



THE OFFICE OF PERSONNEL  
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*Personnel* POLICY MANUAL

## *Personnel* POLICY MANUAL

**S1630\_1**

### **Reasonable Accommodation Program**

For bargaining unit employees, see applicable [Union/Management Contracts](#) in addition to the Personnel Policy Manual (PPM). Contract provisions take precedence over the PPM ([See Section 6.](#)).

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**1. ISSUE DATE** – February 24, 2017 (Revised January 2018, March 2018 and May 2018, and June 2019)

**2. EMPLOYEES COVERED** – All SSA employees

**3. LAW AND REGULATION**

Under Section 501 of the Rehabilitation Act of 1973, as amended (Rehab Act), federal agencies must provide reasonable accommodation (RA) to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The Americans with Disabilities Amendments Act of 2008 (ADAAA) made significant changes to the how federal agencies must interpret the definition of disability. The implementing regulations for the ADAAA are found at 29 C.F.R §1630 and are applicable to the Rehab Act.

### **3.1. Agency Responsibilities**

SSA provides RAs when:

- Modifications or adjustments to a job application process are needed that enable a qualified applicant with a disability to be considered for a position the qualified applicant desires;
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held is customarily performed, are needed that enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments are needed that enable a qualified employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

### **3.2. Disability**

The ADA defines disability as "a physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment."

### **3.2.1. Physical or Mental Impairment**

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting (1) one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or (2) any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### **3.2.2. Substantially Limits**

An impairment is a disability within the meaning of this section if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.

Factors to consider in determining whether an individual is substantially limited in a major life activity include the nature and severity of the impairment, duration and the permanent or long-term impact of the impairment. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures (e.g. services or devices that lessen the limits of the major activity). However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. The determination of disability should not require extensive analysis. Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical, or statistical evidence, such evidence may be used if appropriate.

### **3.2.3. Major Life Activities**

To be disabling under the Rehab Act, the physical or mental condition must substantially impair one's ability to engage in one or more major life activities.

Major life activities include, but are not limited to, the general activities of “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working” as well as the operation of a major bodily function including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

For example, the following types of impairments will, at a minimum, substantially limit the major life activities indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability (formerly termed mental retardation) substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune function; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limit brain function. The types of impairments described in this section may substantially limit additional major life activities not explicitly listed above.

#### **3.2.4. Essential Functions**

Essential functions are those job duties so fundamental to the position that one cannot do the job without performing those duties. A function can be essential if, among other things, the position exists specifically for the performance of that function, there are a limited number of other individuals who could perform the function, or the function is specialized and the individual is hired based on his or her ability to perform the function. The determination of the essential functions of a position must be done on a case-by-case basis so that the determination reflects not simply the components of a generic position description, but the job as it is actually performed. Specifically, essential functions are based on:

- The employer’s judgment as to which functions are essential;
- Written job descriptions prepared before advertising or interviewing applicants for the job;
- The amount of time spent on the job performing the function;
- The consequences of not requiring the incumbent to perform the function;
- The terms of applicable collective bargaining agreement;

- The work experience of past incumbents in the job; and/or
- The current work experience of incumbents in similar jobs.

### **3.2.5. Qualified**

The term qualified, with respect to an individual with a disability, means that the individual satisfies the requisite skills, experience, education, and other job-related requirements of the position such individual holds or desires and, can perform the essential functions of the position held or desired with or without an RA and without posing a threat of substantial harm to himself/herself or others.

### **3.3. RA**

RAs could include, but are not limited to, making work facilities accessible, job restructuring or modifications, obtaining special equipment, and other similar actions.

### **3.4. Undue Hardship**

Undue hardship means that a specific accommodation would require significant difficulty or expense for the agency. Undue hardship is always determined on a case-by-case basis. In assessing whether an accommodation is an undue hardship, the agency will consider such factors as the:

- nature and net cost of the accommodation needed;
- overall financial resources of the agency;
- effect of the accommodation on expenses and resources; and
- impact of the accommodation on the operation of the agency, including the impact on the ability of other employees to perform their duties and the impact on the agency's ability to conduct business.

## **4. SSA DELEGATIONS OF AUTHORITY**

## **5. SSA POLICY**

### **5.1. Purpose**

The purpose of the RA program is to accommodate qualified applicants and employees with disabilities, unless to do so would pose an undue hardship to SSA. However, there is nothing in this policy that precludes SSA from providing assistance outside the process described below.

### **5.2. Who May Make RA Requests**

The following individuals may request a RA:

- Job Applicants: Applicants may make an RA request at any time in the application process; (See Sections [5.3.4](#) and [5.13](#))

- SSA Employees; and
- Third Parties: Family members, health professionals, or other representatives may request RAs on behalf of job applicants and SSA employees. When a third party requests an RA, the delegated official shall confirm with the applicant or employee that an RA is needed before proceeding.

### **5.3. How to Make RA Requests**

Employees and applicants (or third parties on an employee's or applicant's behalf) may make requests for RAs either orally or in writing, at any time, and need not fill out any specific form. A request does not need to specify a particular accommodation or include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." Nor is the requester required to have a particular RA in mind before making a request. A request is any communication in which an employee or applicant asks or states that he or she needs SSA to provide or to change something because of a medical condition. If the nature of the initial communication is unclear, the supervisor should ask the requester whether an RA is being requested.

SSA will consider submission by any one of the following methods as a request for an RA. These methods are available in alternative formats and are accessible to people with disabilities.

#### **5.3.1. RA Wizard**

SSA has an electronic method for employees to submit RA requests. The electronic on-line system, the RA Wizard, can be accessed at <https://ope.ba.ssa.gov/RAPIDS/Wizard>. The RA Wizard is the preferred method for submission because it ensures that the request is recorded in SSA's RA tracking system, the Reasonable Accommodation Process Information and Data System (RAPIDS). If an employee makes a request to the employee's supervisor through another method, the supervisor must enter a request on behalf of an employee in the RA Wizard to ensure that the request is recorded in SSA's RA tracking system, RAPIDS.

#### **5.3.2. [Form SSA-501-F3 \(Request for RA\)](#)**

Employees (or third parties on an employee's behalf) may submit a request for a RA using [Form SSA-501-F3](#). Employees shall submit the Form via email or in person to SSA's Office of Personnel (OPE), Center for Accommodations and Disability Services (CADS), the local Reasonable Accommodation Coordinator (RAC), or their supervisor. Once received, CADS, the local RAC, or the employees' supervisor must enter the request into the RA Wizard.

Third parties can fill out a Form SSA-501 to request an RA on behalf the employee.

#### **5.3.3. Verbally or in Writing**

Employees (or third parties on an employee's behalf) may submit a request verbally or in writing (via email or in-person) to CADS, their local RAC, or their supervisor. Once



received, CADS, the local RAC, or the employees' supervisor must enter the request into the RA Wizard. (See [Section 5.3.4](#) for applicants).

#### **5.3.4. Submission Method for Applicants**

Applicants for employment (or third parties on the applicant's behalf) may submit a request for an RA verbally or in writing to the individual identified in the job vacancy announcement as the appropriate recipient of RA requests. Employees applying for internal job or detail postings who need an RA for the application process should not use the RA Wizard, but should instead request the RA from the contact listed in the announcement.

#### **5.4. Recurring RA Requests**

Employees needing an RA on a recurring basis, such as the assistance of sign language interpreters, must submit an initial request through one of the methods listed in [Section 5.3](#). Once granted, employees do not need to submit a new request for each subsequent need for the RA.

If employees need the RA on a regular basis for events scheduled by management (e.g., for a weekly staff meeting), their supervisors are responsible for making the appropriate arrangements for the RA.

#### **5.5. Interim-RAs**

When all the facts and circumstances known to the agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the agency shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency.

#### **5.6. Timeframe for Decision on RA Requests**

SSA shall make a final decision on RA requests as soon as reasonably practicable after the request is made, and no later than 45 days after the request is made, absent extenuating circumstances. In circumstances where medical documentation or other information is requested, the time during which such a request remains outstanding is excluded from the computation of the 45-day timeframe. Applicants will not be disadvantaged by these timeframes.

This timeframe includes the initiation of the interactive process specified in [Section 5.7.1](#), and the National Reasonable Accommodation Coordinator (NRAC) review process specified in [Section 5.10.2](#). (See [Exhibit 1](#)(A) for a description of the NRAC role.)

As such, in cases where delegated officials recommend a denial of an RA ([See Section 5.10](#)), they must make that recommendation to the NRAC for review within 30 calendar days from the date of the request or from the date they receive the requested

documentation, to allow necessary time for review, appropriate follow-up, and a final decision.

Where there are external constraints preventing decisions within the prescribed timeframe, the delegated official shall advise the employee prior to the end of the 45-day timeframe that the decision is pending and provide the employee with the reason for the delay, including any extenuating circumstances that justify the delay, and an estimate of when the delegated official will make the decision.

SSA shall provide expedited review and decision, if feasible, on RA requests where the RA is needed sooner than the 45-day time frame, such as where an RA is needed to allow an applicant to timely apply for a job or to enable an employee to attend a meeting scheduled to occur soon after the request is made.

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

## **5.7. Processing a Request for a RA from an Employee**

SSA will consider all requests for RAs on an individual basis. (See [Section 5.13](#) for Processing RA Requests from Applicants)

### **5.7.1. Initiation of Interactive Process**

The interactive process is an ongoing dialogue between the employee and the SSA management, including the employee's supervisor, the delegated official, and staff assigned to process the RA request, to identify and provide an appropriate and effective RA. Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective RA is not obvious; or where the parties are considering different forms of RA.

The delegated official ([See Section 4.](#)) shall initiate the interactive process by contacting the employee upon receipt of the request, but no later than ten (10) calendar days after the request is made, to acknowledge the request and clarify the employee's needs.

### **5.7.2. Requesting Medical Documentation**

If the need for an RA is not obvious, the delegated official ([See Section 4.](#)) may request medical documentation to the extent it is necessary to determine if the employee has a disability under the Rehab Act. The delegated official ([See Section 4.](#)) may also request medical documentation to help determine what RAs the employee needs and would be most effective.

Any medical documentation that CADS, the RAC, or SSA management receive must be maintained in a separate, secure file; uploaded by CADS or the RAC into RAPIDS; and not placed in the employee's SSA-electronic 7B. All medical information must be kept

confidential, in accordance with applicable laws and regulations. Disclosure is only permitted in certain specified circumstances, including,

- on a “need-to-know” basis, if doing so is necessary to ensure compliance with the Rehabilitation Act. For example, supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary RAs;
- with first aid and safety personnel, if the disability might require emergency treatment; or
- with government officials investigating compliance with the ADA/Rehabilitation Act.

#### **5.7.2.1. Content of Request for Medical Documentation**

Generally, a request for medical documentation is limited to the:

- nature, severity and duration of the impairment (e.g., diagnosis, functional limitations, barriers, symptoms, side effects of any treatments, whether or not is it permanent in nature, etc.);
- impact on major life activities;
- extent of the limitations when the condition is active; and
- recommended RAs and why the RAs are being recommended (e.g., how the RA will assist the individual in performing the essential functions of the job or enjoying a benefit or privilege of employment; why a particular RA would be effective; etc.).

The delegated official ([See Section 4.](#)) shall not ask for the entire medical history of the employee, including any information prohibited by the [Genetic Information Non-Discrimination Act of 2008](#).

#### **5.7.2.2. When Medical Documentation is Not Needed**

There are times when medical documentation is not needed. They include:

- Requests for equipment given to all employees;
- Employees with an obvious disability, where the need for the requested RA is clear; and
- Times when an employee has previously established a disability, has the same functional limitations, and the need for the requested RA is clear.

#### **5.7.2.3. Timeframes for Obtaining Medical Documentation**

Generally, SSA will provide employees with 30 calendar days to provide the requested documentation. If additional information is needed in order to establish that the employee has a disability under the Rehab Act, the delegated official ([See Section 4.](#)) shall grant a reasonable amount of time to provide supplemental documentation. ([See Exhibit 2, Section 6.A.1.](#)) The delegated official ([See Section 4.](#)) must put any requests for medical documentation in writing to the employee with specifics as to what is needed as well as

the timeframes. Reasonable extensions should be granted as necessary (e.g., the employee could not get an appointment with the appropriate medical provider within the 30-day period).

#### **5.7.2.4. Review of Medical Documentation by Medical Expert**

SSA, at its sole discretion, may have medical documentation reviewed by a medical expert of the SSA's choosing, at SSA's expense, including but not limited to, by SSA's [Medical Office](#) (MO).

#### **5.7.3. Disability Determination**

Delegated officials ([See Section 4.](#)) must analyze whether employees have a disability prior to making a determination on the RA ([See Section 3.2.](#)). If a delegated official ([See Section 4.](#)) determines that an employee has a disability, the delegated official must continue with the interactive process. If a delegated official ([See Section 4.](#)) believes the employee does not have a disability, the delegated official must notify the NRAC, as the employee may not be eligible for an RA. Only the NRAC can make the final determination that employees do not have a disability. ([See Section 5.10.](#))

#### **5.8. Determining the Accommodation**

Once the delegated official ([See Section 4.](#)) determines that the employee has a disability, the delegated official will immediately continue the interactive process by discussing the requested RA with the employee and exploring any possible alternatives. SSA is required to provide an effective RA to employees with disabilities unless it will create an undue hardship for the agency. However, the agency is not required to provide the employee's preferred RA, so long as the alternative RA is effective.

##### **5.8.1. Consultation with Implementing Components**

Prior to approving an RA where another component implements the RA, the delegated official shall consult with the component that provides or implements the RA to determine the feasibility and potential effectiveness of the RA. If the RA is not feasible, the delegated official ([See Section 4.](#)) shall work with the employee and the necessary components to find an alternative effective RA, if available.

#### **5.9. Granting RA Requests**

Once the delegated official ([See Section 4.](#)) grants the RA, the delegated official shall notify the employee by issuing an approval letter. The delegated official shall provide the approval letter to the RAC who will update RAPIDS and upload the letter. In circumstances where, during the interactive process, the employee and the delegated official agree to an alternative RA than was originally requested, delegated official shall grant the alternative RA, issue an approval letter, and notify the RAC who will update RAPIDS and upload the approval letter.

SSA must implement the RA as soon as practicable and, in general, not more than 30 days from the date of the decision, absent extenuating circumstances. If SSA cannot implement the RA due to extenuating circumstances within 30 days, the delegated official ([See Section 4.](#)) shall notify the employee in writing with the reason for the delay and an estimated implementation date. Unnecessary delays in providing RAs may result in violation of the Rehabilitation Act.

### **5.10. Denial of RA Requests**

When the delegated official ([See Section 4.](#)) cannot grant an RA under Section 5.9., the delegated official will recommend denial of an RA to the NRAC. Delegated officials shall obtain the assistance of their local RAC in submitting recommended denials to the NRAC, although the RAC has no authority to grant or recommend denial ([See Exhibit 1, Section E](#) for a further description of the RAC role).

The delegated official ([See Section 4.](#)) may recommend denial of an RA request due to the following reasons:

- Employee is not disabled;
- Employee does not need an RA;
- Requested RA would not be effective;
- Requested RA only supports marginal functions (not essential functions) of the position;
- Granting the requested RA would remove essential functions of the position;
- Granting the requested RA would lower performance or production standards;
- Employee is not qualified to perform the essential functions of the position with or without an RA; or
- Requested RA constitutes an undue hardship for the Agency.

The delegated official shall also submit for NRAC review requests where the delegated official offers an employee effective alternative and the employee refuses to accept the alternative effective RA. ([See Section 5.10.2.](#) and [Exhibit 2, Section 6.A.](#)) Such submission is not considered a recommended denial; however, the current version of RAPIDS does not have such a designation and the recommended denial code must be used at this point.

The delegated official ([See Section 4.](#)) shall send the recommendation to the NRAC. The NRAC will make a decision on those recommendations.

**Note:** If, through the interactive process, the delegated official ([See Section 4.](#)) and the employee agree on an alternative RA, the delegated official will grant the request ([See Section 5.9.](#)) and will not recommend denial.

#### **5.10.1. Failure to Cooperate**

Delegated officials ([See Section 4.](#)) are not required to recommend denial to the NRAC or a designee when the employee has a non-obvious condition and does not provide any

requested documentation to substantiate the condition. When the employee fails to respond to requests for medical documentation for a non-obvious condition and provides no documentation at all, this constitutes failure to cooperate and the delegated official ([See Section 4.](#)) may close the request in RAPIDS as inactive. Minimal or inadequate documentation does not constitute failure to cooperate.

#### **5.10.2. NRAC Review of Recommended Denials and Refusals to Accept Effective Alternatives**

The NRAC shall review all recommended denials and refusals to accept effective alternatives as soon as practicable but generally in not more than ten (10) business days from the date the recommended denial is received. Prior to making a determination on the RA request, the NRAC or a designee shall contact the employee, the first-line supervisor or manager, the delegated official who recommended denial, and members of the National RA Advisory Committee ([See Exhibit 1, Section C](#)), as appropriate. ([See Exhibit 2, Procedures – NRAC Review of Recommended Denials](#))

#### **5.10.3. NRAC Reversal of Recommended Denials and Refusals to Accept Effective Alternatives**

Where the NRAC or a designee reverses any part of a recommendation, the NRAC or a designee shall notify the delegated official ([See Section 4.](#)) of the reasons for reversal.

In situations where the delegated official ([See Section 4.](#)) made a recommendation based on lack of disability ([Section 5.10.](#)) and the NRAC or a designee disagrees, the NRAC or a designee shall return the request to the delegated official to continue the interactive process and identify possible RAs.

In situations where the delegated official ([See Section 4.](#)) made a recommendation on the basis of any other reason set forth in [Section 5.10.](#), the NRAC will advise the delegated official to grant the request and implement the RAs consistent with the NRAC's or a designee's decision or take other steps as instructed.

When the NRAC or a designee discovers alternative RAs after receiving a recommendation for denial, the NRAC shall notify the delegated official ([See Section 4.](#)) and work with the delegated official to implement the alternate RA(s).

#### **5.10.4. NRAC Concurrence and Notification of Denial of RA Request**

Where the NRAC concurs with any aspect of the delegated official's recommendation, the NRAC or a designee shall notify the employee of the reasons for denying the request (in whole or in part), procedures to request reconsideration, the right to file an equal employment opportunity complaint with SSA's [Office of Civil Rights and Equal Opportunity](#). The Notice shall also provide information on the SSA [Alternative Dispute Resolution \(ADR\)](#) program, include instructions on how to file such a complaint, and inform that the right to file a complaint will be lost for failure to contact an EEO counselor within 45 days of the denial, regardless of whether informal resolution through

ADR was attempted. The NRAC shall also provide the delegated official ([See Section 4.](#)) that made the recommendation with an electronic copy of the notification to the employee.

### **5.11. Requesting a Reconsideration**

Where the NRAC or a designee denies any aspect of the employee's RA request, the employee may request reconsideration with or without additional supporting materials, which the employee did not previously provide. The NRAC will make a decision and notify the employee within five (5) business days of receiving the request for reconsideration.

### **5.12. Modifying and Removing RAs**

If a delegated official ([See Section 4.](#)) believes that it is necessary to modify a previously approved RA or that an RA is no longer needed, the delegated official ([See Section 4.](#)) must first engage in an interactive discussion with the employee. If the delegated official and the employee cannot come to an agreement, the delegated official ([See Section 4.](#)) must submit a recommended denial to the NRAC in accordance with ([See Section 5.10.](#)) before taking any further action.

### **5.13. Processing Requests from Applicants**

Designated contacts on posted vacancy announcements who receive RA requests from applicants shall initiate the interactive process with the applicant and process those requests in accordance with [Sections 5.6 - 5.11](#) of this chapter. The designated contact shall coordinate with the RAC and the appropriate delegated official ([See Section 4](#)). All applicant requests shall be expedited to ensure that the applicant can participate in the application process.

If the delegated official cannot grant the requested RA, the delegated official via the RAC should send a Recommendation for Denial of RA Request Form to the NRAC at [DCHR.OPE.CADS.NRAC.REVIEW@ssa.gov](mailto:DCHR.OPE.CADS.NRAC.REVIEW@ssa.gov) and indicate in the subject line of the email that it relates to an applicant request and must be expedited. The NRAC or a designee will expedite processing and provide a response as soon as possible. The NRAC shall issue any denials in accordance with [5.10.4](#) of this chapter.

For granted requests, the RAC shall report the following information using the attached [SSA Applicant Reasonable Accommodation Request Reporting Form](#) to [DCHR.OPE.CADS.Inquiries@ssa.gov](mailto:DCHR.OPE.CADS.Inquiries@ssa.gov) within three (3) business days of the accommodation being provided:

- Name of applicant;
- the specific reasonable accommodation requested and approved;
- the job (announcement number, occupational series, grade level, and agency component) sought by requesting applicant;
- the identity of the delegated official; and

- the number of days taken to process the request and provide the accommodation.

For requests that are denied in entirety or in part, CADS will complete the [SSA Applicant Reasonable Accommodation Request Reporting Form](#), including the basis of denial.

#### **5.14. Workspace and Facility Modification**

Prior to approving building and workspace modifications, delegated officials ([See Section 4.](#)) shall coordinate with the relevant offices regarding the feasibility of RA requests and potential modifications. If it is not feasible to grant the RA, the delegated official ([See Section 4.](#)) shall follow the policy outlined in [Section 5.10.](#)

#### **5.15. Job Restructuring**

One form of RA for a qualified employee with a disability is job restructuring. This can involve restructuring the employee's job by redistributing nonessential, marginal job functions. The delegated official ([See Section 4.](#)) is not required to eliminate job functions (essential or marginal); however, the delegated official may modify or alter how or when a function is performed.

#### **5.16. Reassignment**

An employee with a disability may request reassignment as an RA, but SSA is only required to grant reassignment as a last resort. If SSA can effectively accommodate an employee within the employee's current position, the delegated official ([See Section 4.](#)) should offer that RA.

If SSA cannot accommodate an employee with a disability in their current position, then the delegated official ([See Section 4.](#)) must reassign an individual with a disability to a vacant and funded position equal in pay and status for which the employee is qualified and that would not pose an undue hardship to the Agency.

"Vacant" means that the position is available when the employee asks for RA, or that the employer knows that it will become available within a reasonable amount of time, generally 60 days. "Equal pay and status" means assignment to a position with no additional pay or promotion potential.

The delegated official ([See Section 4.](#)) shall work closely with the local RAC, Servicing Personnel Office (SPO), and the [SSA Hardship Coordinators](#) to identify a position for which the employee is qualified and can be reassigned. The delegated official ([See Section 4.](#)) shall obtain and provide the employee's updated SSA-45 and limitations caused by employee's disabling condition to the employee's SPO. However, the delegated official ([See Section 4.](#)) should limit the information provided to only what is needed to determine the positions for which the employee is qualified.

As soon as possible, the employee's SPO should analyze the employee's qualifications and limitations and provide the delegated official with a list of equivalent positions for



which the employee qualifies. With the assistance of the RAC, the delegated official shall circulate the list to [SSA Hardship Coordinators](#) to determine if there are any vacant positions.

If such a position is located and the employee is qualified for the position, the delegated official ([See Section 4.](#)), with the assistance of the servicing RAC and SPO shall facilitate a non-competitive reassignment for the employee.

If an equivalent funded vacant position does not exist within the commuting area, the delegated official ([See Section 4.](#)) shall engage in an interactive discussion with the employee to determine whether the employee would be willing to relocate in order to secure an equivalent, funded vacant position and identify the area(s) to which the employee would be willing to relocate. With the assistance of the RAC, SPO, and [SSA Hardship Coordinators](#), the delegated official ([See Section 4.](#)) shall then determine whether an equivalent, funded vacant position is available in an area to which the employee would be willing to relocate.

Similarly, if no equivalent, funded vacant position is found, the delegated official ([See Section 4.](#)) shall engage in an interactive discussion with the employee to determine if the employee is willing to accept a lower graded position in the same or another commuting area. With the assistance of the servicing RAC, SPO, and [SSA Hardship Coordinators](#), the delegated official ([See Section 4.](#)) shall look for a lower-graded position that is as close as possible to the employee's current grade and commuting area or in an area to which the employee would be willing to relocate and under the same appointing authority. SSA is not obligated to pay the employee's relocation expenses.

Reassignment does not include giving an employee a promotion or any additional promotion potential. Thus, an employee must compete for any vacant position that would constitute a promotion. SSA is not required to create a position for the employee if one does not exist for which the employee is qualified.

If no vacant funded positions exist for which the employee is qualified (or none will become available within a reasonable amount of time) or if the employee is not willing to accept a vacant funded position for which the employee is qualified, the delegated official ([See Section 4.](#)) shall submit a recommended denial to the NRAC ([See Section 5.10.](#)) for final decision.

### **5.17. Addiction**

SSA may provide RAs for employees and applicants undergoing treatment for an addiction. However, individuals currently engaging in the illegal use of drugs are not considered to have a "disability" or to be a "qualified individual with a disability." Thus, the agency will not accommodate those individuals.

The agency will accommodate individuals who:

Successfully completed a supervised drug rehabilitation program and are no longer engaging in the illegal use of drugs, or have been rehabilitated successfully and are no longer engaged in such use; or

Are participating in a supervised rehabilitation program and are no longer engaging in such use.

## **5.18. Full-Time Equivalent (FTE) Pool, Personal Attendant Services (PAS) and Interpreter Services**

### **5.18.1. FTE Pool – Reader Assistants, Personal Assistants, Sign-Language Interpreters**

CADS manages a SSA-wide allocation of personnel resources that are distributed to offices/components to support RAs for employees with disabilities. Commonly known as the FTE Pool, this resource pool provides:

- Reader assistants for employees who are blind or who have extremely low vision;
- Personal assistants for employees with severe impairments; and
- Sign-language interpreters for employees who are deaf or hard of hearing.

[See Exhibit 3](#) for FTE Pool procedures.

### **5.18.2. Personal Attendant Services (PAS)**

SSA provides personal attendant services (PAS) to SSA employees with [targeted disabilities](#) who require assistance with basic activities of daily living, such as eating, removing and putting on clothing, and using the restroom unless doing so will pose an undue hardship on the Agency.

#### **5.18.2.1. Targeted Disabilities**

Targeted disabilities include the following:

- Developmental disabilities, for example, cerebral palsy or autism spectrum disorder;
- Traumatic brain injuries;
- Deafness or serious difficulty hearing, benefiting from, for example, American Sign Language;
- Blindness or serious difficulty seeing even when wearing glasses;
- Missing extremities (arm, leg, hand and/or foot);
- Significant mobility impairments, benefiting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports;
- Partial or complete paralysis (any cause);
- Epilepsy and other seizure disorders;
- Intellectual disabilities (formerly described as mental retardation);

- Significant psychiatric disorders, for example, bipolar disorder, schizophrenia, Post-Traumatic Stress Disorder, or major depression;
- Dwarfism; and
- Significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

#### **5.18.2.2. Requesting PAS**

Employees shall request PAS via the same means as they would request a RA. ([See Section 5.3](#)). The process for requesting PAS, the process for determining whether such services are required, and SSA's right to deny such requests when provision of the services would pose an undue hardship, are the same as for RA.

Following the submission of a PAS request, a Center for Accommodations and Disability Services (CADS) analyst and the employee will engage in the interactive process to determine if an employee is eligible to receive PAS, and if so, the nature of the required services.

PAS requests have the same delegated official ([See Section 4](#)) and will be processed similar to requests for Personal Assistants. (See [Exhibit 3](#) for FTE Pool procedures) Employees will be required to submit medical documentation where the targeted disability and need for PAS are not obvious. ([See Section 5.7.2.](#))

#### **5.18.2.3. SSA PAS Providers**

A. SSA will provide PAS services primarily via contract managed by CADS in the Office of Personnel. If contract services are not available, SSA will hire a full-time, part-time or intermittent employee to provide PAS services.

SSA PAS providers will assist with activities of daily living such as:

- Assistance with removing and putting on clothing;
- Eating;
- Using the restroom; and
- Pushing a wheelchair.

PAS do not include medical care such as administering shots or monitoring blood pressure, helping individuals perform essential job functions, nor assisting an employee with his/her commute to work unless the employee is on work-related travel.

PAS providers may provide services to more than one individual.

Although providing PAS services is their primary function, SSA employees hired on a full-time and part-time basis may perform clerical duties secondary to providing PAS services for designated employees. If an employee needs assistance in performing their essential job functions, the employee should submit a RA request for a Personal Assistant. ([See Section 5.3](#))

Local management shall secure a space for the SSA PAS provider.

B. SSA PAS Providers will perform services during:

- Work hours at an employee's official duty station (ODS);
- Official travel status and official work activities while in travel status (e.g., training, external meetings) outside of an employee's ODS; and
- Times beyond the requesting employee's normal tour of duty when the employee has submitted a 48-hour advance request for services. These include overtime, credit hours and compensatory time.

C. Employee Preference and SSA PAS Provider

SSA will give preference to the employee's preferred provider to the greatest extent possible. However, it may not be possible to honor the employee's preferences in all cases. There may be instances in which SSA may not be able to comply with the employee's preference due to the preferred provider's limited qualifications, availability, or other issues that would impose an undue hardship for the agency.

D. Employee Responsibilities When Using SSA PAS Provider:

- Participate in initial meeting with CADS analyst to discuss specific needs (i.e. equipment, concerns, etc.) and complete form documenting these needs prior to PAS being administered;
- Complete SSA PAS provider evaluation of services document within 120 days of receiving initial services;
- When requested, complete any and all documentation needed to verify that SSA PAS provider services were performed.

#### **5.18.2.4 Employee-Provided PAS, Not Provided by SSA**

An employee may utilize a PAS provider at the employee's own expense. If the employee chooses to obtain his or her own provider, the employee shall notify CADS at [^DCHR OPE CADS PAS](#) who will assist the employee in facilitating entrance into the SSA facility. CADS will notify the employee of the availability of SSA provided PAS and ask the employee to sign a statement verifying the employee's agreement to use their own provider and acknowledge that SSA is unable to ensure that the employee-provided PAS is meeting employees' needs.

All employee-provided PAS providers will be required to undergo and pass a background investigation before entering SSA facilities. Upon approval, CADS will request the background investigation of the Employee-Provided PAS provider with the Center for Suitability and Personnel Security in the Office of Human Resources. Employee-provided PAS providers may be issued a Homeland Security Presidential Directive (HSPD) credential or facility access badge at the discretion of local management. Local management is responsible for submitting requests for credential or facility access to

CADS, monitoring employee-provided PAS providers, and notifying CADS of any issues or changes in the status of the employee-provided PAS (e.g. separation).

Local management shall make a best effort to secure a space for the Employee-Provided PAS provider.

Employee-Provided PAS providers will not be issued any SSA equipment, not be granted access to SSA networks and not perform any other functions including clerical or administrative tasks.

Employee-Provided PAS providers must sign a Gratuitous Service Agreement (GSA) and a non-disclosure agreement to be filed in SSA's RA tracking system (RAPIDS).

At any time, if the employee wishes to utilize the SSA PAS provider, the employee may request it, and SSA will consider the request as expeditiously as possible.

Employee-Provided PAS providers are not Personal Assistants and shall not provide assistance to employees in performing job related functions. If an employee needs assistance in performing their essential job functions, the employee should submit a RA request for a Personal Assistant. ([See Section 5.3](#))

#### **5.18.2.5. Emergencies and Building Closures**

##### **A. Emergency Situations**

In an emergency or unusual situation, when a SSA PAS Provider is unable to be present to assist the employee, the employee shall notify their local management immediately. Local Management shall consult with the Contracting Officer Representative at [^DCHR OPE CADS PAS](#) to consider viable options (i.e. Telework, Back-up PAS Provider). If no alternative is available, the delegated official may consider granting the employee an excused absence/administrative leave. ([See Personnel Policy Manual \(PPM\) Chapter S630.9](#)).

##### **B. Furlough**

SSA PAS providers will be provided for employees required to work during a furlough.

#### **5.18.3. Travel Assistance**

When on official travel, SSA will pay the travel expenses of an employee's:

- FTE Pool Personal Assistant;
- FTE Pool Reader,
- Employee-Provided PAS Provider (such as a spouse, relative or caregiver); and/or
- SSA PAS provider

If the employee's FTE Pool Personal, Reader Assistant and/or Employee-Provided PAS Provider are unavailable, SSA will pay the travel expenses for a SSA PAS provider to provide one or more of those services. When assisting the employee on official travel, an SSA PAS provider may perform the functions of the Reader Assistant, Personal Assistant, and Employee-Provided PAS Provider.

#### **5.18.4. Interpreter Services**

CADS maintains an agency-wide contract for sign language interpreter services that provides daily on-site interpreters at headquarters and, by request, hourly interpreter services to all SSA offices outside headquarters. These services are available for qualified job applicants and employees who are deaf or hard of hearing for meetings, training classes, commemorative programs, performance reviews, and other agency sponsored events where interpreters are needed to facilitate communication. SSA also offers Communication Access Real-time Translation (CART) services for deaf or hard of hearing employees who are not fluent in American Sign Language. In addition, CADS provides funding to offices to obtain "as needed" interpreter or CART services from local vendors with an estimated cost of \$2,500 or less.

#### **5.19. Leave Policy**

Leave flexibility is often appropriate to accommodate employees with disabilities.

##### **5.19.1. Excused Absence (Administrative Leave)**

An excused absence is defined as absence from work without loss of leave or pay or charged to accrued leave that a delegated official ([See Section 4.](#)) authorizes. (See [PPM Chapter S630 9](#))

##### **5.19.1.1. Meetings and Conferences**

Delegated officials may excuse absences and grant administrative leave for meetings, conventions, conferences, and training (not paid for by SSA) when attendance would contribute to a qualified employee with disabilities' professional development or enhance job knowledge, skills, or potential to carry out their official duties. For example, this may apply in the event of a meeting or conference where instructors or facilitators demonstrate new technology. (See [PPM Chapter S630 9](#))

##### **5.19.1.2. Hazardous Weather and Other Emergency Situations**

During hazardous weather and other emergency situations, it may be impossible for some qualified employees with disabilities to report to work even though SSA offices are officially open. If job functions and equipment are conducive to telework, as a first choice in the event of inclement weather where an employee with a disability is unable to report to work, the delegated official ([See Section 4.](#)) may offer the employee the opportunity for episodic telework as an RA.

If telework is not possible, the delegated official ([See Section 4.](#)) may authorize administrative leave to a qualified employee with a disability for a weather event when conditions make it extremely difficult or hazardous for employees with disabilities to travel to work. Traveling to work due to inconvenience does not constitute a reason for an RA. For information on when a PAS provider is not able to report to the employee's worksite, see [Section 5.18.2.5.](#)

The delegated official ([See Section 4.](#)) should engage in the interactive process with the employee with a disability to decide if administrative leave for hazardous weather or other emergency situations is appropriate. The delegated official ([See Section 4.](#)) should assess each case individually. The delegated official ([See Section 4.](#)) should document conversations. If the delegated official recommends denial of an RA request, then the recommendation shall go through the NRAC for review and a decision ([See Section 5.10.](#)).

For additional information about the impact of delayed openings, early dismissals, and closings, see [PPM Chapter S630-10, Leave for Hazardous Weather or Other Emergency Situations](#) and [PPM Chapter S610-3, Flexible Work Schedules.](#)

### **5.19.2. Service Dog or Emotional Support Animal Leave**

A delegated official shall approve leave in order for a qualified employee with a disability to acquire a service dog or emotional support animal, receive service dog or support animal training, or obtain medical services for a service dog or emotional support animal. An employee may request annual leave, sick leave, or leave without pay pursuant to standard policies in the PPM. See, [PPM Chapter S630\\_6, Leave Without Pay](#), [PPM Chapter S630\\_3, Section 5.1.2, Sick Leave](#), and [PPM Chapter S630\\_2, Annual Leave.](#)

### **5.19.3. Repair of Devices**

A qualified employee with a disability who uses prosthetic devices, a wheelchair, or other assistive devices, such as a scooter, may use sick leave to secure, repair, or obtain training on the use of such equipment. In these circumstances, employees must follow standard procedures for requesting sick leave. See, [PPM Chapter S630\\_3, Section 5.1.2, Sick Leave.](#)

### **5.19.4. Leave Without Pay**

Employees may request leave without pay (LWOP) as an RA. LWOP is an approved absence without pay granted at the employee's request. Delegated approving officials ([See Section 4.](#)) may grant extended leave without pay as a RA for illness, disability, or treatment and for a qualified employee with a disability to receive rehabilitative or vocational training. See [PPM Chapter S630\\_6](#) for requesting leave without pay and the implications of using leave without pay. Additionally, employees may wish to request LWOP under the Family and Medical Leave Act. See [PPM Chapter S630\\_4 Family and Medical Leave.](#)

## **5.20. Medical Parking**

SSA is not required to provide parking for employees. In locations where SSA does provide parking, employees with disabilities should enjoy equal access to parking.

General Services Administration regulations ([41 C.F.R. § 101-20.104-2](#) – Allocation and Assignment of Employee Parking Spaces) require that, after official vehicle needs are met, employees with severe disabilities be given preference over all other employees. SSA shall consider RAs individually for qualified employees with a disability, as defined in the Rehab Act. Justifications based on medical opinion may be required.

Where SSA employees must pay their own parking costs, employees with disabilities will not receive cost-free parking spaces. However, when a commercial parking space near an SSA facility costs an employee with a disability more than the amount paid by a non-disabled employee who can park at a less expensive place farther away, SSA may pay the cost differential (See [Comptroller General's Decision B-211812](#) dated March 26, 1984) as a RA. Such requests should be processed in accordance with Sections [5.7](#) – [5.10](#) of this chapter.

For additional information about Medical Parking, employees working at SSA's Main complex should visit the Office of Security and Emergency Preparedness (OSEP) website at <http://osep.ba.ad.ssa.gov/credentialingparking/parking-information/medical-parking>. In addition, employees working at SSA's Main Complex may contact the Parking and Credentialing Office by phone at (410) 965-5910 or e-mail questions to [parking.and.credentialing@ssa.gov](mailto:parking.and.credentialing@ssa.gov).

Parking procedures for SSA Headquarters properties in the Baltimore Metropolitan area are found in [AIMS, GAM 02.08](#).

## **5.21. Accessibility of Meetings, Conferences, and Seminars**

SSA meetings, conferences, and seminars held either in public or private facilities must be accessible for employees with disabilities with respect to facilities, programs, and services.

The sponsoring component or organization within SSA is responsible for ensuring that the programs, in addition to the facilities, are accessible. When scheduling a meeting, the sponsoring organization shall ask managers or employees with disabilities to contact them if they or subordinates are in need of a RA. For persons who are deaf or hard of hearing, the agency shall arrange for a sign language interpreter or CART services as appropriate. For persons with visual impairments, the sponsoring organization shall arrange for a reader or materials in alternate format (e.g. Braille, large print, or taped). If there are no attendees with visual or hearing impairments, the above provisions are not required. If an outside contractor is used, SSA must ensure that the contractor develops a plan to assure that any meeting, conference, or seminar will meet or exceed the minimum accessibility standards. ([See Exhibit 4](#) for specifics)



## **5.22. Training on RAs**

SSA will provide annual training on RA for supervisors. SSA will also make available training and resources for employees on the RA process.

## **5.23. Tracking of Reasonable Accommodation Requests**

For the purpose of tracking, reporting, and evaluation, SSA maintains data on reasonable accommodation requests made by employees in RAPIDS. The information collected includes the name occupational series, grade level, and component of the employee requesting the accommodation, the specific accommodation requested, whether the accommodation was needed to perform the essential functions of a job or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the delegated official; the basis of the denial; and the number of days taken to process the request.

For applicants, SSA collects and maintains data in a system separate from RAPIDS. Such data include the name of the applicant requesting the accommodation, the specific reasonable accommodation, the job (occupational series, grade level, and agency component) sought by requesting applicant, whether the request was granted or denied; the identity of the delegated official; the basis of the denial (if applicable); and the number of days taken to process the request.

## **6. SSA LABOR-MANAGEMENT AGREEMENTS**

See the [Office of Labor-Management and Employee Relations website](#) for additional provisions applicable to bargaining unit employees.

Provisions in collective bargaining agreements (CBAs) pertain to the respective bargaining unit employees and govern over the provisions in the SSA Personnel Policy Manual (PPM), unless the provisions of the PPM implement a nondiscretionary mandate of Federal statute or law or a government-wide regulation that predated the execution of the CBA.

## **7. RECORDS RETENTION**

Records must be kept according to the National Archives and Records Administration (NARA) General Records Schedule 2.3. Employee Relations Records. This schedule can be accessed through the [NARA web site](#).

## **8. ADDITIONAL RESOURCES**

Additional information regarding RA, including guidance and technical assistance documents, may be found on the web site of the [Equal Employment Opportunity Commission](#). Additional resources are available at the [Office of Civil Rights and Equal Opportunity](#) and [CADS](#).

