

*Procedures for Providing Reasonable Accommodation for Individuals with Disabilities*

## CHAPTER 4 . INITIATING REQUESTS FOR REASONABLE ACCOMMODATIONS

### 4-1. REASONABLE ACCOMMODATION PROCESS

#### A. Key Points:

1. A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability.
2. A request for reasonable accommodation does not have to include any special words, such as "reasonable accommodation", "disability", or "Rehabilitation Act".
3. A request for reasonable accommodation may be made **orally, in writing, or via any other mode of communication**. However, for accountability and record keeping purposes, HUD employees and job applicants in need of a reasonable accommodation **must** follow-up an oral request by completing form HUD-1000 or Form HUD-22006, "Accommodation Request for Persons with Disabilities" (see Appendix 2). If the requesting individual fails to complete the Form HUD-1000, the supervisor, manager, DPM or Human Resource Specialist receiving the reasonable accommodation request must complete the form on behalf of the requesting individual. If an employee or job applicant needs a particular reasonable accommodation on a repeated basis, then the agency may not require a written request for record keeping purposes each time the reasonable accommodation is needed.
4. Applicants for employment may make a request for reasonable accommodation **orally, in writing, or via any other mode of communication**. However, the Personnel Management Specialist assigned to handle the merit staffing action must give them the "Form HUD-1000" to complete and, if necessary, provide assistance with form completion, or complete the Form for the applicant.
5. If the reasonable accommodation request is for an electronic technology accommodation, the requesting individual must complete Form HUD-22006 (see - appendix 5) or the person (Supervisor, Manager, Disability Program Manager) who receives the accommodation request must complete the form on behalf of the requesting individual. The completed Form HUD-22006 must be submitted to the Department's Information 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).

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6. The time limits for the reasonable accommodation process begin when the supervisor, or manager in the individual's immediate chain of command, or the Disability Program Manager, receives the request regardless of whether the request is made **orally, in writing, or via any other mode of communication**. In the case of an applicant for employment, the process begins when a request is made **orally, in writing, or via any other mode of communication** to the Office of Human Resources staff, the Disability Program Manager or to the supervisor or manager conducting the interview.
7. It is the responsibility of the employee or applicant requesting a reasonable accommodation to provide appropriate medical documentation related to the functional impairment at issue and the requested accommodation where the disability and/or the need for accommodation is not obvious.
8. Medical Documentation may be necessary so that HUD can:
  - (a) Determine if the employee or applicant has a covered disability under the Rehabilitation Act;
  - (b) Determine whether an accommodation is needed; and if so,
  - (c) Assess what kind of accommodation is necessary.
9. Medical documentation *is not* necessary when both the disability and the need for reasonable accommodation are obvious or when the individual has already provided sufficient information to substantiate that s/he has a disability and needs the requested reasonable accommodation.
10. A family member, health care professional, or other representative may request an accommodation on behalf of an employee or applicant.
11. Requests for reasonable accommodation will be processed and provided, within - thirty (30) business days, absent "extenuating circumstances". "Extenuating circumstances" are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When a reasonable accommodation can be provided in less than thirty (30) business days, failure to provide in a prompt manner may result in a violation of the Rehabilitation Act of 1973.

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## **4-2. MAKING THE REQUEST**

### **A. How, By Whom And To Whom**

1. Individuals in need of a reasonable accommodation shall initiate the reasonable accommodation process by making the request, **orally, in writing, or via any other mode of communication**. Accordingly, if an oral request is made, the timeframes run from the date of the oral request. Individuals may also initiate the process by making the request in writing to the first or second-line supervisor, any other supervisor in the chain of command, or the Disability Program Manager. However, the Department shall not require that individuals mention the Rehabilitation Act or use the phrase "reasonable accommodation" in the request.
2. Regardless whether the managers or supervisors feel that the individual is entitled to an accommodation, the Department must immediately start the process by considering the request. The Department will request, for record keeping purposes only, that the employee complete Form HUD-1000, "Accommodation Request for Persons with Disabilities" (See Appendix 2) and submit it to his/her first or second-line supervisor or to the DPM. However, the Department cannot ignore the initial request, whether made orally, in writing, or via any other mode of communication. If the requesting individual fails to complete the Form HUD-1000, the supervisor, manager or Human Resource Specialist receiving the reasonable accommodation request must complete the form on behalf of the requesting individual.
3. The Department will provide assistance to an individual with a disability who requires assistance in completing Form HUD-1000, or who requires the Form **HUD-1000** in an alternative format.

### **B. Third Party Request**

1. A third party may make a reasonable accommodation request, on behalf of the individual with a disability.
2. The third party may be a family member, health care professional or any other representative of the disabled individual (e.g., union representative).
3. When a third party makes the request, the Department will first confirm with the employee/applicant that he/she wants a reasonable accommodation. If an employee's health care professional sends the Department a letter requesting a

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reasonable accommodation for the employee, the agency must confirm with the employee that the doctor's letter was sent with the employee's consent.

4. If a supervisor feels that an employee may need a reasonable accommodation to perform the job functions, s/he may initiate the request. In such cases, however, the requesting party shall consult with the employee and shall summarize and report the employee's comments on Form HUD-1000.

**C. Actions Required by Immediate or Second-Line Supervisor/Disability Program Manager****1. Review of Request**

As the receiving official, the immediate supervisor or second-line supervisor, the subject matter experts on the essential job functions, shall review the request and begin the interactive/communication process (see 4-3) with the employee. The supervisor shall complete the appropriate sections of Form HUD-1000.

**2. Immediate Supervisor**

The immediate supervisor is required to respond to and approve reasonable accommodation requests whenever possible with emphasis on those where:

- (a) no cost is involved; and
- (b) the supervisor and the employee are in agreement as to the accommodation (e.g., rearrangement of the furniture within an employee's work space/office, approval of late arrival, etc.). If the request is approved by the immediate supervisor, a copy of Form HUD 1000 or Form HUD 22006 should be completed and forwarded to the DPM for record keeping purposes.

To prevent unnecessary delays in processing reasonable accommodation requests, whenever possible, Field Offices should adhere to their local procurement procedures for obtaining reasonable accommodation such as ergonomic chairs, armrests, etc. If the request is one that can be and is approved by the immediate supervisor or at the Field Office level, a copy of Form HUD-1000 including any supporting documents should be completed and submitted to the Disability Program Manager.

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The receiving official (e.g., immediate supervisor, second-line supervisor, DPM or Field Office Director, etc.) completes the section entitled "Immediate Supervisor" (and the Requester section if the request is being initiated on behalf of the employee). If the request is one that can be approved by the receiving official, s/he shall initiate immediate action to procure the reasonable accommodation through the local office's procurement process, in the shortest possible time frame, but no later than thirty (30) business days from date of request, excluding any extenuating circumstances. Otherwise, the receiving official signs and dates the form within seven (7) business days and forwards a copy to the POH for review and decision. Within twelve (12) business days the POH must make a decision. No later than eighteen (18) business days from date of request, the POH must notify the individual, in writing, of the decision and forward the original request and supporting documentation to the Disability Program Manager for appropriate action, and for record keeping and reporting purposes.

**4. Supervisor Believes an Employee Needs a Reasonable Accommodation**

There may be situations in which a supervisor perceives that an employee's work situation might improve with reasonable accommodation, but the employee has not raised a problem or asked for an accommodation. The supervisor may ask the individual about his/her disability and functional limitations when the disability and/or the need for accommodation is not obvious. It is appropriate for a supervisor to ask if an employee may need an accommodation, but it is not appropriate to independently initiate a request if the employee does not wish an accommodation.

**5. Disability Program Manager**

- If the Disability Program Manager is the receiving official, s/he shall review the request and engage in the interactive/communication process (see 4-3) with the employee, supervisor, manager and POH.
- 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.

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- 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.

**4-3. INTERACTIVE PROCESS****A. Purpose of Process/Exchange of Information**

1. The immediate supervisor and/or manager and employee requesting a reasonable accommodation should begin the interactive process as soon as the request for an accommodation is made orally, in writing, or via any other mode of communication. The purpose is to determine what, if any, accommodation should be provided.
2. The exchange of information is a priority and is necessary to clarify what the individual needs, the nature of the disability and/or functional limitations that are impacting on the employee's job performance and to identify an effective accommodation that will enable the employee to perform the essential job functions.

**B. Questions Asked During the Initial Interactive Process**

Examples of questions to be evaluated during the initial interactive process include, but are not limited to:

- Is the accommodation necessary to perform the duties of the position?
- What effect will the accommodation have on the agency's operations and on the employee's performance?
- To what extent does the accommodation compensate for the employee's or job applicant's limitations?
- Will the accommodation give the person the opportunity to function, participate, or compete on a more equal basis with co-workers?

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- Are there alternative accommodations that would accomplish the same purpose?

**C. Communication**

1. This interactive communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the supervisor and requesting individual must talk to each other to make sure that there is a full exchange of relevant information. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation.
2. Communication is a priority throughout the entire process. This means that the employee requesting the accommodation and the immediate supervisor and/or manager must talk to each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations.

**D. Third Party Request**

1. When a request for accommodation is made by a third party, the Supervisor or Disability Program Manager or, in the case of an applicant with a disability, the Human Resources Specialist should, if possible, confirm with the applicant or employee with a disability that s/he, in fact, wants a reasonable accommodation before proceeding.
2. **It** may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the third party's request will be processed and the Disability Program Manager or Human Resources Specialist will follow-up directly with the individual needing the accommodation as soon as it is practical.

**4-4. MEDICAL DOCUMENTATION****A. Why the Documentation?**

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1. The Department is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. When the disability and need for accommodation are not obvious or otherwise already known, medical documentation may be requested to: (a) substantiate that the individual has a

disability covered by the Rehabilitation Act; (b) determine whether an accommodation is needed; and, (c) assess what kind of accommodation is necessary.

Based on this need-to-know, the manager, supervisor or Disability Program Manager may ask the employee for reasonable documentation about his/her disability and functional limitations.

2. Reasonable documentation means that the Department may require only the documentation that is needed to establish that a person has a covered disability, and that the disability necessitates a reasonable accommodation. Also see EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act at [www.eeoc.gov](http://www.eeoc.gov).

**B. Procedures for Obtaining Medical Documentation**

1. If medical information is needed, the supervisor or Disability Program Manager **will** explain to the individual seeking the accommodation, in specific terms, why the need for information or if the provided information is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.
2. If the information provided by the individual or health care professional is insufficient to enable a determination to be made, the **supervisor** or Disability Program Manager may ask for further information. However, the Disability Program Manager and/or supervisor will first explain to the individual in specific terms why the information, which has been provided, is insufficient, what additional information is needed and why it is necessary for a determination of the reasonable accommodation request. The individual may request the additional documentation or alternatively, the Disability Program Manager may request the individual to sign a limited release so that the Disability Program Manager may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's health care professional.





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3. In many cases, the employee requesting the accommodation will supply medical information as an attachment to the request Form HUD-1000, Reasonable Accommodation Request for Persons with Disabilities, without being asked. In these cases, the supervisor will consider the documentation and make a determination on its appropriateness or whether additional medical documentation is necessary.

To expedite the reasonable accommodation process, whenever possible, Field Offices should adhere to their local procurement process.

If additional documentation is not necessary, the receiver of the request (supervisor, manager or DPM) will process the request for accommodation through the local office procurement procedures.

4. The Disability Program Manager, Office of Human Resources, Employee Assistance Program staff, and/or Employee Relations staff, working through the manager, supervisor and/or Principal Organization Head, may request that the employee/applicant provide information, from an appropriate health care professional, such as a doctor, social worker, or rehabilitation counselor, that addresses the following:
  - the nature, severity, and duration of the individual's impairment;
  - the activity or activities that the impairment limits;
  - the extent to which the impairment limits the individual's ability to perform the activity or activities;
  - why the individual requires reasonable accommodation or the particular reasonable accommodation being requested; and
  - how the reasonable accommodation will assist the individual to perform the essential functions of the job or assist the individual to apply for a job, or enjoy a privilege or benefit of the workplace.
5. To facilitate the above responses, the manager or supervisor must provide the requesting employee and/or health care professional or other appropriate professional with copies of the employee's current position description, highlighting the essential functions and performance standards as well as any other narrative information that clearly explains the duties of the job.
6. Alternatively, the Disability Program Manager may ask the immediate supervisor to request that the employee/applicant sign a limited release authorizing the Disability



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Program Manager to submit a list of specific questions to the individual's health care professional or contact the individual's doctor.

7. If, after fourteen (14) business days, the requesting employee is unable to provide sufficient information to demonstrate that s/he has a disability and needs a reasonable accommodation, the supervisor, at the recommendation of the Disability Program Manager may, at the expense of the Department, request that the individual be examined by the HUD physician or another chosen physician. The Department also has the right to have medical documentation reviewed by the HUD physician or another medical expert, at its own expense.
8. Any medical examination conducted by the employer's health care professional must be job-related and consistent with business necessity. This means that the examination must be limited to determining the existence of a qualified disability and the functional limitations that require reasonable accommodation. If an employer requires an applicant or employee to go to a health care professional of the employer's choice, the employer must pay all costs associated with the visit (s).
9. If the employee or applicant for employment is uncomfortable about sharing sensitive information about his/her medical condition with his/her supervisors, it is permissible for the individual to provide the medical information directly to the Disability Program Manager for review. The Disability Program Manager is then responsible for explaining to the **reasonable accommodation** decision maker on the reasonable accommodation request that the individual has a disability rather than sharing all of the details about the medical condition.
10. The individual's failure to provide appropriate documentation or to cooperate in HUD's efforts to obtain such documentation may result in a denial of the reasonable accommodation. If the Disability Program Manager agrees that the supervisor's recommended denial is based on the individual's failure to provide sufficient medical information, the Reasonable Accommodation Committee will not be convened.
11. Documentation **is not** necessary when both the disability accommodation are obvious **or** when the individual has already provided sufficient -information to substantiate that s/he has a disability and needs the requested reasonable accommodation.and the need for reasonable