

CHAPTER 3 . RESPONSIBILITIES OF HUD OFFICIALS

3-1. DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY (ODEEO)

The Director, ODEEO, who also serves as the Department's Director of Equal Employment Opportunity, has overall responsibility for assuring that the Department complies with Section 501 of the Rehabilitation Act of 1973, as amended, the nondiscriminatory requirements of the American Disabilities Act of 1990 and Executive Order 13164 by establishing and maintaining an effective mechanism for processing and responding to reasonable accommodation requests. This responsibility includes establishing Department-wide policy and procedures, reporting on all reasonable accommodation requests and adjudicating EEO complaints where discrimination is alleged based on disability.

3-2. ASSISTANT SECRETARY FOR ADMINISTRATION

The Assistant Secretary for Administration has Department-wide responsibility for implementing and administering the reasonable accommodation provisions of Section 501 of the Rehabilitation Act of 1973, as amended, and Executive Order 13164. Specifically, the Assistant Secretary for Administration maintains centralized control over the processing of reasonable accommodation requests and for the tracking and the internal reporting to ODEEO on reasonable accommodation efforts and activities. This includes the designation of a Disability Program Manager, provision of staff resources for readers, interpreters, personal and staff assistants, providing material in alternative formats and training to all managers, supervisors, and Office of Administration employees who merit-staff positions.

3.3 CHIEF FINANCIAL OFFICER (CFO)

The Chief Financial Officer has Department-wide responsibility for the allocation of all funds in support of reasonable accommodation.

3-4. DISABILITY PROGRAM MANAGER (DPM)

A. Location of DPM

The Disability Program Manager is located in the Office of Administration and is responsible for training managers, supervisors and employees and serves as a resource person to supervisors, managers, employees and Office of Human Resources (OHR) personnelists regarding the statutory and regulatory requirements relating to reasonable accommodation. The Deputy Director is the designated Disability Program Manager and

must remain aware of available resources and how to expedite their procurement, maintain records, and ensures that information is available to the ODEEO staff for reporting purposes. The **DPM** may delegate limited authority to Field Offices, e.g., procurement of accommodations that are within their budget, guidance, technical assistance and training to managers and supervisors, etc., pursuant to the Deputy Secretary's September 13, 2002, Operating Protocols memorandum.

B. Responsibilities of DPM

The Disability Program Manager serves as liaison in coordinating and monitoring a variety of administrative functions such as training, tracking, reporting functions, etc. The Disability Program Manager may seek information about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional such as a doctor, social worker or rehabilitation counselor. The Disability Program Manager may work with the manager and supervisor in seeking appropriate information. The Disability Program Manager may evaluate the medical documentation, in consultation with designated medical or rehabilitation professionals, to assist in determining the necessity for and appropriateness of the requested accommodation.

The Disability Program Manager advises the appropriate persons whether the documentation demonstrates that a reasonable accommodation is appropriate and provides, if necessary, any additional relevant information about the individual's functional limitations.

The Disability Program Manager serves as the Chairperson of the Department's Reasonable Accommodation Committee (RAC).

3-5. PRINCIPAL ORGANIZATION HEADS (POHS)

Principal Organization Heads are the Assistant Secretaries and equivalent organization heads and also serve as the Equal Employment Officer for their respective organizations. POHs have overall responsibility for expeditious management review of the requests and for final approval of requests for reasonable accommodation in their respective program offices. POHs may delegate reasonable accommodation approval authority, in writing, to Regional and Field Office Directors pursuant to the Delegations of Authority in the September 13, 2002, Operating Protocols memorandum and in accordance with the procedures outlined in this handbook.

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3.6. OFFICE OF ADMINISTRATION, CHIEF TECHNOLOGY OFFICER (CTO)

The Chief Technology Officer, in the Office of Administration, has responsibility for ensuring the Department's compliance with Section 508 of the Rehabilitation Act of 1973, as amended, which requires that agency information technology systems be accessible to disabled employees, applicants, and other members of the general public.

3-7. ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO)

The Assistant Secretary for FHEO has Department-wide responsibility for administering and enforcing the Department's program and physical facility accessibility requirements under the authority of Section 504 of the Rehabilitation Act of 1973, as amended.

3-8. INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION A.

Procedures

1. The employee or job applicant may initiate a request for reasonable accommodation **orally, in writing, or via any other mode of communication** to his/her supervisor, any supervisor or manager in his/her chain of command, or to the Disability Program Manager. If the individual is a job applicant, and requires an accommodation in the application process, s/he must make the request to the Human Resources Specialist assigned to merit staff the vacancy or to the Disability Program Manager.
2. If the individual requires an accommodation for the interview process, s/he must make the request for the accommodation to the person scheduling the interview who will notify the interviewer so that the interviewer can make the necessary arrangements to obtain and provide the accommodation.
3. Although requests may be made orally, in writing, or via any other mode of communication, managers, supervisors or Human Resources Specialists receiving such requests must ensure that Form HUD-1000 is completed for record keeping and reporting purposes. If the requesting individual fails to complete Form HUD-1000, the person who receives the request must complete the form based on information received, on behalf of the requesting individual. Material in alternative formats will be provided by the agency via the **DPM** or through local field office procurement procedures at no expense to the individual, In the event that a Field Office provides an accommodation, the documentation of the request (HUD Form 1000) and the outcome must be provided to the **DPM** within the specified timeframes.

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4. If the Reasonable Accommodation request is for an electronic technology accommodation, the requesting individual must complete Form HUD-22006 or the person (Supervisor, Manager, Disability Program Manager) who receives the accommodation request must complete the form on behalf of the requesting individual, if the requesting individual cannot or does not complete the Form. The completed Form HUD 22006 must be submitted to the Department's Information Technology Accessibility Coordinator in the Office of the Chief Technology Officer. Additional information can be obtained by visiting the Chief Technology Officer's web-site or by contacting the Information Technology Accessibility Coordinator at (202) 708-0614 ext. 7507 (voice), (202) 708-4401 (TTY) or (202) 708-7689 (FAX).
5. While an individual with a disability does not have to specify the precise accommodation, s/he does need to describe the problem posed by the workplace barrier, which affects his/her ability to perform the essential functions of the position. The individual must also provide timely and appropriate documentation to support the request if the need for the accommodation is not obvious to the supervisor/ manager.

An applicant with a disability must specify or describe to the Human Resources Specialist, Supervisor, Manager, Disability Program Manager, Employee/Labor Relations Specialist or designee in the field, the accommodation that will enable the individual to have an equal opportunity to participate in the application process and to be considered for a position.

B. Immediate Supervisor

The immediate supervisor is responsible for receiving and reviewing requests for reasonable accommodations, engaging in interactive communication, assessing essential job functions, requesting pertinent medical documentation, if appropriate, and whenever possible, approval of reasonable accommodation requests, including "no cost" accommodations. If the immediate supervisor cannot approve the request, s/he must forward, within seven (7) business days from the date of receipt, the request for reasonable accommodation to the second-line supervisor in the requestor's chain of command for review and approval. The immediate supervisor must document, in writing, his/her reasons for not approving the request prior to forwarding it to the second-line supervisor. S/he also has the responsibility, when interviewing job applicants, to provide any necessary accommodation, if requested, so that interviews may be conducted in an efficient and effective manner. Examples of such accommodations include, but are not limited to, the use of an interpreting service and access to designated

parking. The immediate supervisor is also responsible for ensuring that all completed request forms, supporting documentation and decisions are submitted to the POH within twelve (12) business days for submission to the Disability Program Manager no later than eighteen (18) days from the date of request. The immediate supervisor must also notify the individual of the status of his/her request for accommodation.

If the immediate supervisor is the POH, the POH has seven (7) business days from the date of receipt to review and approve the request. If the POH (immediate supervisor) does not approve the request, s/he must document, in writing, his/her reasons for not granting the accommodation. The POH must notify the individual of his/her decision, in writing, then complete all forms, and submit them within twelve (12) business days to the DPM who will convene the Reasonable Accommodation Committee (RAC) for a final decision, if the employee appeals the denial of the reasonable accommodation request.

3.9 SECOND-LINE SUPERVISOR

A. Procedures

1. The second-line supervisor is responsible for receiving and reviewing requests for reasonable accommodations, engaging in interactive communication, assessing essential job functions, requesting pertinent medical documentation, if appropriate, and for approval of reasonable accommodations requests for his/her immediate staff and, if necessary, requests from staff in the organization if human and financial resources are involved. The POH or designee in the field, if any, must provide final approval of reasonable accommodations involving financial and/or human resources. S/he also has the responsibility, when interviewing job applicants, to provide any necessary accommodations, if requested, so that interviews may be conducted in an efficient and effective manner. Examples of such accommodations include, but are not limited to, the use of an interpreting service and access to designated parking. The second-line supervisor is responsible for notifying the individual, in writing, of the status of his/her request, and ensuring that all completed request forms, supporting documentation and decisions are submitted to the POH within twelve (12) business days of the reasonable accommodation request. The POH will give final approval, notify the individual, in writing, of the status of his/her request for accommodation and forward all relevant documents to the Disability Program Manager no later than eighteen (18) business days from the date of request for accommodation.
2. If the request for reasonable accommodation is made directly to the second-line supervisor, the second-line supervisor has seven (7) business days to review and

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approve the request. If the second-line supervisor within the seven (7) business days time frame does not approve the request, s/he must document the reasons, in writing, and submit the request and attendant documentation to the POH for review and approval. The POH must notify the requester of his/her decision and forward the decision and supporting documentation to the Disability Program Manager within eighteen (18) business days from date of the initial request whether it was made orally, in writing, or via any other mode of communication, absent "extenuating circumstances."

3. If the POH is the second-line supervisor, the POH has seven (7) business days from the date of receipt to review and approve the request. If the POH does not approve the request, s/he must document, in writing his/her reasons for not granting the accommodation. The POH must notify the individual of his/her decision, then complete all forms, and submit them within twelve (12) business days to the DPM who will convene the Reasonable Accommodation Committee (RAC) for a final decision.

3-10. REASONABLE ACCOMMODATION COMMITTEE (RAC)

A. Responsibilities

The Reasonable Accommodation Committee is responsible for reviewing all material and information pertaining to a denied reasonable accommodation request. The Committee shall consist of representatives from the Office of General Counsel (OGC), the Office of Departmental Equal Employment Opportunity (ODEEO), the Office of Administration, and the Program Office in which the request originated. Union representation at Committee meetings will be available at the request of the employee in accordance with HUD's Collective Bargaining Agreements. The requesting employee or applicant may also be asked by the Disability Program Manager to meet with the Committee or a member of the Committee when additional information or clarification is necessary. POHs will designate representatives from the program office in which the reasonable accommodation request originated to serve on RAC committees in the Regional and Field Offices.

B. Role of DPM

The Disability Program Manager shall serve as the chairperson of the RAC. The Committee will review the reasonable accommodation request, any supporting medical documentation, and the written justification for denying the requested

accommodation. Based on this information provided, the Committee will vote to determine whether to approve or deny the request. The Disability Program Manager shall inform the individual of the RAC's final decision.

C. Employee Assistance Program (EAP) Staff/Employee/Labor Relations Staff

The EAP staff is responsible for providing advice, guidance, and information pertaining to the prevention, treatment, and rehabilitation of employees with respect to alcoholism, drug abuse, and other personal-medical-behavioral problems, the need for reasonable accommodations and assisting in the evaluation of medical documentation.

The Employee/Labor Relations staff provides technical advice and assistance to managers on performance base actions and employees' medical inability to perform job related functions, including the evaluation of medical documentation in support of reasonable accommodation.