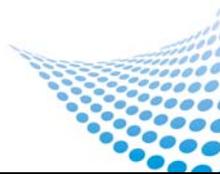


Reasonable Accommodation



Office Of Civil Rights
ACHIEVING SAFETY
THROUGH DIVERSITY

Presented to: FAA Managers and Employees
Prepared by: AMC-9
Date: June 2013

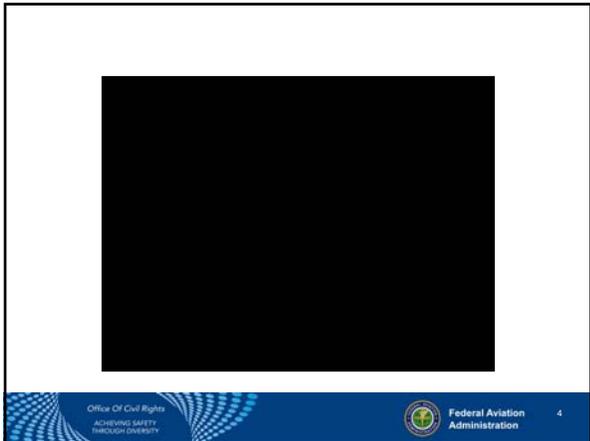


Training Objectives

Following this training, employees will be able to correctly identify how to request a reasonable accommodation, and managers will be able to correctly identify how to respond to requests for accommodations, in accordance with all FAA policies.

Reasonable Accommodation





Reasonable Accommodation Defined

- Any change in the work environment or in the way things are usually done that results in equal employment for an individual with a disability.
- Reasonable Accommodation is available for:
 - Application Process
 - Performing essential functions of the job
 - Enjoying equal benefits and privileges of employment



Reasonable Accommodation Examples



Aerospace Engineer



TravelAide
Wheelchair

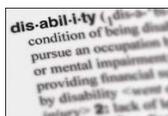
More Reasonable Accommodation Examples

- Purchasing or modifying existing equipment or devices.
- Written materials accessible through alternative formats.
- Sign language interpretation, CART Services.
- Making changes to facilities or workspace.
- Allow employee to work from home or another location.
- Allow employee to use additional leave.
- Modifying a workplace policy.
- Reassignment to a vacant funded position. (Accommodation of last resort.)

Defining Disability for Reasonable Accommodation

An individual with a disability is:

- an individual who has a physical or mental impairment that substantially limits one or more major life activities
- and/or has a record of such an impairment
- and/or is regarded as having an impairment.

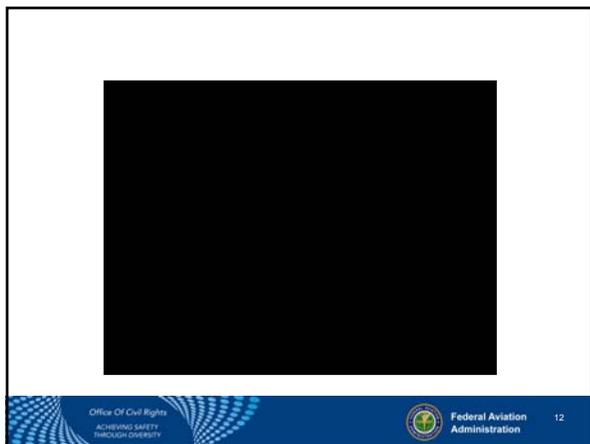


Major Life Activities

- Major life activities include, but are not limited to: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, reading, concentrating, thinking, and communicating.
- Also now included as a major life activity because of the ADA Amendments Act is the operation of major bodily functions (e.g., normal cell growth, respiratory, immune, lymphatic, reproductive systems).

Legal/Other Requirements

- DOT Order 1011.1 and FAA order 1400.12
- Rehabilitation Act of 1973, as amended
 - Section 504
 - Section 508
- Executive Order 13164, July 2000
- Americans with Disabilities Act of 1990, as amended in 2008
- Genetic Information Non-Discrimination Act (GINA)



What we are NOT required to do:

- Remove an essential function of a position.
- Lower performance or production standards.
- Waive uniformly applied conduct rules that are job related and consistent with business necessity.



Which one is NOT a request for accommodation?

- Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing."
- Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem."
- Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office.
- Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable.

Interactive Process

- Refers to Decision Maker interacting with the employee.
- Decision Maker should consult with other resources for help in making decision.
 - ReAcT
 - Civil Rights
 - Chief Counsel
 - Human Resource Management
 - Aerospace Medicine



Starting the Reasonable Accommodation Process

- An employee may initiate a request for reasonable accommodation orally or in writing.
- No special words or forms (paper or electronic) are required, nor can they be.
- Employee can request reasonable accommodation at any time during his or her career lifetime.
- This should be an interactive process.



Who makes the decision on the accommodation?

- **Employee's direct supervisor (Front Line Manager).**
 - AHR Staffing Specialist on job announcement is the Decision Maker for job applicants requesting accommodation.
- **Decision Maker is ultimately responsible for receiving, processing, and granting or denying requests for reasonable accommodation.**



Processing an Accommodation Request

- **Step 1- Determine whether the individual has a disability.**
- **Step 2 - Determine whether the individual is *qualified* to perform the essential functions of the job.**
- **Step 3 - Determine what reasonable accommodations are needed for the individual for the individual to successfully perform the essential functions of the job.**

Processing an Accommodation Request

- **Step 4 - Provide or deny the accommodation (in writing).**
- **Step 5 - Attempt to resolve any disputes regarding reasonable accommodation arising from a denial by utilizing services such as Alternative Dispute Resolution (ADR).**
- **Step 6 - Decision Maker must complete the RAMS reporting.**

Time Frames for Reasonable Accommodation Process

- **Twenty-five (25) business days from date of request, absent extenuating circumstances.**
 - Processed = decided and (if granted) implemented
- **Certain circumstances may warrant expedited processing.**
- **Reasons for delays must be provided to requesting employee in writing.**
- **Clock pauses when waiting for medical documentation.**

Medical Documentation

- **Entitled to sufficient medical documentation.**
- **Documentation should substantiate:**
 - Existence of a disability.
 - Need for a reasonable accommodation.
- **Documentation should include:**
 - The nature, severity, and duration of the impairment.
 - Job functions the impairment limits and to what extent.
- **Insufficient Medical Documentation**
 - Failure to submit proper medical records can result in a denial.



Confidentiality of Medical Documentation

CONFIDENTIAL

- Must keep all medical documentation about employees confidential.
- Employers may not reveal that an accommodation has been granted to an employee, even if other employees inquire about the accommodation.

Additional Considerations

- An individual may request that a reasonable accommodation request be reconsidered by the Decision Maker.



Emergency Evacuation for PWD

- General Accommodations already in place
- Identify additional needs
- Have a plan in place
- Personal emergency kits



Resources for Managers and Employees




Reasonable Accommodation Team (ReAcT)

The Office of Civil Rights established the ReAcT Team to assist managers in evaluating complex reasonable accommodation requests.

- The team is activated at the request of management.
- It is not available to provide advice to employees.
- The team is comprised of expert representatives from Civil Rights, Legal, Human Resources, and Aerospace Medicine.
- Managers wishing to seek the advice of the ReAcT Team should contact the National People with Disabilities Program Manager or their regional ACR Director.





Job Accommodation Network

- JAN is a service of the DOL Office of Disability Employment Policy (ODEP)
- Established in 1983, stationed at West Virginia University
- Provides FREE technical assistance:
 - Implement effective accommodations in the workplace
 - Understand the employment provisions of the ADA and other disability related legislation
- Contact JAN
 - 1-800-526-7234 (V)
 - 1-877-781-9403 (TTY)
 - www.askjan.org





The DOT Disability Resource Center

- Provides reasonable accommodations for employees (i.e., assistive technology, sign language interpreters and personal assistants) on a case-by-case basis, including training, if necessary.
- FAA Managers should not request assistance from the DRC on how to process an accommodation request.
- <http://www.drc.dot.gov/>



Reasonable Accommodation Reporting Requirements

- FAA Order 1400.12 and DOT Order 1011.1 require reporting of all reasonable accommodation requests.
 - *Even those that are ultimately denied*
- Decision Makers are the only personnel that should enter information due to confidential nature of accommodation requests.

Reasonable Accommodation Management System (RAMS)

- Reasonable Accommodation Management System (RAMS) has been designed to help Decision Makers meet deadlines.
- RAMS is designed to be more intuitive and user-friendly, and replaces the previous Online Accommodation Tracking System (OATS).
- Online reporting should begin upon receipt of request, not at the end of the decision making process.

FAA Disability Matters Website

- **The FAA Disability Matters website includes various resources to assist employees and managers on PWD related topics.**
 - Links to the DOT and FAA Orders on Reasonable Accommodations
 - Increasing the hiring of PWTB in the FAA Handbook
 - Link to AHR's OTS and Veterans Hiring Authorities
- https://employees.faa.gov/org/staffoffices/acr/eo_affirm_program/people_disab/

ACR Contact Information

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 - Acting Director, National EEO Training Institute

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 - Director, Civil Rights Great Lakes & Central Regions & Disability Airport Compliance
- **Michael Freilich, AWP-9 (310) 725-3948**
 - Director, Western Pacific Region & Disadvantaged Business Enterprise, DBE Compliance

EEO Training

The Office of Civil Rights conducts EEO training in a variety of training modes, including instructor-led, e-learning via eLMS, webinars, video-conferencing, and ATN broadcasts. To learn more, contact the EEO Training Institute via email at:

9-AMC-EEO-Training-Institute@faa.gov

A list of training modules is available at the EEO Training Institute link on the ACR website at:

<https://employees.faa.gov/org/staffoffices/acr/>
