



The Centers for Disease Control and Prevention (CDC) ¹ has updated the
“Requests for Reasonable Accommodation” (RA) Policy

1. **Reason for Update:** Revisions needed to provide updates included in the Americans with Disabilities Act Amendments Act of 2008.
2. **Summary of Policy:** This policy implements CDC’s reasonable accommodation program and provides instructions for acting on such requests from employees and applicants for employment. Revisions include:
 - Updated language on the definition of disability
 - Standardize requirements for personal assistance during travel
 - Integration of the Accommodation Tracking System into the RA policy and process
 - Provision of Communication Access Real-Time Translation (CART) services
3. **Related Issuances:** None
4. **Responsible Officials:** Office of the Director, Office of Equal Employment Opportunity, Reasonable Accommodation Services
5. **Material Superseded:** Policy for Processing Requests For Reasonable Accommodation, Issued 7/27/2001, Revised 6/13/2007.
6. **Recertification:** This document is scheduled for recertification on or before the last working day of May 2020.
7. **Point of Contact:** Thomas Jones, Policy Analyst, Management Analysis and Services Office, 770-488-4777 or Anthony Stockton, Reasonable Accommodation Manager, Office of Equal Employment Opportunity (OEEO), 770-488-3204.

To go directly to the policy, click on the link below or enter the following URL into the location line of your browser.

<http://masoapplications.cdc.gov/Policy/Doc/policy307.pdf>

/s/Sherri Berger, MSPH
Chief Operating Officer

¹ Note: References to CDC also apply to the Agency for Toxic Substances and Disease Registry (ATSDR).

Category: General Administration

CDC-GA-2001-06.

Issued: 07/27/01, updated, 6/13/07, updated, 10/08/2015

Proponent: Office of the Director, Office of Equal Employment Opportunity, Reasonable Accommodation Services

Application: All CDC International and Domestic locations

Applicable Staff: All CDC employees, employment applicants, and additional staff as described in section 1

REQUESTS FOR REASONABLE ACCOMMODATION (RA)

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1. PURPOSE

This policy implements the Centers for Disease Control and Prevention (CDC)¹ reasonable accommodation program by providing instructions for acting on such requests from employees and applicants for employment. It applies to CDC employees and applicants for employment with disabilities requiring a reasonable accommodation, including employees sustaining job-related injuries and employees with temporary disabilities requiring a reasonable accommodation.

Contractors should apply for a reasonable accommodation through their employer. Acceptance of their request depends on their contractual language and other factors related to their specific situation. Excluded from this policy are United States Public Health Service Commissioned Corps Officers. Other CDC affiliates may apply for RA and a decision will be made on a case by case bases.

2. BACKGROUND

Executive Order 13164 requires all Federal agencies to establish procedures on handling requests for reasonable accommodation. These procedures replace those issued in June 2007.

¹ References to CDC also apply to the Agency for Toxic Substances and Disease Registry (ATSDR).

CDC's procedures are intended to fully comply with the requirements of the [Rehabilitation Act of 1973](#) (as amended). Under the law, CDC must provide reasonable accommodations for qualified employees or applicants with disabilities unless doing so would cause undue hardship.

3. POLICY

CDC is committed to providing reasonable accommodations to its employees and applicants for employment to help ensure that individuals with disabilities enjoy equal access to employment opportunities. A Reasonable Accommodation (RA) is any reasonable change in the workplace or the way things are customarily done that attempts to provide equal employment opportunity to a qualified individual with a disability.

CDC should attempt to provide reasonable accommodations:

- When an applicant with a disability demonstrates a need for an accommodation for any part of the application or hiring process in order to be considered for employment²
- When an employee with a disability demonstrates a need for an accommodation to perform the essential functions of the job or to gain access to the workplace³
- When an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment, such as:
 - Access to necessary resources to perform the essential functions of one's position at a minimum of a fully successful level
 - Actively participating in accomplishing CDC's mission
 - Access to training and resources that ensure the sustainability of one's employment
 - Equal access and use of all CDC facilities and campuses

While there are some things that are not considered a RA (e.g. removal of an essential job function or personal use items such as a hearing aid or wheelchair that is needed on and off the job), RAs can enable an individual to apply for a job, perform a job, or have equal access to the workplace and benefits such as kitchens, parking lots and office events.

As a model employer, CDC may take steps, solely at the agency's discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.

CDC will process all requests for RAs through an automated tracking system, such as [the Accommodations Tracking System \(ATS\)](#), which is currently being used and, where appropriate, provide RAs in a prompt, fair, and efficient manner in accordance with the timeframes set forth in these procedures.

A. Reasonable Accommodation Application

CDC has designated a Reasonable Accommodation Manager (RAM) to oversee its RA

² This could include establishing their need through appropriate supporting medical documentation.

³ See footnote 2.

program. The RAM and/or a designated Reasonable Accommodation Specialist (RAS) will handle all requests for RAs through the ATS. The request for RA is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical impairment.

An employee, family member, health professional, employee representative, supervisor or applicant may request a RA orally, in writing or by using the ATS. A request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” A request is any communication in which an individual asks or states that they need CDC to provide or change something due to a medical impairment. A supervisor, manager or the RAM/RAS should ask an individual whether they are requesting a RA if the nature of the initial communication is unclear. The reasonable accommodation process begins as soon as the request for the change or identification of a barrier is made.

If a request is given to a manager or supervisor rather than directly to the RAM/RAS through the ATS, that individual should forward the request immediately through the ATS and should attempt to do so within two business days. The RA process is deemed to begin as soon as the oral, written, or ATS request is made to any manager in an employee’s chain of command.

An employee needing a RA on a recurring basis must submit the needed supporting documentation for the approval of the RA with the first request. The employee requesting the RA must give the RAM/RAS appropriate advance notice for each subsequent time the RA is needed. If the RA is needed on a regularly scheduled basis, the RAM/RAS should ensure that the employee’s supervisor makes the appropriate arrangements without requiring a request for each occasion. (i.e. communication access real-time translation (CART) and sign language interpreter requests). Depending on the individual situation, the Agency reserves the right to request additional documentation from the employee, if needed to support the recurring RA request.

An individual’s receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and they believe that an accommodation is needed due to limitations from a disability. The RAM/S may not refuse to process a request for RA and a RA denied, based on a belief that the RA should have been requested earlier.

A detailed description of this process is located on CDC’s [Office of Equal Employment Opportunity](#) (OEEO) intranet site and in Appendix B.

B. The Interactive Process

After a Reasonable Accommodation request is made, the employee, employee representatives who are designated in writing, supervisors, and applicants are required to begin an interactive process to determine what, if any, accommodation is provided. The individual requesting the accommodation and the decision-maker must communicate to each other about the process for determining whether the accommodation or an alternative accommodation is provided. The interactive process continues until sufficient information is received upon which CDC can render and actually renders a formal decision on the RA request. All involved parties should attempt to keep the lines of communication open throughout the entire process.

C. Requests for Medical Information

As part of the RA interactive process the RAS (as directed by the RAM) will make a determination as to whether medical documentation is necessary if the disability or need for accommodation is obvious, it may not be necessary to request medical information. If it is deemed not necessary to request medical information, the request for an accommodation is promptly returned to the decision-maker with instructions for completing its processing.

When requests for medical information are deemed necessary, at minimum, the following is required:

- A description of the disability
- An explanation of how the disability or barrier limits the employee's ability to do the job and participate in CDC activities, as well as how the requested accommodation will improve the situation
- Job applicants must provide an explanation of how a requested accommodation will improve their ability to apply or interview for a position

Documentation needed to establish that a person has a disability that necessitates a reasonable accommodation, as well as supporting information as to what accommodation is needed, why it is needed, and how it will be implemented is required.

If the RAM/RAS believes it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or identify the functional limitations, the RAM/RAS will make such request to the employee as soon as practicable after receipt of the request for RA. CDC recognizes that the need for documentation or additional clarifying documentation may not be apparent until after the interactive process has begun. Therefore, requests for medical documentation may occur anytime throughout the interactive process.

If the RAM/RAS needs to obtain medical information, the RA review process stops and will resume on the day the required medical information is received. If the RAM/RAS determines medical information is required, they will send an email to the employee or applicant requesting they log into ATS and follow the process for submission of either a) medical inquiry letter or b) medical release.

D. Confidentiality Requirements Regarding Medical information and the Reasonable Accommodation Process

Under the Rehabilitation Act, medical information obtained in connection with the RA process is to be kept confidential. All medical information (including information about functional limitations and RA needs obtained in connection with a request for an RA) must be kept in files separate from the individual's personnel file. CDC employees who obtain or receive such information are strictly bound by these confidentiality requirements.

The RAM/RAS will maintain custody of all records obtained or created during the processing of an RA request, including medical records, and will respond to all requests for disclosure of the records. All records are maintained in accordance with the Privacy Act, Equal Employment Opportunity Commission, HHS, and CDC requirements.

This information may be disclosed only as follows:

- Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- Medical Reviewing Authority (MRA) who will assist in interpreting medical documents;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation; and
- Government officials may be given information necessary to investigate compliance with the Rehabilitation Act; and

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements.

E. Time Frames for Processing Requests and Providing Reasonable Accommodation

CDC will process requests for RAs and provide accommodations, as quickly as is practicable. CDC recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested, and whether it is necessary to obtain supporting information. The Reasonable Accommodation Services team will attempt to complete processing requests for RA within sixty days of receipt of a complete request package.

Managers or supervisors that receive an RA not placed on the ATS must submit it through the ATS within two business days of receipt.

The RAM/RAS should attempt to contact the applicant or employee within five business days of receipt of the RA to verify the nature of the request. If not contacted within five business days, the applicant or employee should contact the RAM/RAS to verify receipt of the RA request.

- 1) Expedited processing: In certain circumstances, a request for an RA requires an expedited review and decision in a time frame that is shorter than ten business days, such as discussed below:
 - To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for a RA in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, Human Resources Office (HRO) must act as quickly as possible to make a decision and, if appropriate, provide a RA.
 - To enable an employee to attend a meeting or event scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting in a short time frame.
- 2) If an RA request can be processed by the RAM/RAS because the disability is obvious or

known, no supporting medical information may be required. If no extenuating circumstances apply, the decision should be given to the employee as soon as is practicable, but no more than fifteen business days from the date they made the request. However, prior to approval, the decision-maker must still contact the RAM/RAS and review the appropriateness and effectiveness of the accommodation. The accommodation, if granted, should be provided within ten business days from the date of the approval unless there are extenuating circumstances. The decision-maker should inform the employee in writing about any delay.

F. Reassignment

Reassignment to a new position is the accommodation of “last resort” that can be considered if there are no other effective accommodations that would enable an employee to perform the essential functions of their current job, or if all other possible accommodations would impose undue hardship on CDC.

An employee must be qualified for the new position. This means that he or she: (1) satisfies the required skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position with or without RA. The employee does not need to be the best qualified individual for the position in order to be reassigned to it. The CDC is not obligated to provide a promotion to an employee through the RA process.

The process for reassignment is located at Appendix E and can also be found on CDC’s intranet at: <http://intranet.cdc.gov/od/oeeo/>.

G. Resolution of the Reasonable Accommodation Request

As soon as the decision-maker decides how a request for a RA should be resolved, the decision-maker will complete the decision memorandum and the appropriate form, and give the completed documents to the individual requesting the accommodation. However, the decision-maker must consult with the RAM before denying a request.

A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. When the decision-maker has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the resolution notice should explain both the reasons for the denial of the requested accommodation and the reasons that the decision-maker believes that the alternative accommodation is effective.

The explanation for the resolution should be written in plain language, clearly stating the specific reasons for the decision. If the employee rejects the resolution, they will have five business days to appeal the decision to the deciding official. The decision letter contains the details of the appeal process.

Some examples of reasons for the denial of a request for an RA are:

- The requested accommodation would not be effective.
- Providing the requested accommodation would result in undue hardship to CDC. Before reaching this determination, the decision-maker must have made a reasonable effort to explore whether other effective accommodation options exist which would not impose

undue hardship and therefore can be provided. A determination of undue hardship means that the CDC finds a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of the requester's Center, Institute, or Offices (CIO) operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, CDC will follow the standards enunciated in the regulations and in the "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship](#)" under the Americans with Disabilities Act

- Medical documentation is inadequate to establish that the individual has a disability and/or needs an RA
- The RA would require the removal of an essential job function
- The RA would require the lowering of a performance or production standard
- The applicant failed to provide appropriate documentation and/or cooperate with the decision-maker's efforts to obtain necessary information to evaluate the RA request

The written notice of denial must inform the individual that they have the right to file an appeal, elect to use Alternative Dispute Resolution (ADR) to attempt reaching an agreement on an accommodation, or file an EEO complaint. Additionally, an individual may have rights to pursue an appeal to the Merit Systems Protection Board (MSPB) or union grievance procedures.

H. Appeal of Denial of a Reasonable Accommodation- Reconsideration

Individuals with a disability can request prompt reconsideration of a denial of a reasonable accommodation.

Level 1: If an individual requests reconsideration, the request for reconsideration must be in writing and submitted to the original decision-maker within five business days of receiving the decision. The employee may submit additional medical documentation in support of their request for an RA. The original decision-maker must respond to the request for reconsideration within ten business days.

Level 2: If the level one decision-maker does not reverse the decision, the employee may submit the request to the second level supervisor/manager in their chain of command within five business days of receiving the decision. The second level supervisor/manager must respond to the request within ten business days.

Level 3: If the second level supervisor/manager does not reverse the decision, the request for reconsideration may be elevated to the third level supervisor/manager within the chain of command within five business days of receiving the decision. The third level supervisor/manager must respond within ten business days with a decision. The third level supervisor in the employee's chain of command is the final decision-maker in the appeal process.

The individual requesting the reconsideration may also contact the [Alternative Dispute Resolution Office](#) in the OEEO and initiate the informal [mediation process](#) at any point in the reconsideration process.

Pursuing any of the informal dispute resolution procedures identified above, including seeking reconsideration from the decision maker and appealing to the next person in the decision maker's chain of command, does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, MSPB, or union grievance procedures.

I. Relationship of Reasonable Accommodation Procedures to Statutory and Collective Bargaining Claims

This policy is in addition to statutory and collective bargaining protections for persons with disabilities and related remedies. The denial of a RA request must also comply with the requirements governing the initiation of statutory and collective bargaining claims, including periods for filing such claims.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of an RA must take one of these actions:

- For an Equal Employment Opportunity (EEO) complaint contact an EEO counselor in the CDC OEEO within 45 days from the date of receipt of the written "Denial of Reasonable Accommodation Request"

A discrimination complaint must be filed with the OEEO Complaints Manager:

Centers for Disease Control and Prevention
Mail Stop K-83
1600 Clifton Road, NE
Atlanta, Georgia 30333

- For a collective bargaining claim: file a written grievance in accordance with the provisions of the Collective Bargaining Agreement
- For an appeal to the Merit Systems Protection Board (MSPB): submit an appeal within 30 days of an appealable adverse action as defined in [5 C.F.R. § 1201.3](#) and in accordance with [5 C.F.R. § 1201.22\(b\)](#).
- Find information about the EEO process on the OEEO intranet site at: <http://intranet.cdc.gov/od/oeeo/complaint/index.htm>

If a member of the OEEO is involved in processing an RA request, they must recuse themselves from any involvement in processing an EEO complaint in connection with the request.

J. Written Requests for Record Keeping Purposes

RA records must be retained and retired in accordance with the appropriate federal record retention requirements and procedures. To enable CDC to keep accurate records of RA requests, the decision-maker who receives an oral RA request in person or on the telephone must complete the "Confirmation for Request" form and enter the request into the ATS, or

confirm the request in writing to the Reasonable Accommodation Services office.

The human resources management specialist handling the request must give the RA applicant a “Confirmation for Request” form to complete, or enter the information into ATS for them. If an individual with a disability requires assistance with this requirement, the staff member receiving the request will provide that assistance.

Only the RA office will communicate with the Medical Reviewing Authority (MRA). All requests for information from the MRA will be directed through the RA office. Communication between the RA office and the MRA is part of the deliberative process and may not be released until the process is complete. After an RA request is resolved and upon a proper request for release of information, the RA office will release the case file information to the employee and/or their representative.

K. Information Tracking and Reporting

The accommodation history page located inside the ATS contains a detailed record of all actions executed in the system. The history page provides the details of the accommodation and any pertinent comments added to the request by the decision maker, the employee, and/or the RA Specialist/Manager. An authorized user is only allowed to see comments or documentation that is permissible for their role. For example, a decision-maker should not have access to an employee’s medical records unless he/she is given the documentation by the employee or his/her designated representative. In such an event, the medical information immediately should be forwarded to the RAM/RAS.

The history page is accessible at any time during the process by selecting the appropriate link in the “Subject of Request” column from the home page.

The decision-maker must complete the “Reasonable Accommodation Information Reporting” form (Appendix G) and decision letter, and submit them to the CDC RAM/RAS within ten business days of the decision. The decision-maker should attach copies of all information to the form, including medical information received as part of processing the request.

In accordance with approved CDC Records Control Schedules, the RAS/M will maintain the records for the length of the employee’s tenure with CDC or five years, whichever is longer.

L. Funding for Reasonable Accommodation

There are several sources of funding for RAs. The Environment, Safety, and Health Compliance Office (ESHCO) assists with accommodations requiring ergonomic design; the Asset Management Services Office (AMSO) assists with physical construction that alters a facility. CDC is also a participant in the Department of Defense’s Computer/Electronic Accommodations Program (CAP), through which a broad range of assistive technologies are available. (refer to Appendix D).

If funding under the aforementioned sources is unavailable, the agency maintains a discretionary pool of funds for accommodations that are necessary in the context of particular CDC programs but are not available under CAP.

4. RESPONSIBILITIES

A. Medical Reviewing Authority (MRA), Environment, Safety, and Health Compliance Office (ESHCO)

- 1) Provide medical assessments from the medical information submitted by the employee, employee's physician and/or other health care provider related to continued employability; this is done in accordance with U.S. Office of Personnel Management (OPM) guidance and at the request of agency management
- 2) Provide medical or psychiatric recommendations pertaining to medical eligibility, medical abilities and limitations, and/or work restrictions as they relate to job requirements and environmental factors associated with an employee's current position and potential placements for which human resources officers request advice
- 3) Provide detailed information on the employee's medical limitations to assist the supervisor in making decisions related to a reasonable accommodation

B. Director, CDC and Administrator, ATSDR, or designee

- 1) Ensures organizational compliance with the HHS policies and procedures for the provision of RAs
- 2) Provides leadership within CDC to ensure adequate budget, staff, and resources for the provision of RAs
- 3) Provides leadership within CDC in developing and carrying out a positive program for the continued employment of employees who develop a disabling condition
- 4) Ensures supervisors and managers are provided training on their responsibilities for addressing an RA request
- 5) Ensures CDC's human resources and EEO functions are provided adequate staff and resources for implementing the RA program
- 6) Ensures managers and supervisors are familiar with, follow, and implement CDC's RA policy; ensure that RAs are made for employees or applicants for employment with disabilities in accordance with applicable laws, regulations, bargaining agreements, supporting medical documentation, and this policy
- 7) Ensures the availability of RA for CDC-wide events, including Envision and IPTV

C. Employee or Applicant for Employment

Employees and applicants for employment are responsible for timely bringing medical

issues to the attention of decision-makers in accordance with the procedures outlined below, including providing medical documentation as requested:

- 1) Notify the supervisor of any disability or medical condition that may interfere with the performance of essential duties of their position of record
- 2) Submit an [OPM Self-Identification Standard Form 256](#) to the Human Resources Office on any disabling condition. Submission of this form is optional, but it would greatly assist in processing the request for a reasonable accommodation
- 3) Participate in the interactive process: This includes, but is not limited to, suggesting RA possibilities that can be explored, and cooperate with management efforts to identify and put in place accommodations or alternate placement, if necessary
- 4) Provide the MRA with information related to their medical condition and how it relates to the essential duties of the position

D. Office of Equal Employment Opportunity (OEEEO) - Disability Program (DP) and Reasonable Accommodation Services (RAS)

- 1) Provide guidance on CDC's policy regarding RA to employees, supervisors and other decision makers
- 2) Coordinate and facilitate the implementation of the procedures in this policy
- 3) Advise managers and supervisors on their responsibilities related to providing RAs for employees with disabilities
- 4) Consult with the MRA in assessing an individual's medical condition or disability and the need for an RA
- 5) Work with the supervisor and the employee with a disability to provide an RA through job structuring, training, or work environment adjustments
- 6) Work with the supervisor and employee to reassign the employee with a disability who cannot perform the essential functions of his or her current position to a new position
- 7) Counsel employees to explore RAs and, when appropriate, discuss alternatives open to the employee
- 8) Assist in obtaining adaptive equipment, including information technology and communications equipment, or specially designed furniture
- 9) Document efforts taken for providing appropriate RAs; track RA requests, and prepare an annual summary report for submission to Department of Health and Human Services (HHS)
- 10) Consult with and assist the CDC Selective Placement Program Coordinator (SPPC) in implementing and providing RAs for applicants and employees

- 11) Maintain liaison with public and private organizations concerned with employment of persons with disabilities

E. Human Resources Office (HRO)

- 1) Provide an RA to applicants with a disability for any part of the application or hiring process
- 2) Ensure that all vacancy announcements include the following statement in accordance with Office of Personnel Management (OPM) guidelines, which state: "Applicants with a disability who need a reasonable accommodation for any part of the application or hiring process must notify HRO. The decision on granting a reasonable accommodation will be made on a case-by-case basis."
- 3) Assist management in locating vacant positions that may be used for reassignment as an RA

F. Agency Selective Placement Program Coordinator

- 1) Provide information on an RA and needs assessments for applicants and employees
- 2) Help managers determine the essential duties of the position

G. Workforce Relations and Partnership Branch

[CDC Performance Management Liaisons](#) and [Employee Relations](#) specialists consult and advise all levels of management on issues related to a RA in connection with employees' performance or conduct issues.

H. Supervisor and Managers and Decision Makers

All decision-makers must designate a qualified employee (a designee) to continue receiving and processing requests and providing reasonable accommodations when the decision-maker is unavailable. Decision-makers should ensure that specific designees be named and informed about the request and the affected employee. The time-frames will not be suspended or extended because of the unavailability of a decision-maker.

Actively engage in the interactive process with employees who request RAs, and solicit any additional information needed to make timely determinations on all RA requests and:

- 1) Provide appropriate RA for applicants and employees with disabilities
- 2) Work with CDC officials (for example, HRO and OEEEO) and the MRA to determine appropriate RAs
- 3) Examine each job to determine which functions are essential to performance; these essential elements should be listed as major duties in the position description
- 4) Determine, based on advice from the RAM/RAS and Office of the Chief Financial Officer (OCFO), the feasibility of accommodating employees with disabilities

- 5) Use the ATS and maintain written records of requests for accommodation and provide a copy of the request to OEEEO, DP, and RAS

I. OEEEO Director

Provide oversight of CDC programs and activities relating to RAs, including the following:

- 1) Develop and issue policies and procedures for the provision of RAs
- 2) Provide consulting services to CDC officials regarding procedures for administering RA policies
- 3) Conduct appropriate reviews of complaints related to RAs
- 4) Conduct periodic reviews of CDC and the CDC's RA Office and staff to ensure compliance with the policies and guidance outlined with these procedures
- 5) Ensure dissemination of policies and procedural requirements associated with providing RA for employees and applicants throughout the CDC
- 6) Provide training to managers and employees on policies and procedures for the application of a RA to the employment of individuals with disabilities and the retention of employees who develop disabling conditions
- 7) Ensure that CDC follows procedural requirements associated with RA for employees

J. OEEEO Complaints Manager

- 1) Process discrimination complaints based on disability regarding RA and work towards resolution
- 2) Consult with OEEEO Director on technical issues concerning allegations of discrimination

K. Office of Safety, Security, and Asset Management (OSSAM)

- 1) Ensure facilities and architectural features such as buildings, restrooms, conference rooms, ramps, and doorways are accessible
- 2) Establish a method to track work orders associated with RA requests to ensure timely completion; track work orders using the ATS

L. CDC University

- 1) Ensures training venues are accessible
- 2) Ensures training materials are accessible in all formats
- 3) Ensures that training course announcements include information on the availability of RA

5. REFERENCES

- A. The Rehabilitation Act of 1973, as amended
- B. ADAAA
- C. GINA
- D. The Americans with Disabilities Act of 1990
- E. CFR 1614, Federal Sector Equal Employment Opportunity
- F. 29 CFR 1630, Regulations to Implement the EEO Provisions of the Americans with Disabilities Act
- G. 5 CFR 339, Medical Qualification Determinations

- H. EEOC Enforcement Guidance on Pre-employment Disability-Related Questions and Medical Examinations, October 1995
- I. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, October 2002
- J. EEOC Enforcement Guidance on the Americans with Disabilities and Psychiatric Disabilities, March 1997
- K. EEOC Disability-Related Inquiries and Medical Examinations of Employees Under the ADA, July 2000
- L. CDC-GA-2005-09, Equal Employment Opportunity Updated August 5, 2005
- M. CDC-IR-2002-01, Information Resources Management, April 10, 2002
- N. CDC-IR-2002-02, Acquisition and Use of Information Technology, April 10, 2002
- O. Policy Statement on Employment and Accommodations of Persons with Disabilities, Director, CDC and Administrator, ATSDR, November 1, 2006

6. ACRONYMS

AO - Administrative Officer
ATS - Accommodation Tracking System
ATSDR - Agency for Toxic Substances and Disease Registry
CAP - Computer/ Electronic Accommodations Program
CB - Centralized Budget
CDC - Centers for Disease Control and Prevention
CIO - Centers, Institute or Offices
DP - Disability Program
DM - Decision Maker
DPM - Disability Program Manager
EEO - Equal Employment Opportunity
EEOC - Equal Employment Opportunity Commission
ESHCO - Environment, Safety, Health Compliance Office
MO - Financial Management Office
HRO - Human Resource Office
MSPB - Merit Systems Protection Board
MRA - Medical Reviewing Authority
OEEO - Office of Equal Employment Opportunity
OSSAM - Office of Safety, Security, and Asset Management
RA - Reasonable Accommodation
RAS - Reasonable Accommodation Services
RAS/C/M - Reasonable Accommodations Specialist/Coordinator/Manager
SSO - Security Services Office

7. DEFINITIONS

A. Disability – a disability is a physical and/or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such impairment.

- 1) “Physical and/or mental impairment” includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, (including speech organs); cardiovascular; reproductive; digestive; genitourinary; immune; circulatory, hemic; lymphatic; skin and endocrine. They also cover a mental or psychological disorder, such as intellectual disability; organic brain syndrome; emotional or mental illness; and specific learning disabilities.
- 2) “Major life activities” are basic activities that an average person in the general population can perform with little or no difficulty. Examples are: walking; speaking; breathing; performing manual tasks; seeing; hearing; learning; caring for oneself, sitting, standing, lifting, reaching, bending, reading, thinking, interacting with other people, communicating, concentrating, eating, sleeping, reproduction, working, or major bodily functions, for example, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- 3) Qualified Individual with a Disability – an individual with a disability is qualified if they satisfy the requisite skill, experience, education, and other job related requirements of the position they currently hold or desire; and they can perform the essential functions of the position currently holds or desires with or without a reasonable accommodation.

Specific exclusion: A person who currently uses illegal drugs is not protected by these procedures as an “individual with a disability.” However, a former drug user who is receiving treatment for a drug addiction or has been rehabilitated successfully is protected.

B. Decision Maker – for the purpose of this policy, the decision-maker is that person (supervisor or manager) who has responsibility and authority and actually makes determinations and decisions relative to an employee’s request for a reasonable accommodation. The decision-maker initiates the interactive process to determine an accommodation that balances the legitimate needs of both the employee and agency in a timely fashion.

C. Employee – an individual who is employed by the CDC/ATSDR, regardless of the type of appointment mechanism; whether an individual can be considered an employee for a reasonable accommodation will be determined on a case-by-case basis.

D. Essential Functions – those job duties that are so fundamental to the position that the individual holds or desires that she or he cannot do the job without performing them. A function can be “essential” if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her

ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as is actually performed, and not simply the components of a generic position description.

- E. Medical Information** – the employer may require only the documentation that is needed to establish that a person has a disability that necessitates a particular reasonable accommodation. Thus, an employer, in response to a request for a reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation. In addition, all medical documentation must be treated confidentially and the Employer is to observe all requirements of the Privacy Act and other appropriate legal authorities. Medical documentation shall be maintained in accordance with applicable provisions of 5 CFR, Section 293 and 5 CFR 297.
- F. Reasonable Accommodation** – a request for a reasonable accommodation) is an oral or written statement that an individual needs an adjustment or change at work for a reason related to a medical condition, so that the individual may enjoy the same benefits and privileges of employment as are available to a similarly situated employee who does not have a disability. An RA is not the creation of a new position or intentional altering of a position (job or condition of employment) of record beyond its grade controlling factors. If requested or identified, RAs are addressed in three aspects of employment:
- 1) In the recruitment/application process: an RA is provided in the recruitment process to provide a qualified applicant with a disability an equal opportunity to be considered for the position being sought.
 - 2) In the performance of the essential functions of a job: an RA is provided to enable a qualified person with a disability to perform the essential duties of the job being sought or currently held. This may include modification or adjustments to the work environment and to the way duties are customarily performed.
 - 3) In receipt of all benefits of employment: an RA is provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities. This would include equal access to buildings, conferences and meetings at CDC-sponsored services and events.
- G. Reassignment** – a form of RA of last resort that, absent undue hardship, is provided to employees who, because of a disability, can no longer perform the essential functions of their job, with or without an RA. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it.
- H. Undue Hardship** – if a specific type of RA causes significant difficulty or expense, then CDC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis that considers the overall Agency resources possessed by the CDC. Considering factors include the nature and cost of the RA needed and the impact of the RA on the operations of the agency.

Appendix A

Examples of Reasonable Accommodations

The types of actions that can be taken in connection with a reasonable accommodation can best be determined on a case-by-case basis, taking into consideration the employee, his/her specific disability and the resulting limitations, the essential duties of the particular job, the work environment, and the feasibility of the proposed accommodation. A reasonable accommodation may include, but is not limited to, the following:

1. Adjusting Work Schedules

CDC is encouraged to approve flexible or altered work schedules for employees who cannot meet the requirements of the regularly scheduled tour of duty for their position for reasons associated with their disability (examples include requirement for medical treatment, need for rest periods, or difficulty getting to work).

2. Assistive Devices

CDC is authorized to purchase equipment or assistive devices if they are necessary to fulfill the official business of the agency. Equipment or assistive devices may not be provided if they are of a personal nature such as eyeglasses or hearing aids. In determining whether the purchase of equipment and assistive devices should be authorized, consideration should be given as to whether the device will enable the person with a disability to perform tasks he/she would otherwise be unable to carry out, and whether the major benefit would be an increase in the quantity, quality, or efficiency of the employee's work.

3. Captioning

Captioning is the process of converting the audio portion of a video production or live event onto text which is displayed on a television or film screen. The captions are typically white upper-case against a black background and, when pre-recorded, displayed live as the show is broadcast. They may also be permanently visible (open-caption) or viewable only through a decoder (closed-caption) attached to or built-in to the television.

4. Communication Access Real-Time Translation (CART)

CART is a form of captioning which provides a word-for-word transcription of what is being said. It may be read on a laptop computer or projected on to screen television or, for a large audience, on to a full-size screen.

5. Flexible Leave Policies

CDC has authority to adopt flexible leave policies, subject to appropriate laws and regulations that will accommodate employees with disabilities.

6. Modification of the Worksite

Facilities should be made readily accessible. Modifications may include, but are not limited to: arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to

provide comfortable working heights; installing special holding devices on seats, desks, or machines; using Braille labels or other tactile cues for identification purposes; and installing special equipment such as telephone amplifiers.

7. Personal Assistant

Providing a personal assistant on an "as-needed" basis may be a reasonable accommodation for a person with a disability. If an individual has a disability that requires that he/she needs assistance arranging work materials, or transferring from a wheelchair to a taxi or other modes of transportation, this assistance may be provided by a personal assistant. A Personal Assistant may be available for required travel. See Appendix D.

8. Readers

A reader can either be a person who reads digital or print material for a qualified employee or it can be assistive technology. Providing a reader may be a reasonable accommodation for a qualified individual with a disability only if doing so would not impose an undue hardship to the agency. In some job situations, a reader may be the most effective and efficient accommodation, but in other situations, equipment or an assistive device may enable a visually impaired individual to read independently. A reader may be an employee who performs other duties.

9. Requests For Other Than Coach Class Travel Accommodations

Other than coach class is any class of common carrier accommodations above coach class. For example, first class, business class, or premium class. Authorization for the use of Other than Coach Class* travel accommodations, including first class and business class, due to medical reasons, must be made a minimum of twenty business days in advance of the actual travel, unless extenuating circumstances or emergencies make advance authorization impossible. Without specific approval, employees may be held responsible for all additional costs resulting from the use other than coach class accommodations minus the difference of the cost of coach class accommodations. When requesting approval to use other than coach class accommodations solely because of a medical reason, the requester must also complete and submit the form "Justification for Use of Other than Coach Class Travel." A copy of the form can be found on the [CDC Travel Portal](#).

10. Restructuring Jobs

Job restructuring is one of the major means by which an employee with a disability can be accommodated. Supervisors should consult with the HRO, EEO specialists, and/or specialists in the fields of vocational rehabilitation and medicine to discuss changes that can be made to enable the person with a disability to perform the job.

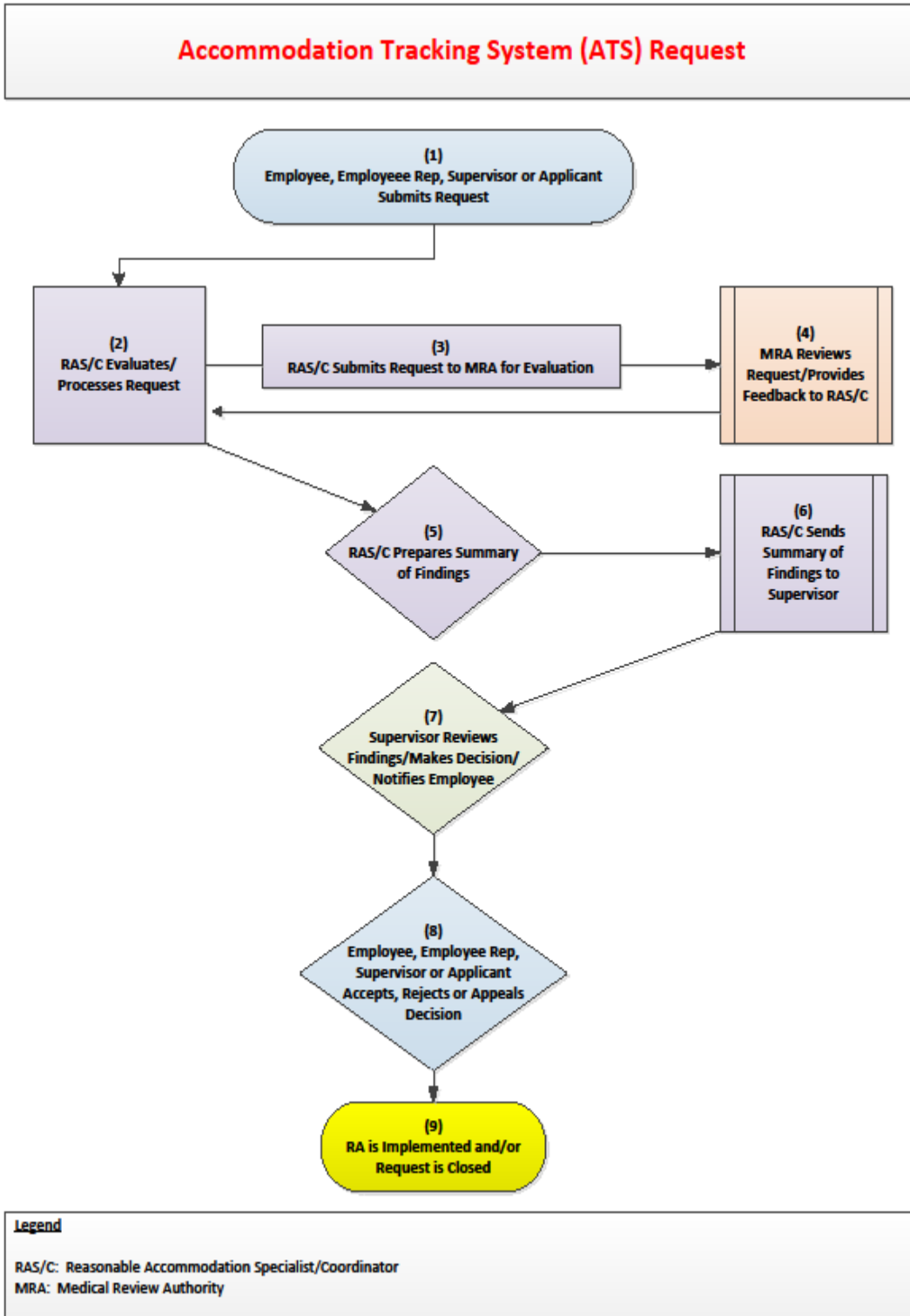
11. Service Animals

Allowing a service animal may be a reasonable accommodation for a qualified individual with a disability. Under the American with Disabilities Act (ADA), only dogs are recognized as service animals. See Appendix F.

12. Training

A CDC employee with a disability scheduled to attend official training can submit an RA request. CDC will make RA arrangements for approved courses, whether held at a CDC facility or other locations, including arranging for transportation to and from the training site. CDC assumes the costs incurred as part of an approved RA.

Appendix B



Appendix C

CDC'S Interpreting / Communication Access Real-Time Translation (Cart) Services

Sign language interpreting and/or Communication Access Real-Time Translation (CART) services are a reasonable accommodation that may be required by individuals who are deaf or hard-of-hearing (d/hoh) including CDC employees wanting to participate equally in the workplace; visitors entitled to access to CDC's programs offered to members of the public; or applicants applying for a position within the CDC. Upon request, OEEO will assist in providing sign language interpreters and or CART for all CDC-sponsored events, including applicant interviews, orientations, meetings, functions, training, office parties, or other events during regular business hours. Interpreting and CART services will be provided at all CDC locations through the use of Service Level Agreements.

Scheduling Interpreter/Cart Services

The individual or office scheduling a meeting or event which will require interpreting / CART services (staff meeting, training, office function, etc.) is responsible for providing the service. Please check to see if a sign language interpreter / CART technician is available before scheduling the date, time, and place of the event.

Advance scheduling – two weeks – is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting / CART services may be required, failure to schedule interpreting / Cart services well in advance may result in the necessity to reschedule meetings until interpreter / CART services are available.

The length of the meeting or event will determine if arrangements must be made for more than one interpreter, or for a CART technician to be present or by remote access.

An employee who knows sign language or who is taking a sign language class is **not** an acceptable substitute for a sign language interpreter.

Work Events Outside The Workplace

The agency will provide an interpreter and/or CART for an employee who is d/hoh who, as part of his or her job, attends a meeting or event outside the workplace. If he or she attends a conference or training program sponsored by an outside organization, the sponsoring organization is mainly responsible for providing interpreters and/or CART. However, CDC will provide interpreting and/or CART services if the sponsoring agency fails to do so.

Special Events To Which Staff Are Invited

The agency will make arrangements for interpreting and/or CART services for CDC employees who are d/hoh who express the desire to attend special events held outside official government time.

Interpreting Phone Calls

Employees who are d/hoh may request an interpreter to help them interpret business-related phone calls. These employees may also request that the interpreters retrieve and report voice-mail messages. When a sign language interpreter is not available, telecommunication relay services are also available to serve the telephone needs of these employees.

Appendix D

Personal Assistance Services (PAS) For Travel

1. Purpose

Personal assistance services (PAS) are a reasonable accommodation for employees with disabilities traveling on official business. This policy authorizes the employment and payment of pay and allowances for an individual who accompanies an employee with a disability on official travel. This individual may be a spouse or family member.

The decision on granting PAS Travel RA will be made on a case-by-case basis. Such services may include employing a reading assistant or assistants for a blind employee or an interpreting assistant or assistants for a deaf employee.

The head of the agency may authorize payment to an individual to accompany or assist (or both) the employee with a disability for all or a portion of the travel period involved. The agency may pay the individual directly either in advance or by reimbursing the requesting employee with a disability. The amount paid to that individual shall not exceed the limit or limits set by the Office of Personnel Management (including pay and, if appropriate, travel expenses and per diem allowance).

2. PAS REQUESTS

- A request for PAS Travel accommodation is submitted through the Reasonable Accommodation process prior to required official travel. The requesting employee must follow the POLICY FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION, CDC-GA-2001-06 (Formerly CDC-95) DATE OF ISSUE: 07/27/01 REVISED: 6/13/07
- RA requests can be initiated through the CDC's online Accommodation Tracking System (ATS) which is located within the CDC Connects, Admin-e-Systems, CDC applications, or at: <http://ats.cdc.gov/>.

3. AUTHORITY

Agencies may employ personal assistants for employees with disabilities, including those with visual and hearing impairments, under authority provided by 5 U.S.C. 3102. In addition, Section 3102(d) of the law authorizes the payment of pay and allowances for an individual who accompanies an employee with a disability on official travel.

Such employment may include the employing of a reading assistant or assistants for a blind employee or an interpreting assistant or assistants for a deaf employee. (d) (1) In the case of any handicapped employee (including a blind or deaf employee) traveling on official business, the head of the agency may authorize the payment to an individual to accompany or assist (or both) the employee with a disability for all or a portion of the travel period involved. 5 CFR 213.3102 (II) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

The statute further provides that the accompanying individual shall be considered an employee, but only for purposes of the Federal Employees' Compensation Act and the Federal Tort Claims Act. Accordingly, 5 U.S.C. Section 3110, which provides that a public official may not appoint,

employ, promote, advance or advocate for a relative (as defined in the section), does not prohibit pay to an accompanying spouse.

Federal Travel Regulations: Part 301-13—Travel of an Employee With Special Needs

5 U.S.C. 5707.

The Agency approving official may pay for any expenses deemed necessary by your agency to accommodate an employee with a special need including, but not limited to, the following expenses:

- (a) Transportation and per diem expenses incurred by a family member or other attendant who must travel with you to make the trip possible;
- (b) Specialized transportation to, from, and/or at the TDY duty location;
- (c) Specialized services provided by a common carrier to accommodate your special need;
- (d) Costs for handling your baggage that are a direct result of your special need;
- (e) Renting and/or transporting a wheelchair;
- (f) *Other than coach-class* accommodations to accommodate your special need, under Federal Travel Regulations, [Subpart B of Part 301-10](#); and
- (g) Services of an attendant, when necessary, to accommodate your special need.

APPENDIX E

Standard Operating Procedure for Reassignment of an Employee as a Reasonable Accommodation

1. PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to provide consistent procedures and guidance for assessing and evaluating requests for reassignment to a new position when an employee makes such a request as a reasonable accommodation at the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (CDC/ATSDR)⁴. This guidance only applies to a current employee who has been identified as a qualified person with a disability (physical or mental), as supported by appropriate medical documentation at the time the request is made.

It is mandatory for managers to collaborate with the CDC's Office of Equal Employment Opportunity (OEEO) reasonable accommodation staff to assess reassignment requests that are supported by appropriate medical documentation. *Reassignment should be used only as a last resort* if no other form of reasonable accommodation can maintain the employee in her/his current job assignment and location. A reassignment is a possible accommodation, not a guaranteed outcome. Each request must be assessed and evaluated on a case-by-case basis.

2. REFERENCES/AUTHORITY

- A. Americans With Disabilities Act (ADA) of 1990, and as amended in 2008 (ADAAA)
- B. 42 U.S.C. 12102
- C. 29 C.F.R. 1630
- D. Section 501 of the Rehabilitation Act of 1973
- E. CDC Policy for Processing Requests for Reasonable Accommodation (www.cdc.gov)
- F. U.S. Equal Employment Opportunity Commission (EEOC) guidance (www.eeoc.gov)
- G. EEOC and other administrative case law ⁵
- H. Federal Courts case law ⁶

3. BACKGROUND

In accordance with the Rehabilitation Act of 1973 (as amended), it is the policy of CDC to provide reasonable accommodations for qualified individuals with disabilities.

¹Throughout this document References to CDC also applies to the ATSDR.
Some disability case law decisions are rendered by the Merit Systems Protection Board (MSPB) if the employee's disability claim is coupled with a prohibited personnel practice that comes under the jurisdiction of the MSPB (www.mspb.gov). Such cases are deemed "mixed cases" and the employee has the right to select the complaint be heard by the MSPB or EEOC. Staff at the CDC Office Equal Employment Opportunity (OEEO) will inform an employee of her/his rights in a mixed case scenario.
⁶ There is a plethora of case laws in the administrative arena and the various Federal Courts, up to the U.S. Supreme Court, which provide decisions addressing agencies legal requirement to assess and analyze disability and reasonable accommodation issues. A specific, all-inclusive list does not exist.

4. DEFINITIONS

- A. **Adverse Impact** – objective information that supports management’s justification(s) that a reasonable accommodation (RA) presents an undue hardship because of significant difficulty or expense based on overall agency resources and workplace operations (i.e. efficiency and/or effectiveness); the impact on the ability of other employees to perform their duties or the impact on the ability to conduct business.
- B. **Affiliates** – Include a wide-variety of people that work at or are associated with CDC, and are not federal workers, Commissioned Corps Officers, or contactors. They may include interns, fellows, locally employed staff, volunteers, visiting scientists, and guest researchers.
- C. **Disability** –a physical or mental impairment which substantially limits one or more major life activities (such as: caring for one self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); or has a record of such an impairment; is regarded as having such an impairment.
- D. **Essential Functions** – those job duties that are so fundamental to the position that the individual holds or desires that s/he cannot do the job without performing them. A function can be “essential” if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description
- E. **Management Official** – for the purpose of this SOP, management official is that person who has responsibility and authority and is tasked with making particular determinations and decisions relative to an employee’s request for reasonable accommodation.
- F. **Parameters** – information which set forth an employee’s medical restrictions and limitations, geographical location, types of positions that may be considered and whether the reassigned position will affect the GS level.
- G. **Qualified individual with a Disability** – an individual with a disability is qualified if (1) s/he satisfies the requisite skill, experience, education, and other job related requirements of the position; and (2) s/he can perform the essential functions of the position with or without an RA.
- H. **Reasonable Accommodation** – any change or adjustment to work environment or in the way things are customarily done that would enable an individual with a disability to be considered for or perform the essential functions of a job.
- I. **Reasonable Medical Documentation** – the employer may require only the documentation that is needed to establish that a person has a disability that necessitates an RA. Thus, an employer, in response to a request for an RA, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

- J. Reassignment** – For the purpose of this SOP, reassignment may be used as a form of RA that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without an RA. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it.
- K. CDC Staff** – Includes all people that work at, volunteer or otherwise have an association with CDC. They include CDC employees, Commissioned Corps Officers, contractors, and affiliates.
- L. Undue Hardship** – if a specific type of RA causes significant difficulty or expense, then CDC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the RA needed and the impact of the reasonable accommodation on the operations of the agency.
- M. Vacant Position (Vacancy)** – For the purpose of this SOP, a vacant position (vacancy) means the position is available when the employee asks for the RA or the employer knows that it will become available within a reasonable amount of time.

5. REQUIREMENTS

A. Criteria for a Reasonable Accommodation Related Reassignment

- 1) Absent *undue hardship*, agencies *must* provide reasonable accommodation for the known physical or mental limitations of a qualified individual with a disability.
- 2) An agency must reassign an employee with a disability to a vacant position if:
 - a) They cannot be accommodated in their current job
 - b) A vacant funded position exists for which she/he is qualified
 - c) It would not be unreasonable in light of an agency's seniority system
 - d) It would not pose an undue hardship
- 3) When a vacancy exists, an agency:
 - a) Cannot reassign an employee who could be reasonably accommodated in his/her current position unless the employee voluntarily agrees;
 - b) May assign an employee to a vacant position equivalent in pay, status, or other relevant factors (e.g., benefits, geographical location) if the employee is qualified for the position. If there is no vacant equivalent position, the employee must be reassigned to a vacant lower level position for which he/she is qualified;
 - c) Is not required to promote the employee or create a new position; and,
 - d) Will not require the employee to compete for a vacant position for which HR has determined she/he is qualified (unless the employee independently chooses to apply to posted vacancies).

B. The Interactive Process and Reassignment

- 1) The interactive process in a reassignment case is initiated the same as all other requests for a reasonable accommodation. The employee, and/or his/her designated representative, notifies his/her supervisor of a need for an accommodation or notifies the Office of Equal Employment Opportunity (OEEEO), the Disability Program and the Reasonable Accommodation Services (DPRAS), or by using the Accommodation Tracking System (ATS).
- 2) The CDC Medical Review Authority (MRA) staff will review all the medical evidence and provide the Reasonable Accommodation Manager (RAM)/Reasonable Accommodation Specialist (RAS) with an assessment of the employee's limitations and any recommended accommodations.
- 3) A request for reassignment to a different job or duty station/work environment that is supported by medical documentation from a physician requires interaction and collaboration between the following parties: 1) the employee; 2) the current supervisor; 3) the RAM/RAS; 4) the human resources (HR Staffing) specialist; 5) the (Centers, Institutes, or Offices (CIO) director or designee; 6) the receiving CIO director or designee when a placement is to be made outside of the current CIO.

C. Area Of Consideration For Reassignment

- 1) If the agency identifies multiple equivalent positions, the agency may select which position to offer the employee, starting with those in the employee's current commuting area.
- 2) Although reassignment is not limited to the current duty location, commuting area, or OPDIV/STAFFDIV, CDC will consider all reassignment options in the local commuting area first.

D. Vacancy Search⁷

- 1) Management and the OEEEO RAM/RAS should engage the employee to gather the following information and determine:
 - a) The types of work the employee is qualified to perform and what medical restrictions or limitations she/he has
 - b) Whether the employee is to be reassigned outside the facility or outside the commuting area, and if so, what locations
 - c) Whether the employee is reassigned to a different type of position for which he or she may be qualified, and if so to what type(s)

⁷ An employee who seeks a reassignment as a reasonable accommodation may choose, without penalty, to find a vacancy on her/his own and/or may decide to apply for vacancies on her/his own. If the employee identifies or applies for a vacancy for which he or she is qualified and can perform the essential functions before HR and/or management does, the employee must be placed in that position or CIO management must provide justification to the RAC/RAS why the employee cannot be placed in that vacancy. OEEEO, in collaboration with HCRMO should not cease searching for a vacancy because the employee is also looking.

- d) Whether the employee is reassigned to a different OPDIV of the department, and if so, to which one(s)
 - e) Whether the employee will be reassigned at a lower grade if no position is available at his or her current grade level
- 2) CIO management must attempt to locate an appropriate position within their organization.
 - 3) If the employee's current CIO does not find a position that the employee is qualified for, the CIO must submit written justification to the RAM/RAS explaining why the employee cannot be reassigned within the current CIO.
 - 4) The RAM/RAS will review the justification(s) and agree or disagree.
 - a) If the RAM/RAS disagrees, the CIO must place the employee.
 - b) If the RAM/RAS agrees with the justification, RAC/RAS will request that the HR (Staffing) Specialist identify vacancies appropriate for reassignment within CDC.
 - c) If there is appropriate justification that reassignment within CDC is not available, the agency may have to expand the scope of the search to the Department level.
 - 5) HR (Staffing) Specialist will collaborate with their HR counterparts throughout the Department to identify potential vacant positions that meet the employee's parameters on a case by case basis.
 - 6) At the request of the RAM/RAS, the HR (Staffing) Specialist will conduct a CDC-wide search for vacant positions within the requested occupational series/grade and then provide the list to the RAM/RAS. All parties must collaborate to complete the reassignment within 60 business days unless there are unforeseen or unexpected circumstances that prevent the completion of the process. Any delays in the process by any party must be reasonable and must be documented.
 - 7) When a vacancy that meets the parameters is identified in a different CIO the RAM/RAS must notify the gaining CIO management authority that a position has been identified in that CIO for the placement of a reassigned employee.
 - 8) If a CIO official refuses to accept a reassignment, the CDC Director or designee will decide the matter based on the justifications provided by the necessary parties.
 - 9) Once the CIO and RAM reach agreement on the employee reassignment, the HR (Staffing) Specialist will process the action and coordinate release dates in accordance with HRO operating procedures.
 - 10) When the HR (Staffing) Specialist determines an employee is not qualified for a vacancy that is available and meets the parameters identified by the MRA, the (Staffing) Specialist must provide an evaluation statement to the RAC to document due diligence efforts.
 - a) The HR (Staffing) Specialist and RAM/RAS must keep a written record of each vacancy that was considered and any reason(s) why the employee could not be placed in that vacancy.
 - b) The RA staff will continue to collaborate with the HR (Staffing) Specialist until a placement is accomplished or a denial decision is prepared.

- c) The Director of CDC (or designee) will have the sole discretion to determine whether the originating CIO will lose an FTE and/or the salary for the FTE when the employee is moved to another CIO.

E. Undue Hardship Analysis

- 1) If the agency determines that it would be an undue hardship to provide a reasonable accommodation for an employee who qualifies, specific justifications must be provided by the CIO management official(s) who deems a hardship exists.
- 2) Undue hardship can be supported if the agency can clearly establish:
 - a) Significant difficulty or expense based on overall agency resources and workplace operations. Expense alone is rarely accepted by EEOC or the Courts as an undue hardship.
 - b) The adverse impact on the agency, on a particular office or component, including the impact on the ability of other employees to perform their duties or the impact on the ability to conduct business.
- 3) Adverse impact should be based on objective information and with consideration to any options or alternatives which might lessen the impact of the proposed accommodation.

F. Denial Of A Reassignment

- 1) The agency can deny a reasonable accommodation reassignment if:
 - a) The employee is offered a placement that meets the medical requirements provided by the MRA and the parameters agreed to by the necessary parties and the employee rejects the placement; and,
 - b) If proper justification can be established to meet the undue hardship analysis.
- 2) If reassignment is denied as a reasonable accommodation, the agency must provide the following to the employee:
 - a) A written justification for the denial; and,
 - b) Her/his rights to request reconsideration of the denied accommodation as set forth in the CDC RA Policy.
- 3) The agency may proceed with a removal action when:
 - 1) If after reconsideration, management denies the reassignment,
 - 2) The CDC Director or designee determines a due diligence search was not successful in identifying a vacancy that met the employee's parameters,
 - 3) The employee was offered an appropriate placement opportunity and declined to accept.
 - 4) Instead of removal, the employee may elect to apply for disability retirement, regular retirement, or may choose to resign.

6. RESPONSIBILITIES

A. Office of Equal Employment Opportunity (OEEEO)

- 1) Process the request in accordance with the CDC Reasonable Accommodation Policy to ensure necessary relevant medical documentation is obtained
- 2) Keep a written record of each vacancy that was considered and any written justification(s) provided by the respective decision maker (CIO designee, HRO, the Director or his designee, or OEEEO)
- 3) Inform the program/CIO officials with a need to know of the reasonable accommodation(s) of the employee
- 4) Address any additional requests from the placed employee for a reasonable accommodation as a new request and refer it to the RA staff

B. Human Resources Office (HRO)

- 1) Search for vacancies throughout the CDC/ATSDR and the Department, if necessary, based on the parameters identified or as modified by the employee that are consistent with her/his medical limitations listed in the medical documentation used to support the reassignment.
- 2) Collaborate with RA staff once a position has been identified. RA staff will explain any relevant and necessary limitations to management officials with a need to know to conduct the reassignment.
- 3) Issue the reassignment notice to the employee, coordinate the release date (if applicable), and process the reassignment action.
- 4) Keep a written record of each vacancy that was considered and any reason(s) why the employee could not be placed in that vacancy.

C. CDC Medical Review Authority

- 1) Review all the medical evidence and provide the RAM/RAS with an assessment of the employee's limitations and any recommended accommodations.
- 2) Continue to communicate with the employee's private physician, if deemed necessary, on a case-by-case basis.

D. CIO Management Officials/Hiring Managers

- 1) Collaborate with assigned HR staff to identify all vacancies and potential vacancies in their CIO when necessary.
- 2) Consider all available vacancies for reassignment in their CIO first. If no vacancies exist in their CIO that meet the parameters identified, the hiring manager may expand the search.

APPENDIX F

Use of Service Animals as a Reasonable Accommodation

1. BACKGROUND

Beginning on March 15, 2011, only dogs are recognized as service animals under the Americans with Disabilities Act (ADA). The ADA defines **service animals as dogs that are individually trained to do work or perform tasks for people with disabilities**. The dog does not have to be licensed or certified by a state or local government or a training program.

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

The Centers for Disease Control and Prevention complies with the ADA and Section 504 of the Rehabilitation Act of 1973. Among other things, the ADA and Section 504 require the agency to make reasonable modifications to its policies, practices, or procedures to permit the use of a Service Animal by an employee, applicant or visitor with a disability unless doing so would result in an unreasonable financial or administrative burden.

This policy differentiates “service animals” from “pets,” describes types of service animals, sets behavioral guidelines for service animals, and provides guidelines for staff for the acceptance of service animals.

2. DEFINITION

The ADA defines a Service Animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Importantly, other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of the ADA. However, under certain conditions, CDC will make reasonable modifications for a miniature horse* that has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The service animal must be trained to do work or perform tasks that are directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, the following:

- Assisting individuals who are blind or have low vision with navigation and other tasks
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds
- Providing non-violent protection or rescue work
- Pulling a wheelchair
- Assisting an individual during a seizure
- Alerting individuals to the presence of allergens
- Retrieving items such as medicine or the telephone
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities; for example, steadying a person while walking.
- Carrying, fetching, opening doors, ringing doorbells, activating elevator buttons
- Helping a person up after a fall

- Assisting persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. For example, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.

The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of determining if a dog is a Service Animal under this policy.

3. Employees, Applicants or Visitors With Service Animals Care and supervision of Service Animal

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. However, in that case, the individual must be able to control the service animal by other effective means such as voice controls or signals.

The individual with a disability must abide by current city, county, and state ordinances/laws/regulations pertaining to licensing, vaccination, and other requirements for animals (It is the individual's responsibility to know and understand these ordinances, laws and regulations).

The Agency will not ask for or require an individual with a disability to pay a surcharge or to comply with other requirements generally not applicable to people without pets. However, an individual with a disability may be charged any damage caused by his or her service animal.

4. Cleanup Rule

The individual with a disability is responsible to clean up after and properly dispose of the animal's feces in a safe and sanitary manner.

- Never allow the service animal to defecate on any property, public or private, unless you immediately remove the waste.
- Always carry equipment sufficient to clean up the animal's feces.
- Properly dispose of waste and/or litter.
- Contact staff if arrangements are needed to assist with cleanup.

5. Miniature Horses

In addition to the provisions about service dogs, the Department of Justice's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.)

Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and

weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

6. Guidelines for Service Animal Reasonable Accommodation Request

CDC's RAS will review an employee, applicant or visitor's written reasonable accommodation request for a service animal. The RA manager will provide a written response to the person. The manager's response will take into consideration the reasonableness of the request. The request may be denied and deemed unreasonable only if it causes an undue financial or administrative burden to the Agency.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a classroom or in the workplace, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

Verification of Service Animal

When it is not obvious what service an animal provides, only limited inquiries are allowed. The CDC staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

7. Fees

A service animal is not considered a pet. Thus, the employee, applicant or visitor is not required to make a pet deposit to work at or visit a CDC facility. However, the person is liable for any damage the animal actually causes.

8. Removal of Service Animal

The Agency may ask the individual with a disability to remove a service animal from any of its facilities if: (1) the service animal is out of control and the individual with a disability does not take effective action to control it; or (2) the service animal is not housebroken. The Agency may also ask the individual with a disability to remove a service animal from any of its facilities if the use or presence of the service animal poses a direct threat to the health or safety of others or if the animal's behavior, such as barking, is unreasonably disruptive to the other participants within the facility.

9. Areas off limits to Service Animals

A service animal is generally permitted to accompany the individual with a disability to CDC facilities where employees and visitors are allowed to go.

10. Awareness Training

The OEEO will ensure that all employees, applicants and visitors are properly trained in the Agency's service animal policy, including the following rules:

- Allow a service animal to accompany the person at all times and everywhere on the property except where animals are specifically prohibited.
- Do not pet or touch a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
- Remember, service animals are not considered to be pets. A person with a disability uses a service animal as an auxiliary aid similar to the use of a cane, crutches or wheelchair.
- Do not feed the service animal; it may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Do not deliberately startle a service animal. Do not separate or attempt to separate a handler from her or his service animal. Avoid making noises at the animal (barking, whistling, etc.)
- Avoid initiating conversation about the service animal, the handler's disabilities or other service animals one has known. If you are curious you may ask if the handler would like to discuss it, but be aware that many persons with disabilities do not care to share personal details.
- Remember, not all disabilities are visible. The nature of the person's disability is a private matter, and you are not entitled to inquire for details.
- Service animals do not need to wear any special identifying gear such as tags, harnesses or capes.
- A handler may train his or her own service animal and is not required to provide any information about training or the specific tasks the animal performs.
- As a manager, if other employees, applicants or visitors complain about the fact that they are not allowed to have a pet and want to know why, simply state that the Agency complies with the federal laws. You can also refer them to the ADA website for further details.

11. Additional Resources

ADA Website: www.ADA.gov

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

Monday, Wednesday, and Friday from 9:30 a.m. – 5:30 p.m., Thursday from 12:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist. All calls are confidential.