notification of any other appeal rights to which the individual may be entitled.
  - Description of procedures available for informal dispute resolution.

Make this determination only after you have made an individualized assessment of the situation and the individual in question and consulted with your Reasonable Accommodations Committee and Area law office.

### 251 **Reasons for Denial**

Reasons for the denial of a request for an accommodation may include the following:

- Medical documentation or other evidence is inadequate to establish that the individual has a disability because the impairment does not substantially limit any major life activity.
- The applicant or employee is not a qualified individual with a disability.
- The evidence is inadequate to establish that the individual needs accommodation in order to perform essential job function(s).
- The requested accommodation will:
  - Require elimination of essential job functions.
  - Not be effective.
  - Violate seniority provisions of a collective bargaining agreement (see [225.3](#)).
  - Result in undue hardship.

- Not adequately eliminate or minimize the risk of harm to an acceptable level.
- Require unsuitable changes to vehicles, vehicle assignments, or automated mail processing machines (see subchapter [55](#)).
- The requested accommodation was denied and alternative accommodations considered were ineffective.

All denial letters to qualified employees with a disability(ies) must notify the individual of his or her right to file an equal employment opportunity (EEO) complaint and any other appeal rights to which the employee or applicant may be entitled. The notice should also describe procedures that may be available for informal dispute resolution (see sample letter, [Exhibit 2-4](#)).

## 252 **Informal Dispute Resolution**

The objective of any informal dispute resolution process is to permit quick and thorough reconsideration of a denial.

Individuals with disabilities may appeal the decision that denies their request for reasonable accommodation within 10 business days of the denial. Advise the individual of his or her right to seek reconsideration from either the next person in your chain of command, the Manager, Human Resources (District), or the Reasonable Accommodation Committee, as appropriate. The individual may furnish additional information to support the request. Such requests for reconsideration also should receive thorough review and a response within 10 business days unless additional medical review requires additional time. If the denial is not reversed, the individual should be advised of the decision and the basis for it. He or she should also be advised of any other appeal rights, including the right to file an EEO complaint.

## 26 Record Keeping

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### 261 **Completing the Reasonable Accommodation Decision Guide**

Complete the U.S. Postal Service Reasonable Accommodation Decision Guide ([Exhibit 2-2](#)) to document decision making upon activation of the reasonable accommodation process. Use of the form will also serve as a guide for decision makers conducting an interactive meeting with an applicant or employee who has requested reasonable accommodation. This form is not required:

- To document a recurring job accommodation need for a specific employee.
- For documentation of job modifications made for persons who have medical restrictions but are not disabled within the meaning of the Rehabilitation Act.
- To document the process by which accommodations costing \$0 to \$200 are provided for an applicant or employee.

Written documentation, such as the request for reasonable accommodation, Confirmation of Request for Reasonable Accommodation, Essential Functions Worksheet, Reasonable Accommodation Decision Guide, memos, notes, medical information provided or relied upon in the decision-making process, and other related information should be placed in a folder bearing the name of the applicant or employee.

To finalize the process, forward the entire reasonable accommodation folder to the office responsible for retention of the official Employee Medical Folder (EMF).

## 262 **Filing the Reasonable Accommodation Folder**

Retain the reasonable accommodation folder with the EMF for the duration of the employee's tenure with the Postal Service or until any appeals are adjudicated, whichever is longer. Upon request, the file or portions of the file may be provided for review by personnel who require the information and have a need to know. See Handbook AS-353, *Guide to Privacy, the Freedom of Information Act, and Records Management*, for more information about the Privacy Act System of Records 100.700 and accounting for disclosures of records protected by the Privacy Act.

Exhibit 2-1

**U.S. Postal Service Confirmation of Request for Reasonable Accommodation (p. 1)**

<b>U.S. Postal Service Confirmation of Request for Reasonable Accommodation</b>	
1. Identifying Information	
_____	_____
Name	Date of Request
If Applicant:	
_____	
Street, City, State, Zip Code	
_____	
Telephone Number	
If Employee:	
_____	
Name and Address of Employing Facility	
_____	_____
Position	Pay Location, Work Schedule, NS Days
2. Accommodation Requested (Be as specific as possible, e.g., adaptive equipment, reader, interpreter.)	

Exhibit 2-1

**U.S. Postal Service Confirmation of Request for Reasonable Accommodation (p. 2)**

<b>U.S. Postal Service Confirmation of Request for Reasonable Accommodation (p. 2)</b>	
3.	Reason for Request
A.	Nature of Impairment:
B.	Major Life Activity Affected:
C.	Extent or Degree of Limitation to Major Life Activity:
D.	Mitigating Devices or Drugs:
E.	Essential Functions Requiring Accommodation(s):
4.	If accommodation is time sensitive, please explain:
<p><b>Supervisor, manager, examiner, or selecting official:</b> Use this form to document a verbal request for reasonable accommodation from an applicant or employee. You may also ask the applicant or employee to furnish his or her request in writing along with appropriate substantiating documentation, if necessary. Refer to Handbook EL-307 and complete a Reasonable Accommodation Decision Guide to document decision making related to this request.</p> <p><b>Applicant:</b> Return form to the examination administration office, selecting official, or local manager of Human Resources.</p> <p><b>Employee:</b> Give this form to your supervisor, manager, or any other management official whom you reasonably believe has authority to implement a reasonable accommodation.</p>	
<p><b>Privacy Act Statement:</b> The collection of this information is authorized by 29 USC 791 <i>et seq.</i> This information will be used to process a request for reasonable accommodation. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to USPS decision(s) concerning reasonable accommodation, to a congressional office in order to obtain information relevant to USPS decision(s) concerning reasonable accommodation, to an expert, consultant or other person under contract with the USPS to fulfill an agency function, to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; to a labor organization as required by the National Labor Relations Act; to the Office of Personnel Management in making determinations related to disability retirement and benefit entitlement; to officials of the Office of Workers' Compensation Programs; Department of Veterans Affairs; to an employee's private treating physician and to medical personnel retained by the USPS to provide medical services in connection with an employee's health or physical condition related to employment; and to the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health when needed by that organization to perform its duties under 29 CFR Part 1910. Completion of this form is voluntary. If this information is not provided, processing the request for reasonable accommodation may not be possible.</p>	

Exhibit 2-2

**U.S Postal Service Reasonable Accommodation Decision Guide (p. 1)**

<b>U.S. Postal Service Reasonable Accommodation Decision Guide</b>	
<p><i>This form is required to document decision making upon activation of the reasonable accommodation process. This form will also serve as a guide for decision makers conducting an interactive meeting with an applicant or employee who requests reasonable accommodation. This form is not required:</i></p> <ul style="list-style-type: none"> <li>■ <i>To document a recurring job accommodation need for a specific employee.</i></li> <li>■ <i>For documentation of job modifications made for persons who have medical restrictions but are not disabled within the meaning of the Rehabilitation Act.</i></li> <li>■ <i>To document the process by which accommodations costing \$0 to \$200 are provided for an applicant or employee.</i></li> </ul>	
<p>_____</p> <p>Name of Applicant or Employee</p>	<p>_____</p> <p>Title of Job Held or Job Sought</p>
<p><b>Reason for activating the reasonable accommodation process:</b></p> <p><input type="checkbox"/> Employee requests reasonable accommodation for current job.</p> <p><input type="checkbox"/> Employee requests reasonable accommodation for desired job and/or exam, interview, training.</p> <p><input type="checkbox"/> Employee with known disability is observed having difficulty performing essential functions because of disability.</p> <p><input type="checkbox"/> Applicant requests reasonable accommodation for a component of selection process (e.g., exam, interview, training).</p> <p><input type="checkbox"/> Applicant’s medical assessment indicates that he or she may be a person with a disability.</p> <p><input type="checkbox"/> Applicant or employee requests reasonable accommodation for equal employment opportunities (e.g., removing physical barriers in a break room).</p> <p><input type="checkbox"/> Other.</p>	
<p><b>Step 1.</b> Determine whether the applicant or employee has a disability. Is documentation required to substantiate that the employee has a disability?</p> <p><input type="checkbox"/> Yes. (Supply date that employee was informed that documentation is required to support what the impairment is and how impairment substantially limits a major life activity.) Date: _____</p> <p><input type="checkbox"/> No. (How do you know that employee has an impairment that substantially limits a major life activity?)*</p> <p>If impairment is obvious or substantiating documentation is already on file, medical documentation is not required.</p> <p>Impairment: _____</p> <p>Limitation(s) on major life activity: _____</p> <p><i>Proceed with interactive meeting if it is determined that the applicant or employee has a disability that requires reasonable accommodation. Skip to Step 5 if the applicant or employee does not have a disability or has failed to provide sufficient information to make that determination.</i></p>	
<p><b>Date Reasonable Accommodation process activated:</b> _____</p> <p><b>Date interactive meeting scheduled or held with individual:</b> _____</p>	
<p><i>Meeting Guide – Steps 2 through 4 for processing reasonable accommodation requests are to be considered and discussed during an interactive meeting. The final step may happen later.</i></p> <p><b>List names of all persons present during interactive meeting:</b></p>          	
<p><b>Step 2.</b> Identify and discuss essential functions of job or desired job (list them here or attach copy of completed Essential Functions Worksheet):</p> <p>Job title:</p> <p>Essential functions:</p>	

Exhibit 2-2

**U.S Postal Service Reasonable Accommodation Decision Guide (p. 2)**

**U.S. Postal Service Reasonable Accommodation Decision Guide (p. 2)**

**Step 3.** Ask the individual to identify his or her functional limitations and work restrictions as they apply to his or her current position or the position sought.

**Step 4.** Ask the individual what he or she needs to perform the job. Is a specific accommodation requested to enable performance of the job? [ Check here if the individual was asked for suggestions but had none.]  
 Are there other accommodations that would enable the individual to perform the job? (Possible sources of assistance to identify possible reasonable accommodations are: other supervisors or managers, medical personnel, safety specialists, Human Resources personnel, national Job Accommodation Network.)  
 If the individual is clearly a qualified employee with a disability and no accommodations have been identified that would permit performance of his or her job, then reassignment to another job (not necessarily in same installation) may be a reasonable accommodation. This does not apply for job applicants. Discuss other jobs at same or lower level and explore whether another job(s) might need to be considered. (**Note:** The employee must meet qualifications for the other job, including any examination or performance tests, and be able to perform the essential functions with or without accommodation.)

**Step 5:** (check one)

**Accommodation provided**  
 Describe accommodation provided: \_\_\_\_\_  
 Date accommodation provided: \_\_\_\_\_  
 Approximate cost of accommodation: \$ \_\_\_\_\_

**Accommodation denied** (Attach copy of denial letter)

**No effective accommodation identified**

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**Signature of official completing this Decision Guide** \_\_\_\_\_ **Date** \_\_\_\_\_

**Printed Name** \_\_\_\_\_ **Office Location** \_\_\_\_\_ **Phone Number** \_\_\_\_\_

**Privacy Act Statement:** The collection of this information is authorized by 29 USC 791 *et seq.* This information will be used to process a request for reasonable accommodation. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to USPS decision(s) concerning reasonable accommodation, to a congressional office in order to obtain information relevant to USPS decision(s) concerning reasonable accommodation, to an expert, consultant or other person under contract with the USPS to fulfill an agency function, to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; to a labor organization as required by the National Labor Relations Act; to the Office of Personnel Management in making determinations related to disability retirement and benefit entitlement; to officials of the Office of Workers' Compensation Programs; Department of Veterans Affairs; to an employee's private treating physician and to medical personnel retained by the USPS to provide medical services in connection with an employee's health or physical condition related to employment; and to the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health when needed by that organization to perform its duties under 29 CFR Part 1910.

**Separate the medical documentation from this form and forward for retention in the Employee Medical Folder. Forward this Decision Guide, along with request for reasonable accommodation, confirmation of request for reasonable accommodation, essential functions worksheet, if any, and any related notes, memos, and correspondence to the Manager, Human Resources (District) or designee for retention.**

Exhibit 2-3

**Essential Functions Review Worksheet (p. 1)**

**Essential Functions Review Worksheet**

The Essential Functions Review Worksheet is an optional tool that may be useful in making a structured evaluation of essential job functions. It can also be used to identify how essential functions are currently performed (e.g., physical requirements, vehicles or equipment used in the performance of that function). In using this tool, be sure that you have gathered all relevant information and data about the job and its key responsibilities, including but not limited to the position description and qualification standard or job announcement. Complete instructions are on page 4.

**Section A: OCCUPATION INFORMATION**

Occupation Title _____	Installation/Office/Location _____	Tour: _____
Name of person completing this worksheet: _____		Date: _____

**Section B: JOB DUTIES**

List the duties of the job (from the standard position description) in the spaces across the top.

For each duty, indicate percentage of time spent performing that duty in the job in question as implemented and answer “yes” or “no” to the questions a through h. Use additional sheets if necessary.

<b>List duties and responsibilities (from the standard position description) here:</b>	1.	2.	3.	4.	5.
Indicate the percentage of total annual work time typically spent on this duty.					
a. Does this duty need to be done at all?					
b. Does this job exist primarily to do this duty?					
c. At this time, is the incumbent of this position the only employee to whom this duty can be assigned?					
d. Would eliminating this duty fundamentally change the job?					
e. Is special expertise or judgment required?					
f. Will there be any significant consequences if this duty is not performed?					
g. Did the previous incumbent of the position do this?					
h. Is this function “essential”? <i>(Note: the more “yes” responses in a–g, the stronger the support for essential.)</i>					
i. For each essential function, list any equipment, machinery, or vehicles required to perform the duty.					

Exhibit 2-3

**Essential Functions Review Worksheet (p. 2)**

**Essential Functions Review Worksheet (p. 2)**

**Section C: QUALIFICATIONS STANDARDS**

**Part 1:**

List the qualification standards as listed on the job announcement or qualification standard. For each qualification, evaluate the frequency with which this qualification is demonstrated in the performance of essential job functions from Section B. Place a check (✓) in the box under the column corresponding to your evaluation.

**Frequency Ratings**

- Constantly** Performing the essential job functions requires demonstrating this knowledge, skill or ability 3/4 or more of the time.
- Frequently** Performing the essential job functions requires demonstrating this knowledge, skill or ability 1/2 to 3/4 of the time.
- Occasionally** Performing the essential job functions requires demonstrating this knowledge, skill or ability 1/4 to 1/2 of the time.
- Intermittently** Performing the essential job functions rarely requires demonstrating this knowledge, skill or ability less than 1/4 of the time.
- Never** Performing the essential job functions rarely does not require demonstrating this knowledge, skill or ability.

Qualification Standards	C	F	O	I	N	Comments
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Exhibit 2-3

**Essential Functions Review Worksheet (p. 3)**

**Essential Functions Review Worksheet (p. 3)**

**Part 2:**

Circle the items that represent the functional and environment requirements for the job as it is currently performed, and fill in to better describe the repetitions, or hours per tour, if appropriate.

<b>FUNCTIONAL REQUIREMENTS</b>	<b>ENVIRONMENTAL FACTORS</b>
1. Heavy lifting, up to 70 pounds	1. Outside
2. Moderate lifting, 15 – 44 pounds	2. Outside and inside
3. Light lifting, under 15 pounds	3. Excessive heat
4. Heavy carrying, 45 pounds and over	4. Excessive cold
5. Moderate carrying, 14 – 44 pounds	5. Excessive humidity
6. Light carrying, under 15 pounds	6. Excessive dampness or chilling
7. Straight pulling	7. Dry atmospheric conditions
8. Pulling hand over hand	8. Excessive noise, intermittent
9. Reaching above shoulder	9. Constant noise
10. Use of fingers	10. Dust
11. Both hands are required or compensated by the use of acceptable prosthesis	11. Fumes, smoke, or gasses
12. Walking _____ hours per tour	12. Solvents (degreasing agents)
13. Standing _____ hours per tour	13. Grease and oils
14. Crawling _____ hours per tour	14. Radiant energy
15. Kneeling _____ hours per tour	15. Electrical energy
16. Repeating Bending _____ hours per tour	16. Slippery or uneven walking surface
17. Climbing, legs only _____ hours per tour	17. Working around machinery with moving parts
18. Climbing, use of legs & arms _____ hours per tour	18. Working around moving objects or vehicles
19. Both legs required	19. Working on ladders or scaffolding
20. Operation of crane, truck, tractor, or motor vehicle	20. Working below ground
21. Ability or rapid mental and muscular coordination	21. Unusual fatigue factors: Specify
22. Ability to use firearms	22. Working with hands in water
23. Near vision correctable 13” to 16” to Jaeger 1 – 4	23. Explosives
24. Near vision correctable in one eye to 20/20 and to 20/40 in the other eye (Snellen)	24. Vibration
25. Far vision correctable in one eye to 20/40 and to 20/100 in the other eye	25. Working closely with others
26. Specific visual requirement:	26. Working alone
27. Both eyes required	27. Protracted or irregular hours of work
28. Depth perception	28. Other: Specify
29. Ability to distinguish basic colors	
30. Ability to distinguish shades of color	
31. Hearing (aid permitted) hear conversational voice 15 feet – one ear	
32. Hearing without aid	
33. Specific hearing requirement: Specify	
Other:	

Exhibit 2-4

**Sample Reasonable Accommodation Denial Letter****Sample Reasonable Accommodation Denial Letter**

Date:

[Employee Name]

[Address]

This letter responds to your request for accommodation.

The purpose of reasonable accommodation is to enable qualified individuals with disabilities to perform the essential functions of a particular job. You requested [insert type of accommodation requested].

Your request is denied because [insert reason and alternative accommodations considered, if appropriate]. For example:

- *Your [impairment] is adequately controlled by medication, which does not cause side effects that substantially limit you in a major life activity. Therefore, you are not a qualified individual with a disability within the meaning of the Rehabilitation Act. The Rehabilitation Act defines a qualified person with a disability as one who has a physical or mental impairment that substantially limits a major life activity when it either renders an individual unable to perform it, or substantially restricts his or her performance when compared to the average person's performance of the same activity.*
- *The accommodation you requested would eliminate an essential function of the job. Despite our efforts in interactive meetings with representatives from the Health Unit, Safety Office and Human Resources, other alternatives explored were equally unsuccessful.]*

You may appeal this denial within 10 business days by making a written request for reconsideration. Additional information to support your request may be provided. You will be notified in writing of the decision by [insert the next person in your chain of command, the Manager, Human Resources (District), or Reasonable Accommodation Committee, as appropriate].

Whether or not you participate in informal dispute resolution as described above, you have the right to file an EEO complaint pursuant to 29 CFR 1614. In order to do so, you must contact 1-888-EEO-USPS (Federal Relay Service 1-800-877-8339) within 45 days from the date of the notice of denial of reasonable accommodation.

[Signature]

[Typed Name of Decision Maker]

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# 3 Reasonable Accommodation in the Examination Process

## 31 Special Needs of Test Applicants

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Postal Service applicants and employees with disabilities may seek accommodations in order to take an examination. For convenience, the term applicant is used throughout this chapter to refer to any individual, including Postal Service employees, taking any type of Postal Service examination.

Most of the hundreds of thousands of job applicants and current employees taking various Postal Service examinations annually do not need accommodation in the testing process. However, for some qualified individuals with disabilities, the examination may serve as an artificial barrier to the demonstration of the knowledge, skills, and abilities required for performance of the essential functions of the job. In these instances, the Postal Service endeavors to provide reasonable accommodation to qualified individuals with disabilities to enable participation in the competitive examination process.

Accommodations must be considered on a case-by-case basis. When the Postal Service becomes aware of an applicant's disability, flexible interactive dialogue with the applicant must be pursued to ensure compliance with applicable statutes and to fulfill the Postal Service's commitment to ensuring equal employment opportunity regardless of disability.

Some routine activities that may require additional time and special attention include issuing test materials, giving instructions, and answering questions. Special attention is required for applicants with assistive animals (e.g., guide dogs) to provide for the physical needs of the animals.

## 32 Postal Service Examination Policy for Applicants With Disabilities

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Examinations include all written, oral, performance, and other tests.

Consistent with applicable statutes and its own policy of providing equal employment opportunity, the Postal Service will provide reasonable accommodation in examinations for the known disabilities of qualified individuals when such assistance is requested and to the extent the accommodation does not impose an undue hardship on the Postal Service.

Such accommodation is provided on a case-by-case basis and determined by field office staff responsible for conducting the examination.

This policy provides a framework for those individuals who must make decisions concerning reasonable accommodation in the testing process for applicants with disabilities. This framework takes into account the nature and severity of the disability, the type of examination or selection process being administered, and the resources available to the local Postal Service hiring or examination office.

This policy is tempered in each situation by the specific needs of the applicant with a disability, the essential functions of the job applied for, the nature and purpose of the test or selection procedure, and the limitations of local resources.

Postal Service policy is to treat all applicants fairly and equitably. If a disability reduces an applicant's opportunity to demonstrate that he or she possesses the knowledge, skills, and abilities needed to perform the essential functions of the job sought, and the applicant makes it known that assistance is needed because of an impairment, you must recognize that this is a request for reasonable accommodation. Such a request requires your attention and action. You must follow the five-step process described in subchapter [22](#). Bear in mind that accommodations which would impose an undue hardship on Postal Service operations will not be provided.

### 321 **Maintaining the Competitive Nature of the Examination**

Examinations are given to measure job-related knowledge, skills, and abilities. One use of test scores is to compare the performance of individual competitors for purposes of making employment decisions. Care must be taken to ensure that accommodations do not affect an individual's score to the extent that it cannot be compared meaningfully to the scores of other competitors. Therefore, any proposed accommodations or changes in the testing process that may affect the meaning or interpretation of test scores must be approved by the Headquarters manager of Selection, Evaluation and Recognition. This ensures that the competitive nature of the selection process and the validity of the test are not compromised.

### 322 **Preserving the Examination's Effectiveness as a Measurement Tool**

Tests and other selection procedures are designed to measure the knowledge, skills, and abilities needed to learn or perform a job. Therefore, if the proposed accommodation fundamentally alters what is being assessed, the test or method of administration will not be changed.

For example, an extension of time is frequently proposed as a testing accommodation. If the test is intended to measure performance speed, then allowing more time is not appropriate. Such an accommodation would render the test score useless as an indicator of true ability when compared to the scores of those who took the test under stricter time limits.

## 33 Determination of Reasonable Accommodation for Applicants With Disabilities

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Accommodations must be determined on a case-by-case basis. Therefore, an approved or recommended accommodation is applicable only to one individual. A request for accommodation from another individual, however similar the circumstances, must be considered separately.

Because individuals with disabilities (even those with the same type of disability) can, and often do, differ greatly in their needs and capabilities, any attempt to list all the different types of reasonable accommodations that might conceivably be developed for each type of mental or physical disability would be futile. Each request must be considered on a case-by-case basis and evaluated on its own merits. Examples of accommodations that may prove helpful are listed in [332.12](#).

Whether the accommodation is determined locally or in consultation with Headquarters, the process is the same. The process involves interacting with the applicant to obtain the information needed for a reasonable and appropriate decision.

The primary concern in determining the appropriateness of a modified test administration is whether the proposed change compromises the accurate assessment of an applicant's job skills or abilities. The goal is to provide applicants with disabilities an equal opportunity to demonstrate their qualifications without undermining the validity or competitive equity of the testing process.

### 331 Applicant's Responsibilities

#### 331.1 Requesting a Reasonable Accommodation for Examinations

An applicant who needs an adjustment to or change in the testing process because of limitations caused by a disability should request such accommodation immediately upon being scheduled for a testing session. Requests can be made to the examiner, selecting official, or Manager, Human Resources (District).

Applicants are responsible for making a request for accommodation as soon as the need for accommodation is known. The reasonable accommodation process is activated whenever the employee or applicant, or someone acting on the individual's behalf, makes a request for reasonable accommodation, orally or in writing.

#### 331.2 Documentation Required

An applicant requesting a reasonable accommodation will need to provide documentation sufficient to establish both of the following:

- He or she, in fact, does have a disability as defined by federal law.
- The disability interferes with valid assessment of the knowledge, skills, and abilities covered by the test.

Relevant documentation may include:

- Information on how the disability or impairment would affect performance on the examination (i.e., the specific test behaviors affected by the disability).
- The specific accommodation the applicant is requesting.
- Current documentation supporting the existence of a disability from a bona fide expert source (e.g., a licensed professional, a state department of rehabilitation, an approved agency).

The applicant must provide additional information upon request when the information is needed to determine whether a disability exists for which accommodation is required or to identify appropriate accommodation. Responses to requests for accommodation may be delayed if applicants fail to provide the required information in a timely manner.

### 332 **Postal Service Responsibilities**

The Postal Service is responsible for ensuring the competitive nature and validity of the selection process while at the same time providing reasonable accommodation to qualified applicants with known disabilities when such accommodation is requested.

Examiners or local Human Resources staff should include the following instructions in the test scheduling package to explain to applicants the procedure to use to request testing accommodation:

“FOR PERSONS WITH DISABILITIES: If you have a disability that will require a special testing arrangement, please make your request orally or in writing to the examiner at the examination administrative office listed on page 1 as soon as possible. Specify the nature of the disability and the accommodation needed. Supporting documentation to verify the existence of a protected disability or the need for accommodation may be required. Include the date and time for which you are scheduled to take the exam. Requests for testing accommodation not made well in advance may result in the postponement of your scheduled exam.”

Include the following additional information in the scheduling package for all individuals:

- A contact telephone number and address to answer general exam inquiries.
- A contact telephone number and address to make requests for testing accommodation.

You are also required to provide a TTY number for the deaf or hard-of-hearing to communicate questions or concerns.

Any person who accepts applications or has contact with applicants must be able to recognize requests for accommodations. An applicant does not have to use any special words such as “reasonable accommodation” or “Rehabilitation Act.” Refer applicants requesting reasonable accommodation to the examiner or person responsible for the examination or selection process.

Throughout this process, the Postal Service must engage in an interactive process to clarify what the applicant needs and identify an appropriate reasonable accommodation.

In cases where the competitive nature and validity of the test are not likely to be affected (e.g., site accessibility), the examiner or local Human Resources staff member works out what accommodation, if any, to provide. When there is a question as to whether providing a requested accommodation would preclude the valid assessment of the applicant's qualifications, the examiner or local Human Resources staff member must forward the request to the manager of Selection, Evaluation, and Recognition for final determination at Headquarters.

Once the examiner or local Human Resources staff member has become aware of an applicant's desire for a testing accommodation, he or she should:

- Contact the applicant to discuss the testing process and the job(s) to ensure that the applicant is familiar with what is required.
- Obtain any needed additional documentation from the applicant regarding the disability and the need for accommodation.
- Determine if an accommodation can be provided without further consultation (i.e., the accommodation would not affect the competitive nature or validity of the examination).
- If accommodation is feasible, offer it to the applicant.
- Note the accommodation provided on the Time Record Sheet when examination is administered.
- If an accommodation cannot be determined locally, submit all requisite documentation to the manager of Selection, Evaluation, and Recognition at Headquarters. Upon receipt of a response from the manager of Selection, Evaluation, and Recognition, offer a recommended accommodation (if any) to the applicant and submit approval (Authorization to Modify Test Administration) with the Time Record Sheet when the examination is given.
- If the applicant does not accept the accommodations that can be provided, document the rejection and the reasons for the rejection.
- If reasonable accommodation is possible but the Postal Service cannot provide that accommodation on the regularly scheduled test date, schedule the applicant for an alternate test date as soon as practicable.
- Ensure that appropriate arrangements are made to provide the needed accommodation, for example, provide a table for a wheelchair applicant rather than a student desk.

See [Exhibit 3-1](#) for detailed information on possible testing accommodations for deaf or hard-of-hearing applicants.

### 332.1 **Accommodations That Do Not Affect the Competitive Nature or Validity of the Selection Process**

Some accommodations may be made locally without further consultation if they do not affect the competitive nature or validity of the selection process.

Examples of accommodations that can usually be made locally without prior approval from the manager of Selection, Evaluation, and Recognition are described in [332.11](#) and [332.12](#).

### 332.11 **Accessibility Accommodations of Testing Site**

Any request for accommodation involving accessibility of the testing site should be addressed locally. This includes, but is not limited to, access to the Postal Service activity or operation as provided by law, assistance inside the testing site, etc. It also includes providing alternative seating arrangements as needed (e.g., an individual in a wheelchair may need to be seated at a table rather than at a student desk). In some cases, it may be necessary to schedule a separate session to ensure that applicants are tested in an accessible site.

### 332.12 **Other Testing Accommodations**

The following are other types of accommodations that may be provided at the local level without further consultation with Headquarters. Any accommodation provided must be documented on the Time Record Sheet consistent with the Directions for Conducting (DFC).

- Alternate test dates.
- Individual sessions.
- Individual monitors.
- Frequent breaks (between test parts only).
- Special lighting.
- Special seating arrangements.
- Sign language interpreter only for oral components of exam and administration (additional detailed information regarding possible testing accommodations for deaf or hard-of-hearing persons is provided in [Exhibit 3-1](#) and in the DFC for the specific test).
- Use of hand signals or flash cards to give driving instructions during road tests.
- Miscellaneous personal assistance (e.g., turning pages, marking answers).

Implementation of any one or a combination of these measures may be appropriate for individual applicants depending on their needs, the nature of the selection procedures or examination material used, and the essential functions of the job sought. If the requested accommodation is not on the above list, see [332.2](#).

### 332.2 **Accommodations That May Affect the Competitive Nature or Validity of the Selection Process**

A proposed accommodation that may affect the competitive nature or the validity of the selection process must be reviewed and approved by the manager of Selection, Evaluation, and Recognition. This includes any deviation from standardized testing procedures prescribed in the examination DFC.

In circumstances where there is a question about whether providing a proposed accommodation would interfere with the valid assessment of the

applicant, the examiner or local Human Resources staff member should submit a request for accommodation in writing to the manager of Selection, Evaluation, and Recognition with the necessary documentation.

Documentation should describe the specific accommodation requested and be sufficient to establish that:

- The applicant, in fact, has a disability as defined by federal law.
- The disability interferes with the valid assessment of the knowledge, skills, or abilities covered by the test.
- A diagnosis, if any, is provided by an appropriate professional or expert source.

### 333 **Accommodations That May Not Be Reasonable in Examinations**

The Postal Service provides reasonable accommodation in examinations to qualified applicants with disabilities except in cases of undue hardship.

Undue hardship must be determined on a case-by-case basis (see [153](#)). The following may constitute an undue hardship with respect to examinations:

- The purchase or rental of specialized equipment or services on a one-time basis for a limited use by a very few applicants at great expense.
- The postponement of announcing or administering an examination to a large number of applicants to accommodate the needs of an applicant with a disability.

**Note:** This does not prohibit establishing an alternate date for those persons with a disability.

- For employee applicants, any action in violation of seniority provisions of a collective bargaining agreement.

### 334 **Other Selection Process Accommodations**

Although most requests for accommodation in the Postal Service selection processes involve written tests, it is important to realize that other types of assessment procedures commonly used by the Postal Service may present serious difficulties for certain individuals. Other frequently used examination types and examples of the kinds of accommodation that may be needed are shown in [334.1](#) through [334.4](#). This listing is not intended to be all-inclusive but only representative of the range of acceptable accommodations, which might be considered in particular situations.

#### 334.1 **Interviews**

Interviews may pose problems for some deaf and hard-of-hearing individuals and for those with certain kinds of speech challenges. Every effort should be made to determine the communication abilities of these individuals. In addition, it may be appropriate for review committee members to provide a written copy of interview questions to deaf or hard-of-hearing applicants to read at the point the question is asked in the interview (see [Exhibit 3-1](#)). Members should be sure the presented written question does not also contain benchmarks or scoring guidelines.

**334.2 Performance Tests**

The manager of Selection, Evaluation, and Recognition must approve any modifications or adjustments to performance examination material.

Examiners or their designees must consider the physical needs of the applicant with a disability taking performance tests as they do for written tests. Because performance tests generally approximate tasks found on the job, any modification or adjustments to test material or the procedures used to administer these tests must be carefully analyzed before implementation. Only those accommodations that do not compromise the competitive nature and validity of the testing process are considered.

**334.3 Applications, Supplemental Applications, and Employment Questionnaires**

Applicants with disabilities may need assistance when completing applications, experience supplements, or other questionnaires. Human Resources staff must be alerted to the possibility of requests for such assistance and its cooperation solicited.

**334.4 End-of-Training Examinations**

Request for accommodations for end-of-training examinations that cannot be resolved at the local level must be submitted to the manager of Selection, Evaluation, and Recognition, who will coordinate with appropriate functional departments.

Exhibit 3-1

**Accommodation Options for Testing Individuals Who Are Deaf or Hard-of-Hearing (p. 1)****Accommodation Options for Testing Individuals  
Who Are Deaf or Hard-of-Hearing**

Be familiar with options for test administration to deaf or hard-of-hearing applicants. The most appropriate accommodation will depend upon several factors, such as whether the individual uses and is fluent in sign language, the accuracy and fluency of speech reading skills, and how much hearing loss the individual has experienced. Most, but not all, test applicants who are deaf probably will need to use a qualified interpreter.

American Sign Language (ASL) is a gestural language that has a different vocabulary, syntax, and structure than English. Inasmuch as there are different types of sign language, an individual with a hearing impairment who uses sign language may not use ASL but rather a different sign language; therefore, it is important to keep the effectiveness of the accommodation in mind when arranging for a qualified interpreter.

The first step is to consider the accommodation requested by the individual and, as appropriate, offer the individual the following options:

- Use preferential seating near the examiner so that the test applicant is able to read lips without obstruction.
- Use an interpreter for the administrative instructions portion of the session. If an examination has a following oral instructions subtest, such as Part D on Exam 460 Rural Carrier, there are two options: (1) offer the applicant a written version of the "Oral Instructions" subtest, or (2) offer to have an interpreter available to interpret the subtest.
- Use hand signals or flash cards to give driving instructions during road tests.
- Offer other accommodations that you and the applicant have determined to be appropriate.

For a person who uses sign language, substituting preferential seating and an opportunity to read the examination instructions in lieu of an interpreter most likely will not satisfy our obligation to accommodate an individual who is deaf. For applicants who became deaf at birth or before they used language, reading the test instructions (rather than having the test instructions translated) may not be appropriate. Similarly, providing an interpreter would not be an effective accommodation for an individual who became deaf later in life and never learned sign language.

Exhibit 3-1

**Administering Examinations When Using a Sign Language Interpreter for the Deaf (p. 2)****Administering Examinations  
When Using a Sign Language Interpreter for the Deaf (p. 2)**

Follow the procedures listed below when testing any applicant who requests an interpreter for an examination. These procedures are to be reviewed by all individuals, including interpreters, exam administrators, examiners, and examination monitors administering or involved in monitoring an examination during which applicants are using an interpreter:

- Interpreters must possess adequate skills to interpret the examinations. If possible, you should use interpreters who are certified by the Registry for Interpreters for the Deaf, have passed a state quality assurance test, or have a similar certification or qualification.
- The interpreter should be provided up to 2 hours to review the DFC, the Answer Sheet, and any subtests with an oral instruction component, such as Part D of the 460 Rural Carrier Examination, prior to the examination for the purpose of preparing to interpret.
- The Postal Service will compensate the interpreter for the time spent reviewing. Such review is conducted under the procedures outlined in the DFC covering conditions that ensure security of test materials.
- The examiner is responsible for coordinating with the interpreter a time, date, and place to review the examination material.
- Applicants who are using an interpreter for Part D of the 460 Rural Carrier Examination must be tested in a separate area or room to minimize distraction that may be caused by other applicants leaving the examination. For Part D of the examination, the interpreter must wait at each designated pause until every applicant who is using the interpreter indicates that he or she is ready to proceed with the next instruction. The method of determining when the applicants are ready will be decided locally and in consultation with the interpreter. The following suggestions are recommended when an interpreter is used: (1) instruct all applicants to look at the interpreter when they are ready for the next instruction; or (2) instruct all applicants to hold up a green card when they are ready to move on to the next instruction. Applicants using an interpreter for Part D are not required to adhere to the same time restrictions as those imposed on other applicants.

**Where to Get Help**

Requests for an examination time limit change or deviation from the DFC can only be approved by the manager of Selection, Evaluation, and Recognition. You may also wish to use additional resources in your community for more information about accommodating people who are deaf or hard-of-hearing. These resources include local associations for people who are deaf and adults with loss of hearing, local community colleges with interpreter programs, associations of speech and hearing sciences, state independent living centers or vocational rehabilitation offices, and other national resources, such as the Job Accommodation Network (800-232-9675) and Registry of Interpreters for the Deaf (703-838-0030).

# 4 Employment and Placement Procedures

## 41 Policy

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It is Postal Service policy to provide equal employment opportunities to qualified applicants with disabilities. This is accomplished through our competitive and noncompetitive hiring processes. A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the job in question without presenting a direct threat to the health and safety of the individual or others. The Postal Service requires the same performance, attendance, and standards of conduct from employees with disabilities as it does from other employees.

## 42 Recruitment

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Actively recruiting individuals with targeted disabilities as defined by the EEOC into the workforce promotes the goal of increasing the employment of individuals with disabilities in the federal government and ensures that the federal government continues to serve as a model employer of individuals with disabilities.

Recruitment should include outreach to individuals, organizations, independent living centers, and associations representing individuals with disabilities. Recruitment at universities, colleges, and schools should include outreach to students with disabilities. Recruitment may include, but is not limited to, state Divisions or Departments of Vocational Rehabilitation (DVR), the Department of Veterans Affairs (VA), associations for the deaf, Goodwill Industries, outreach programs for veterans with disabilities, and educational institutions that have a significant number of students who have disabilities.

Advance notice of upcoming examinations should be provided to those organizations so they can identify qualified individuals with disabilities to participate in the competitive process.

## 43 Competitive Selection and Placement of Individuals With Disabilities

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It is Postal Service policy to provide equal employment opportunities to qualified applicants with disabilities. This is accomplished through our competitive and noncompetitive hiring processes.

Many applicants with disabilities are qualified to perform the essential functions of jobs without the need for accommodation. However, if an applicant with a disability who is otherwise qualified cannot perform one or more essential job functions because of his or her disability, the Postal Service must consider whether modifications or adjustment are available that would enable the person to perform these functions.

Employers must engage in an interactive process (see subchapter [22](#)) to determine whether the individual in fact has a disability, identify essential functions of the job, the applicant's abilities and limitations, possible accommodations, and the reasonableness of accommodations proposed.

**Example:** The score of a compensable veteran with a service-connected disability was reached on a hiring worksheet for the job of city carrier. His preemployment eligibility and suitability reviews were favorable. During his interview, he identified a need for accommodation. His left arm had been amputated below the shoulder, but he was very proficient in the use of an artificial arm and hand.

A site visit was arranged where the essential functions and requirements of the job were explained and demonstrated to him. He was encouraged to discuss how he would perform the tasks associated with the job. He then demonstrated that he could perform the essential functions and requirements although with some difficulty. He was extended a conditional job offer and scheduled for a medical assessment.

The medical assessment indicated that an accommodation would be required for his missing left arm and hand. Another meeting was scheduled with the applicant, his prospective supervisor, and a counselor from the local VA Rehabilitation Center to assist in the accommodation efforts.

He again demonstrated his ability to perform job functions and recommended a modification to his prosthetic appliance that would enable him to handle and manipulate the mail for sorting with the required speed, accuracy, and proficiency. The VA counselor agreed to assist in development of the recommended retrofit to the prosthetic device. When the modification to the prosthesis developed and provided by the VA was complete and its safety and effectiveness demonstrated, he received a career appointment as a city carrier.

## 44 Noncompetitive Selection and Placement of Individuals With Disabilities

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### 441 **Overview**

Most employees with disabilities are appointed from a competitive hiring register. However, when the competitive process itself is a barrier to employment for qualified individuals with severe disabilities, and these individuals would be able to perform at or above the normal standards of job performance, a special noncompetitive authority may be used.

State DVR and VA organizations that wish to participate in the referral of applicants for noncompetitive hiring consideration must be certified by the Postal Service. These organizations must submit a certification package to the Manager, Human Resources (District) and to the vice president of Employee Resource Management for review and approval. The package must include the following information:

- Description of the services and programs offered.
- The various screening methods used to identify potential Postal Service applicants.

Once a certification package for a vocational rehabilitation agency is approved, that agency is authorized to identify and screen applicants for Postal Service positions when referrals are requested. In essence, the agency provides the Postal Service with an alternative means of assessing an applicant's qualifications. An applicant referred by a certified agency is considered to have successfully met the Postal Service's selection requirements. Therefore, a certified agency must ensure that each applicant referred meets selection standards and has the ability to perform satisfactorily as a Postal Service employee.

### 442 **Job Information for Rehabilitation Counselors**

The recruitment of individuals with severe disabilities requires partnership with the VA and state DVR offices. Vocational rehabilitation counselors must make a site visit and tour the Postal Service facility. Seeing Postal Service operations up close provides counselors with a better understanding of our work environment and job requirements. Viewing a demonstration of the functional and physical requirements for an entry-level job assists the counselor to screen applicants and identify individuals who are likely to succeed in Postal Service jobs.

Give counselors any of the following materials that are available:

- A standard position description and qualification standard.
- An Essential Functions Review Worksheet.
- A job preview video.
- Information on probationary timelines and performance standards and requirements.

### 443 **Noncompetitive Hiring Process**

The following steps must be taken when hiring using the noncompetitive authority:

- a. The Postal Service manager requests the state DVR or VA to certify three names for consideration and one additional name for each additional vacancy. This certification must be consistent with the process outlined by the state DVR or VA in its certification package, and include completed PS Form 2591, *Application for Employment*, and [PS Form 3666](#), *Certification for Postal Service Employment of Individuals with Severe Disabilities*.
- b. Certified applicants are then given a tour of the Postal Service facility during a prehire orientation. The visit should provide sufficient information to assist the applicants in making an informed decision about whether they are interested in Postal Service employment.
- c. Interviewers then engage in an interactive process to identify the essential functions of the job and the abilities and limitations of the applicant. Otherwise, the interview process for an individual with a disability is essentially the same as an interview conducted with an applicant who does not have a disability.
- d. The referred applicants are considered and tentative selection is made in accordance with the eligibility and suitability guidelines outlined in Handbook EL-312, *Employment and Placement*. A list of those applicants not selected for the job is then returned to the state DVR or VA, as appropriate.
- e. After making a conditional job offer, the selecting official (or designee) schedules the selected applicant for a medical assessment and gives Occupational Health Services a copy of [PS Form 3666](#) and any other documentation concerning the applicant's disability and the job offered (see subchapter [45](#)).
- f. When the applicant completes the medical assessment and is determined medically suitable, the selection official (or designee) schedules a meeting with the applicant, rehabilitation counselor, disability coordinator (if any), and immediate supervisor or designated operations manager to discuss requirements (e.g., agreed-upon accommodations for training and job performance, confidentiality issues, how best to integrate the new employee into the unit, how expectations will be communicated, continuous assessment during the probation period, and documentation requirements). Attach notes from this meeting to the Reasonable Accommodation Decision Guide (see [Exhibit 2-2](#)) and forward to the Manager, Human Resources (District) or designee for retention.

### 444 **Probation Period for Individuals Hired Under the Noncompetitive Process**

If it becomes reasonably clear at any point during the probationary period that an employee with a severe disability hired under the noncompetitive process is having difficulty performing the job, the immediate supervisor

must ask the VA or state DVR counselor to help the employee to overcome problems and deficiencies in performance.

The supervisor must schedule a meeting with the appropriate counselor and the employee at the earliest possible opportunity to see if the performance deficiency can be corrected. Often, an early dialogue can lead to a satisfactory solution to the performance problem. A simple job modification or a different method of communication may be all that is needed to help the employee to perform the essential functions of the job effectively.

If the employee is still unable to perform essential functions of the job satisfactorily, with or without reasonable accommodation, the employee's immediate supervisor must initiate separation during the probation period. When a decision is made to terminate the employment, the Postal Service installation head or designee must notify the VA or state DVR. This enables the VA or state DVR to make other arrangements for rehabilitation, assistance, or other employment.

## 45 Medical Assessment

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Once an applicant receives a bona fide conditional offer of employment, whether selected under a competitive or noncompetitive process, the applicant must be referred for a medical assessment.

**Note:** Never make medical inquiries or schedule a medical assessment before making a bona fide conditional job offer.

### 451 Information Furnished for Medical Assessment

The hiring official should provide the office performing the medical assessment with the following items:

- Copy of [PS Form 3666](#) for an individual selected under the noncompetitive process.
- Position description, qualifications standards, if any, and functional and environmental requirements or an Essential Functions Review Worksheet, if available.
- Any further documentation supporting the existence of a disability and accommodation needs.
- Usual paperwork furnished for preemployment medical assessments as described in chapter 5 of Handbook EL-312, *Employment and Placement*.

### 452 Function of the Medical Assessment

The medical assessment provides the hiring official with information necessary to make an informed hiring decision. It identifies an applicant's physical or mental medical restrictions or limitations that could affect the applicant's ability to perform the job offered in a safe manner. If restrictions or limitations are identified or a job modification is suggested in the medical assessment process, it does not necessarily indicate the presence of a disability, and it does not constitute a recommendation for or against hiring.

Exhibit 4-1 (p. 1)

**PS Form 3666, Certification for Postal Service Employment of Individuals with Severe Disabilities**


 <b>UNITED STATES POSTAL SERVICE®</b>		(Please print or type)		<b>Certification of Postal Service Employment of Individuals with Severe Disabilities</b>	
Position Title					
<input type="checkbox"/> City Carrier		<input type="checkbox"/> Data Conversion Operator		<input type="checkbox"/> Distribution Clerk	
<input type="checkbox"/> Mail Processing Clerk		<input type="checkbox"/> Mark Up Clerk (Automated)		<input type="checkbox"/> Mail Handler	
<b>Applicant</b>					
Name			Address (No., street, apt., city, state, and ZIP + 4®)		
SSN (Enter only the last 4 digits of the SSN. Do not enter all 9 digits.)					
<b>To</b>					
Postal Service™ Personnel Office Name			Address (No., street, apt., city, state, and ZIP + 4)		
<b>From</b>					
VA or Rehabilitation Office Name			Address (No., street, apt., city, state, and ZIP + 4)		
Counselor's Printed Name			Telephone No. (Include area code)		
<p>The above-named applicant for the cited position in _____ has a                  (city and state)</p> <p>severe disability, _____. I have reviewed both the job requirements and the job                  (code)</p> <p>site and certify that the applicant:</p> <ol style="list-style-type: none"> <li>a. has the ability to perform the duties of the position;</li> <li>b. is qualified to do the work without hazard to self or others;</li> <li>c. is physically and socially competent to maintain him or herself in a work environment, either independently, or with the same level of assistance he or she uses during non-working hours;</li> <li>d. is unable to successfully compete in the Postal Service competitive process because of the nature or severity of the disability; and</li> <li>e. can reasonably be expected to meet or exceed the normal standards of job performance of the position within the 90-day probationary period.</li> </ol>					
Counselor's Signature				Date (MM/DD/YYYY)	
PS Form 3666, October 2008 (Page 1 of 2) PSN 7530-02-000-9025				(Supplement to PS Form 2591)	

Exhibit 4-1 (p. 2)

**PS Form 3666, Certification for Postal Service Employment of Individuals with Severe Disabilities**

<b>Disability Codes</b>	
<b>Hearing Impairments</b>	<b>Speech Impairment</b>
16 Total deafness with understandable speech 17 Total deafness with inability to speak clearly	13 Speech malfunction, hearing normal
<b>Vision Impairments</b>	<b>Hearing Impairment</b>
23 Cannot read ordinary size print — not correctable by glasses 25 Blind in both eyes	15 Hard of hearing
<b>Missing Extremities</b>	<b>Vision Impairment</b>
28 One arm 32 One leg 33 Both hands or arms 34 Both feet or legs 35 One hand or arm and one foot or leg 36 One hand or arm and both feet or legs 37 Both hands or arms and one foot or leg 38 Both hands or arms and both feet or legs	22 Can read ordinary size print with glasses but with loss of peripheral vision 24 Blind in one eye
	<b>Missing Extremities</b>
	27 One hand 29 One foot
<b>Partial Paralysis</b>	<b>Non-Paralytic Orthopedic Impairments</b>
64 Both hands 65 Both legs (any part) 66 Both arms (any part) 67 One side of body (including one arm and one leg) 68 Three or more major parts of the body (arms and legs)	44 One or both hands 45 One or both feet 46 One or both arms 47 One or both legs 48 Hip or pelvis 49 Back 57 Any combination of two or more parts of the body
<b>Complete Paralysis</b>	<b>Partial Paralysis</b>
71 Both hands 72 One arm 73 Both arms 74 One leg 75 Both legs 76 Lower half of body 77 One side of body (including one arm and one leg) 78 Three or more major parts of body (arms and legs)	61 One hand 62 One arm (any part) 63 One leg (any part)
	<b>Complete Paralysis</b>
	70 One hand
<b>Other Impairments</b>	<b>Other Impairments</b>
82 Convulsive disorders (e.g., epilepsy) 90 Mental retardation 91 Mental or emotional illness 92 Severe distortion of limbs and/or spine	80 Heart disease (with no restriction or limitation of activity) 81 Heart disease (with limitation of activity) 83 Blood disease 84 Diabetes 86 Pulmonary disorders 87 Kidney dysfunction 88 Cancer (history with complete recovery) 89 Cancer (undergoing surgical and/or medical treatment) 93 Disfigurement of face, hands, or feet 94 Learning disability

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# 5 Reasonable Accommodation After Appointment

## 51 Orientation and Training

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Follow the usual orientation and training procedures for qualified individuals with disabilities and provide reasonable accommodation as appropriate. Seek the advice and assistance of internal employee development and training specialists as well as external specialists in the Department of Veterans Affairs (VA), state Department of Vocational Rehabilitation (DVR), or the national Job Accommodation Network (JAN).

## 52 Bids, Promotions, and Reassignments

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Once individuals with disabilities enter the regular workforce, or if individuals become disabled during their employment with the Postal Service, they have all bid and promotion rights afforded any employee under the applicable collective bargaining agreement.

The reasonable accommodation decision process is initiated each time an employee with a disability is being considered for a different job (either through bid, application, or other procedures). Engage in the same case-by-case interactive process described in subchapter [22](#) to:

- Determine whether the individual has a disability and meets minimum qualifications.
- Identify the essential functions of the job in question.
- Determine the employee's abilities and limitations.
- Identify and evaluate potential accommodations.

Focus first on the employee's ability to perform the desired job. If you conclude that the employee can perform the job's essential functions, with or without accommodation, then focus on accommodations that might be required for the selection process (for example, examination and training). This sequence is important because training processes range from those performed on-site or close to the home installation (e.g., scheme training) to those performed at a distant location for several weeks (e.g., bulk mail and maintenance training).

The Postal Service is not obligated to train an employee for a job he or she will be unable to do even if the disability could be accommodated during the

selection process. However, such a determination must only be made only after an individualized assessment of the situation and the individual in question and consultation with your area law office. Document the process and conclusions reached on the Reasonable Accommodation Decision Guide (see [Exhibit 2-2](#)).

**Example:** A deaf or hard-of-hearing individual assigned to a mail processing clerk job may require certain safety equipment, such as warning lights, to supplement auditory alarms. If the employee is later reassigned or promoted to a job requiring more personal contact, different accommodations may be necessary, such as manual communication. In this example, the individual's limitations remain the same throughout the process; it is the job and the requirements imposed upon his or her performance that have changed.

**Example:** A letter carrier develops heart disease and has to undergo surgery. Before he returns to work, he bids on a carrier vacancy that requires less walking and provides medical documentation that he will be able to perform the full duties of the job within 3 months. As the senior bidder, he is awarded the job. However, after 1 week in the new job, the employee requests reassignment to a vacant clerk position because he says that the route requires him to walk more than he anticipated and given his heart condition and newly diagnosed emphysema, he does not feel up to it. In this example, the job and the performance requirements remained the same but the individual's limitations changed. Since he relates the need for the reassignment to a medical condition, his request should be considered a request for reasonable accommodation and processed using the five-step interactive process described in chapter [2](#).

## 53 Disabilities Inquiries and Medical Examinations

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Where no request for reasonable accommodation has been made by the employee or someone acting on his or her behalf, the Rehabilitation Act limits your ability to make disability related inquiries to that person or to medical personnel who may have access to such information. Prohibited inquiries are those likely to elicit information about an employee's disability (e.g., "what prescriptions are you taking?" "have you ever received workers' compensation payments?"). Such questions cannot be asked of an employee, the employee's coworkers, family members, the employee's health care providers, or Postal Service medical personnel.

However, you may make disability related inquiries and require medical examinations when you have a reasonable belief, based on objective evidence, that an employee's ability to perform essential job functions may be impaired by a medical condition, or if an employee may pose a direct threat to his or her own health or safety or that of others due to a medical condition. This same standard applies to requests for a fitness-for-duty exam. For example, if you observe the employee having difficulty performing the job (e.g., asking other people to read tags, swap job duties, and move tags closer to his or her face as if to see them better), these facts give you reason to believe that the employee's ability to perform his or her job may be

impaired and you may seek a fitness-for-duty exam. However, you may not require a medical examination or test (e.g., vision test) simply to confirm a suspicion of the existence of a disability.

You can make inquiries to medical personnel, based in whole or in part on information you receive from another person, if the information leads you to believe that an employee's ability to perform essential job functions may be impaired by a medical condition. You can also ask if an employee has been drinking or ask about his or her *current* illegal use of drugs, as these are not likely to elicit information about a disability. You cannot, however, ask questions about past addiction to illegal drugs or questions about whether an employee has participated in a drug rehabilitation program because past drug addiction generally is a disability.

When a supervisor, manager, postmaster, or member of a reasonable accommodation committee has such information, it is confidential information and can be disclosed only in limited circumstances.

## 54 Employee's Request for Reasonable Accommodation in Current Job

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A request for reasonable accommodation may be made orally or in writing by an employee or by someone acting on the employee's behalf. To request an accommodation, an employee may use plain language and need not mention the Rehabilitation Act or use the phrase "reasonable accommodation." The employee need only let you know that he or she requires a change at work because of a physical or mental impairment. A family member, friend, or other representative may request reasonable accommodation on behalf of an employee with a disability. However, the Postal Service should deal directly with the employee during the interactive process.

The request for reasonable accommodation can be made to the supervisor or manager or the Manager, Human Resources (District). When you receive an accommodation request, you are responsible for processing that request using the guidance contained in subchapter [22](#). Alternatively, all districts and areas have Reasonable Accommodation Committees to whom you can refer the request. (If unsure, check with the Manager, Human Resources (District).) In addition, if an employee with a known impairment is observed having difficulty performing essential functions of his or her job because of the impairment, you should initiate the interactive process.

Verbal requests for reasonable accommodation should be documented for local record keeping and to ensure that every request receives a timely decision. (See time frames in subchapter [24](#) and [Exhibit 2-1](#), Confirmation of Request for Reasonable Accommodation.)

**Exception to record-keeping requirements:** Once an employee requests and is granted a type of reasonable accommodation that he or she is likely to need on a repeated basis (e.g., an interpreter or computer software that enlarges text), documentation for record-keeping purposes is not required each time the accommodation is needed.

## 541 **Limited Duty, Light Duty, Permanent Rehabilitation Assignments, and the Rehabilitation Act**

The terms “limited duty,” “light duty,” and “permanent rehabilitation assignment” have very specific and different meanings within the Postal Service. Yet the obligations imposed upon the Postal Service may overlap with or parallel its obligations under workers’ compensation laws or a collective bargaining agreement.

### 541.1 **Reasonable Accommodation for an Employee With an Occupational Illness or Injury Which Is Also a Disability Under the Rehabilitation Act**

The purpose of the Rehabilitation Act is to prohibit employers from discriminating against applicants and employees because of a disability and to provide for reasonable accommodation in the workplace. The purpose of the Federal Employees’ Compensation Act (FECA) is to provide a system for securing prompt and fair resolution of federal employees’ claims against employers for occupational illness or injury. While the purpose of the laws do not conflict, the simultaneous application of the laws raises questions in a number of areas.

An employee who has sustained an occupational illness or injury and has an accepted claim under FECA can, but does not necessarily, have a disability within the meaning of the Rehabilitation Act. In other words, an employee may sustain an injury or illness on the job that does not meet the Rehabilitation Act’s definition of a disability even if the employee is placed in a permanent rehabilitation assignment. This is because FECA is different in purpose than the Rehabilitation Act and uses different standards for evaluating whether a person has a “disability” or whether the employee is capable of working.

Remember, the Rehabilitation Act defines disability as a physical or mental impairment that substantially limits a major life activity. However, impairments resulting from an occupational illness or injury may not be severe enough to substantially limit a major life activity, or they may be only temporary, and have little or no long-term impact.

If an employee with an occupational illness or injury requests reasonable accommodation and the need for accommodation is not obvious or already known, the employer may require documentation to substantiate the following:

- The existence of a disability as that term is defined in the Rehabilitation Act.
- The employee’s entitlement to reasonable accommodation.

If the impairment resulting from the occupational illness or injury substantially limits a major life activity and is permanent or long term, assess whether the employee can perform the essential functions of a position, with or without accommodations, and without posing a direct threat. The fact that an employee has a substantially limiting impairment caused by the occupational illness or injury does not, by itself, indicate that he or she is unable to perform the essential functions of the job or that returning the employee poses a

direct threat. Refer to the five-step decision-making process in subchapter [22](#), consult with your injury compensation office, and make an individualized determination about what accommodations will enable the employee to perform the job's essential functions.

Reasonable accommodation may include restructuring a position by reallocating or redistributing the marginal functions that the employee cannot perform because of an impairment resulting from a traumatic injury or occupational illness. However, the Postal Service need not eliminate essential functions of the position.

#### 541.2 **Reasonable Accommodation for An Employee Who Requests Light Duty**

The term "light duty" is a contractual term. It refers to temporary work assignments — not positions — requested by eligible employees who have impairments from non-job-related medical conditions. Light duty is governed by Article 13 of most collective bargaining agreements and provides for the assignment of work, if available, to an employee unable to perform his or her regular duties. Therefore, light duty requests are handled by the installation head (or appropriate designees) pursuant to the terms of the relevant contract, rather than by the Reasonable Accommodation Committee or reasonable accommodation decision maker. However, it is important to recognize that an employee with a disability under the Rehabilitation Act may request light duty, believing it to be a reasonable accommodation. In such instances, the Reasonable Accommodation Committee or reasonable accommodation decision maker is the appropriate party to explore accommodation with the employee.

#### 542 **Reassignment as a Reasonable Accommodation**

Reassignment is a form of reasonable accommodation which may be required if no other accommodation will allow the employee to perform the essential functions of the position and the proposed reassignment does not violate the seniority provisions of a collective bargaining agreement. Barring undue hardship, reassignment will be required as a reasonable accommodation of last resort if it is determined that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position.

Where reassignment is or may be appropriate, consult with Human Resources personnel. Reassignment procedures for bargaining unit employees are controlled through specific contractual agreements with the labor organizations. These procedures require that the employee register his or her request for reassignment to another installation through the eReassign system. For such reassignments, consider the following types of positions:

- Authorized positions at the same level in the same commuting area for which the employee is qualified and which are vacant or will be vacant over the next 60 calendar days.
- Lower-level positions (if no comparable position is available) in the same commuting area that are authorized and vacant or will be vacant over the next 60 calendar days.

- Vacant positions (at the same or lower level) outside of the employee's commuting area if the employee is willing to relocate.

**Note:** The Postal Service is not obligated to pay relocation costs for a change in duty station that is for an employee's benefit (see Handbook F-15, *Travel and Relocation*).

The employee may need reasonable accommodation to perform the essential functions of the new position. Efforts to accommodate with reassignment should be noted on the Reasonable Accommodation Decision Guide (see [Exhibit 2-2](#)).

## 55 Modification of Vehicles, Vehicle Assignments, and Automated Mail Processing Machines as a Reasonable Accommodation

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All requests to modify vehicles including, but not limited to, vehicle equipment, components, structure, configuration, or operating characteristics and all requests to provide a vehicle that is owned or leased by the Postal Service as an accommodation when one is not provided or required currently must be approved first by Headquarters. A request for an action of this nature should be referred to the local manager, Vehicle Maintenance, who will forward it to Delivery Vehicle Operations at Headquarters for a decision.

All requests to modify automated mail processing equipment must be first approved by Headquarters. A request of this nature should be furnished to the local manager, In-Plant Support, who will forward it to the manager of Engineering Change Board at Headquarters.

## 56 Disability Retirement

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Employees who meet eligibility requirements may apply through the Human Resources Shared Service Center for Office of Personnel Management disability retirement. The application for disability retirement includes an Agency Certification of Reassignment and Accommodation Efforts. Disability retirement standard operating procedures can be accessed on the personnel desktop under the Human Resources Web page on the Postal Service Intranet.

Exhibit 5-1

**Reasonable Accommodation for the Deaf and Hard-of-Hearing (p. 1)****Reasonable Accommodation for the Deaf and Hard-of-Hearing**

Management has an obligation to reasonably accommodate deaf and hard-of-hearing employees and applicants who request assistance in communicating with or understanding others in work-related situations, such as the following:

- During investigative interviews that may lead to discipline, discussions with a supervisor on job performance or conduct, or presentation of a grievance.
- During some aspects of training, including formal classroom training.
- During portions of employee assistance programs (EAP) and EEO counseling.
- In critical elements of the selection process, such as during testing and interviews.
- During regular staff meetings, employee orientations, and safety talks, combined federal campaign, and savings bond drive kickoff meetings.
- During the filing or meetings concerning an employee's claim for on-the-job injury.

A reasonable accommodation must be approached on a case-by-case basis and based on an individual determination. This obligation is met by engaging in the interactive process described in an effort to identify an effective accommodation. The following should be considered:

- The ability of the employee to understand various methods of communication and the ability of others to understand the deaf or hard-of-hearing employee.
- The importance of the situation as it relates to work requirements, job rights, and benefits.
- The availability and cost of the alternative resources under consideration.
- Whether the situation requires confidentiality.

Include available resources such as, but not necessarily limited to, the following:

- Installation heads are authorized to pay for certified interpreters. Every effort will be made to provide certified interpreters when deemed necessary. The Registry of Interpreters for the Deaf offers information on locating and using interpreters and transliteration services. In some states and for certain situations, the state DVR may provide an interpreter at no charge.

When a decision is made that providing an interpreter is the appropriate accommodation but no interpreter is available, other means of securing an interpreter should be used, such as Video Remote Interpreting (VRI) technology, if available.

- Volunteer interpreters or individuals skilled in signing obtained from the workforce or community. The level of such persons varies; ensure that any volunteers used are providing effective accommodation.
- In some situations, such as providing daily instructions and routine communications, written communications may be appropriate. The ability of employees who are deaf or hard-of-hearing to comprehend written communications should be considered.
- Supervisors, training specialists, and EAP and EEO counselors may be trained in sign language.
- Deaf or hard-of-hearing applicants will be scheduled for a specific examination time when an interpreter will be available.

Exhibit 5-1

**Reasonable Accommodation for the Deaf and Hard-of-Hearing (p. 2)****Reasonable Accommodation for the Deaf and Hard-of-Hearing (p. 2)**

- State or federal relay services or other postal-approved technology, such as Video Relay Service (VRS) or VRI, if available and authorized, or other new and evolving technology may provide a way for a deaf or hard-of-hearing employee to conduct Postal Service business by telephone with other employees and customers.
- When possible, interpretive services should be scheduled as far in advance as possible. In the event of an emergency situation, management should strive to communicate the nature of the emergency as soon as possible.

Management will provide the following assistance for employees who are deaf or hard-of-hearing:

- Films or videotapes developed on or after October 1, 1987, designed for the training or instruction of regular workforce employees, are to be opened or closed captioned.
- To the extent practicable, existing films or nationally developed videotapes that will continue to be used with some frequency by employees who are deaf or hard-of-hearing are to be close captioned.
- Special telecommunications devices for the deaf are to be installed in all Postal Service installations employing deaf employees in the regular workforce. Special telecommunication devices or telephone volume control devices are to be installed for hard-of-hearing employees whenever the employee needs a reasonable accommodation in order to communicate by phone. These devices are to be available to employees who are deaf or hard-of-hearing for official business and in the case of personal emergencies. Management is to provide training to staff on the use of these special telecommunication devices.
- Visual alarms are to be installed on powered industrial equipment in Postal Service installations employing deaf employees in the regular workforce or in installations where such a reasonable accommodation is necessary for a hard-of-hearing employee.
- Visual fire alarms are to be installed in all new Postal Service installations where the Postal Service installs audible fire alarms (installations for which the Postal Service as of June 12, 1991, had not yet awarded a contract for the design of the building).

# 6 Role of the Reasonable Accommodation Committee

## 61 Policy

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Each area and district is required to have a Reasonable Accommodation Committee (RAC), a multifunctional task force that helps management to:

- Determine the eligibility of employees and applicants for reasonable accommodation.
- Assess the availability and feasibility of specific accommodations.

The RAC examines whether an individual applicant or employee qualifies for accommodation under the Rehabilitation Act. Working with the individual and management of the affected office, the RAC also examines potential accommodations, including transfer or reassignment.

## 62 Members

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A district RAC should include, but is not limited to, the members listed in the table below.

### Members of the District Reasonable Accommodation Committee

Position	Recommended Roles and Responsibilities
Manager, Labor Relations (or designee)	<ul style="list-style-type: none"> <li>■ Chairs committee.</li> <li>■ Ensures compliance with obligations imposed by law, in consultation with the Law Department (e.g., FMLA) and collective bargaining agreements.</li> </ul>
Human Resources Generalist (or designee)	<ul style="list-style-type: none"> <li>■ Brings requests for reasonable accommodation from applicants.</li> <li>■ Brings questions of medical suitability for applicants.</li> <li>■ Receives requests for reasonable accommodation related to a job bid or employee request for reassignment.</li> <li>■ Identifies vacant funded positions when reassignment is an issue.</li> </ul>
Manager, Safety, or Manager, Health Resource Management (or designee)	<ul style="list-style-type: none"> <li>■ Brings information about possible workplace accommodations.</li> </ul>

### Members of the District Reasonable Accommodation Committee

Position	Recommended Roles and Responsibilities
Postal Service Medical Doctor (if available)	<ul style="list-style-type: none"> <li>■ Serves as a medical resource.</li> <li>■ Helps to determine:               <ul style="list-style-type: none"> <li>– The extent of an applicant’s or employee’s medical condition and how it impacts the individual’s major life activities.</li> <li>– Whether the medical information about a condition implies the existence of a significant risk of substantial harm to the individual or others if the individual performed the job, with or without accommodation.</li> </ul> </li> <li>■ Discusses an individual’s medical situation with the treating physician with the individual’s written authorization.</li> </ul>
Occupational Health Nurse	<ul style="list-style-type: none"> <li>■ Serves as a medical resource.</li> <li>■ Gathers medical information relevant to medical suitability and requests for reasonable accommodation.</li> <li>■ May make disability-related inquiries and requests for medical examinations that are job-related and consistent with business necessity.</li> </ul>
Operations Manager (or designee)	<ul style="list-style-type: none"> <li>■ Provides voice of operations to committee deliberations.</li> <li>■ Helps to determine the operational feasibility of proposed accommodations.</li> </ul>

Each member of the RAC should be thoroughly familiar with the contents of this handbook and be trained in reasonable accommodation.

While any member may be the designated chairperson, it is recommended that the Labor Relations professional chair the committee. The RAC may also elect co-chairs. The chairperson should be responsible for maintaining a RAC file for each applicant or employee considered by it, and for storing the file as discussed in Subchapter [26](#), Record Keeping. The individual’s file should include reasonable accommodation requests and all related paperwork, medical and non-medical, including the Reasonable Accommodation Decision Guide. The chairperson is also responsible for convening the RAC as needed to consider requests for reasonable accommodation.

**Note:** Not all members must attend each meeting; in the interest of confidentiality, only those needed for evaluation of the situation being considered should attend.

## 63 Consultation With the Law Department

At times the RAC will need to consult with its area law office. Consultation is appropriate at any stage; however, the RAC must consult with the law office before making a final determination to deny a request for accommodation or to refuse to hire an individual when:

- It is not readily apparent that an individual has a disability as defined under the Rehabilitation Act.

- It finds that an individual poses a significant risk of substantial harm to himself or others.
- It finds that the proposed accommodation poses an undue hardship.

## 64 Referral to a Reasonable Accommodation Committee

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A supervisor or manager must refer a request for accommodation to the RAC when an employee has requested an accommodation or modification of his or her work assignment or job duties based on a medical reason, and one or more of the following is true:

- The supervisor is not certain if the impairment rises to the level of a disability under the Rehabilitation Act.
- The supervisor has questions concerning the reasonableness of the accommodation requested and whether it poses an undue hardship.
- The supervisor needs help finding a way to accommodate the individual.
- The supervisor believes the request for accommodation should be denied.
- The supervisor is considering separating the employee for inability to perform the functions of his or her position.

In addition, referral is appropriate when an individual with an obvious or known disability is observed having difficulty performing the essential functions of his or her job due to that disability. In these cases, the referring manager or supervisor must advise the employee of the referral to the RAC. Referral to the RAC is also appropriate when an Appointing Official questions the medical suitability of an applicant.

**Note:** Not all requests for accommodation need to be referred to a RAC. For example, if an employee requests specialized equipment, such as an ergonomic chair, and local management can provide the equipment expeditiously, there is no need for RAC involvement.

### 641 **Limited Duty, Light Duty, and Permanent Rehabilitation Positions**

Most limited duty and temporary light duty requests are not initially referred to the RAC. Instead, they are processed through the mechanisms provided by Federal Employees' Compensation Act (for limited duty) and the respective collective bargaining agreements (for light duty). Nonetheless, there are circumstances in which an employee in a light duty, limited duty, or permanent rehabilitation assignment can raise issues that warrant referral to the RAC. For example:

- When an employee has an illness or injury that may also qualify as a disability under the Rehabilitation Act and the employee seeks accommodation for that disability, referral to the RAC is appropriate.

- When an employee seeks to leave a light duty, limited duty, or permanent rehabilitation assignment position and obtain a different job, the RAC must assess the situation to see if the employee can perform in the position desired, with or without reasonable accommodation.

In addition, an employee with a disability may request permanent or long-term light duty, believing it to be a reasonable accommodation. In such a case, the RAC may appropriately explore accommodation with the employee. The RAC's role is limited, however, to evaluating the employee's eligibility for accommodation and the availability of accommodation under the law. The RAC does not make a decision on the availability of light duty because the installation head is responsible for granting or denying light duty, pursuant to the terms of the collective bargaining agreements.

## 642 **Family and Medical Leave Act Requests**

A request for accommodation may first appear as a request for FMLA-protected leave. For example, if an employee requests long-term leave for a reason related to (or possibly related to) a disability, then the supervisor or manager will consider this a request for reasonable accommodation and FMLA leave, make a referral to the RAC, and advise the employee of the referral.

If the employee elects to pursue his or her rights under the Rehabilitation Act, the RAC need not rely solely on FMLA certification but may make additional medical or disability-related inquiries to determine whether the employee has a covered disability, is entitled to reasonable accommodation, or both.

## 643 **RAC Role in Medical Suitability Determinations**

When physical limitations or restrictions are identified in the preemployment medical assessment findings, the Appointing Official will review the medical findings and contact the manager of the operation or office to determine whether the medical restrictions or limitations would permit safe performance of the job. The applicant should be referred to the RAC when:

- The Appointing Official concludes restrictions would not permit safe performance of the job; or
- If no accommodation can be readily provided to permit safe performance of the job; or
- If the Appointing Official is simply unsure.

The RAC will perform an in-depth analysis to determine:

- Whether the individual is able to perform the essential functions of the position; and/or
- Whether the individual poses a significant risk to self or others that cannot be reduced to an acceptable level by reasonable accommodation.

The RAC consults with the manager of the operation or office to discuss its findings. The RAC then informs the Appointing Official of its findings and recommendation.

## 65 The RAC's Decision-Making Process

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### 651 Meeting With an Employee or Applicant: The Interactive Process

The RAC should meet with the employee or applicant in person, if possible. If not, the RAC must contact the individual by telephone to discuss the accommodation request. The affected manager or supervisor may also find it helpful to attend this meeting and should be invited.

Before the meeting, the RAC must obtain medical documentation from the employee or applicant (or from PS Form 2485-A, *Medical Assessment – Focused Examination Report*, from the appropriate Health Unit for preemployment medical assessments where physical limitations or restrictions are identified) regarding the nature and extent of the impairment and its limitations (when the disability is not obvious or already known, e.g., an employee is blind or deaf).

Next, the RAC meets with the individual to:

- Review medical information.
- Discuss and evaluate limitations to major life activities.
- Discuss essential functions of the position in question and explore whether and how the individual can perform those functions without posing a direct threat.
- Elicit input regarding potential accommodations, including alternatives such as reassignment (where necessary and available and appropriate).

In addition, the RAC should advise the employee or applicant of the time frames for processing the particular request for accommodation and of the confidential treatment of the medical information relayed. The RAC should maintain ongoing communication with the individual throughout its proceedings, and advise that additional information may be sought later, should the need arise.

### 652 The RAC's Findings

Once the interactive process is completed and all necessary consultations have been made, the RAC must make the following findings:

- a. Whether the employee or applicant has a disability as defined under the Rehabilitation Act. In making this determination, the RAC should:
  - (1) Identify the impairment at issue.
  - (2) Determine whether the impairment:
    - (a) Renders the individual unable to perform a major life activity, or
    - (b) Substantially limits the performance of a major life activity as compared to the average person's performance of that activity.

- b. If a disability exists, determine whether the individual can perform the essential functions of the position held or desired, with or without reasonable accommodation. In making the essential functions determination, the RAC should obtain information on the essential functions of the position in question from the appropriate affected office or site and consider the input of the employee or applicant. At times, a site visit to evaluate the job functions may be necessary.
- c. If a disability exists, whether accommodation, including reassignment (for an employee, not an applicant), can be provided without undue hardship.

**Note:** Reassignment is an accommodation of last resort and should only be considered if no accommodation is possible within the employee's current position. Reassignments to vacant, equivalent positions should be considered first, then reassignments to a lower level position. Reassignment to a higher level position is not a reasonable accommodation.

With regard to findings *b* and *c*, consultation with the management of the affected office or operation is essential.

## 66 Final Decision

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The manager of the operation or office affected by the request for reasonable accommodation must be consulted and must ultimately approve the request or determination using the RAC as a consultative source or guide. If the manager decides not to follow the RAC's recommendation to accommodate the individual, the manager must first consult with his or her Manager of Human Resources and document his or her reasons for that decision. Refer to subchapter [25](#) for additional information on denying a requested accommodation.

## 67 Confidentiality

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The RAC must treat the medical records it collects as confidential information (see Management Instruction EL-860-98-2, *Employee Medical Records*, May 5, 1998). Such documentation is retained in the RAC file, intact, inside the individual's Candidate folder or EMF. Both the Privacy Act and the Rehabilitation Act prohibit disclosure of such medical information except in certain limited situations, such as when there is a need to know in order to provide a reasonable accommodation, or to manage, evaluate and report on the Postal Service's EEO and Affirmative Action Programs. Refer to subchapter [26](#) for additional information on record keeping.

# Glossary

<b>Accessibility</b>	The capability of being used. Handbook RE-4, <i>Standards for Facility Accessibility by the Physically Handicapped</i> , presently provides that, “Where handicapped persons are employed in existing postal facilities, or where their employment is imminent, applicable employee work areas must be altered in compliance with (accessibility) standards...”
<b>Americans with Disabilities Act (ADA)</b>	The Americans with Disabilities Act is civil rights legislation which prohibits discrimination based upon a person’s disabilities. It covers the private sector and state and local governments. The ADA requires such entities to accommodate individuals with disabilities in all phases of government services, public accommodations, transportation, and employment.
<b>Bona fide job offer</b>	An offer made to an applicant selected either competitively or noncompetitively after having met the overall eligibility and personal suitability requirements.
<b>Code of Federal Regulations (CFR)</b>	A codification of the rules published in the <i>Federal Register</i> by executive departments and agencies of the federal government. Postal regulations are found in 39 CFR.
<b>Collective bargaining agreements</b>	Also referred to as National Agreements or Contracts, these are the Postal Service-wide binding terms and conditions agreed upon by the Postal Service and labor unions.
<b>Competitive employment process</b>	The consideration and selection of individuals from a hiring register established as the result of rankings achieved on a competitive entrance examination.
<b>Direct threat</b>	A significant risk of substantial harm to the safety or health of the individual or others that cannot be eliminated by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.
<b>Disability</b>	A physical or mental impairment that substantially limits one or more major life activities of an individual.

<b>Disability retirement</b>	An application for annuity filed by an employee claiming permanent, total disability for his or her job.
<b>Division or Department of Vocational Rehabilitation (DVR)</b>	State offices providing rehabilitation assistance for individuals with disabilities.
<b>Equal Employment Opportunity Commission (EEOC)</b>	A federal commission that works to provide equal opportunities for all personnel in employment, training, assignment, promotion, and job security without discrimination owing to race, color, religion, sex, national origin, age, or physical or mental disability.
<b>Essential functions</b>	The major tasks that must be accomplished on a specific job. They are tasks that, if performed incorrectly or omitted by the individual, will result in failure to attain the basic purpose of the job. Other factors to consider are the amount of time an individual normally spends performing the function, whether the function is uniformly performed by incumbents, the past experience of job holders, the degree of skills and abilities needed to perform the function (see <a href="#">222</a> ). Essential functions may vary from one installation to another for specific jobs with the same job title and occupation code.
<b>Family and Medical Leave Act (FMLA)</b>	The federal law that requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are generally eligible if they have worked for at least 1 year and for 1,250 hours over the previous 12 months.
<b>Federal Employees' Compensation Act (FECA)</b>	The Federal Employees' Compensation Act is a law which provides compensation benefits to civilian employees of the United States for disability due to personal injury (including occupational disease) sustained while in the performance of duty. Damage to or destruction of medical braces, artificial limbs, and other prosthetic devices incidental to a personal injury is also compensable. FECA also provides for the payment of benefits to dependents if job-related injury or disease causes the employee's death.
<b>Full duty</b>	As used in this text, "full duty" includes marginal as well as essential job functions or may mean performing job functions without any accommodation.
<b>Impairments</b>	See physical or mental impairments.
<b>Job restructuring</b>	Altering a job in a fashion that enables a qualified person with a disability to perform the essential functions.
<b>Light duty</b>	Work, as defined in a specific collective bargaining agreement, provided to an employee who is unable to perform the full duties of his or her job due to a non-work-related injury or illness.
<b>Limited duty</b>	As used in this text, the term "limited duty" refers to a temporary assignment for an employee who is unable to perform his or her regular duties due to an occupational illness or injury.
<b>Major life activities</b>	Functions such as, but not limited to (see <a href="#">141.2</a> ), caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

<b>Medical assessment</b>	Preemployment medical examination, medical assessment questionnaire process, or additional information to identify an individual's ability to perform the functions of the job in question without endangering the health and safety of the individual or others.
<b>Noncompetitive employment process</b>	The Postal Service's structured procedure for hiring and placement of qualified persons outside the competitive process (see competitive employment process) e.g., persons with severe disabilities evaluated, certified, and referred by state DVR or VA for employment consideration.
<b>Permanent rehabilitation assignment</b>	This refers to an assignment into which an injured employee is placed when the employee's doctor notifies the Postal Service that the employee has reached maximum medical improvement and the employee still has medical restrictions that prohibit the employee from returning to the his or her regular job. A permanent rehabilitation assignment may or may not include essential functions of the employee's regular job.
<b>Physical or mental impairments</b>	(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, genito-urinary, 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.
<b>Qualified individuals with a disability</b>	With respect to employment, an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job in question without endangering the health and safety of the individual or others. A qualified individual with a disability is required to perform at a level comparable to that of other employees.
<b>Reasonable accommodation</b>	An adjustment or modification to the facility, environment, equipment, testing situation, or policy, or to the nonessential functions of the particular job, which will allow the qualified individual with a disability to perform the essential functions of that job.
<b>Rehabilitation Act of 1973</b>	The Rehabilitation Act prohibits discrimination against qualified employees and job applicants with disabilities in the federal government. The act also requires that federal employers provide reasonable accommodation to such individuals in order to allow them to perform the essential functions of their job. Accommodations are not required when they impose an undue hardship on the employer or endanger the health and safety of the individual or others.
<b>Restrictions</b>	See work restrictions.
<b>Restructuring</b>	See job restructuring.
<b>Substantially limits</b>	An impairment rendering the individual either unable to perform a major life activity or significantly restricted in performing the activity as compared to the average person's ability to perform the activity.

<b>Targeted disabilities</b>	Disabilities targeted by the EEOC for emphasis in affirmative action program planning. The disabilities and the codes that represent them are as follows: 16 and 17 (deafness), 23 and 25 (blindness), 28 and 32 through 38 (missing extremities), 64 through 68 (partial paralysis), 71 through 78 (complete paralysis), 82 (convulsive disorders), 90 (mental retardation), 91 (mental illness), and 92 (distortion of limbs and/or spine).
<b>Undue hardship</b>	The Postal Service is required to make reasonable accommodation to known physical and mental limitations of a qualified individual with a disability unless the accommodation would impose an undue hardship on the operation to which individuals with disabilities are assigned. Factors to be considered in determining undue hardship are as follows: (1) the overall size of the operation with respect to the number of employees, number and type of facilities, and size of budget; (2) the type of operation, including composition and structure of the workforce; and (3) the nature and cost of the accommodation.
<b>Department of Veterans Affairs (VA)</b>	An agency of the federal government, formerly called the Veterans Administration, serving the needs of former members of the United States armed forces.
<b>Work restrictions</b>	Specific functions that a person with a disability should not perform (e.g., no heavy lifting over 50 pounds).