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Welcome to the Reasonable Accommodations overview for today's training.

Hi, everybody. My name is David Walton and I'm the accommodation program coordinator for MRP. With me today is Carol Griffith, my colleague and friend, and we will be talking about reasonable accommodations, an overview for managers.

We're going to do a warm-up exercise. There are some questions that we always like to ask people when we do a live presentation. One of them is, how can you tell if somebody has a disability? The next question is, what are some of the barriers that are facing people with disabilities? And the last question is what is the average cost of an accommodation? Let's talk about the answers. The answers are, you really cannot tell if anybody has a disability. You might be able to tell they have an obvious disability, if an employee comes into your office and they have a service dog or they are wearing hearing aids but the largest part of our caseload has to do with people who have hidden disabilities. Things like PTSD, major depression: Things that are not going to be obvious to you just by looking at it. The biggest barrier that people with disabilities face is attitude. That is one of the reasons why a lot of them do not disclose until they absolutely have to or maybe their job is imperiled because they are worried about the stigma that is so common when people disclose that they have a disability and may need some assistance with a reasonable accommodation. The answer to the last question has to do with the cost issue. Accommodations really do not cost as much as you might think they do. The average cost of an accommodation is around \$500. We will be talking more about that later on in the presentation.

Let's talk about our learning objectives for today. We are going to go over your role as a supervisor in the reasonable accommodation process. We are going to talk about the interactive process where you will be meeting with the requester and they will tell you what they think they need and you will work out with them on what you are willing to provide them to address their accommodation need. We're going to talk about what to document. We're going to talk about the benefits of the reasonable accommodation process. We're going to highlight confidentiality and that is a key concept of accommodation. And we are going to cover who to contact for assistance.

Let's talk about your role as a supervisor for a second. We are going to understand when a request is made. We are going to engage in the interactive process; we're going to make sure that during the interactive process we review the job description and essential functions with the employee or requester. And

then we're going to look at what accommodations may work. This is not just for the employee or the requester to provide feedback but you as a supervisor along with input from Carol and me are going to make a final decision. You are the final decision-maker under our policy. Carol and I are a resource. We are not making a decision for you. We will advise you on what things we think might work and we will be right there with you, even to sit in on the process with you and the employee if you need that. The key to a successful reasonable accommodation is to be flexible. It is kind of a little bit of a cliché but you have to be able to think outside of the box.

The employee's role. There is no reasonable accommodation without the employee. Reasonable accommodations is a voluntary process. We cannot impose that upon them. If the employee is not comfortable - maybe you had friction as a supervisor in the past with them - they can have a friend or colleague make the request, they can come to me or Carol and make a request to us, or they can go through anybody in their management chain to make a request. Once they reach the interactive process, they're going to talk to you about what their limitations are, how they perceive that they might be able to be accommodated and they are going to work with you along with Carol and me to identify some possible accommodation solutions.

Program coordinator or specialist role. Carol and I are neutrals. That means we don't work for management and we don't work for the employee. We are process people, making sure that the process runs effectively and that we do all we need to do as an agency to comply with the law and to provide the most effective accommodation that is going to allow the employee to remain in the job and perform those essential functions. We are going to assist you with the interactive process. If you are an APHIS supervisor we will assist you with the interactive process. In those cases we would collect the medical information from the employee, determine whether the employee is eligible, then we will issue a letter to the employee with a copy to the supervisor. And if you are an AMS or GIPSA supervisor, we will refer you to your respective disability program manager. We are going to have a slide with all the contacts on it on it and I will tell you that Todd Birkenruth is the AMS program manager and Jeana Harbison is the GIPSA Disability Program Manager she will work with you to go through the interactive process with your employees. If you are an APHIS supervisor, Carol and I will assist you with the process should you need that? This slide shows our roles in the process - the RA role, the supervisor's role, and you see how we all work together to achieve an effective accommodation.

We will talk a little bit now about the underpinnings of accommodation in the federal government. The major underpinning in the federal government is the Rehabilitation Act of 1973 which basically establishes the right of federal employees to request and receive accommodations. As you might expect that was enhanced by court decisions. What Congress did with the Americans with Disabilities Act of 2009, was make the definition of disability as easy as possible. The result of that is that more and more people are eligible to be considered for accommodation than ever before. There are actually some disabilities that are outlined in the law and in the regulations that are automatic qualify the requester. It used to be that Carol and I had to do a large degree of disability analysis to determine whether an individual is going to be qualified or not. At this point, under the newest law, we do not have to do that anymore in most cases.

Let's move onto the next slide. Now we are going to talk about some basic terminology. Disability or specifically what a qualified individual with a disability is. Who it is, how are they limited, what are the limits, with the major life activity of, what a major bodily function is. Again "qualified individual" relates to a qualified individual with a disability and that's the individual that's going to be eligible to be considered for accommodation.

Disability. There are basically three prongs in the law. In order to meet the first threshold you either have to have a mental or physical impairment that substantially limits one or more of the major life activities and we will talk about that later, or you have to have a record of impairment. What that means is that the disability or condition doesn't necessarily have to be active at the time you're making the request as long as when it is active it substantially limits your ability to perform a major life activity. That's the major substantive change in the law. Under this new requirement, things like having had cancer that is now in treatment would still qualify because when the cancer is not in remission it's going to limit their ability to function in their daily life. Similarly, someone who is epileptic is not having seizures all the time but by virtue of the fact that they do have seizures, when their condition is active they are going to qualify. The third prong is being regarded as disabled and that's one we need to be careful about. That gets back to what I was talking about earlier, that reasonable accommodations is a voluntary process. The employee is the only individual who can initiate the reasonable accommodation process. We cannot impose an accommodation or accommodate someone who has not asked for one. I'll use myself as an example. A lot of people think that I have a vision problem when they first meet me. So I've had people in the past try to walk me around grocery stores and things like that. But I actually do not have a vision problem. But if I came to work and Carol was my supervisor and she said I don't think David can read well and she went ahead and got me a CCTV then she would be treating me as if I were disabled. Unfortunately for us as an agency, if we do that the employee can file a complaint based on being regarded as disabled and we have lost. You never want to provide an accommodation for someone who has not asked for one or had a friend or colleague ask for one - that will only cause trouble and expense for us later. It also gets us in trouble with a Federal law called the Anti-Deficiency Act which basically states that we cannot provide services in the federal government for people who are not eligible for them.

With an accommodation, an individual employee has to be able to perform the essential functions of the job to the same degree that we would expect an average person to be able to do that. That is really critical. You cannot change the performance standard for an individual with a disability. The employee has to be able to perform the job to the same level that you expect an average person to be able to do so. One of the other provisos in the law basically states that that condition cannot be a transient or temporary one. EEOC basically has punted on this type of thing. Reasonable accommodation professionals really wanted them to come out and state how long the disability had to impact the individual in order for the individual to qualify. They have not done that. In APHIS, for our employees, in terms of the eligibility determination we look at a three-month window - if the condition is expected to last at least or more than three months.

Let's go to the next slide. Let's talk a little bit about what major life activities are. You may be familiar with these - activities of daily living. Things like caring for one, performing manual tasks, eating, seeing, hearing, sleeping, walking, standing, sitting, reaching, lifting, and bending. Under the

2009 law the number of major life activities has been dramatically expanded. So much so that things like working qualifies as a major life activity. I would like to say that by the time that I retire, you will not be able to fit all the major life activities on a single page because EEOC will continue to expand them and that is part of the general trend since the 2009 law was enacted.

Major bodily functions. This was also expanded from the 2009 law. They're looking at biological systems. Hidden things. You're not going to be able to tell, for example, the cell growth and the immune system are limited, digestive or bowel issues or cardiovascular or endocrine issues. You're not going to be able to see that. This is also included in the law and the people that have issues with their biological systems are also going to be on the path to accommodation.

Earlier I brought up the issue of conditions that are automatically deemed disabilities. Obvious disabilities like blindness or deafness, and also you will see major players like major depression and PTSD, bipolar disorder, schizophrenia, and cancer. When Carol and I see these conditions on the medical documentation we know we don't have to do any analysis whatsoever. The employee is going to qualify because it is written in the law that anybody that has these conditions is going to qualify.

Pregnancy. Carol and I put this in the presentation because we get a lot of questions regarding pregnancies. Pregnancy in most cases is not going to qualify as a disability unless it generates, a pregnancy-related condition like a lifting restriction, or gestational diabetes, if the requester is put on bed rest for their entire pregnancy. But in most cases pregnancy is not regarded as a disability. It is a normal biological process.

Qualified individual. Again, as I was saying earlier, a qualified individual is someone who is able to perform the essential functions of the job with or without accommodation and in most cases it's going to be with the accommodation. They have to have the same education and licensure requirements - they have to meet same requirements as those people who come through the regular promotion process. I used to do selective placement and I heard all the time from these people that come in on Schedule A or as a disabled veteran, special hiring authorities that they don't have to make the same educational or licensing requirements. They do. They have to be qualified just like people that come in through the normal promotion system have to be qualified.

Let's talk about the basic definition of reasonable accommodation. It's a change in the work environment or a modification or elimination of some of the marginal job functions that's going to allow the individual to perform the essential job functions. It also affects the application process. A lot of people don't realize that people can ask for accommodations as part of the interview process or as part of the ability to apply for the position.

A while back I was asked to apply for a position with another agency. I realized my adaptive software was not compatible with their online application system. I had to call the director of their diversity office and ask her if I could apply online. Surprisingly it was a big deal for them to be able to allow me that. By the same token, if you're interviewing someone who is wheelchair-bound and the interview is on the fourth floor and the elevator is not working you have a problem. The thing you want to look at for accommodations for interviews or the application process is when you receive them; we have to move promptly to

address accommodations in the job application process because we don't want to have to extend the deadline for the application process.

There is a part of the law that states that individuals with disabilities must be able to enjoy the same benefits of employment. It also relates to training. Things like this recorded webinar which is being captioned as we speak - if you're going to provide training to people that is to be available to employees or open to the public there must be a captioner or interpreter there. People have to have access to training. If you're sending one of your employees outside the office to be trained and they need an interpreter, you have to provide one. Same thing if you are having an office-sponsored event like retirement parties or lunches, or other ceremonies. There may be someone that needs an accommodation in order to participate and we have to provide it. The time horizon is often short because people will not realize they need the accommodation and will wait until the last minute to ask for it. Contact Carol or myself and we will be glad to assist you in the craziness which will ensue.

Categories of reasonable accommodations. We've already talked about the change in the job application process, changes that enable people to perform the essential functions of the job, changes that give people equal access to the benefits of employment.

Barriers to accommodations. I like to address cost right away because people think that cost is going to be prohibitive and really in most cases, it is not. Things that have come up with supervisors that I have dealt with are, "We cannot afford it in my small work unit." That's not going to work. What you need to do is escalate the request to your next level until it has been resolved. The other issue that we always hear about is everybody will want one - if I get Carol this cool Dragon Dictate word processing software everyone will want one. Not everybody will be eligible to receive one as an accommodation. There's nothing that would prevent you from getting everybody in your office one - it is a workplace enhancement. That would not be a reasonable accommodation. A lot of supervisors tend to think that the employee is going to win and I'm going to lose. It is important not to look at it as a win/lose situation. It is important to look at it as the employee can remain in their job. You're going to look good as their supervisor and we need to look at it as a win/win situation. Another plus for accommodations is increased productivity. Of course we want all of our employees, our able-bodied and disabled employees, to be as productive as possible. Several studies have been done that indicate that individuals with disabilities tend to stay longer in positions than people in the able-bodied population and that will reduce your turnover costs, reduce your training costs and of course we'll want to make sure that we comply with the law.

An employer provides an accommodation to a qualified individual with a disability upon request unless doing so would pose an undue hardship or the employee presents a direct threat. We will talk about undue hardship and direct threat. Undue hardship applies in most cases to the ability of the work unit to get the core mission done. A lot of people will think that undue hardship can be woe on the basis of a financial cost. That is not going to happen. What will happen is if that requestor who needs an automatic door to your office in order for their wheelchair to enter the room files with the EEOC, the EEOC is not going to look at the budget of your branch or your organization. What they're going to do is look at is the entire budget of The US Department of Agriculture.

How are you going to say with this enormous Billion dollar budget you cannot afford an automatic door?

How do we would win in undue hardship claim? Again undue hardship relates to the work units ability to get the job done. We had a case of an inspector whose accommodation was inability to do urgent or quick turnaround inspections. We did a little investigation and most of them were quick turnaround and it would be an undue hardship to have the other employee do all of them.

It's critical to understand that undue hardship relates to the unit's ability to get the core mission done. You're not going to win on the basis of a financial claim.

The other area where we would not have to accommodate someone has to do something called a direct threat. That is where the employee poses a threat to themselves or to other people on the staff. A lot of people think when they see the word or phrase "direct threat" that that means any kind of threat. You may for example have an employee with PTSD and you're concerned that they may have an anger episode in the office is not sufficient to qualify as a direct threat.

In order for it to qualify as a direct threat, the threshold is very, very high. The danger would have to be imminent. It would be the individual is going to tear up the office right now or he is going to hurt someone right now. The threat is going to occur right away. And in that case we would not have to provide an accommodation for that individual.

You, as a supervisor have the authority to go ahead and grant accommodations without involving our office if the individual has an obvious disability. We will talk about some of the documentation requirements later on in the presentation. The RA staff will send thee requesting employee a packet that includes a medical release, medical checklist and a confirmation form for them to complete. We will then evaluate the medical documentation once it is received to determine if they are eligible to be considered for accommodation and so, we will send out a determination letter which has their limitations, and a summary of what they're asking for. That's copied to the supervisor and it tells us that they are eligible to be considered and that should be your key to initiate the interactive process discussion. Remember, if you are in AMS or GIPSA, we will refer you to Todd Birkenruth or Jeana Harbison to assist you with the interactive process. If you're in APHIS, Carol and I are available to assist you. The interactive process is a process for the employee to inform the supervisor of what they think they need and brainstorm to come up with what appropriate accommodations might be. In the end the supervisor must put in writing, most likely through an e-mail to the requester, what has been granted with a copy to Carol or me so we'll have that for the accommodation file.

Let me jump back a little bit to the AMS and GIPSA supervisors. Once you've determined the accommodation and granted the accommodation, please copy Carol and me on the e-mail because we still maintain your employees' file in our office that we need to close out. Even though you're respective disability manager will assist you with the interactive process, please copy Carol and me on the final accommodation decision so that we will have proper documentation in the file.

Identifying the request for accommodations. There are no magic words that are required to make a reasonable accommodation request. The requestor does not have to use the words "reasonable accommodation". It can be written or verbal. If you

get a verbal request, I strongly encourage you to have them follow it up in writing. That's why when you go formal; we include that confirmation form so that we can have a written record of when the request was received. There are differences between what constitutes an accommodation request and what does not. If someone comes into your office and says, "My back hurts," that's not an accommodation request. If the employee says, "My back hurts and I really need a special ergonomic chair to be able to cushion my back so that I can effectively do my job," then that is an accommodation request. What makes it a request is that the employee is able to tie it back to how it impacts their ability to do their job. Otherwise, they are just telling you, or it's just office conversation about how maybe they pulled a muscle this weekend.

If the employee comes to you and says I can't work and you are not sure whether they have made an accommodation request or not, we always urge people to ask that clarifying question "Is there anything we can do to help you do your job?"

If they say, I just hurt it over the weekend, then that is not an accommodation request. If they say yes, I think that there may be permanent damage there and I'm going to the doctor, that they may need some assistance in the performance of my job, for example, it is a reasonable accommodation request.

One of the things that I forgot to talk about a little earlier is accommodation requests are for non-work-related injuries, things that happen away from work. For injuries that happened during work or during the course of the employee's job, you need to go through Worker's Compensation. We will have a contact at the end of the presentation for you to be able to contact them.

Examples of a RA request. An employee who is working 12 hour shifts brings the following note, "The patient is limited to working an eight-hour shift until her wrist improves." In most cases, when you get a letter like that, you want to contact Carol and me because we are going to need to know more about the duration of the disability and whether it's going to have a long-term impact, how long the doctor thinks we are going to have to accommodate the employee. That's why we have a medical release in the packet that we send out. In general, we want you to stay away from the medical information; Carol and I will process that. We want you to focus on having an interactive process discussion and making the accommodation decision and then implementing it.

The deaf employee states that he needs an interpreter for the interview next week. "I've just been diagnosed with severe arthritis and I'm having a difficult time typing on the computer. I want some Dragon software." If you look at the last bullet, that is not an accommodation request unless the requester is able to tie that back to how that impacts their ability to do their job.

Act promptly. We want to act promptly when we get any kind of accommodation request, as expeditiously as we can.

Your first step if you need assistance should be to call Carol or myself and then you can begin the interactive process informally if you feel comfortable with that.

The interactive process is really a collaborative process where you are talking to each other, where the supervisor and the employee are talking to each other and coming up with solutions and what appropriate accommodations might be. The supervisor makes the final decision.

We want to identify the essential functions, the mental and physical elements of the job. If you're confused about what the essential functions are, they are the ones that without them the job would not exist. If you need further assistance in determining what the essential functions are, contact your assigned staffing specialist through your work unit or you could look around to see what the essential functions of other similar jobs are.

Again, when you're in the interactive process with the requester you want to identify the requester's limitations and move toward identifying the solutions.

Limitations. How is the employee limited? When you go through the formal process and you receive the disability determination letter, the limitations are going to be listed. I think they are in section three of the letter. For example, if the individual has ADD, it's not going to say the individual has ADD; it will say the individual has trouble concentrating and needs organizational assistance such as weekly progress meetings, have all job related instructions provided in writing in addition to orally. It could be they want their cubicle placed in the back of the office and they want you to provide them with headphones because they want a quiet environment, or they want their desk placed so that when someone enters their cubicle they can see them. Again, during the interactive process you're looking at what are the barriers to performing the essential functions and how might you be able to either mitigate or eliminate some of the marginal functions to allow them to perform the essential functions of the job. Just because it is in the PD as a job function does not make it an essential job function.

Review of basic terminology. Again, a reasonable accommodation is a change in the work environment, application process or modification or elimination of marginal job functions to allow the requester to accomplish the essential functions of the job with that accommodation. Sign language interpreters are accommodations, as is relocating the workspace, changes to the work environment, making existing facilities accessible, or allowing a service animal at work. Interestingly enough, service animals are not just for individuals with visual impairments anymore. I've seen people with PTSD that have service animals that have been trained to assist them in managing their disability. We have to allow the animal in the office. Acquiring or modifying equipment and JAWS software for people that have vision impairments are also accommodations. Telework has become a very significant tool in our accommodation toolbox of late. Recently we had someone who basically had allergic reactions in the office and one of the solutions was to allow her to telework.

Reassignment. In a lot of cases that will be the first thing that a requester thinks of as an accommodation. I've got problems with my supervisor and I want to be reassigned. Reassignment is always, always, the last resort.

Reasonable accommodation is not removing an essential function of the job. , if you remove the essential function of the job, it's not the same job anymore. You cannot lower the production standards for an employee; they have to be able to perform to the same level that an average person would be expected to.

Reasonable accommodations does not excuse misconduct or performance deficiencies. A lot of times we will have a referral as a result of someone having misconduct or performance issues and as we were talking about earlier, there is still a stigma for people with disabilities. They are still concerned about medical confidentiality issues, so they may only disclose under threat of losing their job, right before you put them on a PIP or right after. But they are not excused from previous misconduct or performance issues. They are going to have to deal with the consequences of their previous issues. We can only

address their concerns moving forward. An accommodation in most cases does not provide what we call personal use items such as service animals or hearing aids. Although there are some cases in which the individual works in a secure environment and the hearing aids were only for use at work so in that case the agency could provide them.

A reasonable accommodation must be effective or it is not a good accommodation. It does not excuse conduct or performance issues. Here is an example. I had someone who had mobility impairment and her dream was for the USDA to provide her a Segway. They cost about \$25,000 apiece. This scooter on the right is costs about \$1400 apiece. They both address the employee's accommodation need but we don't have to get them exactly what they ask for as long as we get something that addresses their need that is effective. Similarly, all of our deaf employees want videophones. Of course, if it were our accommodation, we would want to have the best accommodation that was available. That's just human nature. But if all we provided the deaf employee was the traditional text telephone, TTY that would be an acceptable accommodation because it addresses their root accommodation need. So it is important for the employee to understand we don't have to provide the best accommodation, we have to provide one that is effective. As I was saying earlier in the example, if I get this employee a cool accommodation everybody will want one. If they don't have a disability and we provide it for them it is not a reasonable accommodation. If you decide it would be good for everybody in your office to have new ergonomic office chairs with back support, you could do that. But it is not a reasonable accommodation. What do we call that? We call that a workplace enhancement or interactive assistance.

A lot of times there is some conflict between the supervisor and the employee that may or may not relate to their reasonable accommodation request. That's why we like to refer those issues to our friends in Collaborative Resolution. They are valuable tools and they can help with mediation so that it will make it possible for you to better communicate with the employee about their needs and your concerns about getting the mission-critical functions finished.

Confidentiality. Confidentiality is a critical piece of the accommodation process. Let's talk about the interview for a second. I just want to make sure that all understand that if you're interviewing a person with a disability for a vacant position. You cannot ask them about their disability unless they disclose. If they open the door, you can ask them about it. If not, you have to wait until after you have made them an offer and they've accepted. Things that are medical records are written requests for accommodations, drug screening test results, fitness for duty exams, medical histories of the employee, and post-offer medical exams.

Medical information may not be shared with other employees including timekeepers. You cannot have medical information embedded in the T&A. Accommodations in general may not be shared with another employee. What do you do if I walk into your office and I say that Carol gets to arrive at 9:30 every day and everybody else has to be here at 8:30? Unless you have written permission from the employee to discuss her accommodation issues with other members of the staff, then all you can say is, "I am not at liberty to discuss," or "We are complying with the law." Why I want that permission in writing is for cases where the employee gives it to you verbally, she may change her mind. The other issue has to do the records being kept. You're going to receive medical information. Records are going to be kept and need to be kept in a separate locked file in a locked area. Let me go back for a second to sharing things about the employee's disability or accommodation. The employee can tell anybody

they want. You cannot. You are somewhat restricted and we will talk about the exceptions in a minute. Again, when you receive that medical information you want to make sure it is in a separate locked file, separate from the personnel file. You want to watch the number of people that are copied on an e-mail that you sent to the employee regarding the accommodation. We want to limit that to as few people as possible. We don't want to make big group decisions. At most, it should be you, and maybe the next level up in your management chain.

There are exceptions. Anybody with the need to know you can inform about the employee or requester's accommodation needs. First aid or safety personnel and emergency preparedness personnel need to know they have somebody who is wheelchair-bound on the fifth floor in case they need to get them out.

Worker's comp records are not confidential. Also, say for example the employee files a complaint with the EEOC we are allowed to share that information with the department's legal staff who are preparing the agency's defense. There are exceptions to that rule but we need to be very careful. Like I said, employees may disclose to anyone that they may choose, but employees must grant written permission for supervisors to disclose. It must be in writing and you must keep a copy of it. I see this a lot where the affected employee wants the staff to be trained on sensitivity issues regarding their issue. We are not going to be able to do that unless the employee gives us written permission. Again, what do you say if you don't have that written permission and the employee who asks does not have that demonstrated need to know that we've been talking about? You say I am not at liberty to discuss the situation or we are complying with the law.

When can supervisor request medical information? After a three-day absence. They can request medical information each time if the employee has signed a leave restriction letter. Who has control over the leave restriction letter? The supervisor has control over that letter. So that means the supervisor also is the person who decides whether the leave restriction has ended. Under FMLA, as you may know, most employees are entitled to 12 weeks of unpaid leave per calendar year. That does not have to be used all at the same time. If they have intermittent uses for things like continuing treatments, you may need additional updated documentation for that. Also, interestingly enough, if they are a reservist or active duty military, they are entitled to up to 26 weeks per year.

Case study. The Employee is an administrative support assistant with major depression disorder, migraine headaches, usually well controlled. The employee is distracted by movement or noise. The employee requested a private office away from other employees and the sounds of the copy machine, fax and the fans.

Do you have to grant that request? The answer is no. What you do is try to come up with something that addresses the root accommodation need. That could be moving their cubicle to a quieter part of the office. That could be building out their cubicle, and providing them white noise and noise canceling headphones. That could be allowing them to telework more often. There are all kinds of things that could be done.

Now we've tried everything else we can find as a reasonable accommodation. Let's talk about reassignments for a minute. Reassignments are always the accommodation of last resort. It has to be to a vacant and funded position, one that is now or one that is expected to be vacant in 30 days. Let's say you place the employee on a PIP. With accommodations in place they have failed the PIP. Provided they have had a previous acceptable performance appraisal they're going to be eligible to be considered for reassignment. If they choose to be considered for reassignment, they will complete a form that we will send to them

which will have their limitations, the geographic locations that they are willing to work in, and the lowest grade level that they are willing to accept. Your larger organization is going to have to look for a position based on the limitations for 30 calendar days. If, after those 30 days, your organization is unable to identify an acceptable position that the employee can do, that is the only requirement. It has to be a position that the employee can perform with their current limitation. There are no minimum grade level requirements. There is no requirement to maintain the requesters current pay grade. At that point, we would refer the request to Jackie Miles, the selective placement coordinator, and she would conduct a 60-day MRP search based on the requester's criteria. If a position was identified by Jackie, the employee would be offered the position. If not, the employee would be referred to Employee Relations and the employee could be removed for inability to perform due to a disability. If that happens, or if you choose to deny a request at any level, you need to notify Carol or me because we have a denial letter template that we need to send to you for your signature, which details the reasons why the accommodation was not granted and also provides the requester with their appeal rights. It will be sent to the employee and to us for the employee's file. At a minimum, you are looking probably at a 90 day process for reassignment.

We have reached the resources page. The easiest question I was going to ask you is who you ask for assistance. It is right here at the top of this page - myself or Carol for assistance processing the reasonable accommodation and making the disability determination for APHIS, AMS, and GIPSA, and for AMS and GIPSA the contact for your respective disability program managers for help with the interactive process. Also, I mentioned the Collaborative Resolution services if you think you need mediation help before you tackle the reasonable accommodation issues. We listed the contact information for the Target Center in case you need advice on adaptive technology. We've also listed the contact information for the Civil Rights and Enforcement office at APHIS. The civil rights contacts for AMS and GIPSA are going to be different. If you feel you need that assistance you can go back to the respective disability managers.

One of the resources that I use every day is the Job Accommodation Network. They have summaries of different accommodation solutions listed by disability. If you're stuck in terms of what a workable accommodation might be, they also offer a service where they will have a consultant talk with you on the phone to discuss your specific issue or concern. Through the Target Center we also have a partnership with DOD's Computer Electronic Accommodation Program (CAP). CAP provides assistance in purchasing adaptive technology. That's the good part. The bad part is that right around August of every year they run out of money. In the end, it is the responsibility of APHIS, GIPSA, and AMS to accommodate our own employees. CAP is just a tool but if we put in a request to the Target Center to buy the software and they tell us it's going to be four months before they can process it, that's too long. In most cases we encourage the organization to fund the accommodation out of your own funds. Carol and I can advise you on what adaptive technology would be appropriate. There's a section in the law about undue delay in implementing the accommodation. We want to try to avoid that. A lot of people have neck, back, and leg issues. They need ergonomic accommodations. We are lucky to have the APHIS Ergonomics Program. If you are in GIPSA or AMS, you can have an evaluation done through their ergonomics coordinator whose name is Stephanie Bradley. With AMS and GIPSA you're going to go a different route through the Target Center.

This is just a list of who to contact for assistance in terms of some other issues that are kind of related to reasonable accommodation. Carol and I are not

experts on FMLA or the leave donor program. The website that is listed is the preferred method that the staff would like you to use to contact them regarding FMLA and leave donor program. For leave restrictions you need to get with your assigned employee relations specialist and I'm hoping you know who that is. For Worker's Compensation, the workers compensation manager is Tara Jones. Remember, reasonable accommodation comes into play for non- work related injuries. For work-related injuries the employee is still going to be accommodated but they're going to go through the Worker's Compensation program and Ms. Jones can help you with that.

This is my contact information. Particularly since this a recorded webinar, there are probably issues that I was unable to address for you today. Feel free to contact me or Carol after you have listened to the session.

Thank you for allowing us to speak to you today. We want to encourage you to contact us off-line and please complete our evaluation. We use that evaluation to fine-tune our feature presentations. Thank you very much.

Thank you for your participation today. Before you go, please click on the evaluation survey and the right box. This webinar is part of the Human Resources Topics webinar series. If you found this course useful please look for other titles in the series.

Thank you, and have a great day.

[Event concluded]