

# Accommodations for deaf and hard of hearing members

**N**ALC is committed to assisting our deaf and hard of hearing members. With this in mind, NALC and USPS negotiated a memorandum of understanding (MOU) pertaining to reasonable accommodation for deaf and hard of hearing letter carriers. The MOU is incorporated into the contract and can be found on pages 140-143 of the 2016-2019 National Agreement. This MOU establishes specific requirements regarding the Postal Service's obligation to provide reasonable accommodation for deaf and hard of hearing employees and applicants under the Rehabilitation Act of 1973. The Rehab Act (as it is commonly known) prohibits discrimination against qualified employees and job applicants with disabilities, and requires the Postal Service to find ways to accommodate a qualified individual with a disability where appropriate.

As part of the accommodation process, USPS must provide resources to assist qualified letter carriers who are deaf or hard of hearing. Management may fulfill these contractual requirements related to reasonable accommodation in a variety of ways on a case-by-case basis. The MOU discusses these methods and provides specific accommodation requirements in certain situations. The MOU also provides a mechanism for NALC and USPS to meet and jointly discuss issues related to accommodation for deaf or hard of hearing employees.

A portion of the MOU is reprinted here:

## Management's Responsibility

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:

- a. During investigatory interviews which may lead to discipline, discussions with a supervisor on job performance or conduct, or presentation of a grievance.
- b. During some aspects of training including formal classroom instruction.
- c. During portions of EAP programs and EEO counselings.
- d. In critical elements of the selection process such as during testing and interviews.
- e. During employee orientations, safety talks, CFC and savings bond drive kickoff meetings.
- f. During the filing or meetings concerning an employee's OWCP claim. Reasonable accommodation must be approached on a highly individualized, case by case basis. The individual's input must be considered prior to making a decision regarding accommodation.

Postal Service guidelines concerning reasonable accommodation are contained in *USPS Handbook EL-307, Reasonable Accommodation, An Interactive Process*. *Handbook EL-307* describes a qualified individual with a disability as someone

who has a physical or mental impairment that substantially limits a major life activity, meets the prerequisites (skills, experience, education and other requirements) for the job the individual holds or desires and can perform the essential functions of the position with or without reasonable accommodation. A major life activity is an activity of fundamental significance and includes functions such as hearing, seeing, walking, speaking, caring for self, performing manual tasks and breathing. Reasonable accommodation is provided when an impairment substantially limits a major life activity, rendering an individual unable to perform the major life activity, or significantly restricts his or her performance when compared to an average person's performance of the same activity.

If you believe you are a qualified individual with a disability who requires accommodation in your job, or in a job you seek, make your request orally or in writing to your supervisor or manager. Explain the nature of your limitations and the accommodation you need. (This request can also be made by someone on your behalf.) When an accommodation request is received by USPS, whether orally or in writing, it must be processed promptly, using the guidance contained in *Handbook EL-307*.

**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. Article 2 of the National Agreement gives letter carriers the contractual right to file a grievance concerning alleged violations of the Rehabilitation Act.

Article 2 states in part:

In addition, consistent with the other provisions of this Agreement, there shall be no unlawful discrimination against handicapped employees, as prohibited by the Rehabilitation Act.

If you feel your request for reasonable accommodation has been unreasonably denied by the Postal Service, speak with your shop steward or branch officer.

**For more information on reasonable accommodation or the MOU Re: Deaf and Hard of Hearing** visit [nalc.org](http://nalc.org) and download the *Letter Carrier Resource Guide*. The online guide contains the entire MOU as well as other valuable information and resources related to the reasonable accommodation process.

Letter carriers should contact their local union representative or national business agent (NBA) with questions regarding reasonable accommodation. Contact information for the NBA who covers your region can be found on the NALC website at [nalc.org/union-administration/nalc-regions](http://nalc.org/union-administration/nalc-regions), or on page 2 of this magazine.

### Contract Administration Unit

Brian Renfroe, Executive Vice President  
Lew Drass, Vice President  
Christopher Jackson, Director of City Delivery  
Manuel L. Peralta Jr., Director of Safety and Health  
Dan Toth, Director of Retired Members