



UNITED STATES
POSTAL SERVICE®



Manager's Guide to Reasonable Accommodation

Publication 317
September 2003



Manager's Guide To Reasonable Accommodation

This publication answers some commonly asked questions about the Rehabilitation Act of 1973 and will help you in making reasonable accommodation decisions concerning job applicants and your employees.

What Is the Rehabilitation Act?

The Act applies to the Postal Service and prohibits discrimination against qualified employees and job applicants with disabilities. The Rehabilitation Act also imposes an obligation on the Postal Service to provide reasonable accommodation to qualified individuals with a disability so that they can enjoy equal employment opportunity. In other words, the Rehabilitation Act requires the employer to consider ways to alter, restructure, or change the manner of doing a job in order to allow a qualified person with a disability to perform the essential functions of a particular job, to be considered for a position he or she desires, or to enjoy equal employment opportunities.

Who Is Eligible for Protection Under the Rehabilitation Act?

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

- With a disability.
- With a record of a disability.
- Associated with a person with a disability.
- Regarded as having a disability.

How Do You Determine Who Is a Qualified Person With a Disability?

To determine whether an individual is a person with a disability, you must resolve two questions: (1) Does the person have a physical or mental impairment? (2) If so, does that physical or mental impairment substantially limit a major life activity? To be protected under the Rehabilitation Act, an individual must also be qualified for the job. In other words, the person must meet both the job prerequisites (exams, licenses) and be able to perform the essential functions of the job safely, with reasonable accommodation if necessary.



What Is a Physical and/or Mental Impairment?

These impairments 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, or endocrine.
- Mental impairments to include any mental or psychological disorder, such as mental retardation or organic brain syndrome, and can encompass emotional or mental illness and some learning disabilities.

What Is a Major Life Activity?

Generally, a major life activity is an activity of fundamental significance to most people in daily life and not simply something important to a particular individual. A major life activity includes obvious functions, such as hearing, seeing, walking, speaking, caring for self, performing manual tasks, and breathing.

When Does an Impairment Substantially Limit a Major Life Activity?

An impairment substantially limits a major life activity when it either renders an individual unable to perform it or significantly restricts his or her performance when compared to an average person's performance of the same activity.



What Is the Goal of Reasonable Accommodation?

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

What Activates the Accommodation Process?

The reasonable accommodation process is activated whenever a request for reasonable accommodation is made, orally or in writing, by the employee or applicant, or by someone acting on the individual's behalf. To request an accommodation, an individual may use plain language and need not mention the Rehabilitation Act or use the phrase "reasonable accommodation." The request is very likely to be made to you as either an employee's supervisor/manager or as an applicant's selecting official. It is important that you recognize that an employee's request for a change might in fact be a request for reasonable accommodation because a delay in processing or providing a reasonable



accommodation for a qualified individual could result in a violation of the Rehabilitation Act. Further, if you observe an employee with a known physical or mental impairment having difficulty performing the essential functions of his or her job because of their impairment, you should initiate the interactive process to determine if accommodation is necessary. To ensure that every request receives a timely decision, requests — including verbal requests — for reasonable accommodation should be documented and acted upon promptly (refer to Handbook EL-307 for a confirmation form and decision guide).

What Is my Responsibility?

As the supervisor or manager who receives the request, you are responsible for processing the accommodation request and providing the accommodation, if possible, in a reasonable time frame. Alternatively, many districts and areas have Reasonable Accommodation Committees to whom you can refer the request for processing. If unsure, check with your local manager of Human Resources.

How Do I Process a Request for Reasonable Accommodation?

Process a request for reasonable accommodation by involving the employee or applicant in an interactive process. The five-step process described here is a flexible, problem-solving approach that which makes the reasonable accommodation determination individualized and fact specific. Refer to Handbook EL-307 for more information.

Step One: Determine Whether the Individual Requesting the Accommodation Has a Disability.

You are entitled to know that an employee or applicant has a covered disability that could require a reasonable accommodation. When an applicant's or employee's impairment is obvious, you cannot request medical documentation to confirm the existence of the impairment. When a disability 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 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. Supplemental medical documentation (including, where appropriate, examination by a medical specialist of the Postal Service's choosing and at Postal Service's expense) may be required if the information supplied is not sufficient. Based on all information provided, determine whether the employee or applicant is a qualified individual with a disability. If so,

proceed to Step Two. If the applicant or employee is not a qualified individual with a disability, provide the employee or applicant with a written decision and rationale for the denial.

Step Two: Determine Essential Functions of the Job

Essential functions of a job are those functions that define the job. They essential functions are determined on a case-by-case basis. Do not presume that any two Postal Service jobs with the same title are necessarily alike; the essential functions may vary depending on the location, tour, and other factors. For example, the essential functions of a carrier who



holds a bid job in one office might be casing and delivery of mail for a prescribed route. In the same office, the essential functions of another carrier's job might also include collections. Identifying the essential functions of the position that the individual with a disability holds or desires

is necessary for reaching an individualized determination. *Remember: Determine essential functions of the job on a case-by-case basis.*

Step Three: Identify the Individual's Abilities and Limitations

The individual is best able to tell you what he or she is able to do. Discuss with the individual 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. Ask the individual to identify the functions for which accommodations are needed.

Step Four: Identify Potential Accommodations

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

Step Five: Determine the Reasonableness of Accommodations and Select Options

If there are multiple accommodation options that would be effective, select the accommodation(s) most appropriate for the Postal Service and the individual. The selected accommodation need not be the best or most expensive, or



even the one preferred by the individual. As long as the accommodation is effective in enabling the individual to demonstrate his or her qualifications in an exam or perform the essential functions of the job, the accommodation is acceptable. The employer makes the ultimate decision concerning what accommodations to provide.

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, or fail to eliminate or reduce the direct threat of harm to the disabled individual or others. Denial may be appropriate in such situations. See Handbook EL-307 for a full discussion of considerations.

How Much Time Do I Have to Make a Decision?

In all instances, requests for accommodations should be processed as promptly as possible given the facts and circumstances. Where the requested accommodation is simple and straightforward, and no extenuating circumstances apply, you should provide the accommodation as soon as possible but no later than 20 business days from the date of the request (see Handbook EL-307 for more on extenuating circumstances and time frames for processing reasonable accommodation requests). Handbook EL-307 also contains a form to document decision making upon activation of the reasonable accommodation process.



If you deny the accommodation requested by or for a qualified individual with a disability, you must promptly notify the employee or applicant in writing of the denial and the reasons for it. The denial must notify the individual of the right to request reconsideration, the right to file an EEO complaint, and any other appeal rights to which the individual may be entitled. See Handbook EL-307 and consult with your manager of Human Resources or designee for further advice.

Does Every Individual With a Disability Require an Accommodation?

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

Does Reasonable Accommodation Apply to Applicants Taking Postal Service Examinations?

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

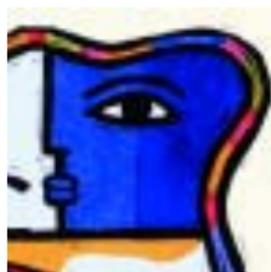
What Is the Purpose of a Medical Assessment?

Under no circumstances can you schedule a pre-employment medical assessment until after a conditional job offer is made. A conditional job offer is one made to an applicant selected either competitively or noncompetitively after having met the overall eligibility and personal suitability requirements. The job offer is conditional on the satisfactory result of the medical assessment. The medical assessment provides critical information about an applicant's ability to perform a job by identifying physical and/or mental restrictions or limitations. The assessment may suggest job modifications or accommodations that would reduce applicant risk and allow the applicant to perform the job safely. The assessment is not a recommendation for or against hiring and placement; that decision rests with the hiring official based on an individualized determination of the situation and the individual in question.

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

No. An employee with an occupational injury defined as a disability by the Federal Employees' Compensation Act (FECA) may not have a disability under the meaning of the Rehabilitation Act. The Rehabilitation Act defines a person with a disability as one who:

- Has a physical or mental impairment that substantially limits a major life activity.
- Has a record of such impairment.
- Is regarded as having such impairment.



Impairments resulting from occupational injury may not be severe enough to substantially limit a major life activity, or they may be only temporary, non-chronic, and have little or no long-term impact. On the other hand, occupational injuries may substantially limit a major life activity. If you have questions about a particular occupational injury case, consult your local District Reasonable Accommodation Committee or Human Resources office.

What About Other Laws?

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



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

The Decision Guide form is designed to document the reasonable accommodation decision-making process and to guide the decision maker conducting an interactive meeting with an applicant/employee who has a disability that requires reasonable accommodation. The form is not required to document:

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

Where Can I Get Additional Information About Reasonable Accommodation?

This material is intended as a general reference for information purposes. For detailed information, see Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, available from your Human Resources office, on the Postal Service intranet, in hard copy at the Material Distribution Center, or access it at www.usps.com.

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

Publication 317, September 2003

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