

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities**CHAPTER 1. INTRODUCTION/PURPOSE/DEFINITIONS**

1-1. INTRODUCTION AND PURPOSE.....	1-1
1-2. DEFINITIONS.....	1-1
A. PERSON WITH A DISABILITY.....	1-1
B. QUALIFIED PERSON WITH A DISABILITY.....	1-2
C. PHYSICAL OR MENTAL IMPAIRMENT.....	1-2
D. TARGETED DISABILITIES.....	1-2
E. INVISIBLE/HIDDEN DISABILITIES.....	1-2
F. ESSENTIAL JOB FUNCTIONS.....	1-3
G. REASONABLE ACCOMMODATION.....	1-3
H. UNDUE HARDSHIP.....	1-4

CHAPTER 2. STATUTORY REQUIREMENTS/ POLICY STATEMENT/MANAGEMENT RESPONSIBILITIES

2-1. STATUTORY REQUIREMENTS.....	2-1
2-2. DEPARTMENT-WIDE POLICY STATEMENT.....	2-2
2-3. MANAGEMENT'S RESPONSIBILITY.....	2-2
A. WHAT IS REASONABLE ACCOMMODATION?.....	2-2
B. PROVIDING REASONABLE ACCOMMODATION.....	2-3

CHAPTER 3. RESPONSIBILITIES OF HUD OFFICIALS

3-1. DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY (ODEEO).....	3-1
3-2. ASSISTANT SECRETARY FOR ADMINISTRATION.....	3-1
3-3. CHIEF FINANCIAL OFFICER.....	3-1
3-4. DISABILITY PROGRAM MANAGER (DPM).....	3-1
A. LOCATION OF DPM.....	3-1
B. RESPONSIBILITIES OF DPM.....	3-2
3-5. PRINCIPAL ORGANIZATION HEADS (POHS).....	3-2
3-6. OFFICE OF ADMINISTRATION, CHIEF TECHNOLOGY OFFICER (CTO).....	3-3
3-7. ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO).....	3-3
3-8. INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION.....	3-3
A. PROCEDURES.....	3-3
B. IMMEDIATE SUPERVISOR.....	3-4
3-9. SECOND-LINE SUPERVISOR.....	3-5
A. PROCEDURES.....	3-5
3-10. REASONABLE ACCOMMODATION COMMITTEE (RAC).....	3-6
A. RESPONSIBILITIES.....	3-6
B. ROLE OF DPM.....	3-6
C. EMPLOYEE ASSISTANCE PROGRAM (EAP) STAFF/EMPLOYEE/LABOR RELATIONS STAFF.....	3-7

CHAPTER 4. INITIATING REQUESTS FOR REASONABLE ACCOMMODATIONS

4-1. REASONABLE ACCOMMODATION PROCESS.....	4-1
A. KEY POINTS:.....	4-1
4-2. MAKING THE REQUEST.....	4-3
A. HOW, BY WHOM AND TO WHOM.....	4-3
B. THIRD PARTY REQUEST.....	4-3
C. ACTIONS REQUIRED BY IMMEDIATE OR SECOND-LINE SUPERVISOR/DISABILITY.....	4-4

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

PROGRAM MANAGER

4-3. INTERACTIVE PROCESS 4-6

 A. PURPOSE OF PROCESS/EXCHANGE OF INFORMATION 4-6

 B. QUESTIONS ASKED DURING THE INITIAL INTERACTIVE PROCESS 4-6

 C. COMMUNICATION 4-7

 D. THIRD PARTY REQUEST 4-7

4-4. MEDICAL DOCUMENTATION 4-7

 A. WHY THE DOCUMENTATION? 4-7

 B. PROCEDURES FOR OBTAINING MEDICAL DOCUMENTATION 4-8

CHAPTER 5. CONFIDENTIALITY REQUIREMENTS

5-1. REQUIREMENTS 5-1

 A. REHABILITATION ACT 5-1

 B. SHARING INFORMATION 5-1

 C. RESPONSIBILITIES OF DPM 5-1

 D. DISCLOSURE OF MEDICAL INFORMATION 5-2

CHAPTER 6. THE DECISION MAKING PROCESS

6-1. DECISION MAKER 6-1

6-2. TIME LIMIT(S) 6-1

 A. MAXIMUM TIME FOR PROCESSING REQUEST 6-1

 B. DETAILED LOOK AT THIRTY (30)-DAY TIMEFRAME 6-1

6-3. EXTENUATING CIRCUMSTANCES 6-3

 A. DEFINITION 6-3

 B. EXAMPLES OF EXTENUATING CIRCUMSTANCES 6-3

CHAPTER 7. DELAYS IN PROVIDING ACCOMMODATION

7-1. INTERIM ACTIONS 7-1

7-2. PROVIDING MEASURES OUTSIDE REASONABLE ACCOMMODATION 7-1

7-3. TEMPORARY MEASURES OF REASONABLE ACCOMMODATION 7-1

7-4. REASONABLE ACCOMMODATION THAT CROSSES PROGRAM OFFICES 7-1

CHAPTER 8. UNDUE HARDSHIP

8-1. DETERMINING UNDUE HARDSHIP 8-1

8-2. WHAT CONSTITUTES UNDUE HARDSHIP? 8-1

 A. DETERMINING FACTORS 8-1

 1. UNDUE HARDSHIP MUST BE BASED ON SEVERAL FACTORS 8-1

 2. SUPERVISOR/MANAGER ROLE 8-1

 3. ACTIONS, WHEN NO UNDUE HARDSHIP 8-2

 B. INDIVIDUAL'S PREFERENCE 8-2

8-3. REASSIGNMENT 8-2

 A. LAST RESORT 8-2

 B. REQUIREMENT (5) 8-3

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

CHAPTER 9. FUNDING

9-1. FUNDING..... 9-1

CHAPTER 10. DENIAL OF REASONABLE ACCOMMODATION REQUEST

10-1. DENIAL..... 10-1
 A. PROCEDURES..... 10-1
 B. RECONSIDERATION OF A DENIAL OF REASONABLE ACCOMMODATION..... 10-2
 10-2. ALTERNATIVE DISPUTE RESOLUTION PROGRAM (ADR)..... 10-4
 A. ELECTION OF ADR 10-4
 1. PROCESS..... 10-4
 2. ROLE OF THE ADR PROGRAM MANAGER 10-5
 3. EFFECT OF ADR ON TIME LIMITS FOR STATUTORY AND COLLECTIVE BARGAINING CLAIMS. 10-5

CHAPTER 11. INFORMATION TRACKING AND REPORTING

11-1. PROTECTION OF RECORDS 11-1
 11-2. RESPONSIBILITIES 11-1
 A. DISABILITY PROGRAM MANAGER (DPM)..... 11-1
 B. INFORMATION TECHNOLOGY ACCESSIBILITY COORDINATOR (ITAC)..... 11-1
 C. SUBMISSION OF REPORTS TO OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY 11-2

CHAPTER 12. RELATIONSHIP OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS

12-1. RELATIONSHIP TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS 12-1
 A. PROCEDURES 12-1

CHAPTER 13. INQUIRIES, DISTRIBUTION AND POSTINGS

13-1. FURTHER INFORMATION REGARDING PROCEDURES 13-1
 13-2. DISTRIBUTION AND POSTINGS..... 13-1
 A. DISTRIBUTION..... 13-1
 B. POSTINGS 13-1

APPENDICES

1. FORMS OF REASONABLE ACCOMMODATION
 Appendix 1-1 to 1-11
2. HUD FORM 1000, ACCOMMODATION REQUEST FOR PERSONS WITH DISABILITIES Appendix
 2-1 to 2-2
3. HUD FORM 11600, DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION Appendix
 3-1 to 3-2
4. HUD FORM 11601, REASONABLE ACCOMMODATION INFORMATION REPORTING Appendix
 4-1 to 4-2

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

5. HUD FORM 22006, COMPUTER/TECHNOLOGY ACCOMMODATIONS REQUEST
Appendix 5-1
6. GLOSSARY OF FUNCTIONAL LIMITATIONS
Appendix 6-1 to 6-3
7. RESOURCES
Appendix 7-1 to 7-11
8. EXECUTIVE ORDER 13164, dated July 26, 2000, Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation.
Appendix 8-1 to 8-2

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities**LIST OF APPLICABLE FORMS, REPORTS AND REFERENCES**

A. FORMS CITED IN THIS HANDBOOK

- (1) Form HUD-1000, Accommodation Request for Persons with Disabilities (Appendix 2)
- (2) Form HUD-11600, Denial of Request for Reasonable Accommodation (Appendix 3)
- (3) Form HUD-11601, Reasonable Accommodation Information Reporting (Appendix 4)
- (4) Form HUD-22006, Computer/Technology Accommodations Request (Appendix 5)

B. REFERENCES AND REPORTS CITED IN THIS HANDBOOK

- (1) Rehabilitation Act of 1973, Section 501, as amended
- (2) Executive Order 13164, July 26, 2000, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation"
- (3) HUD Policy Statement, issued by Secretary Mel Martinez, April 2, 2001
- (4) HUD Affirmative Employment Program (AEP) Plan
- (5) The Privacy Act of 1974 -- Title 5, Part I, Chapter 5, Subchapter II, Section 552a
- (6) Americans with Disabilities Act of 1990 (ADA)
- (7) EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act at www.eeoc.gov

LIST OF APPLICABLE FORMS, REPORTS, AND REFERENCES Cont'd

- (8) 29 CFR 1611 - Title 29, Chapter XIV (Equal Employment Opportunity Commission), Part 1611 (Privacy Act Regulations)
- (9) CFR 1201.3 - "Appealable adverse action", Title 5 (Administrative Personnel), Chapter II (Merit Systems Protection Board), Part 1201 (Practices and Procedures), Section 1201.3 (Appellate jurisdiction)
- (10) WWW.EEOC.GOV - EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act
- (11) Public Law 94-142 - The Education for all Handicapped Children Act, "defines learning disability"
- (12) **HUD Handbook 792.2 Revision 2, Employee Assistance Program**
- (13) 5 CFR 792.101-105 - Title 5 (Administrative Personnel), Chapter 1 (Office of Personnel Management), Part 792 (Federal Employees' Health and Counseling Programs), Sections 101-105 (statutory requirements and agency responsibilities)
- (14) Memorandum from the Deputy Secretary, dated September 13, 2002, transmitting the Department's Operating Protocols and Delegations of Authority to the Regional and Field Office Directors