

# 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 at the IAF. 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 et seq.; 29 CFR Part 1614; Executive Order 13164<sup>1</sup>; 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, unless the IAF can demonstrate that a particular accommodation would impose an undue hardship on the operation of its program.

## SECTION 4. DEFINITIONS.

.1 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;
- f. providing readers, interpreters and other auxiliary aids; and
- g. reassignment to a vacant position (which is an accommodation of last resort).

.2 Reassignment as it relates to reasonable accommodation is the transfer of an employee (who

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<sup>1</sup> Visit [https://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](https://www.eeoc.gov/policy/docs/accommodation_procedures.html) for EEOC policy guidance on executive order 13164.

becomes unable to perform the essential functions of a position even with reasonable accommodation) to a vacant position where the employee would be able to perform the essential functions<sup>2</sup> of the position with reasonable accommodation if necessary.

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

- a. has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment; and
- b. 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.

.4 Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, standing, bending, lifting, and working.

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

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

.7 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 but are not limited to 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.

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<sup>2</sup> **Essential functions.** The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be "essential" if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it.  
See [https://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](https://www.eeoc.gov/policy/docs/accommodation_procedures.html)

- .1 The President, General Counsel and Chief Operating Officer (COO) of the IAF shall:
  - a. approve policies, directives and other materials outlining the IAF'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.
  
- .2 The General Counsel shall:
  - a. advise IAF officials regarding laws, regulations, and the IAF's policies pertaining to reasonable accommodation;
  - b. consult with IAF management, appropriate Equal Employment Opportunity officers, 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 IAF policy.
  
- .3 Equal Employment Opportunity (EEO) Officers<sup>3</sup> shall:
  - a. work with the IAF's 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 management and employees with training on reasonable accommodation related issues at the IAF, as appropriate.
  
- .4 IAF Management, including Office Directors, shall:
  - a. promptly acknowledge receipt of reasonable accommodation requests (usually within three (3) business days), in writing, to the requestor; begin processing immediately and expedite

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<sup>3</sup> EEO officers will not be assigned to decision making roles in the processing of requests for reasonable accommodations. The role of these officials will be limited to administrative tasks.

time sensitive requests;

b. request medical documentation to support the accommodation request, as needed;

c. share medical documentation only with individuals who have a valid need to know for the purpose of processing an accommodation request; this confidentiality requirement applies to all persons involved in the process;

d. determine if the:

1. requestor is a qualified individual with a disability as defined in paragraph 4.3 above; and,

2. request is a reasonable accommodation as defined in paragraph 4.1 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's responsibility to provide reasonable accommodation to 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 an employee's job performance, or an applicant's ability to participate in the selection process<sup>4</sup>; and,

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

**.5 Deciding Officials shall:**

a. promptly provide reasonable accommodation absent extenuating circumstances<sup>5</sup> and expedite time sensitive requests;

b. engage in an interactive process and respond promptly (usually within 3 business days from the date deciding official being made aware) to the accommodation request received from the requestor or referred by other official;

c. take necessary actions and explain to the requestor what will happen next in the process;

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<sup>4</sup> Qualified individual with a disability may request accommodation at any time when such individual determines an accommodation is needed.

<sup>5</sup> **Extenuating Circumstances.** Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation. These can include situations in which equipment must be back-ordered or the vendor typically used by an agency has unexpectedly gone out of business. In addition, an agency will not be expected to adhere to its usual time frames if an individual's health professional fails to provide needed documentation. See [https://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](https://www.eeoc.gov/policy/docs/accommodation_procedures.html)

- d. keep requestors, human resource, and EEO officers apprised of progress in responding to accommodation requests, as appropriate;
- e. seek guidance from and consult with the General Counsel and EEO service providers on reasonable accommodation issues and undue hardship determinations;
- f. monitor the processing of requests until decisions are made and communicate these decisions in writing to requestors;
- g. provide written decisions on accommodation requests. When a request is denied, the decision must include an explanation for the denial;
- h. reassign qualified employees with impairment(s), as an accommodation of last resort and if appropriate, to a vacant funded position available;
- i. work with human resource and EEO officers to ensure that subordinate managers, supervisors and other employees are provided appropriate training on reasonable accommodations;
- j. immediately initiate a corrective action where deficiencies in processing of a reasonable request occurred;
- k. maintain a record or tracking system for reasonable accommodation requests; all employees involved in processing of reasonable accommodation requests must maintain confidentiality of medical information received during the process.

**.6 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.

**.7 Employees with disabilities who desire accommodations shall:**

- a. request an accommodation from their immediate supervisor in writing or verbally at any time when a need for such an accommodation arises;
- b. provide appropriate medical information<sup>6</sup> related to the functional impairment/disabling condition, where the disability or need for accommodation is not obvious; failure to provide requested information may delay the processing or result in denial of the accommodation;

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<sup>6</sup> If submitted medical information is insufficient or does not clearly explain the nature of the disability, the agency may request the individual be examined by its own physician.

- 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. accept or reject an accommodation initiated to improve employee's job performance. However, an employee's decision to reject the accommodation could jeopardize employee's employment status if he or she is performing below a satisfactory level, or if the disability is contributing to employee's misconduct.

.8 Applicants with disabilities who desire accommodations shall:

- a. request a reasonable accommodation from the human resource officer or contact provided in vacancy announcement;
- 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.

The applicant's decision to reject an 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.

.1 Requests for reasonable accommodations may be submitted by an employee or applicant with a qualifying impairment, or an authorized individual acting on behalf of an affected employee or applicant, orally or in writing. Requests need not include specific verbiage, but written requests are encouraged.

- a. Employees with disabilities may submit their accommodation requests to their 1<sup>st</sup> or 2<sup>nd</sup> level supervisor, or a more senior official in their chain of command, or Ms. Felicia Ellis, Disability Program Manager at [fellis@usgs.gov](mailto:fellis@usgs.gov) or 703-648-7770.
- b. Qualified applicants with disabilities must submit requests to the human resource officer at a reasonable time prior to the occasion (absent extenuating circumstances) for which the accommodation is needed.

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

- a. their name and daytime telephone number;

- b. a description of the disabling condition;
- c. 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
- d. the date of the request and signature of the requestor where applicable.

#### SECTION 7. COMPLIANCE.

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

- a. to initiate an EEO contact, employees and applicants for employment must contact an EEO Counselor within 45 days after receiving a response to the request. Employees and applicant for employment may contact an EEO Counselor by calling (703)-648-7770, (866) 816-1106, or Federal Relay Service (800) 877-8339;
- b. to file a grievance, employees and applicants for employment must contact their 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 by contacting Ms. Lesley Duncan at (202) 688-3047.

#### 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: Contact Ms. Felicia Ellis, Disability Program Manager at [fellis@usgs.gov](mailto:fellis@usgs.gov) or 703-648-7770 or the Federal Relay Service at (800) 877-8339.