

ENCLOSURE 4

DEFENSE SECURITY SERVICE NOTICE OF DENIAL OF REASONABLE ACCOMMODATION REQUEST

PRIVACY ACT STATEMENT

AUTHORITY: Executive Order 13164; 29 U.S.C., Section 791, et. seq.; 42 U.S.C., Sections 12101, et. seq., 12201-12204, and 12210; 29 C.F.R., Part 1630.

PRINCIPAL PURPOSE(S): To use personal information obtained from an employee/applicant making request for reasonable accommodation to provide notice of denial of that request and collection of required statistical data regarding requests for reasonable accommodation that are denied.

ROUTINE USE(S): To the Department of Defense and EEOC in instances where an employee/applicant has a request for a reasonable accommodation denied.

DISCLOSURE AND EFFECT ON THE INDIVIDUAL OF NOT PROVIDING INFORMATION: Voluntary; however, failure to provide the requested information may impede the process of providing required notice of a denial of a reasonable accommodation request, as required by law.

Deciding Official complete sections 1 – 4 and review section 5 with employee/applicant

1. Deciding Official

Name:

Signature:

Office & Address

Telephone Number

Name of Individual Requesting Accommodation

Name of Employee/Applicant (if different)

Date Reasonable Accommodation was Requested

Date Employee/Applicant Notified of Denial

Date you received copy of Employee/Applicant Request Form (DSS 236):

Date you gave Employee/Applicant copies of this Notice of Denial):

2. Accommodation Requested (attach from DSS 236) and provided additional information, if needed):

3. Reason for Denying Request for Reasonable Accommodation: (check all that apply)

- Employee/Applicant is not a qualified individual with a disability
- Accommodation ineffective
- Accommodation would cause undue hardship
- Medical documentation inadequate
- Accommodation would require removal of an essential function
- Accommodation would require lowering of performance or production standard
- Other (please identify):

4. REASON FOR DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION.

Provide the detailed reason(s) for denying the request for reasonable accommodation (must be specific, e.g., why the person is not a qualified individual with a disability, why the accommodation is ineffective, or why the accommodation causes an undue hardship).

If the individual proposed one type of accommodation, which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reasons for the denial of the requested accommodation and why you believe the chosen accommodation would be more effective.

(Attach Additional Information if Necessary)

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5. APPELLATE RIGHTS (Deciding Officials must inform employee/applicant of these rights):

You have the right to ask the Deciding Official to reconsider her/his denial of your request for reasonable accommodation within 30 calendar days of receiving this form (DSS 237, Notice of Denial of Reasonable Accommodation Request). Additional information may be presented to support this request. If the Deciding Official does not reverse her/his decision, the employee or applicant can request further reconsideration from the Director, Office of Diversity Management (EEO) within 30 calendar days of receiving notice of denial of her/his request for reconsideration from the Deciding Official.

Other Rights: If an individual desires to file an EEO complaint, or other statutory processes as appropriate, s/he must take the following steps:

For an EEO complaint pursuant to 29 C.F.R., Part 1614: contact an EEO counselor in the EEO office within 45 days from the date of receipt of the written notice of denial of request for reasonable accommodation;

For an appeal to the MSPB pursuant to 5 C.F.R., Part 1201: initiate an appeal within 30 days of the effective date of an appealable adverse action as defined in 5 C.F.R., Part 1201.3.

For utilizing ADR: initiate a request through the EEO office for use of the Alternative Dispute Resolution (ADR) process.