



MEMORANDUM

Date: March 09, 2022
To: All Inter-American Foundation (IAF) Employees
From: Lesley Duncan, Interim President & CEO

INTER-AMERICAN FOUNDATION POLICY ON REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES

I. PURPOSE.

To establish the Inter-American Foundation's (IAF or Agency) policy (Policy) on providing effective and reasonable accommodations (Reasonable Accommodations) to qualified individuals with disabilities (Qualified Individuals with Disabilities) who are employees (Employees) and applicants for employment (Applicants), and to ensure these individuals are offered the resources necessary to be successful and productive and enjoy equal access to all employment opportunities. Reasonable Accommodations enhance the ability of Qualified Individuals with Disabilities to apply for jobs, perform the essential functions of the job, and enjoy equal benefits and privileges of employment. This Policy also describes the procedures the IAF should use for processing requests for accommodations (Requests), unless the IAF can demonstrate that a particular accommodation would impose an undue hardship (Undue Hardship) on the operation of its program.

II. AUTHORITY.

On July 26, 2000, President Clinton signed [Executive Order 13164](#) (Order)¹, which requires each federal agency to establish effective written procedures for processing Requests for Reasonable Accommodation. The Order helps to implement the requirement of the Rehabilitation Act of 1973² that agencies provide Reasonable Accommodation to qualified Applicants and Employees with disabilities.

III. DEFINITIONS

A. Applicant: An individual who has applied to a position or positions, including those who have been selected for an interview, whether the position(s) is paid or unpaid.

B. Authorized Individual: A third party individual acting on behalf of the individual with a

¹ 65 Fed. Reg. 46565, 2000 WL 1114943 (2000).

² 29 C.F.R. pt. 1630 app. § 1630.2(o).

disability requesting an accommodation. Examples of an Authorized Individual may include a family member, friend, health care professional, or other representative. When an Authorized Individual makes a Request on behalf of an Employee or Applicant, the deciding official (Deciding Official) should confirm with the Employee or Applicant whether they want to continue proceeding with the Request. If this is not possible, the Deciding Official will process the Request as appropriate and will consult directly with the individual whose accommodation is being processed as soon as practicable.

- C. Deciding Official: a supervisor or manager who has the authority to determine whether a requested accommodation will be provided.
- D. Disability: With respect to an individual: (i) a physical or mental impairment that substantially limits one or more major life activities of such individual;³ or (ii) a record of an impairment; or (iii) being regarded as having such an impairment⁴.
- E. Employee: An individual employed by the Federal government, specifically the IAF. This term excludes contractors.⁵
- F. Essential Job Functions: 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.
- G. Interactive Process: Exchange between the individual and the employer that starts with a Request and continues with a dialogue to understand all the relevant factors necessary to accommodate the Request.
- H. 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. Major Life Activities also include the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. Determining whether an activity is a Major Life Activity does not require assessing whether the activity is of central importance to daily life, nor does the term "major" create a strictly demanding standard for determining Disability.

³ An impairment that is episodic or in remission is considered a Disability if that impairment would substantially limit a major life activity when active. Thus, an impairment such as epilepsy or cancer may constitute a Disability if it would substantially limit a major life activity while active. Episodic conditions that impose only minor limitations, even when they are active, would not meet the definition of disability.

⁴ Refers only to those impairments that meet the American with Disabilities Act (ADA) definition of Disability, as amended by the ADA Amendments Act of 2008 (ADAAA).

⁵ Under normal circumstances, the IAF does not provide accommodations to contractors. If a request for Reasonable Accommodation is submitted by a contractor, the Deciding Official should consult with the Office of Operations, as appropriate.

- I. Personal Assistant Services (PAS): Services needed by a person with a targeted disability (Targeted Disability) to perform Essential Job Functions. These services include assistance with performing activities of daily living that an individual would typically perform if he or she did not have a Disability, for example, general administrative tasks such as carrying items, lifting and moving equipment and files, and other tasks needed to perform specific job functions or assistance with basic activities of daily living and Major Life Activities such as eating and using the restroom.
- J. Physical or Mental Impairment: (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine. (b) Any mental or psychological disorder, such as an intellectual Disability, organic brain syndrome, emotional or mental illness, or specific learning disability.
- K. Qualified Individual with a Disability: A person who meets the appropriate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the Essential Job Functions of the position with or without Reasonable Accommodation.
- L. Reasonable Accommodation: a change in the work environment or in the application process that would enable a Qualified Individual with a Disability who is an Employee or Applicant to enjoy equal employment opportunities.

There are three categories of Reasonable Accommodations:

- i. modifications or adjustments to a job application process that enable a Qualified Individual with a Disability who is an Applicant to be considered for employment/appointment with the Agency, (such as providing application forms in alternative formats like large print or Braille);
- ii. modifications or adjustments necessary to enable a Qualified Individual with a Disability who is an Employee to perform the Essential Job Functions of their position (such as providing sign language interpreters and personal assistance services); and
- iii. modifications or adjustments that enable a Qualified Individual with a Disability who is an Employee to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated Employees (such as removing physical barriers in an office cafeteria).

A modification or adjustment is reasonable if it "seems reasonable on its face, i.e., ordinarily or in the run of cases."⁶ An accommodation also must be effective in meeting the needs of the individual.⁷ There are some changes or things that are not considered to be Reasonable

⁶ US Airways, Inc. v. Barnett, 535 U.S., 122 S. Ct. 1516, 1523 (2002).

⁷ See US Airways, Inc. v. Barnett, 535 U.S., 122 S. Ct. 1516, 1522 (2002). The Court explained that "in ordinary English the word 'reasonable' does not mean 'effective.' It is the word 'accommodation,' not the word 'reasonable,' that conveys the

Accommodations, such as the removal of an Essential Job Function or the provision of personal use items (e.g., hearing aid that is needed on and off the job, eyeglasses, etc.).

Reasonable Accommodation may include, but is not limited to:

- i. making facilities readily accessible to, and usable by, people with Disabilities;
- ii. job restructuring or modifying work schedules;
- iii. granting breaks or providing liberal leave;
- iv. altering how or when job duties are performed;
- v. providing liberal telework;
- vi. moving to a different office space within Agency facility;
- vii. providing materials in alternative formats (e.g., Braille, large print);
- viii. acquiring or modifying assistive technology (e.g. information technology (IT), communications equipment, or specifically designed furniture);
- ix. appropriate adjustment or modification of examinations and training materials;
- x. providing readers, interpreters and other auxiliary aids to enable Employees to perform Essential Job Functions, where the accommodation cannot be provided by current staff;
- xi. reassignment to a vacant position for which an Employee is qualified, without competition.

- M. Reassignment: Reassignment, to a vacant position, is a form of Reasonable Accommodation. It may be provided to an Employee who, because of a Disability, can no longer successfully perform the Essential Job Functions of their current job, with or without a Reasonable Accommodation. Where possible, Reassignment is to an equivalent position, but if no equivalent position is available, may be to a lower level position that is as close as possible to the Employee's current position. If the Employee is qualified for such a position, the Employee will be reassigned to the new job without competition. Reassignments are usually an accommodation of last resort.
- N. Request: a statement by an individual with a Disability that h/she needs an adjustment or change at work for a reason related to a medical condition, whether oral or written and/or explicit or implicit. A Request may be made at any time when such an individual determines an accommodation is needed. A Request can also be made by an Authorized Individual of the Employee.
- O. Targeted Disability: a subset of the larger Disability category. These Targeted Disabilities include: developmental disabilities; traumatic brain injuries; deafness or serious difficulty hearing; blindness or serious difficulty seeing even when wearing glasses; missing extremities; significant mobility impairments; partial or complete paralysis; epilepsy or other seizure disorders; intellectual disabilities; significant psychiatric disorders; dwarfism; and significant disfigurement.
- P. Undue Hardship: when a specific accommodation would require significant difficulty or expense on the resources and circumstances of the Agency in relationship to the cost or difficulty of providing a specific accommodation. Undue Hardship refers not only to financial

need for effectiveness."

difficulty, but to Reasonable Accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the Agency. This determination will be made on a case-by-case basis, considering factors including but not limited to the following:

- i. nature and cost of the accommodation needed;
- ii. overall size of the organizational unit with respect to the number of employees, number and type of facilities and size of budget;
- iii. type of operation, including composition and structure of the workforce; and
- iv. the impact of the accommodation on the operations of the Agency.

IV. RESPONSIBILITIES.

- A. The President, Equal Employment Opportunity (EEO) Director, General Counsel and Chief Operating Officer (COO) of the IAF shall:
 1. approve policies, directives and other materials outlining the IAF's Reasonable Accommodation responsibilities;
 2. foster an environment that supports Reasonable Accommodations; and
 3. ensure Agency compliance with the provisions of this Policy.

- B. The Office of Operations shall:
 1. ensure that all vacancy announcements provide instructions for making Requests for accommodations;
 2. assist supervisors and other relevant Agency Employees to search for available vacancies when considering reassignment as a Reasonable Accommodation;
 3. ensure sufficient funds are provided for Reasonable Accommodations; and
 4. determine when an accommodation request would result in an Undue Hardship.

- C. The Office of General Counsel shall:
 1. advise IAF officials regarding laws, regulations, and policies pertaining to Reasonable Accommodation;
 2. consult with IAF management, appropriate Equal Employment Opportunity officers, and Human Resource officers on providing Reasonable Accommodation and making Undue Hardship determinations; and
 3. conduct periodic reviews of this Policy to ensure compliance with applicable laws and regulations.

- D. Deciding Officials shall:
 1. promptly provide Reasonable Accommodations absent extenuating circumstances⁸ and expedite time sensitive requests;
 2. engage in an Interactive Process and respond promptly (usually within 3 business days from the date the Deciding Official was made aware of the Request) to the accommodation Request received from the Requestor or referred by other official;

⁸ 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, the 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

3. keep Requestors, human resource, and EEO officers apprised of progress in responding to Requests for accommodation, as appropriate;
4. seek guidance from and consult with the General Counsel and the EEO Director on Reasonable Accommodation issues and Undue Hardship determinations;
5. provide written decisions on Requests for accommodations. When a Request is denied, the decision must include a written notice for the denial;
6. reassign Employees who are Qualified Individuals with a Disability(s), as a Reasonable Accommodation of last resort and if appropriate, to a vacant (funded) position for which they are qualified.;
7. immediately initiate a corrective action where deficiencies in processing of a reasonable Request occurred; and
8. work with the EEO Director to establish a system to retain information about each Request which should include at a minimum: the specific accommodation requested and/or provided; the job (occupational series, grade level, and agency component) sought by requesting Applicant or held by the Employee; whether the accommodation was needed to apply for a job, perform the Essential Job Functions, or enjoy the benefits and privileges of employment; whether the Request was granted or denied; the identity of the Deciding Official; the basis of the denial; and the number of days taken to process the Request. Such information will be used to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to the Equal Employment Opportunity Commission (EEOC) upon their Request.

E. IAF Management, including Office Directors, shall:

1. promptly acknowledge receipt of Requests (usually within three (3) business days), in writing, to the Requestor; begin processing immediately and expedite time sensitive Requests;
2. request medical documentation to support the Request, as needed;
3. share medical documentation only with individuals who have a valid need to know for the purpose of processing a Request; this confidentiality requirement applies to all persons involved in the process;
4. work with EEO officers to ensure that subordinate managers, supervisors and other Employees are provided appropriate training on reasonable accommodations;
5. determine if the Requestor is a Qualified Individual with a Disability, as defined in Section IV above;
6. consult with the Requestor regarding the kind of accommodation needed and determine an effective method of accommodation to address the need;
7. 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 Essential Job Functions 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;
8. seek guidance and consult with the EEO Director on Reasonable Accommodation issues, and before determining that an Undue Hardship exists; and
9. ensure that Requests for accommodation are not denied for reasons of cost, and that individuals with Disabilities are not excluded from employment due to the anticipated cost of a Reasonable Accommodation, if the resources available to the IAF would

enable it to provide an effective Reasonable Accommodation without Undue Hardship.

F. The EEO Director shall:

1. assist management and employees with training on Reasonable Accommodation related issues at the IAF, as appropriate;
2. identify opportunities to provide training on Reasonable Accommodation; and
3. 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 on:
 - i. Reasonable Accommodations;
 - ii. the appropriateness of a Request as determined by whether it relates to the work to be performed and/or the work place environment; and
 - iii. alternate methods of accommodations that would effectively meet the need.

V. PROCESS AND PROCEDURES

A. Requests

Requests for accommodations may be submitted by an Employee or Applicant, or an Authorized Individual, orally or in writing at any time (using the form in Appendix I) when a need for such an accommodation arises. Written Requests are encouraged, however Requests need not include specific verbiage such as "Reasonable Accommodation," "Rehabilitation Act," or "Americans with Disabilities Act".

1. Employees

Employees with Disabilities may submit their accommodation Requests to their 1st or 2nd level supervisor, a more senior official in their chain of command, or the EEO Director at eeo@iaf.gov.

Employees who have recurring or on-going Requests for accommodation do not have to submit a new Request each time if it involves the same or similar accommodation Request that was previously provided and if the original accommodation was approved with the knowledge that the accommodation would be recurring or on-going. Employees should give appropriate advance notice each time the recurring accommodation is needed, unless otherwise arranged with the Deciding Official. Where feasible, Employees should notify the Deciding Official at least 7 to 10 business days before the date the accommodation is needed to allow sufficient time to coordinate the accommodation. Examples of recurring or on-going Requests include, but are not limited to, sign language interpreter services, readers, and accommodations for participation in training programs (e.g., providing printed handouts in large font or ensuring access to assistive technologies at training sites).

2. Applicants

An Applicant should inform the vacancy announcement point of contact (POC) as soon as they realize the need for an accommodation for some aspect of the hiring process

(absent extenuating circumstances). An Authorized Individual can make the Request if the Applicant is unable to do so. An Applicant may request an accommodation orally or in writing. Upon receipt of an accommodation Request from an Applicant, the POC should send the Request to the Deciding Official, the EEO Director, or other designated official no later than 3 business days after receiving the Request.

Requests for accommodation should include the Employee or Applicant name and daytime telephone number; a description of the disability; appropriate medical information where the disability or need for accommodation is not obvious; description of the accommodation requested, if known, and an explanation of how it would enable the Employee to perform the Essential Job Functions, or how it would assist an Applicant in the selection process; when applicable, the date of the request and signature of the Requestor, where applicable.

B. Medical Information

The IAF may request medical information that is sufficient to explain: (1) the nature of the individual's Disability; (2) the need for Reasonable Accommodation; and (3) how the requested accommodation, will assist the individual in applying for a job, perform the Essential Job Functions, and/or enjoy the benefits and privileges of the workplace.⁹ The IAF will keep medical information confidential, in accordance with applicable laws and regulations, as well as, the limited circumstances under which IAF may disclose such information.

If the Employee or Applicant does not provide sufficient documentation¹⁰ from their own health care provider or other appropriate professional to substantiate the existence of a Disability and the need for a Reasonable Accommodation, the Deciding Official may request additional information or deny the Request. The IAF has the right to have medical information reviewed by a medical expert chosen by the Agency at the Agency's expense.¹¹

C. Personal Assistance Services

PAS requests will be processed in a similar manner to Requests for accommodations. Services provided are personal in nature and require a high degree of confidence/trust on the part of the employee in the PAS provider's ability to perform their assigned tasks effectively and safely.

Services can include assisting with all daily living activities, including, but not limited to:

- i. Toileting and bathroom hygiene, including transfers in and out of wheelchair; dressing and undressing; washing face/brushing teeth/washing body; and brushing hair;
- ii. Meal preparation, purchase, and consumption, including feeding and set up of plates and food; accompaniment to restaurants and cafeterias; washing dirty plates, dishes and drink containers; assistance handling medication under my

⁹ Under the Rehabilitation Act, an agency is entitled to know that a requester has a covered disability and needs an accommodation. Accordingly, when a disability and/or need for accommodation is not obvious or known to the agency, the agency may ask that the individual provide reasonable documentation about the disability and functional limitations. That said, under the Rehabilitation Act, the agency may not request documentation where: (a) the disability and need for accommodation is obvious; or, (b) where the individual has already provided the agency with sufficient information to document the existence of the disability and/or functional limitations. 29 C.F.R. § 1614.203(d)(3)(i)(I).

¹⁰ Medical information is insufficient if, at a minimum, it does not specify the existence of a disability and explain the need for a Reasonable Accommodation.

¹¹ 29 C.F.R. §1614.203(d)(3)(i)(K).

- direct supervision;
- iii. Assistance with clothing, including putting on and removing outer clothing; changing inner clothing, if necessary; changing into an out of formal professional wear;
- iv. Assistance with various office-related tasks, including arranging papers and office furniture; cleaning and organizing the office; assistance copying, faxing and handling documents; assistance setting up and moving electronic equipment such as laptops and mobile devices; assistance retrieving things from bags and putting items into bags;
- v. Assistance with all manual logistics related to travel, if necessary. This includes all items listed above, as well as additional assistance changing wheelchairs and accessing various forms of transportation; and
- vi. Assistance with other manual tasks that cannot be performed due to limited use of my arms/hands and legs.

PAS must be provided by a PAS provider with extensive experience working with people with disabilities and providing direct and indirect assistance with activities of daily living. A PAS provider may be required to provide PAS to more than one individual and may be required to perform tasks unrelated to the PAS, if doing so does not result in a failure to provide PAS in a timely manner. PAS may also be provided during off-work hours or work-related travel if the person with a targeted disability needs assistance. Employees with Targeted Disabilities may request PAS by contacting their supervisor, a more senior official in their chain of command, or the EEO Director.

D. Interactive Process

The primary goal of the Interactive Process is to respond to Requests for accommodations and to remove obstacles in the workplace that interfere with Applicants' and Employees' opportunity for equal employment in as short a time frame as reasonably possible. Toward this end, managers, supervisors, and Employees at all levels involved in the process must make good faith efforts to participate in the accommodation process and help to ensure expeditious consideration of requests and delivery of effective Reasonable Accommodations.

A supervisor should be able to recognize when a Request for an accommodation is being made.

EXAMPLE - An Applicant who is vision-impaired asks for assistance with the Agency's application materials. This is a Request for accommodation and triggers the Agency's obligation to engage in its Interactive Process.

EXAMPLE- An Employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a Request for accommodation and triggers the Agency's obligation to engage in its Interactive Process.

EXAMPLE- An Employee with a severe learning disability has great difficulty reading. The Employee requests that the Agency install speech output software and provide a headset. This is a Request for accommodation and triggers the Agency's obligation to engage in its Interactive Process.

EXAMPLE- An Employee with major depression is often late for work because of medication side-effects that make him extremely groggy in the morning. His scheduled hours are 9:00 a.m. to 5:30 p.m., but he arrives at 9:00, 9:30, 10:00, or even 10:30 on any given day. A Reasonable Accommodation may be to modify his schedule so that he is not required to report for work until 10:00 a.m, and although the accommodation is one that can easily be granted by the supervisor, it is still considered a Request for an accommodation and should be documented as such.

The following links are provided to assist in identifying possible accommodations:

1. Equal Employment Opportunity Commission, Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (Oct. 20, 2000), https://www.eeoc.gov/policy/docs/accommodation_procedures.html.
2. Equal Employment Opportunity Commission Technical Assistance Document: Employer-Provided Leave and the Americans with Disabilities Act (May 9, 2016), <https://www.eeoc.gov/eeoc/publications/ada-leave.cfm>.
3. Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act (July 27, 2000), <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>.
4. EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), <https://www.eeoc.gov/policy/docs/accommodation.html#reassignment>.
5. EEOC Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act (Sept. 18, 2017), <https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>

E. Time Limits

A Request, whether oral or written and/or explicit or implicit, triggers the time limits for processing and providing or denying an accommodation. Once a Request is received, absent extenuating circumstances, the maximum time limits for finalizing Requests for accommodation are:

For Applicant Requests. (i) No more than fifteen (15) business days from the date of receiving the Request for accommodation, if the Request relates to an Applicant's participation in the hiring process and medical information is not required. (ii) No more than twenty (20) business days from the date of receiving the Request, if the Request relates to an Applicant's participation in the hiring process and medical information is required.

For Employee Requests. (i) No more than fifteen (15) business days from the date of receiving the Request for accommodation, when the Request is very simple, does not require medical documentation, and does not involve extenuating circumstances. (ii) No more than twenty (20)

business days from the date of receiving the Request for accommodation, when the Request requires medical documentation. (iii) No more than thirty (30) business days from the date of receiving a Request for accommodation that requires considering reassignment to a vacant position as a possible accommodation. A complete Employee Request includes medical documentation, if applicable.

Where an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act.¹²

F. Expedited Processing

Expedited processing for Requests may be required if the accommodation is needed, for example: (1) to enable an Qualified Individual with a Disability to apply for a job; or, (2) the accommodation is needed for a specific Agency activity that is scheduled to occur shortly.

G. Approval

If the Reasonable Accommodation will be approved, the Deciding Officials should notify the Employee or Applicant in writing that their accommodation Request is approved and provide an estimated time frame of when the accommodation will be available, if appropriate.

H. Delay

When all the facts and circumstances known to the Agency make it reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately, the IAF must provide the individual with an interim accommodation that allows the individual to perform some or all of the Essential Job Functions, absent Undue Hardship.¹³

Where there is a delay in either processing a Request for accommodation or providing an accommodation, the IAF will notify the individual of the reason for delay, including any extenuating circumstances that justify the delay.¹⁴

I. Denial of a Request

The IAF will provide a Requestor who is denied a Reasonable Accommodation with a written notice at the time of denial. The written notice will explain the reasons for the denial and notify the Requestor of any available internal appeal or informal dispute resolution processes.¹⁵

Denials of Requests for accommodation must include instructions on how to file an EEO complaint and explain that the individual must initiate contact with an EEO Counselor within 45 calendar days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process.¹⁶ The written denial notice will be provided in an accessible format when requested. All denials must have a concurring official (second-line supervisor or other specifically designated management official) review and concur with the

¹² 29 C.F.R. § 1614.203(d)(3)(i)(O).

¹³ 29 C.F.R. § 1614.203(d)(3)(i)(Q).

¹⁴ 29 C.F.R. § 1614.203(d)(3)(i)(S).

¹⁵ 29 C.F.R. § 1614.203(d)(3)(iii).

¹⁶ Id.

decision. Prior to denying a Request, the Deciding Official must consult with the EEO Officer.

Before a Deciding Official denies a Request for accommodation based on Undue Hardship, the Deciding Official must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include Reasonable Accommodation.

VI. REDRESS

Procedures are available to individuals who are dissatisfied with the Agency's response to a Request for an accommodation, and wish to seek redress.

A. Reconsideration

If a Request for an accommodation is denied, the Employee may request reconsideration (Reconsideration Request) of the decision. A Reconsideration Request does not toll the deadlines for filing an EEO complaint, a Merit Systems Protection Board (MSPB) appeal, an administrative grievance, or any other administrative process. If the Employee seeks Reconsideration Request, they must ask the Deciding Official to reconsider the decision within 10 business days of notification about the decision.

The Employee should present additional information, if any, to support their Reconsideration Request at that time. The Deciding Official will respond to the Reconsideration Request within 10 business days. The Deciding Official should notify the Employee or Applicant, in writing, of their decision on the Reconsideration Request.

If the Deciding Official does not reverse the decision, the Employee may ask the second-line supervisor, or another official, to review the denial and reconsider the decision. The Employee must seek this second level reconsideration within 5 business days of notification about the decision in the first level reconsideration. The second-line supervisor or other designated official will respond to the Reconsideration Request within 5 business days. The second-line supervisor or other designated official should notify the Employee or Applicant, in writing, of their decision on the second level Reconsideration Request.

B. Alternative Dispute Resolution Process

Alternatively, the Employee may request a mediator to assist the Employee and Deciding Official with reaching an agreement about a Request for accommodation. Requests to participate in the alternative dispute resolution (ADR) process (ADR Request) must be made within 10 business days of notification of the denial. The ADR Request should be submitted to the Deciding Official. Upon receipt of an ADR Request to participate in the ADR process, the Deciding Official should contact the General Counsel and the EEO Director within 3 business days. An Employee's participation in the ADR process does not satisfy the requirements for timely filing an EEO claim, an appeal before the MSPB, an administrative grievance, or any other administrative process.

C. The EEO Complaint Process

An Employee or Applicant who believes they were unlawfully denied an accommodation, have been discriminated against based on a Disability, or experienced an undue delay in processing and granting an accommodation may file a complaint of discrimination and/or failure to accommodate within 45 calendar-days after receiving the written response to their

Request for accommodation. An Employee or Applicant may also file a complaint alleging retaliation as a result of requesting an accommodation or otherwise participating in the process to obtain one. Employees and Applicants may contact the IAF EEO Director at eeo@iaf.gov or via the Telecommunications Relay Service (TRS) using 711.

D. The IAF Administrative Grievance Process

Employees and applicants for employment have the right to contact the IAF EEO Director 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 the EEO Director at eeo@iaf.gov or (202) 360-4530.

VII. POLICY ASSISTANCE.

Questions concerning this Policy should be addressed to the IAF's Office of General Counsel or the EEO Director.

Appendix I



INTER-AMERICAN FOUNDATION
EMPOWERED COMMUNITIES, SUSTAINABLE RESULTS

Request for Accommodation Form

Information on Requestor

Name:

Office:

Status (check one): Employee

Applicant

Telephone Number:

Email Address:

Information on Request

Date: _____ Time Sensitive: YES or NO

Need (check one):

Application
Process

Performing Essential Job Functions or
Accessibility Issue

Personal Assistance
Services

Description of the Disability (please include appropriate medical information where the disability or need for accommodation is not obvious):

Reason(s): (please include the description of the accommodation requested, if known, and an explanation of how it would enable the you to perform your Essential Job Functions, or how it would assist you in the selection process):

Signature of Requestor:

Date:

Appendix II



Letter Approving Employee Request for Accommodation

[Date]

[Employee's Name]

[Employee's Email Address]

Dear [Name]:

This letter is in response to your request for an accommodation to [perform the essential job functions of your position OR enjoy equal access to the work environment as enjoyed by other similarly situated employees].

We have approved the following accommodation(s): [list accommodations]. These accommodations are considered the most effective given your essential job functions and our operational necessities. These accommodations will be implemented and effective on [date].

[If submitted health care provider's note- The health care provider's note that you provided to us on [date] stated that you have the following work restriction(s): [list restrictions]. We met with you to discuss possible accommodations needed because of these restrictions on [date].]

Your records will be maintained confidentiality, in accordance with applicable laws and regulations. Please contact me at [phone number and email address] if you have any questions.

Sincerely,

[Deciding Official]

Appendix III



INTER-AMERICAN FOUNDATION
EMPOWERED COMMUNITIES, SUSTAINABLE RESULTS

Letter Approving Applicant Request for Accommodation

[Date]

[Applicant's Name]

[Applicant's Email Address]

Dear [Name]:

This letter is in response to your request for an accommodation to the job application process for [Job Posting] that would enable you to be considered for employment/appointment with the Agency.

We have approved the following accommodation(s): [list accommodations]. These accommodations are considered the most effective given your application and our operational necessities. These accommodations will be implemented and effective on [date].

[If submitted health care provider's note- The health care provider's note that you provided to us on [date] stated that you have the following restriction(s): [list restrictions]. We met with you to discuss possible accommodations needed because of these restrictions on [date].]

Your records will be maintained confidentiality, in accordance with applicable laws and regulations. Please contact me at [phone number and email address] if you have any questions.

Sincerely,

[Deciding Official]

Appendix IV



INTER-AMERICAN FOUNDATION
EMPOWERED COMMUNITIES, SUSTAINABLE RESULTS

Letter Denying Employee or Applicant Request for Accommodation

[Date]

[Employee or Applicant's Name]

[Employee or Applicant's Email Address]

Dear [Name]:

This letter is in response to your request for an accommodation to [perform the essential job functions of your position OR enjoy equal access to the work environment as enjoyed by other similarly situated employees OR for modifications or adjustments to a job application process that would enable you to be considered for employment/appointment with the Agency].

The health care provider's note that you provided to us on [date] stated that you have the following restrictions: [list restrictions]. We met with you to discuss possible accommodations needed because of these limitations on [date].

After a careful review of your request, we have determined that we are unable to provide you with a reasonable accommodation at this time because of [reason].

[IF Reassigning- Since we are unable to reasonably accommodate you in your current job, we will attempt to accommodate you by reassigning you to [position and description] for which you are qualified. If you would like to discuss alternative accommodations, please contact me at [phone number].]

You have the right to request a reconsideration (Reconsideration Request) to the Deciding Official of this decision within ten (10) business days of this decision. A Reconsideration Request should include additional information, if any, to support your request. Submitting a Reconsideration Request does not toll the deadlines for filing an EEO complaint, a Merit Systems Protection Board (MSPB) appeal, an administrative grievance, or any other administrative process.

You may request a mediator to assist with reaching an agreement about your request for accommodation. Requests to participate in the alternative dispute resolution (ADR) process (ADR Request) must be made within 10 business days of notification of this decision. The ADR Request should be submitted to the Deciding Official. Upon receipt of an ADR Request to participate in the

ADR process, the Deciding Official will contact the General Counsel and the EEO Director within 3 business days. Your participation in the ADR process does not satisfy the requirements for timely filing an EEO claim, an appeal before the MSPB, an administrative grievance, or any other administrative process.

If you believe you were unlawfully denied an accommodation, have been discriminated against based on a Disability, or experienced an undue delay in processing and granting an accommodation, you may file a complaint of discrimination and/or failure to accommodate within 45 calendar-days after receiving this decision. You may contact the IAF EEO Director at eeo@iaf.gov or via the Telecommunications Relay Service (TRS) using 711.

You also have the right to contact the IAF COO promptly after receiving this decision, to find out the applicable procedures and time limits for filing a grievance under the IAF Administrative Grievance Policy.

Your records related to this accommodation request will be maintained in accordance with all applicable laws and regulations. You may request a copy of this decision in writing, in an accessible format. Please contact me at [phone number] if you have questions.

Sincerely,

[Deciding Official]

and

[Concurring Official]