



NATIONAL LABOR RELATIONS BOARD

ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

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REASONABLE ACCOMMODATION PROGRAM

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- 1. SUPERSEDED MATERIAL:** This Administrative Policy and Procedures Manual (APPM) Chapter supersedes Administrative Policy Circular (APC) 03-04, Reasonable Accommodation Procedures.
- 2. BACKGROUND:** On July 26, 2000, President Clinton signed Executive Order 13164, requiring each Federal agency to establish effective written procedures for processing requests for reasonable accommodation as provided by the Rehabilitation Act of 1973, incorporating portions of the Americans with Disabilities Act, (ADA). Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless doing so would cause an undue hardship.

To implement this Executive Order, the National Labor Relations Board (NLRB) issued Administrative Policy Circular 03-04 on August 25, 2003. This Policy Circular provided a framework for processing reasonable accommodation requests and was implemented in a manner consistent with applicable laws, regulations, executive orders, directives, policy statements, and legal precedents.

The ADA Amendments Act (ADAAA) of 2008 became effective January 1, 2009. By passing this law, Congress rejected several Supreme Court decisions that it viewed as improperly narrowing ADA coverage, effectively excluding individuals who were meant to fall within the protections of the law. The amendments have a significant impact on making disability determinations.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. Consistent with GINA, the NLRB will not seek genetic information.

- 3. POLICY:** The NLRB is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that qualified individuals with disabilities enjoy equal access with respect to the: (a) application process; (b) to enable an individual with a disability to perform essential job functions; and (c) to provide equal access to the benefits and privileges of employment; unless to do so would cause undue hardship to the NLRB; and to handle requests as quickly as possible, and in as confidential a manner as possible. The focus is on the need for accommodation rather than on whether the employee/applicant has a disability.
- 4. PURPOSE:** The purpose of this Chapter is to describe the NLRB's Reasonable Accommodation Program and to integrate all the relevant materials related to this process. This Chapter is intended to be a resource for both managers and employees, including applicants for employment. Contractors are excluded from coverage under this Program.

The Chapter is not intended to be a comprehensive exposition of the Rehabilitation Act or the ADAAA; however, some references to relevant and related materials are provided for subjects that are beyond the scope of this chapter.
- 5. AUTHORITY:** The procedures prescribed herein were developed in accordance with

Executive Order 13164 (July 2000), Section 501 of the Rehabilitation Act of 1973, (29 U.S.C. 791 et seq.), the American with Disabilities Act of 1990, (42 U.S.C. 12101 et seq.), and the Americans with Disabilities Act Amendments Act of 2008. (Id.)

6. DELEGATION OF AUTHORITY:

The Board and the General Counsel have delegated responsibility for this Program to the Division of Administration and to the Office of Human Resources.

- a. Director of the Division of Administration:** The Director of the Division of Administration is the administrator of the Reasonable Accommodation Program and is responsible for overall program direction and oversight.
- b. Director of the Office of Human Resources:** The Director of the Office of Human Resources is responsible for developing and implementing the policies and procedures for the NLRB's reasonable accommodation program.

The Director:

(1) Ensures that the program complies with Executive Order 13164 (July 2000), Section 501 of the Rehabilitation Act of 1973, (29 U.S.C. 791 et seq.), the American with Disabilities Act of 1990, (42 U.S.C. 12101 et seq.), and the Americans with Disabilities Act Amendments Act of 2008. (Id.);

(2) Ensures that requests are expeditiously processed; and

(3) Informs management, employees and individuals with disabilities of the requirements of the Rehabilitation Act/American with Disabilities Act Amendments Act of 2008.

In addition, the Director of the Human Resources Office will review appeals of denials of requests for reasonable accommodation and will respond, in writing, to the requestor within 10 business days of receipt.

- c. The Reasonable Accommodation Program Manager (RAPM):** Responds to requests for reasonable accommodation and serves as the NLRB's day-to-day point of contact for issues related to reasonable accommodation.

7. DEFINITIONS: The following definitions have a specific meaning under the reasonable accommodation process and are further explained throughout this Chapter.

Applicant

An individual who is seeking employment with the NLRB and is qualified to perform the essential functions for that position with or without reasonable accommodation.

Benefits and Privileges of Employment

Access to NLRB facilities used by employees, to information communicated in the workplace, to NLRB-sponsored training or NLRB-sponsored events.

Computer/Electronics Accommodation Program (CAP)

Administered by the Department of Defense, an interagency agreement that allows the NLRB to use the services of this organization to fund and procure assistive technology, devices, and services for NLRB employees, at no cost to the NLRB.

Division/Office Head

In field offices, this person will be the Regional Director (or Acting Regional Director), or the Resident Officer or equivalent manager. At Headquarters, this person will be the manager/head of the Division/Office in which the individual requesting an accommodation works, or is applying to work.

Disability (physical or psychological)

A disability is a physical or psychological impairment which substantially limits one or more of a requestor's or applicant's major life activities; a record of such an impairment; or being regarded as having such an impairment.

Note the ADAAA indicates the definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act to the maximum extent permitted. See http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm

A disability or impairment may include 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, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities (such as dyslexia or dyspraxia).

▪ Non-visible/non-obvious disabilities

In some circumstances, a disability or impairment may not be visible or apparent to other people. Such non-visible/non-obvious disabilities include partial sensory impairments such as low vision or hearing loss; chronic health conditions like arthritis, asthma or diabetes; mental health conditions; learning disabilities; and serious illness, such as cancer.

Employee

An individual who currently works for, and is not providing services as a contractor to, the NLRB.

Essential Functions

The fundamental job duties of the position the individual holds or desires. The term does not include the marginal functions of his or her position. 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; or the function is specialized and the individual is hired based on his or her ability to perform it.

A determination of the essential functions of a position is made on a case-by-case basis by the Division/Office Head and reflects the job as actually performed, as opposed to a generic position description. Evidence of whether a particular function is essential includes, but is not limited to: the employer's judgment as to which functions are essential; written job descriptions prepared before advertising or interviewing; the amount of time spent on the job performing the function; consequences of not requiring the incumbent to perform the function; the terms of a collective bargaining agreement; work experience of past incumbents and/or the current work experience of incumbents in similar jobs.

Extenuating Circumstance

These are circumstances that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be held in abeyance until the circumstance has been resolved.

Healthcare Provider

This individual need not be a physician and can include mental health practitioners, licensed social workers, rehabilitation counselors, chiropractors and physical therapists, among others.

Interactive Process

An ongoing dialogue that occurs between the requestor and the RAPM and/or the Division/Office Head in order to identify the requestor's functional limitations and the accommodation(s) necessary to allow the employee to perform the essential functions of his/her position or in the case of an applicant, to apply for a position.

On-going communication between the employee and the NLRB is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not apparent; or where the parties are considering different possible accommodations. The purpose of the interactive process is to identify the precise limitations resulting from the disability and potential reasonable accommodations appropriate in order to assist the requestor to overcome those limitations and allow the employee to perform the essential functions of his/her position or in the case of an applicant, to apply for a position.

Major Life Activities

Major life activities under the ADAAA include caring for oneself , performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Whether an activity is considered a major life activity is not determined by reference to whether it is of central importance to daily life. The term “major” is not to be interpreted strictly to create a demanding standard for disability.

Mitigating Measures

Under the ADAAA, mitigating measures (other than ordinary corrective lenses) will not be considered when assessing whether or not someone is an individual with a disability. Section 12102(4)(E)(i) of ADAAA: The determination of whether an impairment substantially limits a major life activity shall be made without regard to the effects of mitigating measures. Such measures should include but are not limited to: medication; medical supplies; equipment; appliances; low vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; learned behavioral or adoptive neurological modifications, reasonable accommodations; psychotherapy, behavioral therapy or physical therapy.

Reasonable Accommodation Program Manager (RAPM)

The RAPM serves as the day-to-day point of contact at the NLRB and communicates decisions regarding requests for accommodations. The RAPM facilitates and engages in the interactive process to determine whether an accommodation is required, the identity of the accommodation and the effectiveness of the accommodation.

Reasonable Accommodation

Any change in the work environment, or in the way things are usually done that results in equal employment opportunities for a qualified individual with a disability. A reasonable accommodation means an effective modification or alteration that enables a person with a disability to perform the essential functions of the position. The NLRB provides reasonable accommodation under the following circumstances:

- When a qualified applicant with a disability needs an accommodation in order to participate in the application process for a job within the NLRB.
- When a qualified employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace.
- When a qualified employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

Some examples of reasonable accommodations include:

- removing an architectural barrier, including reconfiguring, or moving work spaces; making existing facilities readily accessible to, and usable by, employees and applicants with a disability.
- providing assistive technology, including information technology and communications equipment or specially designed furniture.
- acquiring or modifying equipment or devices; or adjusting or modifying examinations, training materials, or policies.
- providing qualified readers or interpreters.
- modifying work schedules and locations, including work breaks.
- providing telework beyond that provided by the applicable collective bargaining agreement.
- modifying supervisory methods.
- job restructuring by reallocating or redistributing nonessential, marginal job functions; or by altering when and/or how an essential function is performed.
- reassignment to a vacant funded position.

Guidance on what is not considered a reasonable accommodation such as obtaining a new supervisor, elimination of essential functions, lowering production standards, or providing personal use items, can be found at <http://www.eeoc.gov/policy/docs/accommodation.html>

Please note that the contractual telework programs, and/or other benefits under an applicable collective-bargaining agreement (CBA) may also be used to provide reasonable accommodation for employees who qualify under the Rehabilitation Act of 1973. An employee's choice to exercise one or more contractual rights does not, however, preclude the right to request, and to obtain, a reasonable accommodation under this policy.

Reassignment

Reassignment is a form of reasonable accommodation that may be provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of the job with or without reasonable accommodation. Reassignments are made only to vacant funded positions and positions which OHR has reason to believe will become vacant within 60 business days from the date the search is initiated and for which the employee may be qualified. If the employee is qualified for the position, the employee may be reassigned to the job without competition. Reassignments, by definition, may be made only to a position of equal or lower grade.

Equal position reassignments are preferred. Employees accommodated by a reassignment to a lower grade may notify management that they would like to be considered for accommodation equal to his/her earlier position when such a position becomes available. Reassignment may be made to a vacant funded position outside of the employee's commuting area if the employee is willing to relocate at no cost to the NLRB. This provision will not limit any paid transfers an employee may otherwise be eligible for under a collective-bargaining agreement.

Records – Medical

Documents from a healthcare provider which may be required to show the requestor's disability, functional limitations, and the need for reasonable accommodation.

Representative or Advocate

An individual other than the employee or applicant who represents the requestor's interests. A representative or advocate may include a family member, health care provider, a union representative or any other person designated by the requestor.

Requestor

An NLRB employee, including supervisors, managers, Presidential appointees; an applicant for employment with the NLRB, or any person designated by the employee/applicant, seeking an accommodation.

The requestor is responsible for providing information requested by the RAPM, including when necessary, medical documentation or other information to support the request for accommodation.

Substantially Limits

A medical condition/impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. A medical condition or impairment need not prevent, or significantly or severely restrict the individual from performing a major life activity in order to be considered *substantially limiting*. Each case requires an individual assessment. The effects of an impairment lasting or expected to last fewer than six months can be substantially limiting within the meaning of the ADAAA and EEOC regulations.

Substantially limits shall be construed broadly in favor of coverage, to the maximum extent permitted by the terms of the ADAAA. It is not meant to be a demanding standard.

Not all medical conditions or impairments, however, meet the definition of *substantially limiting* a major life activity.

Undue Hardship

If a specific type of reasonable accommodation causes significant difficulty, or expense, considering the NLRB's overall financial resources, the NLRB does not have to provide that particular accommodation. Undue hardship determinations are made on a case-by-case basis, considering factors such as the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the NLRB.

8. CONFIDENTIALITY

Confidentiality Requirements Regarding Requests for Reasonable Accommodation and the Medical Information Obtained in the Reasonable Accommodation Process

Under the Rehabilitation Act, as amended, and the ADAAA, medical information obtained in connection with the reasonable accommodation process must be kept confidential. If any NLRB employee, supervisor, Division/Office Head or other NLRB official receives medical documentation from an employee/applicant, the documentation must be directly forwarded to the RAPM and should not be retained or copied and should only be read for the purpose of identifying the information.

All medical information, including information about functional limitations and any need for an accommodation, obtained in connection with a request for reasonable accommodation, will be kept in files maintained separately from the requestor's personnel file. Any NLRB employee who in the course of NLRB business obtains or receives or reads such information is bound by the confidentiality requirements imposed by the Rehabilitation Act, as amended, and by the ADAAA.

The RAPM will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records. All records will be maintained in accordance with the 29 CFR Part 1611, Privacy Act Regulations.

The RAPM, after receiving medical information or documentation in connection with a request for reasonable accommodation, will only disclose medical information to the Division/Office Head or other NLRB officials when necessary to assist in processing a reasonable accommodation request. Disclosure of documentation is based on "a need to know" standard. Accordingly, information obtained or created during this process may be disclosed only as follows:

- NLRB officials, including Division/Office heads, on a need-to-know basis, may be informed of the necessary restrictions regarding the work or duties of the employee and about the employee's necessary accommodation(s), but medical information should only be disclosed if strictly necessary and will be used to assist with processing the request for reasonable accommodation (See confidentiality requirements pertaining to medical documentation in paragraph 1, above);

- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
- Government officials may be given information necessary to investigate the NLRB's compliance with the Rehabilitation Act (See confidentiality requirements pertaining to medical documentation in paragraph 1, above); and
- Information may, in certain circumstances, be disclosed to worker's compensation offices or insurance carriers.

9. RESPONSIBILITIES

Reasonable Accommodations Program Manager (RAPM) Responsibilities

Responds to requests for reasonable accommodation and serves as the day-to-day point of contact at the NLRB for issues related to reasonable accommodation.

The RAPM is responsible for responding to inquiries regarding the NLRB's Reasonable Accommodations Program; for processing requests for reasonable accommodations based on a disability or disabilities; and for tracking requests for reasonable accommodations.

The RAPM also facilitates the interactive process between the requesting employee and the Division/Office Head to identify an accommodation that will enable the requestor to perform the essential functions of his or her position; apply for a position with the NLRB; and to provide access to the benefits and privileges of employment at the NLRB.

The RAPM may identify alternatives to the requested accommodation and may consult with various resources including NLRB Special Counsel, OEEO, OED, CAP and the Job Accommodation Network for assistance with requests for accommodation.

In cases where the RAPM is unable to make a final decision on a reasonable accommodation request, in consultation with other sources in the NLRB, authority to make a final decision on reasonable accommodations shall reside with the General Counsel or the Board, as appropriate.

When the RAPM is unavailable to handle requests for reasonable accommodation within applicable timeframes, the Director of the OHR is responsible for designating an appropriate person to handle accommodation requests in the RAPM's absence.

The RAPM is responsible for maintaining all necessary documentation; fulfilling all reporting requirements and for retaining the confidential medical records received in connection with requests for reasonable accommodations.

Division/Office Head Responsibilities¹

The Division/Office Head is responsible for consulting with the RAPM and providing any support or documentation needed to facilitate the RAPM's review and processing of requests for reasonable accommodations. When necessary, in connection with a request for reasonable accommodation, the Division/Office Head is responsible for defining the essential functions of the job and assisting in determining whether the accommodation is appropriate based on knowledge of the job and working environment and for making suggestions of alternative forms of accommodation. The Division/Office Head responds to the RAPM on matters involving local installation, training, and follow up on job aids, equipment, furniture, etc., that is approved for the employee. Additionally, the Division/Office Head should ensure that the RAPM is immediately made aware of any changes to the physical working environment or the employee's accommodation, when known.

The Division/Office Head will forward all requests for reasonable accommodation and any medical documentation that may have been submitted to the Division/Office Head to the RAPM within 2 business days of receipt. Processing an oral or written request for a reasonable accommodation will begin as soon as the request is received. The medical documentation should not be shared, except as consistent with Section 8, above (Confidentiality).

If it is unclear whether medical documentation submitted constitutes, or has been provided in support of, a request for reasonable accommodation, the Division/Office Head should seek guidance from the RAPM or other appropriate sources before transmitting the medical documentation.

Once it is determined that the medical documentation has been submitted in support of a request for a reasonable accommodation, the Division/Office Head must forward the documentation directly to the RAPM within 2 business days of such determination. The documentation should not be retained or copied and should only be read for the purpose of identifying the documentation.

When the Division/Office Head is unavailable to handle requests for reasonable accommodation within applicable timeframes, he or she is responsible for ensuring that an appropriate person has been designated to handle accommodation requests in his or her absence.

The divisions of responsibility and the decision-making authority for the reasonable accommodation program are described in Article 9, Article 10, and Article 12 and in other places throughout this APPM Chapter. Those provisions notwithstanding, nothing in this program precludes Division/Office heads or other managers or supervisors from seeking advice and guidance regarding the reasonable accommodation process from resources other than the RAPM.

¹ Nothing in this Chapter prevents a Division/Office Head from exercising his or her discretion to grant minor workplace adjustments for employees. For example, the flexibility to approve leave, to approve additional days of telework, or to restructure work schedules should be exercised with little if any implement to the employee.

10. PROCEDURES

A. Applicant (non-employee) for Employment Requests for Accommodation

The HR Specialist will forward the request to the RAPM; who will review the request and will respond to the applicant in a timely manner to enable him or her to participate in the application process prior to the expiration of the vacancy announcement.

B. Employee Requests for Accommodation

The RAPM will begin processing an oral or written request for reasonable accommodation as soon as the request is made to the RAPM or referred by any Division/Office Head in the employee's chain of command and the RAPM will send an acknowledgement of the request to the employee.

If the Division/Office Head receives a request for reasonable accommodation, he or she must forward that request and any supporting documentation accompanying the request, to the RAPM within 2 business days. After receipt of an employee's request for reasonable accommodation, the RAPM may discuss the request with the requestor and with the requestor's Division/Office Head. Any documentation should not be shared except as consistent with Section 8, above (Confidentiality).

For work-related events that occur on a regular or routine basis, an employee with an intermittent or episodic impairment should provide periodic updates regarding the individual's situation to his/her supervisor, the Division/Office Head, or the RAPM. For example, an employee with a lower back condition may have intermittent flare-ups and may sometimes be unable to commute to a monthly staff meeting. In such circumstances, the employee should notify his/her supervisor and arrangements can be made to allow the employee to participate telephonically or by video.

Note Regarding Oral Requests for Accommodation

Employees seeking a reasonable accommodation should, but are not required to, follow up an oral request by confirming their request in writing (e-mail is acceptable). Division/Office Heads, managers, supervisors, OHR specialists, union representatives and the RAPM are available to assist requestors in making requests for reasonable accommodation.

C. Request for Medical Documentation

The NLRB may require the requestor to provide medical documentation concerning the disability, including any functional limitations and suggested accommodations. Not all requests for an accommodation will trigger a request for medical documentation.

If the RAPM, in consultation with the Division/Office Head or other NLRB official(s), determines that medical information is necessary to process the request, the RAPM will request information sufficient to substantiate that the employee/applicant has a disability and requires a reasonable accommodation in order to perform the essential functions of the position in question. The NLRB will not seek documentation unrelated to the medical condition.²

If medical documentation is requested, the RAPM will forward a written request asking the requestor to obtain medical documentation from the employee/applicant's healthcare provider(s). All NLRB requests for information will describe the nature and essential functions of the job in question and any other relevant information pertinent to the request.

The NLRB's request for medical or other documentation and for information relevant to the type of reasonable accommodation being requested may include the following:

- the nature, severity, and duration of the impairment;
- identify the major life activity(ies) that the impairment limits;
- the extent or degree to which the impairment limits these activities;
- the reason the individual requires reasonable accommodation and the particular reasonable accommodation recommended; and
- how the reasonable accommodation will assist the individual to perform the essential functions of his position.

When the disability is obvious or the NLRB has previous knowledge of the disability, the NLRB will not seek additional medical information for purposes of establishing a disability. Once a requestor provides information establishing the disability, the requestor will not be obligated to provide this same information again. For example, Employee X has a documented hearing loss and regularly requires the services of an interpreter at NLRB sponsored events, medical information would not be required each time Employee X requests interpretive services. However, there may be circumstances, when there has already been a documented need for an accommodation but the NLRB has reason to believe that an

² The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other covered entities from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the NLRB will not seek any genetic information and requests that the employee/applicant not provide any genetic information when responding to this request for medical information.

employee can no longer perform the essential functions of the position, and in those circumstances, the NLRB will request updated medical documentation for the purpose of identifying the individual's limitations or any need for further accommodations in connection with job requirements.

All medical documentation should be sent directly from the requestor's health care provider to the RAPM. If the documentation is sent to a supervisor or Division/Office Head, the documentation will be forwarded to the RAPM within two business days, may not be copied or retained by the supervisor or Division/Office Head and should not be shared except as consistent with Section 8, above (Confidentiality). At the discretion of the requesting employee, he/she may discuss the matter with a supervisor or manager and share medical information if he or she chooses to do so.

If the information provided by the health professional or the requestor is insufficient to enable the NLRB to determine whether an accommodation is appropriate, the RAPM will discuss the situation with the requestor and may ask the employee/applicant to obtain additional information, including medical documentation.

If additional information is needed, the RAPM will explain to the requestor, in writing and in specific terms, why the information that was provided was insufficient to satisfy the request for accommodation and will state in writing what additional information is needed. At that point, the requestor will be given the opportunity to provide the additional information. If, and only if the requestor has provided insufficient documentation after having been given the opportunity to supplement his/her documentation from his/her own healthcare provider to substantiate the existence of a disability and the need for an accommodation, the RAPM may request that an FOH (Federal Occupational Health) physician examine the requestor at NLRB expense. In such circumstances, the RAPM may also ask the requestor to sign a limited release and then submit a list of specific questions to the requestor's health care professional, or have the FOH physician contact the requestor's healthcare provider. The requestor, however, is not required to undergo a medical examination by an FOH physician or to sign a limited release allowing the RAPM to submit specific questions to the requestor's healthcare provider or to allow the FOH physician contact the requestor's healthcare provider. Under certain circumstances, the failure to undergo such an exam or to sign such a release may result in denial of the Request.

The NLRB reserves the right to determine the sufficiency and authenticity of provided documentation.

If a supervisor or Division/Office Head believes that an employee may no longer need an accommodation, he or she should direct such concerns to the RAPM. The RAPM will review the situation and take action if necessary, including consultation with the employee. If the NLRB intends to change or discontinue an accommodation, the employee will be consulted and given notice prior to any change or discontinuation.

11. TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATIONS

The NLRB's goal is to process and to complete a request for an accommodation within 15 calendar days of the request absent extenuating circumstances. All requests shall be granted or denied within 30 calendar days after receiving a request for a reasonable accommodation. The time necessary to process a request will depend on the nature of the accommodation requested and the necessity to obtain supporting information. While the NLRB will attempt to provide the accommodation requested, alternative forms of accommodation may also be investigated.

Notwithstanding any periods of time authorized within this APPM Chapter, some accommodations can be provided in less time and the failure to respond promptly to a request may result in a violation of the Rehabilitation Act.

Where an individual has a recurring, predictable need for accommodation (for example a sign-language interpreter or large print documents), the NLRB may be obligated to provide the accommodation as needed, whether or not the individual has requested it.

Expedited processing: In some circumstances, a request for reasonable accommodation requires an expedited review and decision in fewer than 10 business days. Expedited processing includes, but is not limited to, the following situations:

- (1) To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the NLRB will move as quickly as possible to make a decision and, if appropriate, will provide a reasonable accommodation;
- (2) To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

Requests to Provide Medical Documentation:

The RAPM will give the requestor adequate opportunity to contact a health care provider in order to obtain any additional necessary information. This period is usually 15 business days and, if appropriate, an additional 15 business days may be granted. If the requested medical documentation is not provided after the requestor has been given adequate opportunity, the RAPM will notify the requestor in writing that the NLRB is unable to provide an accommodation due to a lack of adequate medical documentation. In such situations, if the requestor later obtains the requested documentation, he or she may make another request for accommodation.

The 15 to 30-calendar day time frame for processing the request for reasonable accommodation will be held in abeyance from the date the RAPM requests additional information until the date the information is provided to the RAPM.

Extenuating Circumstances:

When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be held in abeyance for a reasonable period of time commensurate with the particular extenuating circumstance or until it is determined that the accommodation is not effective or cannot be provided due to undue hardship.

The following are examples of extenuating circumstances:

- The purchase of equipment may take longer than 30 calendar days because of requirements under the Federal Acquisition Regulations;
- Equipment must be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available;
- The employee with a disability works with the equipment on a trial basis to ensure that it is effective before it is purchased by the NLRB;
- An accommodation that involves the removal of architectural barriers;
- CAP's delay in completing an investigation or providing equipment.

Where extenuating circumstances are present, the RAPM will notify the requestor in writing as soon as possible of the reason for the delay and the approximate date when the decision on the reasonable accommodation request or the provision thereof can be expected.

If there is a delay in providing an accommodation which has been approved, the RAPM will investigate whether temporary measures can be taken to assist the employee. This could include providing an alternative accommodation(s). The requestor, at his or her option, may retain the temporary accommodations(s) if he or she finds that the accommodation(s) assists him or her in performing the essential functions of the job. In this case, the request for accommodation will be deemed fulfilled.

12. GRANTING A REASONABLE ACCOMMODATION REQUEST

As soon as the RAPM, in coordination with the Division/Office Head, determines that an appropriate reasonable accommodation will be provided, that decision will be promptly communicated to the requestor. The RAPM will notify the requestor of the projected time frame for providing the accommodation. The decision to grant the requested accommodation, the

expected date the accommodation will be implemented, and notice of any delay in providing the accommodation, will be given to the requestor in writing.

If an alternative accommodation is offered that is different from the one requested, the requestor will be informed, in writing, why the alternative accommodation is being offered, rather than the requested accommodation.

The Division/Office Head (or any relevant proposing or deciding official) shall consider, if aware of, any unreasonable delay in providing an accommodation to an employee when preparing or deciding to issue any mid-term review, appraisal, performance improvement plan (PIP) or termination based on performance covering any period of time during which the unreasonable delay occurred. The parties agree that the language in the previous sentence shall not confer or deny any right(s).

13. DENIAL OF A REASONABLE ACCOMMODATION REQUEST

If it is determined that a request for reasonable accommodation will be denied, that decision will be promptly communicated by the RAPM to the requestor. The RAPM will notify the requestor, in writing, stating the specific reasons for the denial.

While primary consideration will be given to the employee's choice of accommodation, another form of reasonable accommodation may be offered. When a specific requested accommodation has been denied and another one has been offered, the reasons why an alternative accommodation is being proposed will be provided.

Reasons for denying a request for reasonable accommodation may include the following:

- Medical documentation is inadequate to establish that the requestor has a disability and/or needs a reasonable accommodation, or the requestor failed to provide the requested medical documentation consistent with this APPM Chapter.
- The requested accommodation would require the removal of an essential function. The essential function will be identified.
- The requested accommodation would require the lowering of a performance or production standard related to an essential function of the employee's position.
- Providing the requested accommodation would result in undue hardship to the NLRB. Before reaching this determination, the RAPM will explore whether other effective accommodations exist which would not impose undue hardship and therefore could be provided.

The fact that a disability or impairment is considered temporary shall not be a basis to deny an employee/applicant's request for reasonable accommodation.

14. REQUESTS FOR RECONSIDERATION OF NLRB DECISIONS

If a request for a reasonable accommodation has been denied, the requestor may seek reconsideration of the denial. Among other things, the requestor may seek reconsideration of any bases cited in the denial of the request, including the determination of an essential function of the position.

Requests for reconsideration must be submitted to the RAPM within 10 business days after the employee/applicant's receipt of written notice of the denial of the requested accommodation. Requests for reconsideration must be in writing, unless the requestor is prevented from submitting a written request. The RAPM will respond to the request for reconsideration, in writing, within 10 business days of receipt of the request and/or information provided in support of the request for reconsideration.

If the RAPM does not reverse the decision, the requestor may appeal to the Director of the Office of Human Resources within 10 business days. The appeal must be in writing, unless the requestor is prevented from submitting a written appeal. The Director will provide the individual a written response to the request for review within 10 business days of receipt.

Within 5 calendar days of receipt of an adverse determination of an appeal to the Director of the Office of Human Resources, an employee may invoke the Alternative Dispute Resolution (ADR or mediation) process in order to address all issues subjected to a denial of the request for reasonable accommodation, by completing the form attached and labeled as Appendix 7 to this APPM Chapter and submitting it to the RAPM. Any such ADR sessions will be conducted via video conferencing or by use of other technology in order to minimize the expense associated with this process if the participants in the ADR process are not located in the same geographical area. All participants in the ADR process will use due diligence and all reasonable efforts to complete the ADR process within 20 calendar days from the date that the requestor submits a completed form (Appendix 7) to the RAPM.

A requestor's participation in any or all of these steps (Appeal to the RAPM and Human Resources Director and use of ADR) does not constitute a claim with the Equal Employment Opportunity Commission, Merit Systems Protection Board, or under the applicable negotiated grievance procedures, any of which may be invoked after any denial at any step of the process or if there has not been a resolution through mediation.³

³ The NLRB agrees not to raise, as a defense, that such claims are untimely, provided the requestor initiates the EEO process or files a grievance or an appeal with the MSPB within 10 business days of the completion of the ADR process. The previous sentence is not intended to shorten the applicable statutory or contractual timeframes for initiating the EEO process, filing a grievance or filing an MSPB appeal.

15. INFORMATION TRACKING AND REPORTING

The RAPM is responsible for tracking and preparing data summaries for reasonable accommodation activities within the NLRB. All information will be kept confidential as described fully above in the “CONFIDENTIALITY” section and will be maintained for the longer of the employee’s tenure with the NLRB or three years.

The RAPM will prepare an annual report containing the following information:

- The number and types of reasonable accommodations by type that have been requested in the application process and whether those requests have been granted or denied;
- The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;
- The types of reasonable accommodations that have been requested for each of those jobs;
- The number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied;
- The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- The reasons for denial of requests for reasonable accommodation;

- The amount of time taken to process each request for reasonable accommodation; and
- The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

The information above will be provided to the NLRBU’s Executive Committee, NLRBU EEO Committee Co-Chairs, and the NLRBPA, on an annual basis, within 14 days of its submission to the Director of the Office of Human Resources. The failure to provide the report will not be subject to the grievance procedure or a basis of an unfair labor practice charge before the FLRA, in the absence of a request by the union for the report. The report will be redacted, if necessary, to protect employee privacy interests.

In addition, the report will provide a qualitative assessment of the NLRB's reasonable accommodation program, including any recommendations for improvement of reasonable accommodation policies and procedures to the Director of the Office of Human Resources.

Any person wishing further information concerning these procedures may contact the RAPM in the Office of Human Resources.

Reasonable Accommodation Process and Appendices

Please note that this is not intended to be a complete listing of all applicable timeframes, or listing of every recourse available in the event of a denial, partial denial, or the provision of an alternative accommodation. Please refer to the index on the first page of this APPM Chapter to locate the detailed substantive provisions (including timeframes, deadlines, and recourse in the event of denial) briefly noted below.

REASONABLE ACCOMMODATION PROCESS	
1	<p>Employee/requestor/applicant requests reasonable accommodation of disability (may be based upon temporary disability)</p> <p>Contact the RAPM in the Office of Human Resources or email ASKHR@NLRB.GOV for information regarding the NLRB's Reasonable Accommodation Program</p> <p>An individual with questions about the accommodations that may be available, depending on the particular circumstances, may consider contacting resources including his/her healthcare provider, the RAPM, a union representative or other NLRB personnel, as applicable.</p>
2	If a request for Reasonable Accommodation (RA) is made to a Division/Office Head, the request must be forwarded to the RAPM within two (2) business days
3	If the request is not in writing, RAPM asks the requestor to confirm RA request in writing for documentation purposes.
4	The RAPM issues written acknowledgment of oral or written RA request(Appendix 1).
5	<p>The RAPM requests medical documentation when necessary in order to determine whether the employee/applicant is a qualified individual with a disability.</p> <p>Division/Office Head identifies the essential functions of the position.</p> <p>The RAPM, in consultation with the requestor and/or the Division/Office Head, identifies, as applicable, the barriers to the requestor's ability to perform the essential functions of the job, and/or the barriers to the requestor's equal access to the benefits and privileges of employment.</p>
6	<p>If medical documentation is deemed necessary, RAPM issues initial request for medical documentation (Appendices 2-3). Information due to RAPM within 15 days.</p> <p>Deadline may be extended up to 15 additional days. (See Appendix 4)</p> <p>Only if the individual has provided insufficient documentation from his/her own healthcare or other appropriate professional to substantiate the existence of a disability and the need for reasonable accommodation, the RAPM may request that an FOH</p>

	(Federal Occupational Health) physician examine the requestor at the NLRB's expense. (See "Request for Medical Documentation above). The individual is free to decline such a request however this may result in denial of the request. If requestor does not provide any medical documentation, or sufficient documentation, the RA request may be denied on that basis, however, the requestor may request reconsideration of that denial or/ or make another request at a later time.
7	The RAPM, in consultation with the requestor and/or the Division/Office Head, determines if the requested accommodation(s) is/are reasonable, and if applicable, considers potential alternative accommodation(s)
8	<p>Once a decision on a request for RA is made, the RAPM issues, as appropriate, Appendix 5 (Granting Accommodation), Appendix 6 (Denial of Reasonable Accommodation Request), and/or Appendix 7 (Request for Alternative Dispute Resolution Assistance)</p> <ul style="list-style-type: none"> • In the event of a denial, partial denial or provision of an alternative accommodation, a request for reconsideration may be filed with the RAPM within 10 business days of the date of the initial denial, partial denial or provision of alternative accommodations. The RAPM will respond within 10 business days. • A further appeal may be filed, within 10 business days of any denial by the RAPM, with the Director of Human Resources. The Director of Human Resources will reply within 10 business days of the date of the appeal. • Within 5 calendar days of the date that the appeal to the Director of Human Resources is denied or partially denied, a request for alternative dispute resolution (ADR) assistance may be filed with the RAPM (See Appendix 7).

APPENDIX 1: ACKNOWLEDGMENT OF ACCOMMODATION REQUEST

Date:

To:

From: RAPM

Subject: Acknowledgment of Request for Reasonable Accommodation

To Whom It May Concern:

This is to acknowledge receipt of your request for a reasonable accommodation on _____.
(Or, as applicable: (made on your behalf by _____)).

The reasonable accommodation determination process is intended to be an interactive process between you (or, as applicable: the employee or applicant seeking accommodation) and the NLRB. Therefore, active cooperation in the interactive process, as well as timely submission of requested medical documentation, if necessary, is in your best interest, as a failure to do so may result in denial of your request.

I will contact you to advise whether medical documentation will be necessary in order to process your request for reasonable accommodation. If it is determined that such information is needed, it will be requested in a separate letter, which will state the nature of the information needed, where to forward it, and the date by which it should be provided. If and when such information is requested, you will be asked to provide it within a relatively short timeframe-- within 15 days.

If you have any questions about this interactive process or any other aspect of the NLRB's Reasonable Accommodation Program, please contact me at (insert RAPM name and number). I look forward to working with you to meet both your needs and the organization's workload requirements.

Sincerely,

APPENDIX 2: RAPM's INITIAL REQUEST FOR MEDICAL DOCUMENTATION

Date:

To:

From: RAPM

Subject: Request For Medical Documentation in Support of Request for Reasonable Accommodation (Employee name)

To Whom It May Concern:

So that we can effectively determine which, if any, reasonable accommodation can be provided in response to this request you will need to provide medical documentation concerning your medical condition. The type of information required can be found on the attachment.

(Please see Appendix 3 - "Request to Healthcare Provider for Medical Documentation")

This information will assist in evaluating your request and is in accordance with the Equal Employment Opportunity Commission guidelines and NLRB policy on Reasonable Accommodations.

Please provide this information to me by no later than *(15 days)*. Please note that you, not the NLRB, are responsible for any costs associated with obtaining this documentation unless we send you to a medical care provider. The information you provide will be maintained in a confidential manner and will be reviewed only by individuals who need to review it as part of the process of making a determination about your request for accommodation.

The reasonable accommodation determination process is intended to be an interactive process between you and the NLRB. Therefore, submission of current and complete information and active cooperation in the interactive process is in your best interest, as a failure to do so may result in a request for additional information, and, ultimately, the denial of your request. If you have any questions about this interactive process, please contact me at (insert RAPM name and number). I look forward to working with you to find a reasonable accommodation, if appropriate, which is effective and which meets your needs.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other covered entities from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the NLRB will not seek any genetic information and requests that the employee/applicant not provide any genetic information when responding to this request for medical information.

Sincerely,

APPENDIX 3: REQUEST TO HEALTHCARE PROVIDER FOR MEDICAL DOCUMENTATION

(Provide this to employee along with APPENDIX 2) (Employee is responsible for seeking information from the provider)

Date:

To:

From: RAPM

Subject: (Employee name)

To Whom It May Concern:

Please provide the following medical documentation that specifically addresses (employee's) medical condition(s) relating to her/his ability to perform the essential job duties. These questions are necessary in determining what, if any, reasonable accommodation can be provided to (insert employee's name). A copy of (insert employee's name) position description is attached in order to facilitate your assessment.

(Insert employee's name) is a (insert position title,). (Insert description of the essential functions of the employee's position. The RAPM should craft this description based on day to day functions performed, so that a third party will have a clear idea of the type, manner and environment in which the tasks are performed. For example, the description should include such details as: the need to handle confidential or sensitive materials, need for access to secure database only accessible within NLRB's firewall, physical layout of office, interaction with people, independence or collaborative nature of work, need to drive during the workday, staffing and mission of the office, whether projects are predictable or unpredictable (such as other duties as assigned), sedentary or physical nature of the position, etc.)

Please answer the following:

1. the nature, severity, and duration of the impairment;
2. identify the major life activity(ies) that the impairment limits;
3. the extent or degree to which the impairment limits these activities;
4. the reason the individual requires reasonable accommodation and the particular reasonable accommodation recommended; and
5. how the reasonable accommodation will assist the individual to perform the essential functions of his position.

This information is requested by (15 days). Please submit this information directly to (Insert name of RAPM and contact information) and provide a copy to your patient who is requesting the accommodation. Your assistance in this matter is greatly appreciated.

Sincerely,

APPENDIX 4:**RAPM FOLLOW UP TO REQUEST FOR MEDICAL DOCUMENTATION**

Date:

To:

From: RAPM

Subject: (Employee /applicant name)

To Whom It May Concern:

This is to follow up on my letter of ____ (at least 15 days prior). As explained in that letter, in connection with your request for a reasonable accommodation (or, as applicable: the request for reasonable accommodation made on your behalf by _____), and confirmed on (date), the NLRB has requested medical documentation concerning your disability for the purpose of processing that request.

As previously noted in my letter of (date), the requested information will assist the NLRB in evaluating your request, in accordance with the NLRB Reasonable Accommodations Program and the guidelines of the EEOC. Please rest assured that the information you provide will be maintained in a confidential manner and will be reviewed only by individuals who need to review it as part of the process of making a determination about your request for accommodation. The reasonable accommodation determination process is intended to be an interactive process between you (or, as applicable: the employee or applicant seeking accommodation) and the NLRB.

The information requested.....(describe).....was due to be submitted to me by (date). As of this writing I have not received this information. If this information is not submitted by ____ (15 days) your request for reasonable accommodation may be denied for insufficient information

-OR-

This serves to confirm the extension of time we discussed regarding the medical documentation which is/was due to me on _____. With this extension, the information is now due to me on (date). If this information is not submitted by ____ (the business day after new due date) your request for reasonable accommodation may be denied for lack of/insufficient medical documentation. In the event you do not timely submit the requested medical documentation, or if the information provided is insufficient, your request for reasonable accommodation may be denied on this basis. If this occurs, you may either appeal the denial of your request, or you may file another request at a later time.

If you have any questions about this interactive process, please contact me at (insert RAPM name and number). I look forward to working with you to find a reasonable accommodation, if appropriate, which is effective and which meets your needs.

APPENDIX 5: GRANTING AN ACCOMMODATION

Date:

To:

From: RAPM

Subject: Reasonable Accommodation Request

To Whom It May Concern:

After reviewing your medical documentation (if applicable) and your job duties, the NLRB determined that you meet the definition of a qualified person with a disability under the Rehabilitation Act/ADAAA. The NLRB will provide the following accommodation (**list equipment, schedule change, etc...**) by (**date**).

Please contact me if you have any questions.

APPENDIX 6: DENIAL OF REASONABLE ACCOMMODATION REQUEST

Date:

To:

From: RAPM

Subject: Reasonable Accommodation Request

To Whom It May Concern:

After engaging in an individualized assessment of your impairment, reviewing your medical documentation, and your job duties, it has been determined that you do not meet the definition of a qualified individual with a disability under the Rehabilitation Act/ADAAA. The NLRB is therefore not obligated to provide you with the requested accommodation and your request is hereby denied.

*(NOTE: If the individual does not meet the definition of a qualified individual with a disability but the requested accommodation is a general employment practice that others are allowed or just makes business sense, the RAPM can still provide it to the **requestor**, however, it should be stated in the letter that the request is being provided even though the **requestor** has been determined not to meet the definition.)*

You are hereby notified of your right to request reconsideration of the decision denying your request for Reasonable Accommodations; and/or to challenge this decision by other means:

- You may, within 10 business days after receipt of this letter, request reconsideration of this decision by sending a request for reconsideration to the RAPM. Your request for reconsideration will be answered, in writing, within 10 business days of receipt of the request and/or of information provided in support of the request;
- If the RAPM does not reverse the denial, you may within 10 business days, appeal to the Director of the Office of Human Resources. The Director of Human Resources will respond to your appeal, in writing, within 10 business days of receipt;
- If you remain dissatisfied you may avail yourself of the NLRB ADR process by completing the form that will be provided with the Director of OHR's denial. This form is also available at Appendix 7 of the APPM Chapter regarding Reasonable Accommodation Program.
- If you believe that the refusal to provide the requested accommodation constitutes an unlawful refusal to accommodate your disability, or if you believe that the denial is based in whole or part on the basis of discrimination due to race, color, religion, sex, national origin, disability, age, sexual harassment, equal pay, equal compensation, pregnancy, genetic information or in retaliation for participation in the EEO process, you may contact an EEO Counselor or a representative of the

NLRB Office of Equal Employment Opportunity to pursue such claims. Please note that you must initiate this process through an EEO Counselor or a representative of the Office of Equal Employment within 45 days of receipt of this letter.

- If you are covered by a collective bargaining agreement, you may file a grievance if you believe that applicable provisions of the applicable Collective Bargaining Agreement were not followed. Please refer to your Collective Bargaining Agreement to determine the deadline by which you must initiate a timely grievance. Please note that your resort to the process for reconsideration referenced above will toll the contractual time limits for grievance filing. You may, also, at your option, file a grievance without exhausting the reconsideration process. Contact a representative of the NLRBU or the NLRBPA for more information regarding the filing of grievances.
- If you believe that an otherwise appealable adverse action occurred based on disability discrimination, you may initiate a mixed case appeal by filing an appeal with the Merit Systems Protection Board (MSPB) within thirty (30) calendar days from receipt of this letter.

If you have questions about making an election between the EEO, Grievance or MSPB options listed above, such as when an election is made, consider contacting an NLRBU or NLRBPA representative, an EEO counselor, a representative of the Office of Equal Employment Opportunity, or an attorney.

APPENDIX 7: Request for Alternative Dispute Resolution AssistanceRequest for Alternative Dispute Resolution AssistanceFollowing a Denial of Request for Reconsideration by Director of Office of Human Resources
in connection with Request for Reasonable Accommodation

(this form to be sent to requestor, along with OHR Director's denial of request for reconsideration)

Having received notice from the Director of Office of Human Resources that my request for reconsideration of the RAPM's denial of my request for reasonable accommodation has been denied, I wish to seek the assistance of a mediator, and exercise the option of the Alternative Dispute Resolution.

Printed name

Division/office/Region

Job Title/ Position/Grade

Bargaining unit: Yes ___ No ___

Signed : _____

Date: _____

I am available to participate in mediation on _____ (list at least five scheduled work dates (including the hours when you are available) in the next 14 calendar days).

Please note, the expectation is that this process will commence promptly, and will be completed within 20 calendar days.

Submit this completed ADR Request form to the RAPM by email at ASK4RA@NLRB.GOV

Important: This form must be completed by the requestor (you or, if applicable, the person who made the request for reasonable accommodation on your behalf) and submitted to the RAPM within five (5) calendar days of the date that the requestor received written notice of the Human Resources Director's denial of request for reconsideration. For the purpose of this section "notice" shall be defined as the day that the denial is postmarked or was provided to the requestor by email, whichever is earlier.

APPENDIX 8: REASONABLE ACCOMMODATION RESOURCES

The EEOC provides guidance with respect to Reasonable Accommodations at www.eeoc.gov, including, but not limited to: EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act (July 27, 2000), and EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (revised October 17, 2002).

All requests for and provision of, reasonable accommodation must be kept confidential. See EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (revised October 17, 2002) at question 42 (discussing ways to respond to other employees' inquiries without violating confidentiality).

Department of Defense Computer/Electronic Accommodations Program

703-681-8813 (T) 703-681-3978 (TTY) 703-681-9075 (F)

www.cap.mil

CAP ensures that people with disabilities and wounded Service members have equal access to the information environment and opportunities in the Department of Defense (DoD) and throughout the Federal government. CAP helps to make the Federal government the model employer for people with disabilities.

Employee Assistance Program (EAP)

800-222-0364 (T) 888.262.7848 (TTY)

<http://www.foh.dhhs.gov/services/EAP/EAP.asp>

The EAP provides assessment, counseling, referral, management consultation, and coaching services to Federal employees and agencies throughout the United States.

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally-funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA

information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services and may include information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products), centers where individuals can try out devices and equipment, assistance in obtaining funding for and repairing devices, and equipment exchange and recycling programs.

State Vocational Rehabilitation Agencies

State Vocational Rehabilitation Agencies have a wealth of resources related to employment options for people with disabilities. Vocational rehabilitation (VR), a state-supported division of services, assists individuals with disabilities who are pursuing meaningful careers. VR assists those individuals to secure gainful employment commensurate with their abilities and capabilities through local job searches and awareness of self-employment and telecommuting opportunities. These state agencies also provide work retention services, such as financial assistance to help individuals with disabilities obtain personal devices, such as hearing aids.

In addition to VR, some states have separate agencies serving individuals who are blind and visually impaired. Contact information for each state's vocational rehabilitation agency is available from <http://askjan.org/cgi-win/typequery.exe?902> and http://wdcrobcolp01.ed.gov/Programs/EROD/org_list.cfm?category_cd=SVR.

State Independent Living Centers (SILC's)

As defined in Section 702 of the Rehabilitation Act of 1973, as amended, the term "center for independent living" means a consumer-controlled community-based, cross-disability nonresidential private nonprofit agency that is designed and operated within a local community by individuals with disabilities, and which provides an array of independent living services. At least 51% of staff and 51% of the Board of Directors are persons with disabilities. State independent living centers provide four core services: (1) information and referral, (2) independent living skills, (3) individual and systems advocacy, and (4) peer counseling.

A state-by-state directory of these centers is available at:
<http://www.ilru.org/html/publications/directory/index.html>.