

**INTER-AMERICAN FOUNDATION POLICY ON
REASONABLE ACCOMMODATION FOR DISABILITIES IN EMPLOYMENT**

SECTION 1. PURPOSE.

This establishes the Inter-American Foundation (IAF) policy for providing reasonable accommodation for qualified individuals with disabilities who are employees or applicants for employment. It also designates responsibilities and describes procedures for submitting and responding to requests for reasonable accommodation.

SECTION 2. AUTHORITY.

The Rehabilitation Act of 1973, as amended, requires Federal agencies to provide reasonable accommodation for qualified individuals with disabilities. 29 U.S.C. Section 791 eq seq.; 29 CFR Part 1614; see also 29 CFR Part 1630.

SECTION 3. POLICY.

The IAF shall provide reasonable accommodation for the known physical or mental limitations of qualified applicants and employees with disabilities, unless the IAF can demonstrate that a particular accommodation would impose an undue hardship on the operation of its program.

SECTION 4. DEFINITIONS.

.01 A reasonable accommodation is an adjustment to job requirements or to the work environment that assists an employee with a disability in performing the essential duties of his or her position, or a qualified applicant with a disability during the recruitment and selection process. Reasonable accommodation may include, but is not limited to:

- a. making facilities readily accessible to, and usable by, people with disabilities;
- b. job restructuring;
- c. part time or modified work schedules;
- d. acquiring or modifying equipment or devices;
- e. appropriate adjustment or modification of examinations and training materials; and
- f. providing readers, interpreters and other auxiliary aids.

.02 Reassignment as it relates to reasonable accommodation is the transfer of an employee who becomes unable to perform the essential functions of a position even with reasonable accommodation to another vacant position at the same grade or level, where the employee would

be able to perform the essential functions of the position with reasonable accommodation if necessary, unless it would impose an undue hardship on the agency.

.03 A qualified individual with a disability is one who:

- a. has a physical or mental impairment which substantially limits one or more major life activities; or
- b. has a record of such impairment; or is regarded as having such impairment; and
- c. is an employee or an applicant for employment who can perform the essential functions of the position in question, with or without reasonable accommodation, without endangering the health and safety of the individual or others, and who, depending on the type of appointing authority being used meets the:
 - 1. experience and/or education requirements of the position (which may include passing a written test); or
 - 2. criteria for appointment under one of the special appointing authorities for people with disabilities.

.04 Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

.05 A deciding official is a supervisor or manager who has the authority to determine whether a requested accommodation will be provided.

.06 A requestor is a qualified applicant or employee with a disability who requests reasonable accommodation.

.07 Undue hardship is significant difficulty or expense that would be incurred should a particular accommodation be provided. The criteria to be considered in determining undue hardship include the:

- a. nature and cost of the accommodation needed;
- b. overall size of the organizational unit with respect to the number of employees, number and type of facilities and size of budget; and
- c. type of operation, including composition and structure of the work force.

SECTION 5. RESPONSIBILITIES.

.01 The President, General Counsel and Vice President for Operations of the IAF shall:

- a. Approve policies, directives and other materials outlining the Department's reasonable accommodation responsibilities;
- b. Foster an environment that supports reasonable accommodation;
- c. Provide funds for reasonable accommodation; and
- d. Ensure compliance with provisions of this Policy.

.02 The General Counsel shall:

- a. Advise Department officials regarding laws, regulations and Department policies pertaining to reasonable accommodation;
- b. Consult with IAF management and appropriate EEO and Human Resource officers on providing reasonable accommodation and making undue hardship determinations; and
- c. Conduct periodic reviews to ensure compliance with applicable laws, regulations and Departmental policy.

.03 Equal Employment Opportunity (EEO) Officers shall:

- a. Work with the IAF General Counsel to ensure that IAF management, supervisors and human resource officers understand the law and regulations regarding reasonable accommodation and advise them on:
 - 1. reasonable accommodation issues;
 - 2. the appropriateness of a request as determined by whether it relates to the work to be performed and/or the work place environment; whether the accommodation is used primarily at work, and is not primarily for personal use;
 - 3. alternate methods of accommodations that would effectively meet the need; and
 - 4. undue hardship.
- b. Assist with management and employee training on reasonable accommodation issues with human resource officers, as appropriate.

.04 IAF Management, including Office Directors, shall:

- a. Acknowledge and respond promptly in writing to both oral and written accommodation requests, forwarding those requests to the Vice President for Operations;
- b. Request medical documentation to support the accommodation request, as needed;

c. Share medical documentation only with individuals involved in responding to accommodation requests who have a valid need to know. This information is to be retained in a confidential manner:

1. until a decision is made on the accommodation request; and

2. for a reasonable period after the decision is made if:

(a) the request for the accommodation is denied; or

(b) the requestor indicates that the accommodation provided does not satisfy the need;

d. Determine if the:

1. requestor is a qualified individual with a disability as defined in paragraph 4.03 above; and

2. request is a reasonable accommodation as defined in paragraph 4.01 above;

e. Consult with the requestor regarding the kind of accommodation needed and determine an effective method of accommodation to address the need;

f. Determine if he or she has the authority to make a decision regarding the accommodation request; and, if not, refer the request to a higher-level official;

g. Address the agency responsibility to accommodate known physical and mental disabilities by discussing the possible need of an accommodation with a qualified individual with a disability when it is observed that a disability may be limiting an employee's ability to perform the job at a fully successful level, or could otherwise improve a fully successful employee's job performance or an applicant's ability to participate in the selection process.

h. Seek guidance from and consult with EEO service providers on reasonable accommodation issues, and before determining that an undue hardship would occur if an accommodation were provided.

.05 Deciding Officials shall:

a. Respond promptly to accommodation requests referred by immediate supervisors or human resource officer;

b. Take necessary actions to ensure that accommodation requests are addressed promptly so as not to impede the employee's ability to perform the job or the applicant's ability to participate in the selection process;

- c. Keep requestors, immediate supervisors, and human resource and EEO officers, as appropriate, apprised of progress in responding to accommodation requests;
- d. Seek guidance from and consult with the General Counsel and EEO service providers on reasonable accommodation issues and undue hardship determinations;
- e. Monitor the processing of requests until decisions are made, and communicate these decisions in writing to requestors;
- f. Provide written decisions on accommodation requests. When a request is denied, the decision must include an explanation for the denial.
- g. Make every effort to reassign employees with disabilities who, with or without reasonable accommodation, are unable to perform the essential functions of their current position. As part of the affirmative action obligation, when an employee is unable to perform the essential functions of the position even with reasonable accommodation, an agency is required to reassign such qualified employees with disabilities to funded vacant available positions within the IAF, unless it would impose an undue hardship on the agency.
- h. Work with human resource and EEO officers to ensure that subordinate managers, supervisors and other employees are provided appropriate training on reasonable accommodations.

.06 Human Resource Officers shall:

- a. Ensure that all vacancy announcements:
 - 1. Inform qualified individuals with disabilities that reasonable accommodations may be requested; and
 - 2. Provide instructions for making such requests;
- b. Identify opportunities to provide training on reasonable accommodation; and
- c. Work with IAF managers and supervisors to ensure that they fulfill their requirements as they apply to qualified applicants.

.07 Employees with disabilities who desire accommodations shall:

- a. Request an accommodation from their immediate supervisor;
- b. Provide medical documentation of the disabling condition, if requested;
- c. Provide a description of the accommodation requested, if known, and an explanation of how it would enable the employee to perform the job;

- d. Acknowledge and respond to the immediate supervisor's offer to provide an accommodation when the employee has not requested an accommodation; and
- e. Have the option to accept or reject an accommodation initiated by the immediate supervisor to improve the employee's job performance. However, an employee's decision to reject the accommodation could jeopardize the employee's employment status if he or she is performing below a fully successful level, or if the disability is contributing to employee misconduct.

.08 Applicants with disabilities who desire accommodations shall:

- a. Request an accommodation from human resource officer;
- b. Provide medical documentation of the disabling condition, if requested;
- c. Provide a description of the accommodation requested, if known, and an explanation of how it would assist the applicant in the selection process;
- d. Acknowledge and respond to a human resource officer's offer to provide an accommodation when the applicant has not requested accommodation; and
- e. Have the option to accept or reject an accommodation initiated by a human resource officer to improve the applicant's performance during the application process.

However, the applicant's decision to reject the accommodation may jeopardize competitiveness for the position in question should he or she fail to successfully complete the application process.

SECTION 6. PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION.

.01 Requests for reasonable accommodation may be submitted orally, but written requests are encouraged.

- a. Employees with disabilities must submit requests to their immediate supervisor.
- b. Qualified applicants with disabilities must submit requests to the human resource officer at a reasonable time prior to the occasion for which the accommodation is needed.

.02 Qualified individuals with disabilities must provide the following information:

- a. if an employee, their name and daytime telephone number;
- b. if an applicant, their name, daytime telephone number, and home address;
- c. a description of the disabling condition by an appropriate medical professional;

d. a description of the accommodation requested, if known, and an explanation of how it would enable an employee to perform the job, or how it would assist an applicant in the selection process; and

e. the date of the request and signature of the requestor.

SECTION 7. COMPLIANCE.

Two procedures are available to individuals who are dissatisfied with an Agency's response to a request for accommodation, and who wish to seek redress:

a. To file an EEO complaint, employees and applicants for employment must contact an EEO Counselor within 45 days after receiving a response to the request.

b. To file a grievance, employees and applicants for employment must contact the human resource officer promptly after receiving the decision, to find out the applicable procedures and time limits for filing a grievance under a negotiated grievance procedure or the administrative grievance system, as appropriate.

SECTION 8. ASSISTANCE.

Questions concerning this Policy should be addressed to the IAF's EEO service provider, the EEO Office of the U.S. Geological Survey.