



FDIC DIRECTIVE

2710.5

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Director
Office of Minority and Women Inclusion

See approval(s) on Action Log

Reasonable Accommodation Program

PURPOSE

To provide the Federal Deposit Insurance Corporation's (FDIC or Corporation) policy on providing reasonable accommodation to qualified employees and applicants for employment with disabilities consistent with Title 29 Code of Federal Regulations (CFR) Part 1614, including revisions dated January 3, 2017.

SCOPE

The provisions of this Directive apply to all employees and applicants for employment with the FDIC.

AUTHORITIES

- Federal Regulations (29 C.F.R. §§ 1614, 1630) require Federal agencies to provide reasonable accommodations to qualified employees and applicants for employment with disabilities.
- The Americans with Disabilities Act (ADA) of 1990, as amended (42 U.S.C. § 12101 et seq.)
- The Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 et seq.)

FORM(S)

- [FDIC 2710/02, Request for Reasonable Accommodation](#)
- Standard Form (SF) 256, Self-identification of Disability

REVISION(S)

This Directive supersedes Circular 2710.5, Procedures for Providing Reasonable Accommodation to Individuals with Disabilities, dated December 15, 2014.

Action Log

Submission Type <i>(New, Pedestrian Change, Revision)</i>	Date	Approval
Revision		

Summary of Changes (if applicable)

Substantial changes being made to bring the Directive into compliance with the federal regulations promulgated by the Equal Employment Opportunity Commission (EEOC) on January 3, 2017.

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Background

The FDIC is committed to the principles of equal opportunity in all of its programs, policies, and practices, and to promoting diversity and inclusion in its workforce, as well as in its programs and activities. The Office of Minority and Women Inclusion (OMWI) is responsible for the FDIC's diversity and inclusion, civil rights, accessibility, and minority and women outreach programs. These programs ensure that the FDIC's workplace is inclusive, free from unlawful discrimination and retaliation, and provides equal opportunity and access to all.

The FDIC provides reasonable accommodations to qualified employees or applicants with disabilities as required by applicable laws and regulations. These accommodations are changes or modifications in the work environment, equipment or instruments used, or the way things are customarily done, that enable individuals with disabilities to enjoy the same opportunities and benefits of employment as employees without disabilities. The OMWI oversees the reasonable accommodation program and provides assistance to individuals with disabilities seeking accommodation and the managers providing accommodations.

Policy

The FDIC has a longstanding commitment to ensuring equal opportunity for all persons regardless of race, color, national origin, sex (including pregnancy, equal pay, gender identity and sexual orientation), religion, age, disability, genetic information, or status as a parent, and to preventing prohibited retaliation against individuals for participating in the EEO complaint process or opposing discriminatory practices. With this commitment, the FDIC meets its obligation to provide reasonable accommodation for known physical and mental disabilities of qualified employees and applicants for employment, unless the FDIC can show that a particular accommodation would impose an undue hardship on the operation of its programs and activities.

When appropriate, the FDIC may grant an accommodation to an employee or an applicant for employment, even though the Corporation may not be legally required to do so. Therefore, the FDIC's approval of an accommodation request does not necessarily constitute a determination by the Corporation that an employee or applicant for employment is legally entitled to the accommodation or the accommodation granted.

A. Requests for Reasonable Accommodation

1. Initial Requests

An individual with a disability may request a reasonable accommodation at any time, even if he or she has not previously disclosed the existence of a disability. Disclosing a medical condition or medication, which may or may not impact the employee's work environment or ability to perform his or her job, may also indicate the potential need for reasonable accommodation. Requests:

- a. May be made orally or in writing and do not have to include any special words such as "reasonable accommodation," "disability," or "Rehabilitation Act;"
- b. Do not require the completion of a specific form for the interactive process to begin, and the employee is not required to have a particular accommodation in mind before making the request; and

- c. May be made or submitted to the employee's first-line supervisor, another supervisor or manager in the employee's chain of command, the Division/Office Director, or the Disability Program Manager.

If an approved accommodation is needed on a repeated basis, the employee needs only to make a summary request for the accommodation, either orally or in writing when a subsequent need arises.

For employees with intellectual disabilities, a Support Coordinator can be made available for the purpose of assisting the employee and promoting the employee's best interest in the workplace. While supervisors should take all necessary precautions to maintain the confidentiality of employees with intellectual disabilities, a supervisor may be required to discuss the employee's disability in order to provide them a reasonable workplace accommodation.

The Support Coordinator, in conjunction with any legal guardian, if applicable, will ordinarily be involved in all aspects of the reasonable accommodation process or any other process for determining appropriate workplace assistance. The Disability Program Manager should be contacted for information on accommodations available for employees with intellectual disabilities.

In the case of an applicant for employment, the applicant's request for a reasonable accommodation is made or submitted to the HR Specialist responsible for recruitment of the position. Applicants should submit requests for reasonable accommodation as early in the hiring process as possible to afford the FDIC a reasonable time to process the requests. For example, an applicant may require a sign language interpreter to be available during interviews in the hiring process. Such accommodations can be provided without delay if planned in advance of the requirement.

2. Communication

Communication is a priority throughout the reasonable accommodation process. As soon as practicable following a request for a reasonable accommodation, whether made orally or in writing, the individual making the request and management shall engage in the interactive process. This process involves discussions between the individual making the request and management regarding the request, the process for determining whether an accommodation will be provided, and potential accommodations.

Management should communicate with the individual making the request early in the process and periodically throughout the process. The interactive process is especially important when impairment is not obvious or an effective accommodation is not clear.

While the Deciding Official makes the ultimate decision on a request for reasonable accommodation, that decision may be made in consultation with the Disability Program Manager and the Federal Occupational Health (FOH) Service, when necessary.

3. Medical Documentation

When a disability or need for an accommodation is not obvious, the Deciding Official, other supervisor or manager in the requesting employee's chain of command, or Disability Program Manager may ask the employee requesting an accommodation to provide sufficient medical documentation from a healthcare provider. If the employee does not want to provide medical documentation to anyone at the FDIC, the employee or the employee's healthcare provider may choose to send it to FOH directly. If this option is chosen, the employee must inform the Disability Program Manager of this decision, and the Disability Program Manager will send the appropriate forms to the employee and FOH to initiate the process.

The FDIC has the right to have medical documentation reviewed by a qualified medical professional appointed by the FDIC. Under a contractual agreement with the FDIC, FOH physicians can review requests for reasonable accommodation and, when necessary, may consult with the requesting employee's healthcare provider(s) concerning the employee's disability and the appropriate reasonable accommodations. The FOH physicians may also request relevant supplemental medical documentation if the information submitted by the employee requesting an accommodation is insufficient. Depending on their complexity, reasonable accommodation requests may or may not necessitate FOH review.

The medical documentation should address:

- a. The nature, severity, and duration of the impairment;
- b. The activity or activities that the impairment limits;
- c. The extent to which the impairment limits the ability to perform the activity or activities (*i.e.* job function); and
- d. Why the employee requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the requested accommodation will assist an applicant to apply for a job, perform the essential functions of the job, or enjoy a privilege or benefit of employment.

The healthcare provider's statement must be legible, on the healthcare provider's letterhead, and signed with an original signature. When the need for a reasonable accommodation remains unclear, or when the individual requesting an accommodation has not provided sufficient medical information to clarify the need, the FDIC has the right to request additional information.

The FDIC is obligated to keep medical information confidential in accordance with the confidentiality requirements under the Americans with Disabilities Act and other applicable laws and regulations and the limited circumstances under which such information may be disclosed. The FDIC may be unable to provide a timely response to a request for reasonable accommodation if an individual's healthcare provider fails to provide needed documentation in a timely manner. Failure to provide necessary requested documentation may result in denial of a reasonable accommodation request. [Recordkeeping Requirements](#) provides recordkeeping requirements for medical documentation.

B. Reviewing Requests for Reasonable Accommodation

1. Initial Considerations

An employee's request for reasonable accommodation may include a request for a change in policy, practice, work modification, or other assistance that relates to the employee's employment because of his or her medical condition. Supervisors are often the first people employees contact when making requests for accommodation. Although the employee seeking an accommodation generally has the burden of initiating the request, the request may be initiated by a spouse, caregiver, or someone else representing the employee.

To assist in recognizing a request for an accommodation, the Deciding Official should consider the following questions:

- a. Is the employee talking about some type of medical condition that is impacting his or her work?
- b. Has the employee mentioned some sort of physical/intellectual/psychiatric challenge that is impacting his or her work?
- c. Is the employee requesting an adjustment or change to the workplace?

- d. Has the employee openly disclosed a disability, medical condition, or medication?
- e. Has the employee stated that he or she needs assistance performing a job function?
- f. Is the employee known to have a disability and a family member, friend, coworker, or healthcare provider has requested an accommodation on his or her behalf?

When a request for a reasonable accommodation has been made, various individuals are accountable for reviewing, processing, and implementing the request.

2. Processing

The Deciding Official processes requests for reasonable accommodation in accordance with the timeframes outlined in this Directive. Additionally, in coordination with other supervisors in an employee's chain of command as appropriate, he or she will:

- a. Begin the interactive communication process with the person requesting the reasonable accommodation, communicate periodically throughout the process, and provide the individual with his or her contact information;
- b. Verify, within applicable delegations of authority, his or her authority to grant or deny requests for reasonable accommodation. If he or she does not have the authority to grant or deny the reasonable accommodation requested, he or she shall refer the request to the appropriate official who has the authority to make the determination;
- c. Confirm that the individual is requesting a reasonable accommodation when a family member, healthcare provider, or representative requests a reasonable accommodation on an individual's behalf;
- d. Notify the Disability Program Manager when a request for a reasonable accommodation is received and provide the Disability Program Manager with a copy of form FDIC 2710/02 submitted by the employee, or on his or her behalf;
- e. Collaborate with the Disability Program Manager, who can refer the Deciding Official to the appropriate resources, including budget sources, individuals, and Divisions/Offices able to provide assistance in making the decision or that may be involved in the implementation of the accommodation;

f. Consult with the appropriate Divisions/Offices, which may include, but are not limited to the:

- 1) Division of Administration (DOA)/Human Resources Branch (HRB), including the Labor and Employee Relations Section, on issues that might impact human resources policy, employee relations, and bargaining unit matters;
- 2) Division of Information Technology (DIT) regarding the availability and feasibility of certain computer equipment, hardware, peripherals, software, and training;
- 3) DOA/Health, Safety and Environmental Unit, Corporate Services Branch, regarding the availability and feasibility of certain accommodation requests such as building accessibility, ergonomic furniture, etc.; and
- 4) Legal Division/Labor, Employment and Administration Section (LEAS).

NOTE: For requests made by employees in, or applicants for employment with, the Office of Inspector General (OIG), the Deciding Official should consult with the OIG Office of Management, Human Resources Team, who will coordinate with the OIG Office of General Counsel.

g. Request medical documentation, when needed, to support the request for a reasonable accommodation, including when supplemental information is needed to determine an effective accommodation, if any.

In reaching a decision on a request for a reasonable accommodation, the FDIC will consider all resources available to the FDIC as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation. Management consults with the Disability Program Manager, as well as appropriate officials in DOA, Legal, or DIT, as needed, to obtain all available agency resources to provide reasonable accommodations.

3. Reassignment

If the Deciding Official determines that no reasonable accommodation will permit the requesting employee to perform the essential functions of his or her current position, the Deciding Official must consider reassignment to a vacant, funded position for which the employee is qualified. Reassignment will only be considered if no other reasonable accommodations are available to enable an employee to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue

hardship on the FDIC. In considering whether there are positions available for reassignment without competition, the Deciding Official and the Disability Program Manager will work with DOA/HRB and the employee needing the reassignment to identify:

- a. Vacant, funded positions throughout the FDIC for which the employee qualifies and can perform, with or without reasonable accommodation; and
- b. Positions within the FDIC that DOA/HRB or the Division/Office has reason to believe will become vacant within a reasonable amount of time from the date the search is initiated and for which the employee may be qualified.

If considering reassignment, the FDIC will first attempt to locate positions at the employee's current grade level in his or her current commuting area. If no position exists at the employee's current grade level, the FDIC will search for positions at a lower grade level. Positions at a higher grade level or with a higher promotion potential than currently held will not be considered for non-competitive reassignment as a reasonable accommodation, though employees seeking reasonable accommodation may choose to apply for positions through the competitive hiring process. Reassignment may be made to a vacant position outside of the employee's commuting area if he or she is willing to relocate (at his or her expense, pursuant to FDIC travel policy). If no vacancies for which the employee qualifies are available or anticipated within a reasonable amount of time, the search will conclude and the results will be conveyed to the employee.

4. Timeframes for Processing a Request for Reasonable Accommodation

a. No Extenuating Circumstances

Absent extenuating circumstances, the maximum amount of time from the accommodation request to either provide a requested accommodation or deny the request is 30 calendar days.

Upon receipt of a request for a reasonable accommodation, whether oral or in writing, the Deciding Official processes the request and shall not wait for receipt of form FDIC 2710/02 to begin processing the request.

When a request for a reasonable accommodation can be processed by the Deciding Official and medical documentation is not required, and no extenuating circumstances exist, the request will be processed and the accommodation, if granted, will be provided within 30 calendar days. Failure to provide the

accommodation in a prompt manner when there are no extenuating circumstances causing the delay may result in a violation of the Rehabilitation Act.

If the Deciding Official believes that it is necessary to obtain medical documentation, he or she, another appropriate supervisor, or the Disability Program Manager will request the information before the expiration of the 30 calendar day period;

After the requested medical documentation is received, and if there are no further extenuating circumstances, the request for reasonable accommodation will continue to be processed and a decision will be provided within 15 calendar days;

b. Expedited Processing

The FDIC will process some requests in shorter timeframes when necessary, such as when an applicant needs accommodations to adhere to hiring schedules, or an employee needs an accommodation to participate in an upcoming meeting.

c. Extenuating Circumstances

When extenuating circumstances exist, the timeframe for processing the request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Examples of extenuating circumstances include, but are not limited to:

- 1) A follow-up request for medical documentation;
- 2) The need for a qualified medical professional to evaluate the medical documentation;
- 3) The purchase of equipment not readily available; or
- 4) The completion of a personnel action.

- 5) When extenuating circumstances delay processing a request for reasonable accommodation beyond 30 calendar days, the Deciding Official will provide written notification to both the individual making the request and the Disability Program Manager of the reason for the delay, in an accessible format, if needed, and the approximate date by which a decision or provision of the reasonable accommodation is expected. Any further delays or changes will be promptly communicated to the individual making the request and the Disability Program Manager.
- 6) Where it is determined that it is reasonably likely that an individual will be entitled to a reasonable accommodation while the request is being considered, the Deciding Official will notify the individual, including any extenuating circumstances that justify a delayed decision, and provide an interim accommodation, absent undue hardship, that will allow an employee to perform some or all of the essential functions of his or her job or an applicant to complete the application process.
- 7) The individual making the request may contact the Deciding Official or the Disability Program Manager concerning the tracking or status of his or her reasonable accommodation request.
- 8) The FDIC will not be expected to adhere to its usual timeframes if an individual's healthcare provider fails to provide needed medical documentation in a timely manner.

C. Denial of Requests for Reasonable Accommodation

1. Written Notice

If a request for reasonable accommodation is denied, the Deciding Official prepares a written notice, in an accessible format, if needed, completes Section II of form FDIC 2710/02 explaining in detail the reason for the denial, provides written instructions on how to submit a request for reconsideration of the denial, and gives a copy to the individual requesting the accommodation and to the Disability Program Manager. In the written notice, the Deciding Official informs the individual of the right to challenge the denial by filing a complaint of discrimination; provides instructions on how to file such a complaint; and explains that, pursuant to the Equal Employment Opportunity (EEO) complaint processing procedures, the right to file a complaint will be lost unless the individual initiates contact with an EEO Counselor within 45 calendar days of the denial. Upon receipt of a written denial, the individual requesting the accommodation may

submit a written request for reconsideration, along with any supporting documentation, to the Reviewing Official within 15 calendar days, with a copy to the Disability Program Manager.

2. Reconsideration

An employee may submit a written request for reconsideration along with supporting documentation to the Reviewing Official or his/her designee. The Reviewing Official processes the request in accordance with the instructions outlined in Reviewing Requests for Reasonable Accommodation > [Processing](#), [Reassignment](#), and [Timeframes for Processing a Request for Reasonable Accommodation](#), as appropriate, within 30 calendar days. The Reviewing Official may uphold, modify, or reverse the decision to deny the reasonable accommodation. If the Reviewing Official decides to deny the request for reasonable accommodation, he or she prepares a written notice, in an accessible format, if needed, that:

- a. Explains the reasons for the denial;
- b. Informs the individual of the right to challenge the denial by filing a complaint of discrimination;
- c. Provides instructions on how to file such a complaint; and
- d. Explains that, pursuant to the EEO complaint processing procedures, the right to file a complaint will be lost unless the individual initiates contact with an EEO Counselor within 45 calendar days of the denial.

The Reviewing Official provides a copy of his or her written decision and the completed Section III of form FDIC 2710/02 to the individual and the Disability Program Manager.

D. EEO Complaints and Grievances

Individuals denied reasonable accommodation may initiate an EEO complaint, as delineated in [FDIC Directive 2710.2, EEOC Discrimination Complaint Procedures](#), by contacting an FDIC EEO Counselor within 45 calendar days of receipt of the initial written denial or receipt of the denial after reconsideration. The FDIC encourages the use of alternative dispute resolution (ADR) to resolve employment-related disputes, including issues concerning requests for reasonable accommodation. Employees may seek participation in the ADR process by contacting an FDIC EEO Counselor in OMWI. Additional information on ADR is located on the OMWI website.

Bargaining unit employees alleging discrimination as the basis for the denial of a reasonable accommodation request may file a grievance under the collective bargaining agreement within 20 business days of receipt of the initial written denial or receipt of the reconsideration decision; or, file a formal EEO complaint as outlined in Directive 2710.2 and described above, but not both.

E. Freedom from Retaliation

The FDIC prohibits retaliation or taking an adverse action against individuals based on requests for or perceived need for a reasonable accommodation.

F. Confidentiality Requirements

Medical documentation relating to requests for reasonable accommodation must be kept confidential and shared only with those who have a valid need to know (e.g., decision makers who make employment decisions consistent with the ADA for necessary accommodation of the individual, first aid and safety personnel during an emergency, and government officials investigating compliance with the regulations, including the OIG). Medical documentation related to requests for accommodations must be kept in files separate from the employee's official personnel file, or any other files kept by managers or the Corporation. Employees who obtain or receive medical documentation are strictly bound by this confidentiality requirement.

G. Recordkeeping Requirements

1. Once a decision has been made on the individual's request or after the reasonable accommodation process is complete, the Deciding Official will:
 - a. Complete Section II of Form 2710/02; and
 - b. Forward the complete case file, including notes, correspondence, medical documentation, and all other associated materials, to the Disability Program Manager.
2. For recordkeeping purposes and to facilitate clear communication, oral requests for a reasonable accommodation should be followed by the requestor completing Section I of form FDIC 2710/02, Request FDIC for Reasonable Accommodation or Barrier Removal and the requestor will be asked to voluntarily complete the Office of Personnel Management's (OPM) Standard Form (SF) 256, Self-Identification of Disability. Form

FDIC 2710/02 and the SF 256 are available in alternative formats accessible to individuals with disabilities. The SF 256 data is essential for effective data collection and analysis of the FDIC's Disability Employment Program and may be submitted, by the employee, by updating their disability status through the personnel system. While, self-identification is voluntary and is not required to request and receive an accommodation, cooperation in providing accurate information is critical to these efforts. The FDIC is obligated to keep medical information confidential. If necessary, a hard copy of the form FDIC 2710/02 can be submitted to the Disability Program Manager and the SF 256 can be submitted to the employee's servicing HR Specialist. For applicants with disabilities, form FDIC 2710/02 will be completed by the HR Specialist.

3. The Disability Program Manager maintains custody of all records, including medical documentation and forms FDIC 2710/02 and SF 256, upon completion of the processing of requests for reasonable accommodation. Absent a legitimate, business need, management does not retain medical documentation associated with requests for reasonable accommodation after forwarding the complete file to the Disability Program Manager. The Disability Program Manager collects and maintains the original files on all requests for reasonable accommodation, which will be used to:
 - a. Protect confidentiality and privacy of the individual;
 - b. Ensure consistency in the handling of requests for reasonable accommodation;
 - c. Measure the FDIC's efforts in supporting its Disability Employment Program; and
 - d. Track the FDIC's processing of requests for reasonable accommodations for purposes of reporting to the U.S. Equal Employment Opportunity Commission.

Responsibilities

A. Employee/Applicant

1. Submits request for reasonable accommodation;
2. Provides medical documentation, upon request from the Deciding Official, Supervisor, or the Disability Program Manager; and
3. Engages in the interactive communication process with the Deciding Official, Supervisor, or Disability Program Manager, as appropriate.

B. Support Coordinator (For Employees with Intellectual disabilities)

1. Assists employees (or applicants for employment) in participating in the reasonable accommodation process; and
2. Promotes the individual's best interest in the workplace.

C. Disability Program Manager

1. Coordinates the reasonable accommodation process;
2. Provides guidance to managers and individuals in seeking and providing reasonable accommodations;
3. Serves as a neutral advisor on requests for reasonable accommodation; and
4. Maintains the original files on requests for reasonable accommodations.

D. Reviewing Official

1. Reviews the Deciding Official's decision when a request for reasonable accommodation is denied and a request for reconsideration is filed by the employee (or applicant for employment);
 - a. Employees – the Reviewing Official is the Deciding Official's first line supervisor;

- b. Applicants in Headquarters – the Reviewing Official is the DOA/HRB Deputy Director;
 - c. Applicants in Regional, Area, and Field Offices – the Reviewing Official is the Regional Human Resources (HR) Manager;
 - d. Applicants with the OIG – the reviewing Official is the Deputy Assistant Inspector General for Management.
2. Has the authority to uphold, modify, or reverse the decision to deny the reasonable accommodation.

E. Deciding Official

1. Decides whether an individual is provided a reasonable accommodation and is responsible for approving an effective reasonable accommodation that does not impose an undue burden on the agency, but is not required to approve the specific accommodation(s) requested by an employee or his or her health care provider:
 - a. Employees – the Deciding Official may be the first level supervisor or another manager in the employee's chain of command; or
 - b. Applicant – the Deciding Official is the Human Resources (HR) Specialist identified in the vacancy announcement.
2. Analyzes the particular job involved, including reviewing the relevant position description and determining its purpose and essential functions;
3. Consults with the individual requesting an accommodation to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
4. Identifies potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position, in consultation with the individual requesting the accommodation;
5. Considers the preference of the individual requesting an accommodation as well as the needs of the FDIC, and selects an appropriate accommodation; and
6. Validates with the employee that the accommodation is effective as implemented.

F. Implementing Office

1. Implements the reasonable accommodation once approval of the reasonable accommodation is received;
2. Indicates the actions taken after full implementation of the approved reasonable accommodation by completing Section IV of form FDIC 2710/02; and
3. Forwards the original form FDIC 2710/02 to the Disability Program Manager and a copy to the Deciding Official.

Appendix

Reasonable Accommodation Resources

FDIC Office of Minority and Women Inclusion

3501 Fairfax Drive
Arlington, VA 22226

- Disability Program Manager for assistance with reasonable accommodation matters; (703) 562-2096; mflint@fdic.gov or DisabilityProgram@fdic.gov.
- Sign Language Interpreting Services for obtaining interpreters; InterpreterDC@fdic.gov.
- Alternative Dispute Resolution for mediation assistance in dispute resolution; (703) 562-6073; mmoran@fdic.gov.
- FDIC EEO Counselor and the EEO Complaint Process for initiating an EEO complaint outlined in 2710.2, EEOC Discrimination Complaint Procedures; (703) 562-6082; (571) 355-1240; or DoBallard@fdic.gov.

FDIC Division of Administration

Corporate Services Branch
3501 Fairfax Drive
Arlington, VA 22226

- Building and facility accessibility.
- Ergonomic workspaces, furniture and equipment; Ergonomic Help Desk at (703) 562-2600 or ergohelpdesk@fdic.gov.

FDIC Division of Information Technology

3501 Fairfax Drive
Arlington, VA 22226

- Computer hardware, software.
- Telecommunication equipment.
- Access to electronic information.

ADA Disability and Business Technical Assistance Centers (DBTACs)

(800) 949-4232 Voice/TTY

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local businesses and disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodation.

Department of Defense's Computer Assistance/Electronic Accommodations Program

(833) 227-3272 Voice; (571) 384-5629 Videophone

<http://www.cap.mil/Default.aspx>

Established by the Department of Defense (DoD) in 1990, CAP provides assistive technology and reasonable accommodations to people with disabilities and wounded Service members. CAP's mission is to ensure that people with disabilities and wounded Service members have equal access to the information environment and opportunities in the DoD and throughout the Federal government. FDIC is a CAP partner agency.

Job Accommodation Network

(800) 232-9675 Voice/TTY

<http://janweb.icdi.wvu.edu/>

A service of the Office of Disability Employment Policy, Department of Labor, JAN can provide information, free-of-charge, about many types of reasonable accommodations, personal assistance services, and referrals to other organizations that may have particular information about accommodations for persons with disabilities.

Registry of Interpreters for the Deaf

(301) 608-0050 Voice/TTY

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 Voice; (703) 524-6639 TTY

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- Information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);
- Centers where individuals can try out devices and equipment;
- Assistance in obtaining funding for and repairing devices; and
- Equipment exchange and recycling programs.

U.S. Equal Employment Opportunity Commission

(800) 669-3362 Voice; (800) 800-3302 TTY

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting reasonable accommodation as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

EEOC guidance documents and resource materials also include:

- The Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000) at <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>; and
- Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (revised October 17, 2002) at <https://www.eeoc.gov/policy/docs/accommodation.html>.

Glossary of Terms

Term	Definition
Accessible Format	Formats that are an alternative to standard print and are accessible to individuals with disabilities, e.g., large print, recorded audio and electronic formats, and Braille.
Deciding Official	The management official who decides whether an individual will be provided a reasonable accommodation. For employees, the Deciding Official may be the first-level supervisor of the individual requesting the accommodation, or another supervisor or manager in an individual's chain of command. For applicants for employment, the Deciding Official is the Human Resources (HR) Specialist identified in the vacancy announcement or as otherwise designated.
Disability	<ul style="list-style-type: none"> ▪ A physical or mental impairment that substantially limits one or more of the major life activities of an individual; ▪ A record of such impairment; or ▪ Being regarded as having such impairment.
Disability Program Manager	The FDIC employee who coordinates the reasonable accommodation process, provides guidance to managers and individuals in seeking and providing reasonable accommodations, and serves as a neutral advisor on requests for reasonable accommodation.
Essential Functions	<p>Job duties fundamental to the position that an individual holds or desires. A job function may be considered "essential" for several reasons including, but not limited to:</p> <ul style="list-style-type: none"> ▪ The position exists to perform the specific job function; ▪ There are a limited number of other employees who could perform the job function; or ▪ The job function is specialized and the individual is hired based on his/her ability to perform that function.

Term	Definition
Federal Occupational Health (FOH)	A non-appropriated agency within the Program Support Center of the U.S. Department of Health and Human Services. The FOH works in partnership with federal organizations to design and deliver comprehensive occupational health solutions exclusively to federal employees. Under a contractual agreement with the FDIC, FOH physicians review some requests for reasonable accommodation, and, when necessary, consult with the requesting individual's healthcare provider(s) concerning the individual's disability and appropriate reasonable accommodations. Depending on their complexity, reasonable accommodation requests may be referred to the FOH for review at the request of the Deciding Official or other appropriate officials.
Has a Record of Such Impairment	The individual has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
Implementing Office	<p>The Division/Office responsible for providing the accommodation, acquiring equipment or services, or making the facilities readily accessible to accommodate individuals with disabilities.</p> <p>For example, DIT is the Implementing Office for computer hardware and software, OMWI provides sign language interpreting services, and DOA ensures facility accessibility and provides ergonomic assessments of employee work spaces, furniture, and equipment.</p>
Individual	Employee or applicant for employment.

Term	Definition
Interactive Process	<p>Flexible communication between management and the individual requesting a reasonable accommodation to identify the precise limitations resulting from the disability, and potential reasonable accommodations that could overcome those limitations. Once an individual has requested a reasonable accommodation, management:</p> <ul style="list-style-type: none"> ▪ Analyzes the particular job involved, including reviewing the relevant position description and determining its purpose and essential functions; ▪ Consults with the individual requesting an accommodation to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation; ▪ In consultation with the individual requesting an accommodation, identifies potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and, ▪ Considers the preference of the individual requesting an accommodation as well as the needs of the FDIC, and selects and implements an appropriate accommodation, which may or may not be the requested accommodation. <p>In some instances, the appropriate reasonable accommodation may be so obvious that it may be unnecessary to proceed in this step-by-step fashion; for example, if an employee who uses a wheelchair requests that his or her desk be placed on blocks to elevate the desktop. In other instances, however, neither the individual requesting the accommodation nor management may be able to readily identify an appropriate accommodation. Under such circumstances, it may be necessary for management to initiate a problem-solving process, such as the step-by-step interactive process described above, as part of the effort to identify an appropriate reasonable accommodation.</p>

Term	Definition
Major Life Activities	Include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
Mental Impairment	A mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
Physical Impairment	A 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, hemic and lymphatic, skin, and endocrine.
Qualified Individual with a Disability	<p>One who:</p> <ul style="list-style-type: none"> ▪ Satisfies the requisite skill, experience, education, and other job-related requirements of the position the individual holds or desires; and ▪ Is able to perform the essential functions of the position with or without a reasonable accommodation.

Term	Definition
Reasonable Accommodation	<p>Modifications/adjustments:</p> <ul style="list-style-type: none"> ▪ To the job application process to enable a qualified applicant with a disability to be considered for the position he or she desires; ▪ To the work environment, or the way in which the position held or desired is customarily performed, to enable a qualified individual with a disability to perform the essential functions of the position; or ▪ That enable an employee with a disability to enjoy equal benefits and privileges of employment. <p>Such modifications/adjustments may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Making existing facilities readily accessible to, and usable by, individuals with disabilities; and ▪ Job restructuring; part-time or modified work schedules; reassignment to a vacant, funded position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
Reassignment	<p>A reasonable accommodation of last resort that, absent undue hardship, the FDIC will consider if it determines that no other reasonable accommodation would permit an employee to perform the essential functions of his or her current job. The placement of an employee in a vacant, funded position, without competition, for which the employee is qualified and can perform the essential functions, regardless of geographic location. If a position of an equal grade is not available, an employee may voluntarily accept a change to a lower grade, vacant, funded position, regardless of geographic location, for which the employee is qualified.</p>

Term	Definition
Reviewing Official	<p>The management official who reviews the Deciding Official's decision when a request for reasonable accommodation is denied and the individual requesting the accommodation files a request for reconsideration. The Reviewing Official has the authority to uphold, modify, or reverse the decision to deny the reasonable accommodation.</p> <p>For reasonable accommodation requests from employees, the Reviewing Official is the Deciding Official's first level supervisor or designee. For applicants for employment in Headquarters offices, the Reviewing Official is the Deputy Director, Human Resources Branch (HRB), DOA, or designee. For Regional, Area and Field Office applicants, the Reviewing Official is the Regional HR Officer. For applicants for employment with the OIG, the Reviewing Official is the Deputy Assistant Inspector General for Management or his/her designee.</p>
Substantially Limits	<p>The person is:</p> <ul style="list-style-type: none"> ▪ Unable to perform a major life activity that an average person in the general public can perform; ▪ Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the general population. <p>The following factors are considered in determining whether an individual is substantially limited in a major life activity:</p> <ul style="list-style-type: none"> ▪ The nature and severity of the impairment; ▪ The duration or expected duration of the impairment; and ▪ The permanent or long-term impact or the expected permanent or long-term impact of the impairment.

Term	Definition
Support Coordinator	<p>An individual assigned to:</p> <ul style="list-style-type: none"> ▪ Assist employees with intellectual disabilities in participating in the reasonable accommodation process; and ▪ Promote the employee's best interest in the workplace.
Undue Hardship	<p>Significant difficulty or expense the FDIC would incur if it provided a particular accommodation. The FDIC is not required to provide an accommodation that causes undue hardship. Determination of undue hardship is always considered on a case-by-case basis. The criteria to be considered in determining undue hardship include the:</p> <ul style="list-style-type: none"> ▪ Nature and cost of the accommodation; ▪ Overall size of the organization. ▪ Number of employees, facilities, and size of the budget; ▪ Type of operation, including composition and structure of the work force; and, ▪ Impact of the accommodation on the operation of the office, including the impact on the ability of other employees to perform their duties, and the impact on the office's ability to conduct business.

Glossary of Acronyms

Acronym	Definition
ADA	Americans with Disabilities Act
ADR	Alternative Dispute Resolution
CAP	Computer/Electronic Accommodations Program
DBTACs	ADA Disability and Business Technical Assistance Centers
DIT	Division of Information Technology
DOA	Division of Administration
DoD	Department of Defense
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FOH	Federal Occupational Health
HR	Human Resources
HRB	Human Resources Branch
JAN	Job Accommodation Network
LEAS	Labor, Employment, and Administration Section

Acronym	Definition
LERS	Labor and Employee Relations Section
OIG	Office of Inspector General
OMWI	Office of Minority and Women Inclusion
RESNA	Rehabilitation Engineering and Assistive Technology Society of North America
SF	Standard Form
TTY	Text Telephone