

**ENCLOSURE 2**  
**QUESTIONS, ANSWERS & EXAMPLES**  
**for**  
**REASONABLE ACCOMMODATION**

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**1. IDENTIFYING A REQUEST**

May an agency require that individuals with disabilities use particular words to request a reasonable accommodation?

**No.** A request for accommodation is a statement that an individual needs an adjustment or a change at work or in the application process for a reason related to a medical condition. Agencies may not require, for example, that individuals mention the Rehabilitation Act or use the phrase "reasonable accommodation."

**EXAMPLE A** - Michelle tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of the medication I take." This is a request for reasonable accommodation. Whether or not Michelle is ultimately entitled to an accommodation, the agency must start to consider the request.

**EXAMPLE B**- An applicant who is vision-impaired asks for assistance with the agency's application materials. This is a request for reasonable accommodation and triggers the agency's obligation to engage in its reasonable accommodation process.

**2. WHEN A REQUEST BEGINS**

May an agency wait to begin processing a request for reasonable accommodation until after an individual has submitted a written request?

**No.** Although an agency can, for record-keeping purposes, ask an applicant or employee to fill out a form, an individual's oral request will start the reasonable accommodation process. Accordingly, the time limits set by the agency's procedures must run from the date of the oral request. Of course, a request can be initiated in writing if the individual prefers.

**EXAMPLE** - Elizabeth, whose left leg is amputated, orally requests that her office be moved closer to the ladies' restroom because of the fatigue and pain caused by using crutches. The agency's reasonable accommodation procedures provide that all individuals requesting accommodation should complete a written form for agency records. Elizabeth submits the form to the head of her office one week following her oral request. Elizabeth's supervisor must begin processing her request for reasonable accommodation on the date of her oral request.

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### 3. ONGOING REQUESTS

When someone requires a reasonable accommodation on a repeated basis, may an agency require the individual to submit a written request for record-keeping purposes each time the accommodation is needed?

**No.** Where an employee has requested a type of reasonable accommodation that s/he is likely to need on a repeated basis - for example, the assistance of sign language interpreters or readers - an agency may not require that the individual submit a written request for record-keeping purposes each time the accommodation is needed.

### 4. TIMING OF REQUESTS

May an agency require that a request for reasonable accommodation be made at a certain time?

**No.** Under the Rehabilitation Act, the duty to provide reasonable accommodation is an ongoing one. Thus, an individual with a disability must be permitted to request a reasonable accommodation whenever s/he chooses. That request will then trigger the agency's obligation to start the process laid out in its procedures.

**EXAMPLE A** – The agency's reasonable accommodation procedures require that all requests for reasonable accommodation be made within ten days of the date that an applicant or employee realizes s/he needs an accommodation. This is impermissible.

**EXAMPLE B** - Randy, who has multiple sclerosis, requests that his desk be raised to accommodate his wheelchair. The agency promptly processes and approves his request. Six months later, Randy requests an additional accommodation to further assist him in the workplace in light of complications that have arisen from his disability. The agency must promptly process Randy's second request, and should anticipate that other requests may be made if his condition worsens. Even if Randy's condition had not changed but he simply identified another reasonable accommodation that would assist in the performance of his job, the agency is obligated to consider any additional request for reasonable accommodation.

### 5. FORWARDING A REQUEST

May an agency require that a request for reasonable accommodation be made to a certain agency official?

**No.** For an employee, the agency's obligation to consider a request for reasonable accommodation begins when the individual makes that request to any of the following: his/her supervisor, another supervisor or manager, any agency employee, or the EEO office. For an applicant, the request can be made to any agency employee that the applicant has contact with in connection with the hiring process.

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### **6. WHO CAN MAKE A REQUEST**

Must an agency consider requests made by others on behalf of an individual with a disability?

**Yes.** A family member, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. Where possible, the agency should then confirm with the person with a disability that s/he in fact wants a reasonable accommodation.

**EXAMPLE** - An employee has been out of work for six months with a serious injury. The employee's doctor sends the agency a letter, stating that the employee is released to return to work, but with certain work restrictions. The letter is a request for reasonable accommodation for the employee. The agency should first confirm with the employee that the doctor's note was sent with the employee's consent and whether or not the employee agrees with the request for reasonable accommodation.

### **7. WHO CAN APPROVE REQUEST**

May first-line supervisors be authorized to approve requests for reasonable accommodations?

**Yes.** To eliminate unnecessary levels of review, first-line supervisors are authorized to approve requests for reasonable accommodation.

**EXAMPLE** - David has a disability that causes extreme fatigue at the end of each day. David is an accountant, and is expected to attend budget planning meetings with his supervisor and another colleague every Wednesday afternoon. David asks his supervisor whether the meetings can be changed to the morning so that he can attend them when he does not feel tired. The agency's procedures authorize David's supervisor to evaluate and approve this type of request, absent undue hardship to the operation of the office.

### **8. ALTERNATE FORMS OF REASONABLE ACCOMMODATION**

Can a supervisor suggest an alternate form of reasonable accommodation?

**Yes.** If a supervisor can identify another way in which the employee's disability can be accommodated and make the impact on the agency operations less severe or make the employee more efficient, the supervisor should propose the alternate reasonable accommodation to the employee to see if s/he will consent. Upon further discussion, the supervisor and the employee may come up with yet a even better form of reasonable accommodation than initially requested or proposed.

**EXAMPLE** - Roger has a disability that prevents him from working in the early mornings. He asks for a reasonable accommodation that would permit him to work part-time and to come in every day at 11:00 a.m. Roger's supervisor discusses the request with him and proposes that Roger simply shift his schedule to work two hours longer in the evenings. Roger agrees to this alternative reasonable accommodation.

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### 9. TIMELINESS

Does a deciding official have to wait the full amount of time allotted by agency regulations for making a decision regarding a request for reasonable accommodation?

**No.** A deciding official should make a decision regarding a request for reasonable accommodation in the shortest amount of time possible under the circumstances and communicate the decision to the employee or applicant immediately.

**EXAMPLE A** – An agency prohibits employees from eating or drinking at their workstations. Ruth has insulin-dependent diabetes and asks her supervisor to permit her to eat a candy bar or drink fruit juice at her desk if necessary to avoid going into insulin shock. The agency's reasonable accommodation procedures state that decisions about whether to grant or deny requests for reasonable accommodation should be made within 30 calendar days of the date of the request. In this case, however, the agency should be able to provide the reasonable accommodation in no more than a day or two, and hopefully sooner. The agency should not wait the full 30 calendar days before responding to Ruth's request.

**EXAMPLE B** - Marcus has a psychiatric disability that causes him to be easily distracted, and requests that he be given a private office on a quiet corridor. Because the agency must investigate the availability of office space and is entitled to consider other effective accommodations, the agency may need to take the full 30 calendar days allotted by its procedures to make a decision regarding his request.

**EXAMPLE C** - James, who uses a wheelchair, is chosen to attend a computer training class that will be held in the agency's computer lab starting the following day. James requests that the computer desk be raised in time for him to participate in the class. The agency's procedures should provide for expedited processing of James' request in circumstances like these.

**EXAMPLE D** - To perform the essential functions of her job, Maria, who has a vision-related disability needs a sophisticated piece of equipment that is not readily available from the agency's suppliers. The agency has asked its suppliers to check further, and is also independently pursuing other avenues to obtain the necessary equipment. Because of this delay, the agency is not able to meet the time limit set in its procedures for a response to Maria's request. The agency should notify Maria about the delay and tell her when it expects to be able to respond to her request. Whether or not it ultimately grants Maria's request, the agency should also investigate alternative accommodations, such as a qualified reader, that it could provide on an interim basis to remove at least some of the barriers that limit Maria's use of her computer.

### 10. PROVIDING EXPLANATIONS WHEN DENYING REQUESTS

Can a denial of a request for reasonable accommodation simply state that the request is “an undue hardship for the agency”?

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**No.** A full and complete explanation of why the particular request is an undue burden for the agency must be provided. Suggestions for acceptable alternative reasonable accommodation should be made, if possible.

**EXAMPLE** - Steven, who has cancer, requests that he be allowed to work at home three days a week due to the serious side effects he experiences from his treatment. The agency denies the request with a one-line statement noting that the "reasonable accommodation requested would pose an undue hardship for the agency." This is an inadequate explanation. The agency must identify the basis for its finding of undue hardship - that is, it must explain how allowing Steven to work at home three days a week would create significant difficulty or expense for the agency and offer suggestions for alternative reasonable accommodation, if possible. The explanation should also identify the deciding official.