



## Department of Energy

Washington, DC 20585

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### MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM:

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CHIEF HUMAN CAPITAL OFFICER

SUBJECT:

Policy Memorandum #100B, *Reasonable Accommodation*

This policy memorandum (PM) establishes the Department of Energy's (DOE) procedures for responding to requests for reasonable accommodations (RA) based on a disability, as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA) or a religious accommodation request. This PM has been updated to expressly state in the Requirements section that a copy of these procedures and associated forms will be available upon request by job applicants and DOE employees in alternative formats that are accessible to individuals with disabilities as well as in formats that are capable of printing. Additionally, this PM has been updated to reflect the new organizational title for the Office of Policy, Labor, and Employee Relations (OPLER). This memorandum rescinds Policy Guidance Memorandum #100A, *Reasonable Accommodation*, dated October 12, 2021.

Questions concerning this PM should be directed to Kim Edens, Employee Relations Policy Manager, OPLER, at (202) 368-5012 or [Kim.Edens@hq.doe.gov](mailto:Kim.Edens@hq.doe.gov). An electronic version, capable of being downloaded for printing, is available on [DOE Reasonable Accommodation Procedures](#) and [HCnet](#). For additional accessible formats including all attachments, please contact [ReasonableAccommodationOPLER@hq.doe.gov](mailto:ReasonableAccommodationOPLER@hq.doe.gov).





INTEGRITY - INNOVATION - COLLABORATION - ACCOUNTABILITY - RESPECT - EXCELLENCE

# POLICY MEMORANDUM #100B

## REASONABLE ACCOMMODATION



U.S. DEPARTMENT OF  
**ENERGY**

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## PURPOSE

This policy memorandum (PM) establishes the Department of Energy's (DOE) procedures for processing requests for reasonable accommodations (RA) based on a disability, as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA), and religious accommodation requests.

This PM has been updated to expressly state in the Requirements section that a copy of these procedures and associated forms will be available upon request by job applicants and DOE employees in alternative formats that are accessible to individuals with disabilities as well as in formats capable of printing. Additionally, this PM has been updated to reflect the new organizational title for the Office of Policy, Labor, and Employee Relations. This memorandum rescinds Policy Guidance Memorandum #100A, *Reasonable Accommodation*, dated October 12, 2021.

## APPLICABILITY

This PM applies to all DOE employees and applicants for employment with DOE. Contract workers should contact their employing company to initiate an RA request. Employees covered by a Collective Bargaining Agreement (CBA) may be subject to additional procedures and requirements based on their respective CBA.

## EXEMPTIONS

There are no exemptions to this PM.

## BACKGROUND

It is DOE's policy to give qualified employees and applicants with disabilities enhanced opportunities to access the employment process and to enjoy the benefits and privileges of meaningful work that all DOE employees share. In carrying out its goal to be a model employer of persons with disabilities, the Department promotes full access, consideration, integration, promotion, and retention of persons with disabilities, across the broad range of its workforce. DOE's commitment to providing RA to qualified employees and applicants with disabilities, and providing religious accommodation to all employees, is consistent with applicable laws, Executive Orders (EO), regulations, and Equal Employment Opportunity Commission (EEOC) guidance. The timeframes established in this PM are consistent with EEOC requirements to ensure an employer responds expeditiously to RA requests. Failure to provide an accommodation promptly may violate the Rehabilitation Act.

## REQUIREMENTS

### A. GENERAL REQUIREMENTS:

- 1) DOE is required to provide an RA to enable DOE employees with disabilities or religious beliefs to perform the essential functions of their jobs unless doing so would cause the Department undue hardship.
- 2) DOE is required to provide Personal Assistance Services (PAS) to both current and new DOE employees with certain targeted disabilities. DOE is responsible for providing PAS even if an

existing employee has arranged for their own PAS in the past. See [Attachment 2, Personal Assistance Services](#) for additional requirements related to PAS.

- 3) DOE is required to provide an RA to enable applicants with disabilities to be considered for job openings unless doing so would cause the Department undue hardship. See [Attachment 3, RA Process for Applicants](#) for requirements related to requesting an RA for applicants.
- 4) DOE is required to post and make available an electronic version of this PM to all DOE employees and applicants in written and accessible formats. An electronic version, capable of being downloaded for printing, is available on [energy.gov](http://energy.gov) and [HCnet](http://HCnet). For additional accessible formats including all attachments, please contact [ReasonableAccommodationOPLER@hq.doe.gov](mailto:ReasonableAccommodationOPLER@hq.doe.gov).
- 5) Each RA request from an employee receives an individual analysis and determination by the [Designated Management Official \(DMO\)](#), who is normally the first level Supervisor, with assistance from the assigned [Local Reasonable Accommodation Coordinator \(LRAC\)](#).
- 6) The DMO must obtain the advice and assistance from the LRAC assigned to their organization and follow the processes detailed within this PM.
- 7) The applicable Office of the General Counsel (OGC) should be consulted throughout the RA process; in certain circumstances, OGC consultation is mandatory.
- 8) The timeline for approving or denying an RA starts as soon as the RA is first requested. Absent any extenuating circumstances, all RA requests will be processed expeditiously. Failure to process the request in the most expeditious manner possible may result in a violation of the Rehabilitation Act, 29 U.S.C. § 701 et seq.

## B. REQUESTING AN RA:

- 1) A DOE employee (herein referred to as “Requestor”) may initiate an oral or written RA request with their Supervisor or their assigned LRAC at any time.
  - a. Although the initial request does not have to be made in any specific format, once the RA evaluation process commences, employees will be required to use DOE’s RA templates to help ensure expediency of processing (see [Template A.1, Request for RA](#); [Template A.2, Request for RA \[Religious\]](#); [Template A.3, Request for a Religious Exception to the COVID-19 Vaccination Requirement](#); and [Template A.4, Request for a Medical Exception to the COVID 19 Vaccination Requirement](#)).
  - b. Requestors do not need to include specific words such as “reasonable accommodation,” “disability,” or “religion” in their request; however, they should be able to identify their disability or religious belief, describe the impact it has on performing the essential functions of their position, and specify the requested accommodation. Likewise, requests for PAS do not need to explicitly use the term “personal assistance services” or “PAS” to trigger the Supervisor’s obligation to consider this type of request.
- 2) A third party, such as a family member, health professional, or friend may request an RA on behalf of an employee with a disability.
  - a. When a third party requests an RA on behalf of an employee, the LRAC will confirm the request for RA with the employee before proceeding.

- b. If this is not possible because, for example, the employee has been hospitalized temporarily in an acute condition, the LRAC will process the third-party request, as appropriate, and consult with the employee as soon as practicable.
- 3) The Supervisor or DMO must forward the RA request to the LRAC within a reasonable period, normally **within two (2) business days** of receipt.
- 4) The LRAC will confirm receipt of the RA request in writing (see [Template B.1, Acknowledgement of Receipt of RA Request](#), and [Template B.2, Acknowledgement of Receipt of RA Request \[Religious\]](#)) to the Requestor, copying the DMO, within a reasonable period, normally **within five (5) business days**.
- 5) If a Requestor submits an RA request during an administrative action (i.e., disciplinary/performance action), and it is determined the individual has a disability or religious belief contributing to the circumstances leading to the action, management must evaluate the request in conjunction with the administrative action.
  - a. While not required, a decision to temporarily suspend an administrative action until the RA process is complete is at the discretion of management and should be made on a case-by-case basis in consultation with an Employee Relations (ER) Specialist.
  - b. An RA request does not require management to tolerate or excuse poor performance or misconduct, withhold disciplinary action (including termination) warranted by poor performance or misconduct, or raise a performance rating.
- 6) If a Requestor requests an RA from an office providing administrative services, then that office must contact the Requestor's Supervisor immediately to initiate the RA process.

### C. INTERACTIVE PROCESS:

- 1) The Requestor, LRAC, and DMO will engage in an interactive process on the proposed accommodation as well as the impacts, needs, and feasibility of the request. OGC may be consulted by the LRAC throughout the process; in certain circumstances, OGC consultation is mandatory.
  - a. The interactive process requires participation, open communication, and ongoing dialogue between the Requestor, LRAC, DMO, and other appropriate parties.
- 2) The LRAC will promptly request that the DMO complete [Template C, Essential Functions](#). This request normally takes place at the same time the LRAC acknowledges receipt of the RA request. The DMO has **five (5) business days** from receipt of the RA request to complete [Template C](#).
  - a. The DMO and the LRAC will review the Requestor's functional limitations and the position's essential functions, and in discussion with the Requestor, identify possible RAs that will enable the Requestor to perform the essential functions of the position or access the benefits and privileges of employment.
  - b. The first-level Supervisor may be required to complete [Template C](#) even if they are not serving as the DMO.
- 3) The LRAC may need to ask the Requestor relevant questions, such as:
  - a. What is the nature of the disability or religious accommodation?

- b. Do you know what type of accommodation is needed? The LRAC will discuss or recommend possible effective accommodations, as the Requester does not need to have a specific accommodation in mind.
  - c. What is the functional or religious limitations?
  - d. What are the [workplace barriers](#)?
  - e. If the disability is not readily apparent, the LRAC will request medical documentation (see [Template D, Initial Request for Medical Documentation](#), and [Attachment 4, Medical Documentation](#)). Likewise, the LRAC may request additional information or documentation about a religious practice or belief, which may require documentation from a religious or spiritual leader (see [Template A.2, Request for Accommodation \[Religious\]](#)).
- 4) If the LRAC requests medical documentation, the Requestor has **45 calendar days** to submit the medical documentation to the LRAC.
- a. If the Requestor fails to provide [sufficient medical documentation](#) within 45 calendar days of the LRAC's request, the LRAC may close the RA request (see [Template I, Administrative Closure of RA Request](#)). If sufficient medical documentation is provided to the LRAC after administrative closure, then the request will be reopened and processing will continue.
  - b. If the LRAC asks the Requestor to submit additional medical documentation from an appropriate health care professional, then the processing period will be paused for a reasonable period in order for the Requestor to acquire and submit it. The DMO may provide an interim accommodation while waiting on the requested medical documentation.
- 5) The LRAC will provide guidance to assist the DMO in deciding on the request, drafting a response for the DMO to issue to the Requestor, and obtaining OGC's concurrence on the response, as required.
- 6) The DMO has the discretion to choose the accommodation when more than one effective accommodation is identified.
- 7) Reasons an RA request may be denied include, but are not limited to:
- a. The Requestor is not a qualified individual with a disability.
  - b. The requested accommodation will:
    - i. Remove an essential function of the job;
    - ii. Not be effective; or
    - iii. Result in [undue hardship](#) or a [direct threat](#).
      - 1. Initial undue hardship determinations must be made by the LRAC, based on input from the DMO. Denials based on undue hardship must be reviewed by the Director, Office of Employee and Labor Relations, Policy, and Oversight. Factors the DMO must consider in assessing undue hardship include:
        - a. The nature and net cost of the accommodation;

- b. DOE's overall size and financial resources (the resources of the entire Department, excluding those designated by statute for a specific purpose that does not include an RA must be considered when determining if an accommodation imposes significant cost that may result in a denial of the RA; it is not simply the budget of a specific office or Departmental Element);
  - c. The type of operation and the impact of the accommodation upon the operation;
  - d. The impact on other employees' ability to perform their duties and the agency's ability to conduct business; and
  - e. The number of employees within a work unit requesting an accommodation.
2. Factors the DMO must consider in assessing a direct threat include:
- a. The duration of the risk;
  - b. The nature and severity of the potential harm;
  - c. The likelihood that the potential harm will occur; and
  - d. The imminence of the potential harm.
- 8) The LRAC must consult with and obtain OGC concurrence in any denial of an RA Request.

## D. RESOLVING RA REQUESTS:

- 1) All decisions regarding RA requests (i.e., to either provide a requested accommodation or deny the request) will be communicated to the Requestor in writing (see [Template G, RA Determination](#)) **within 30 calendar days** of the initial request. When medical documentation is requested, a decision will be communicated **within 30 calendar days** of receipt of sufficient medical documentation.
- a. When extenuating circumstances are present (e.g., events that are not reasonably foreseeable or avoidable, or are beyond the Requestor's or DOE's ability to control), the time for processing the request and providing the accommodation will be extended as reasonably necessary.
  - b. If the Requestor's health professional fails to provide the documentation in a timely manner, adhering to the usual timeframes for processing an RA request may not be possible. The 30-day timeframe will be paused from the date medical documentation is requested, to the date when the documentation is received.
  - c. The LRAC must notify the Requestor in writing of the reason for any delay in processing the request or providing the RA, as well as the conditions needed to move forward and the anticipated date to move forward.
- 2) It is expected the DMO will issue a decision and provide an effective accommodation in a much shorter timeframe with a simple or less complex request, or a request requiring prompt action. Such examples may include providing an accommodation to enable an applicant to apply for a position or for an accommodation needed for a specific workplace activity scheduled to occur



shortly. If the request contains both a simple item and a complex item, the simple part of the request may be fulfilled prior to fulfilling the more complicated part. For example, an employee with limited dexterity may need both a simple trackball and a complex computer-related accommodation, such as speech-recognition software.

- 3) If the DMO grants the RA request, the LRAC will discuss implementation of the accommodation with the Requestor.
  - a. A decision to provide an effective accommodation other than the one the individual specifically requested is within the DMO's discretion. In such a case, the DMO's granting of an alternative accommodation will be considered a decision to grant the accommodation.
  - b. If the Requestor believes an alternate accommodation is not effective, the Requestor may seek review under the options noted in Requirements [Section E](#) of this PM.
- 4) If the DMO denies a request for accommodation (see [Template H, Denial of Requested Accommodation](#) or [Template H.1, Denial of Requested Accommodation to the COVID-19 Vaccination Requirement](#)), the written decision will clearly state the specific reason(s) for the denial and provide notice of appeal rights, including the right to file an EEO complaint and invoke other statutory processes, as appropriate.
  - a. Before the DMO can officially deny an accommodation request, the LRAC must submit the draft denial to OGC for concurrence.
  - b. The written denial will be provided in accessible formats upon request.
- 5) In certain circumstances, the DMO may provide accommodation on an expedited, temporary, provisional, or trial basis (i.e., an interim accommodation). The DMO may grant an interim accommodation while considering a request for accommodation, determining whether an accommodation is effective, or waiting to implement an approved accommodation (see [Template J, Interim Accommodation](#)).
  - a. When providing an interim accommodation, the DMO, with assistance from the LRAC, must advise the Requestor in writing that the accommodation is temporary and provisional.
  - b. The DMO must also specify that the interim accommodation will expire and, to the greatest extent possible, when it will expire (e.g., on a specific date, after the installation of appropriate assistive technology).
  - c. Providing an interim accommodation while awaiting medical documentation is not a presumption of a disability. A final determination will be made once sufficient medical documentation has been received.
- 6) When all facts and circumstances are known to DMO that makes it reasonably likely the Requestor's RA will be granted but the accommodation cannot be provided immediately, DMO will provide the Requestor with an interim accommodation that allows the person to perform some or all of the essential functions of the job, absent undue hardship.

## E. RECONSIDERATION AND APPEALS PROCESS:

- 1) If a request for an RA is denied, or the Requestor believes an alternate accommodation is not effective, the Requestor may submit a request for reconsideration.
- 2) A request for reconsideration must be submitted via email to the LRAC **within seven (7) business days** of the Requestor's receipt of the RA determination. Requestors have the right to request reconsideration of a denial of the requested accommodation or the alternative accommodation offered by the DMO.
- 3) **Within two (2) business days** of receiving the request for reconsideration, the LRAC will contact the second-line Supervisor of the employee, or a higher-level official in the chain of command of the DMO, to serve as the Reconsideration DMO and provide a reconsideration decision. The LRAC will provide the following documents to the Reconsideration DMO:
  - a. Reconsideration request;
  - b. Original request ([Template A](#)), redacting any medical information;
  - c. Essential functions documentation ([Template C](#));
  - d. Determination documentation ([Templates G, H, and J](#)); and
  - e. Performance Plan and Position Description (if used as part of the interactive process).
- 4) **Within five (5) business days** of receiving the request for reconsideration, the LRAC will schedule a meeting with the Requestor, the DMO, and the Reconsideration DMO to discuss the basis for the reconsideration request and review the documents to be considered.
- 5) The Reconsideration DMO has **14 business days** to review the request and issue a decision to the Requestor.
  - a. The Reconsideration DMO will review the documents and any new information, in consultation with the LRAC, and obtain OGC concurrence prior to issuing the reconsideration decision.
  - b. The LRAC will draft the written decision for the Reconsideration DMO to issue to the Requestor.
  - c. Reconsideration decisions partially modifying the original determination must thoroughly address the overall final determination.
  - d. The Reconsideration DMO decision is the final step in the formal RA process and procedure.
- 6) To file an EEO complaint for disability discrimination based on a denial of a requested RA, or based on any of the other protected classes, an employee or applicant must contact the EEO Office within **45 calendar days** of the triggering event, pursuant to 29 CFR Part 1614.
- 7) Unions are responsible for representing the interests of bargaining-unit employees. A bargaining unit employee may ask a Union Representative to act as their representative in conveying information to and from management, and they may choose to disclose personal or medical information regarding their own disability or medical condition to enable the Union Representative to fulfill their role. If an employee has a Union Representative, the employee

must provide written designation of representation (see [Template M, Designation of Union Representative](#)).

- 8) Bargaining unit employees may file a negotiated grievance in accordance with their applicable CBA. When negotiated procedures are in place, the negotiated procedures prevail in the event there is a conflict between this PM and the applicable CBA. Employees are encouraged to discuss any potential implications of seeking to file both a grievance and an EEO complaint with their Union Representative.

## F. REASSIGNMENT AS REASONABLE ACCOMMODATION OF LAST RESORT (RALR):

- 1) RALR will only be considered when the DMO determines there are no available accommodations permitting the Requestor to perform the essential functions of their current position or the available accommodations would cause undue hardship.
  - a. A Requestor's rejection of an RA or effective alternative accommodation does not make them eligible for a reassignment.
  - b. A reassignment is made only to a vacant funded position and is available to an employee who is minimally qualified for the identified position based on the U.S. Office of Personnel Management's (OPM) qualification standards. An employee is minimally qualified for a position if they:
    - i. Satisfy the requisite skill, experience, education, and other job-related requirements of the position; and
    - ii. Can perform the essential functions of the new position, with or without RA.
- 2) The DMO will initiate the RALR process by notifying the LRAC (see [Template L, DMO Reassignment Request](#)).
- 3) The LRAC will work with the Requestor to document their preferences and limitations for reassignment (see [Template K, Employee Limitations on Reassignment](#)) and will request other documentation, as needed (e.g., an updated resume).
  - a. If the Requestor fails to provide the requested documentation **within three (3) business days** of the LRAC's request, the search for vacant positions will be based on the Requestor's current PD or last resume or application on file in their eOPF.
- 4) The LRAC will inform the Requestor in writing of the following:
  - a. DOE will look for positions of equivalent tenure, pay, and grade when available;
  - b. Assignments to lower graded or lower paying positions will be considered if no other position is available, or will be available, within the search period;
  - c. Reassignment into a vacant position is contingent upon availability; therefore, the Requestor may be offered a position outside of their stated preference;
  - d. The Department is not required to provide training to a Requestor to help them become qualified for a position; however, DOE must provide a Requestor with training normally provided to an employee hired for, or transferred into, a similar position;
  - e. For positions requiring a medical clearance, the Requestor must provide the LRAC with sufficient medical information confirming their clearance to return to duty;

- f. If a Requestor accepts a position in a different commuting area, they will pay for their own relocation expenses, unless Permanent Change of Station (PCS) expenses are routinely paid when granting voluntary reassignments to other employees or payment of PCS expenses was advertised in the vacancy announcement; and
  - g. If a position is not found, the LRAC and Requestor's Supervisor must contact the servicing ER Specialist to discuss next steps.
- 5) The LRAC will contact the applicable Servicing Human Resources Office/Shared Service Center (SHRO/SSC), requesting they initiate a local search for vacant positions under the RALR process. If no positions are identified during the local search, the LRAC will contact the Human Capital (HC) Policy Division to initiate a Department-wide search. In both cases, the LRAC will provide the request for reassignment, completed [Template K](#), Requestor resume, and other relevant documents.
  - a. The search for a vacant position can take up to 60 calendar days, which includes 30 calendar days for the local search for vacant positions in the servicing population of the SHRO/SSC followed by 30 calendar days for the Department-wide search (see [Attachment 5, Local RALR Search](#) and [Attachment 6, Department-wide RALR Search](#)).
  - b. Reassignments within a Departmental Element should be considered before reassignments outside the Departmental Element.
  - c. SHRO/SSCs must consult the HC Policy Division for help determining whether the Uniformed Services Employment and Reemployment Rights Act (USERRA) applies.
- 6) During the position search period, the Requestor's first-level Supervisor will determine, with assistance from the LRAC and applicable SHRO/SSC, if the Requestor can remain on duty or be placed on administrative leave.
- 7) If by the end of the 60-calendar day search, there are no vacant positions identified that the Requestor is minimally qualified for or able to perform with or without an RA, the HC Policy Division will inform the LRAC that no vacant positions have been identified and the RALR process is closed. The LRAC will inform the Requestor in writing and work with the Requestor's Supervisor to coordinate the next steps with the servicing ER Specialist. Next steps may include a non-disciplinary adverse action proposal for medical inability to perform.
- 8) If a vacant position is identified during the RALR search, pay retention may apply. OPM has determined that reassignments under the RA process are not considered an "action" at the employee's request; therefore, pay retention must be considered. Pay will be set in accordance with DOE's pay setting policy and each pay setting case may be different based upon the Requestor's circumstances.

## G. FUNDING:

- 1) Most requests for RA are provided at no cost and involve only a modification of a policy or procedure. Some accommodations may incur a single cost, such as hardware, while others may incur a recurring fee, such as sign language interpreters or PAS.
- 2) Funding for accommodations is provided by the applicable Departmental Element.
  - a. Each Departmental Element should set aside funds on a yearly basis to cover the costs of any equipment, services, or training needed to provide RAs.

- b. The LRAC can assist with estimating yearly budgets based on previous requests for recurring costs or single purchases.
- 3) For individual RA requests, the DMO should work with the LRAC to address funding questions.
- 4) Hardware, software, devices, furniture, and other items purchased by DOE as an accommodation are the property of DOE. The employee or applicant may not use the items for a purpose or in a manner not originally intended without DOE's approval.

## H. CONFIDENTIALITY AND TRACKING REQUIREMENTS:

- 1) All aspects of the RA process must be kept confidential. This includes the initial request, the decision, the disability, and any medical information obtained during the process. The act of requesting an accommodation is considered a protected activity and should not be disclosed except to those with a need to know.
- 2) Under limited circumstances, confidential medical information may be disclosed to:
  - a. Supervisors and Managers who need to know the necessary work restrictions and about the necessary accommodation(s);
  - b. Safety and Emergency personnel if the disability may require emergency treatment;
  - c. Government officials who investigate the RA Program for compliance with the Rehabilitation Act;
  - d. Workers' compensation offices or insurance carriers; and
  - e. EEO Officials to maintain records.
- 3) DOE will keep records it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to EEOC upon EEOC's request.
- 4) Documents will be collected and maintained under the relevant Privacy Act System of Records. Documents associated with an RA are stored in a confidential RA file. The LRAC will maintain all medical information obtained in connection with a request for RA. Supervisors are specifically prohibited from storing any RA related documents in any employee file. Documents associated with religious accommodation requests are stored in a confidential file maintained by the OGC.
- 5) Those who obtain or receive such information as part of the accommodation process are strictly bound by confidentiality requirements.
- 6) LRACs are responsible for tracking and retaining records related to anyone who has requested an RA.
  - a. LRACs will create and track all RA cases in the designated system of record: the Labor Management Employee Relation Case Management System (LMER CMS) or the Human Resources Management Information System (HRMIS).
  - b. These records must include details about each request for the RA, including, at a minimum:
    - i. The specific RA requested;

- ii. The position (occupational series, grade level, and agency component) sought by the Requestor;
  - iii. Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;
  - iv. Whether the request was granted (which may include an accommodation different from the one requested) or denied;
  - v. If denied, the basis for such denial;
  - vi. The identity of the DMO and reconsideration DMO, if applicable; and
  - vii. The number of days taken to process the request.
- c. Medical documentation and other information related to accommodation requests should be destroyed:
- i. Upon the Requestor's departure from the Department;
  - ii. In accordance with timeframes established by the General Records Schedule; or
  - iii. In accordance with legal hold timelines if there is a pending third-party case.

## ROLES AND RESPONSIBILITIES

### A. REQUESTORS WILL:

- 1) Submit requests for an RA to their LRAC or their first level Supervisor;
- 2) Adhere to the timelines outlined in this PM to the extent practicable, absent extenuating circumstances;
- 3) Provide sufficient medical documentation to the LRAC, as needed, in a timely manner to support the request for accommodation; and
- 4) Actively participate in the interactive process with the DMO and LRAC to determine an appropriate accommodation and identify available resources (see [Attachment 8, RA Resources](#)).

### B. LOCAL REASONABLE ACCOMMODATION COORDINATORS WILL:

- 1) Advise and guide applicants (see [Attachment 3, RA Process for Applicants](#)), Requestors, DMOs, Supervisors/Managers, and other employees on their responsibilities under this PM;
- 2) Consult with the applicable OGC for guidance and concurrence, when necessary;
- 3) Seek review of proposed RA denials based on undue hardship from the Director, Office of Employee and Labor Relations, Policy, and Oversight;
- 4) Ensure timely processing and tracking of RA requests;
- 5) Accurately document the timeline of cases, including when processing is paused and reasons for any extended delays in processing the request;
- 6) Identify whether medical documentation is needed and request such information, as necessary;

- 7) Provide administrative support, including drafting responses, to DMOs and Reconsideration DMOs;
- 8) Process and facilitate reconsideration requests;
- 9) Collaborate with the appropriate SHRO/SSC to conduct a local search and the HC Policy Division to conduct a DOE-wide search to administer applicable reassignment processes;
- 10) Adhere to the timeframes outlined in the PM to the extent practicable, absent extenuating circumstances;
- 11) Train and brief Supervisors/Managers and employees on the RA process and procedures, as requested;
- 12) Maintain RA cases in the LMER CMS or HRMIS in accordance with the requirements of this PM; and
- 13) Maintain tracking data for reporting requirements.

### **C. FIRST LEVEL SUPERVISORS/MANAGERS WILL:**

- 1) Serve as the DMO for RA requests;
- 2) Forward all RA requests to the LRAC within two (2) business day of receipt;
- 3) Complete [Template C](#) within five (5) business days;
- 4) Actively and promptly participate in the interactive process, along with the LRAC and the Requestor, to determine the appropriate accommodation;
- 5) Adhere to the timeframes outlined in the PM to the extent practicable, absent extenuating circumstances;
- 6) Issue the RA decision to the Requestor; and
- 7) Receive the Requestor's response and forward it to the LRAC.

### **D. SECOND-LEVEL SUPERVISORS/MANAGERS WILL:**

- 1) Serve as the Reconsideration DMO for denials of requests for RA;
- 2) Review all RA case documentation in accordance with this PM; and
- 3) Issue a reconsideration decision, after consultation with the LRAC and OGC, within 14 business days.

### **E. SERVICING HUMAN RESOURCES OFFICE/SHARED SERVICE CENTER WILL:**

- 1) Coordinate with the LRAC when a local search is necessary in response to an RALR request;
- 2) Coordinate with the HC Policy Division when a DOE-wide search is necessary in response to an RALR request;
- 3) Review vacant positions within their servicing population to determine reassignment opportunities for RALR requests;
- 4) Reassign the Requestor to an appropriate vacant position, should they accept the offer;

- 5) Address next steps with the servicing ER Office if the RALR process does not result in placement of the Requestor;
- 6) Contact the LRAC immediately when an applicant requests a change or adjustment to the application or interview process due to a disability, in accordance with [Attachment 3, RA Process for Applicants](#);
- 7) Maintain appropriate records management in accordance with timeframes established by the General Records Schedule, or in accordance with legal hold timelines if there is a pending third-party case.

#### **F. OFFICE OF GENERAL COUNSEL WILL:**

- 1) Provide legal advice and guidance to the LRAC and the DMO, as required and as needed;
- 2) Provide legal analysis for undue hardship cases and direct threat cases to ensure the proposed decision is legally compliant;
- 3) Provide concurrence on denials of RA requests, including cases where an alternate accommodation was granted, or recommend to the DMO the need to find an alternate accommodation; and
- 4) Provide guidance and legal analysis to the Reconsideration DMO on all reconsideration cases.

#### **G. HUMAN CAPITAL POLICY DIVISION WILL:**

- 1) Work with the LRAC to obtain the necessary information to initiate a Department-wide search for a vacant position to support RALR;
- 2) Review vacant positions, Department-wide, to determine reassignment opportunities for RALR;
- 3) Address objections to positions found via the Department-wide RALR process;
- 4) Maintain the [RA Reassignment List](#) on HCnet for a list of vacant positions; and
- 5) Provide consultation to SHRO/SSC POCs regarding USERRA application to the RALR process, as needed.

#### **H. OFFICE OF ECONOMIC IMPACT AND DIVERSITY (ED) WILL:**

- 1) Conduct objective and unbiased audits of the RA Program;
- 2) Collaborate with OPLER to design and deliver training and training products on RA;
- 3) Recommend changes to the RA Program for OPLER consideration;
- 4) Independently prepare and respond to EEOC RA reporting requirements, such as the MD-715 Report, data calls, etc., based on data provided by OPLER; and
- 5) Request and gather data from OPLER for miscellaneous data calls and reports to provide to the requesting agency.

#### **I. OFFICE OF POLICY, LABOR, AND EMPLOYEE RELATIONS (OPLER) WILL:**

- 1) Maintain this PM in accordance with applicable regulations and best practices;



- 2) Respond to technical questions regarding this PM;
- 3) Review proposed RA denials based on undue hardship;
- 4) Cooperate with ED in their audit of the RA Program;
- 5) Disseminate RA information online to applicants, employees, and Supervisors;
- 6) Collaborate with ED to design and deliver RA training and training products for employees and Supervisors;
- 7) Maintain a current [list of LRACs](#) on [energy.gov](#);
- 8) Facilitate training for LRACs to deliver to their servicing area; and
- 9) Respond to RA related data calls.

## ADDITIONAL INFORMATION

Questions concerning this PM should be directed to Kim Edens, Employee Relations Policy Manager, Office of Policy, Labor, and Employee Relations, at (202) 368-5012 or [Kim.Edens@Hq.Doe.Gov](mailto:Kim.Edens@Hq.Doe.Gov).

## REFERENCES

- 1) [Rehabilitation Act of 1973](#)
- 2) [Americans with Disabilities Act of 1990](#)
- 3) [Americans with Disabilities Act Amendments Act of 2008](#)
- 4) [Executive Order 13164](#), *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*, dated July 2000
- 5) [29 CFR § 1614](#) – Federal Sector Equal Employment Opportunity
- 6) [29 CFR § 1630](#) – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
- 7) [EEOC Management Directive 715 \(EEO MD-715\)](#), dated October 2003

## LIST OF TEMPLATES

All the templates listed below are available on the Hcnet [PM #100A page](#).

- A1. Request for Reasonable Accommodation
- A2. Request for Reasonable Accommodation (Religious)
- A3. Request for Religious Exception to the COVID-19 Vaccination Requirement
- A4. Request for Medical Exception to the COVID-19 Vaccination Requirement
- B1. Acknowledgement of Receipt of Reasonable Accommodation Request
- B2. Acknowledgement of Receipt of Reasonable Accommodation Request (Religious)
- C. Essential Functions
- D. Initial Request for Medical Documentation

- E. Request for Supplemental Medical Documentation
- F. Authorization for Limited Release of Medical Information
- G. Reasonable Accommodation Determination
- H. Denial of Requested Accommodation
- I. Administrative Closure of Reasonable Accommodation
- J. Interim Accommodation
- K. Employee Limitations on Reassignment of Last Resort
- L. Designated Management Official Reassignment Request
- M. Designation of Union Representative

## LIST OF ATTACHMENTS

- 1) [Key Terms and Definitions](#)
- 2) [Personal Assistance Services \(PAS\)](#)
- 3) [RA Process for Applicants](#)
- 4) [Medical Documentation](#)
- 5) [Local RALR Search](#)
- 6) [Department-wide RALR Search](#)
- 7) [Types of RA](#)
- 8) [RA Resources](#)

## ATTACHMENT 1

### KEY TERMS AND DEFINITIONS

#### **BENEFITS AND PRIVILEGES OF EMPLOYMENT:**

Benefits and privileges of employment include, but are not limited to, employer-sponsored training, services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and parties or other social functions.

#### **DESIGNATED MANAGEMENT OFFICIAL (DMO):**

The person or designee who has the authority to decide whether the requested RA will be provided, and if so, the nature of the accommodation. The DMO is normally the employee's first level Supervisor (or Manager); however, another management official with an understanding of the essential functions of the position may also serve in this capacity. The LRAC, with concurrence from OGC, will decide on the need to appoint an alternate official. If the first-level Supervisor is not the DMO, the first level supervisor must still complete [Template C, Essential Functions](#), within five (5) business days.

#### **DIRECT THREAT:**

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

#### **DISABILITY:**

A physical or mental impairment substantially limiting a major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

#### **EFFECTIVE ACCOMMODATION:**

An accommodation that removes a workplace barrier and provides an individual with an equal opportunity to apply for a position, the ability to perform the essential functions of a position or gain equal access to a benefit or privilege of employment.

#### **ESSENTIAL FUNCTIONS:**

The fundamental job duties of the position the individual holds or wants to hold, which do not include marginal functions. The individual must be able to perform the essential functions, with or without reasonable accommodation, to be considered qualified for the position.

#### **INDIVIDUAL WITH A DISABILITY:**

A person who has a physical or mental impairment substantially limiting a major life activity, has a record of such impairment, or is regarded as having such impairment. An impairment can be physical or mental and does not need to be permanent to qualify as a disability. An impairment that lasts, or is expected to last fewer than six months, and has a minor effect on the individual's major life activities, does not qualify as a disability.

## **LOCAL REASONABLE ACCOMMODATION COORDINATOR (LRAC):**

The principal advisor to management and employees within their assigned organization. The LRAC assists applicants, Requestors, DMOs, and Reconsideration DMOs with RA processing requests, interpreting regulations and statutes, reviewing existing policies and procedures, having interactive discussions, recommending appropriate decisions, drafting responses, and coordinating required reviews in accordance with the requirements of this PM.

## **MAJOR LIFE ACTIVITIES:**

Major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, and the operation of a major bodily function.

## **PERSONAL ASSISTANCE SERVICES (PAS):**

PAS help those with targeted disabilities perform daily living activities that an individual would typically perform if they did not have a disability and that are not otherwise required as an RA (e.g., assistance with removing and putting on clothing, eating, and using the restroom). PAS do not include medical services, such as performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). PAS do not include helping individuals with disabilities perform their specific job functions.

## **QUALIFIED INDIVIDUAL WITH A DISABILITY:**

An individual who satisfies the requisite skill, experience, education, and other job-related requirements of a position who can, with or without reasonable accommodation, perform the essential functions of that position.

## **REASONABLE ACCOMMODATION (RA):**

Any change in the work environment (or the way activities are usually performed) to help a person with a disability or a religious belief apply for a position, perform the duties of a position, or enjoy the benefits and privileges of employment.

## **REASSIGNMENT AS A REASONABLE ACCOMMODATION OF LAST RESORT (RALR):**

Reassignment to a vacant and funded position available to a current employee who is minimally qualified for the new position. Reassignment as an RALR will only be considered when the DMO determines no other RA will permit the employee with a disability to perform the essential functions of their current position, or if the only other accommodation would cause undue hardship. Reassignment as an RALR is not available to applicants.

## **RECONSIDERATION DMO:**

Typically, the second-line Supervisor of the Requestor, or a higher-level Management Official in the chain of command of the DMO, who provides a reconsideration decision of accommodation denials.

## **RELIGIOUS ACCOMMODATION:**

An adjustment to the work environment allowing employees to observe their religious beliefs.

## **SUFFICIENT MEDICAL DOCUMENTATION:**

Medical documentation that:

- 1) Describes the nature, severity, and duration of the employee's impairment; the activity or activities the impairment limits; and the extent to which the impairments limit the employee's ability to perform the activity or activities; and
- 2) Substantiates why the requested reasonable accommodation is needed.

## **TARGETED DISABILITIES:**

Targeted disabilities are a subset of conditions considered as disabilities under the Rehabilitation Act. A list of targeted disabilities can be found by going to the [OPM website](#).

## **TEMPORARY IMPAIRMENT:**

An impairment lasting, or expected to last, for a brief period (e.g., shorter than six months). It may qualify as a disability if it limits a major life activity (e.g., broken bone).

## **UNDUE HARDSHIP:**

An action requiring significant difficulty or expense when the following factors are considered: nature and cost of the accommodation in relation to the size, resources, nature, operation, and structure of DOE in its entirety.

## **VACANT FUNDED POSITION:**

An open and funded position within the DOE.

## **WORKPLACE BARRIERS:**

Physical obstacles (such as inaccessible facilities or equipment), or procedures or rules (such as when work is performed, how breaks are taken, or how essential or marginal functions are performed) preventing individuals with disabilities or religious beliefs from performing jobs they could perform with an accommodation.

## ATTACHMENT 2

### PERSONAL ASSISTANCE SERVICES (PAS)

- 1) DOE employees are eligible for PAS during work hours and when on work-related travel, if the following conditions apply:
  - a. The individual is an employee of the Department;
  - b. The individual has a targeted disability;
  - c. The individual requires PAS because of their targeted disability;
  - d. The individual will be able to perform the essential functions of the job without posing a direct threat to safety once PAS and any required RAs have been provided; and
  - e. Providing PAS will not impose an undue hardship on DOE.
- 2) DOE will provide PAS for eligible employees on official or local travel, as needed and requested. PAS requests for official travel will be handled in a manner like all other RA requests. DOE can provide PAS on official travel in several different ways, including:
  - a. Authorizing official travel for any DOE employee who regularly provides PAS as part of their official duties;
  - b. Travel by a contract PAS provider, consistent with the contract terms and scope of work;
  - c. Invitational travel orders issued to an individual personally associated with the requesting employee;
  - d. A temporary appointment of an individual personally associated with the requesting employee; or
  - e. Any combination of the above.
- 3) DOE may provide PAS via contractors or Federal employees, depending on the employee's needs and the operational resources required to establish and provide PAS.
- 4) DOE may employ personal assistants for eligible employees with targeted disabilities. PAS providers hired as employees may also perform non-PAS duties as assigned, but only to the extent that doing so does not result in failure to provide required PAS in a timely manner.
- 5) DOE will select a PAS provider who will be assigned to a single individual, giving primary consideration to the employee's choice of a PAS to the extent permitted by law. It may not be possible to honor the individual's preferences in all cases.
- 6) An individual may request permission to bring their own PAS provider to work as an RA if the individual covers the cost of those services. However, if the individual wants DOE to assume the cost of providing those services, DOE may exercise its right to choose a different provider.
- 7) DOE is not required to provide PAS to help the Requestor commute to and from their worksite. However, DOE is required to provide PAS during telework if the individual is eligible for PAS and is authorized to telework under the organization's telework policy or as an RA. The determination of whether PAS can be provided to a Requestor while teleworking will be made by DMOs on a case-by-case basis. If a Requestor requests PAS at their telework location, the LRAC will consider the request as they would other PAS requests.

## ATTACHMENT 3

### RA PROCESS FOR APPLICANTS

- 1) An applicant with a disability, like all other applicants, must be able to meet DOE's requirements for the position, such as education, training, employment experience, skills, or licenses. In addition, an applicant with a disability must be able to perform the essential functions of the job, with or without an RA. DOE cannot refuse to consider an applicant because the individual requires an RA to compete for or perform a job.
- 2) DOE's public website, [DOE Reasonable Accommodation Procedures](#), provides applicants the RA procedures and applicable templates.
- 3) Applicants requiring an RA for any part of the application process should contact the SHRO/SSC point of contact (POC) listed in the Job Opportunity Announcement (JOA) and inform the POC that a change or adjustment to the application/interview process is being requested due to a disability. The request can be made verbally or in writing by the applicant or another person, such as a family member or healthcare professional.
- 4) The SHRO/SSC POC must contact the LRAC who will work with the applicant to ensure the services and support requested are assessed and provided, as appropriate, in a timely manner.
- 5) Applicant RA requests should be processed promptly, no later than **five (5) business days** from the date of the initial request.
- 6) The LRAC will also provide guidance and assistance to Hiring Managers who have applicants needing accommodation to participate in the interview process.
- 7) Examples of accommodations during the hiring process include, but are not limited to:
  - a. Providing written materials in accessible formats, such as large print, braille, or audio format;
  - b. Providing readers or sign language interpreters;
  - c. Ensuring that recruitment, interviews, tests, and other components of the application process are held in accessible locations;
  - d. Providing or modifying equipment or devices; and
  - e. Adjusting or modifying application policies and procedures.
- 8) If a written test is part of the interview process, an applicant may request a modification or adjustment to the test as an accommodation, unless the test is designed to measure a required skill.
- 9) Each request for an RA receives an individual analysis/determination by the Hiring Manager and LRAC.
- 10) Reassignment is not a form of RA available to applicants.

## ATTACHMENT 4

### MEDICAL DOCUMENTATION

- 1) Medical documentation may not be necessary to support every accommodation request. When a disability or need for an RA is not readily apparent or otherwise known to DOE, the LRAC may ask the Requestor to submit medical documentation substantiating the disability.
  - a. The LRAC will provide the Requestor with [Template D, Initial Request for Medical Documentation](#), for completion by the appropriate medical provider. Determining the appropriate medical provider will depend on the disability and the functional limitation it imposes.
  - b. Appropriate professionals include, but are not limited to, doctors, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.
- 2) Medical documentation, when necessary, is limited to establishing:
  - a. The individual has a disability under the Rehabilitation Act;
  - b. The disability necessitates an RA; and
  - c. The accommodation requested will enable the Requestor to perform the essential functions of the position.
- 3) The LRAC may request the following types of information or documentation regarding the impairment:
  - a. The nature, severity, and duration of the individual's impairment;
  - b. The activities the impairment limits;
  - c. The extent to which the impairment limits the individual's ability to perform the activities;
  - d. Why the Requestor requires an RA or, if the Requestor identifies a specific RA, why it will be effective; and
  - e. How the requested RA will enable the Requestor to apply for a job, perform the essential functions of a job, or access the privileges of employment.
- 4) The Requestor is responsible for obtaining requested information from the appropriate provider within the timeframes established by this PM.
- 5) If the Requestor prefers the LRAC discuss their medical issues with their medical provider, a release of information must be completed (see [Template F, Authorization for Limited Release of Medical Information](#)).
- 6) The LRAC will evaluate the medical documentation and determine if it is sufficient in establishing that the Requestor has a disability and needs an accommodation.
  - a. If the medical documentation is insufficient in establishing the existence of a disability or need for an accommodation, then the LRAC will explain to the Requestor what additional information is needed (see [Template E, Request for Supplemental Medical Documentation](#)).



- b. The LRAC may attach the Requestor's Position Description (PD) to [Template E](#). The LRAC will highlight the duties impacted by the disability for the medical provider to review.
- 7) Medical documentation must be submitted to the LRAC and will not be shared with anyone else without a need to know. However, the LRAC will share the impacts of the disability on the essential functions of the position with the DMO so they can make an informed decision on a requested or alternate accommodation.
- 8) As necessary, the LRAC may obtain a medical professional's review of medical information to determine whether a disability exists, whether an accommodation is needed, and appropriate accommodations. Such review will be performed by a medical professional of DOE's choosing at DOE's expense.

## ATTACHMENT 5

### LOCAL RALR SEARCH

- 1) The LRAC initiates the RALR process by contacting the SHRO/SSC to start the 30-calendar day local search.
- 2) The SHRO/SSC will conduct a local search for both vacant and any expected vacant funded positions that may occur within the 30-calendar day period. The SHRO/SSC is required to update the LRAC with the search details of when the search is initiated, status of the search at the mid-way point, and when the search is concluded. All positions that are considered will be recorded and provided to the LRAC upon completion of the search.
- 3) If the SHRO/SSC identifies a position for which the Requestor is eligible, they will provide the PD and the Hiring Manager contact information to the LRAC.
- 4) The SHRO/SSC will contact the Hiring Manager and inform them that their vacant funded position has been identified for a possible placement. The Hiring Manager should not be aware that the position is being reviewed for a RALR prior to this point.
- 5) The LRAC will contact the Hiring Manager and provide them with [Template C, Essential Functions](#). The Hiring Manager will complete the template and return it to the LRAC to determine if the Requestor is able to perform the essential functions of the identified position, with or without an RA. If the LRAC determines the Requestor can perform the essential functions of the position, with or without an RA, they will contact the SHRO/SSC and require that they offer the position to the Requestor.
- 6) The SHRO/SSC will inform the Hiring Manager that the position will be filled through the RALR process and will notify the Requestor in writing of the offer of reassignment, which will serve as the tentative offer. The Requestor will be required to respond to the offer **within five (5) business days**. If the Requestor fails to respond to the offer, they will be advised in writing, promptly upon the expiration of the five-business day period, that the timeframe to accept the position has expired, and the Department has met its obligation for RA. The SHRO/SSC must ensure the employee has received and reviewed the offer.
- 7) Upon receiving an acceptance of the tentative offer from the Requestor, the SHRO/SSC will issue an official reassignment letter to the Requestor. Final placement of the Requestor should occur as soon as possible but **no later than two (2) pay periods** after issuance of the official reassignment letter. The reassignment letter will explain the reassignment was an RALR and detail any additional information (e.g., meeting attendance, training or security clearance requirements, performance expectations, and other accommodations such as equipment/furniture). If the Requestor accepts the position but requires an RA to perform the essential functions of the position, the LRAC will initiate the RA process.

## ATTACHMENT 6

### DEPARTMENT-WIDE RALR SEARCH

- 1) If the SHRO/SSC is unable to identify a position to reassign the Requestor into from within their servicing population during the local RALR search, then the LRAC will send a request for a Department-wide search to the HC Policy Division **within three (3) business days** of being notified of the unsuccessful local search. The request will include [Template K, Employee Limitations on Reassignment](#), a resume, and a summary of the Requestor's functional limitations and a list of all positions reviewed during the local RALR search.
- 2) The HC Policy Division will initiate a 30-calendar day Department-wide search **within three (3) business days** of receiving the request from the LRAC.
- 3) As part of the Department-wide search, the SHRO/SSC will continue the search at a local level.
- 4) The HC Policy Division will contact all SHRO/SSCs for information on known vacancies, or anticipated vacancies within the next 30-calendar days, to include pending retirements for the occupational series and grade level for which the Requestor is minimally qualified.
- 5) In conducting the Department-wide search, the HC Policy Division will focus on positions equivalent to the Requestor's current position in terms of pay and grade level; however, reassignments to lower graded or lower paying positions will be considered if no other position is available or will be available within the search period.
- 6) If a position is identified, the HC Policy Division will immediately work with the SHRO/SSC to obtain the PD and contact information for the Hiring Manager.
- 7) The HC Policy Division will promptly contact the LRAC, provide them with the necessary documentation, and the LRAC will immediately contact the Hiring Manager and provide them with [Template C, Essential Functions](#). The Hiring Manager will complete the template and return it to the LRAC for review, and to determine if the Requestor is able to perform the essential functions of the identified position, with or without an RA.
  - a. If the LRAC determines the person can perform the essential functions of the position, with or without an RA, they will contact the HC Policy Division to request they work with the SHRO/SSC to proceed forward with a tentative offer.
- 8) The HC Policy Division must be notified immediately of any objections to placing the Requestor into the identified position.
  - a. The SHRO/SSC can submit a formal Objection Memorandum stating why the placement is inappropriate. The memorandum must be submitted to the Director, HC Policy Division **within five (5) business days** of being informed of the possible placement; otherwise, placement is final.
  - b. The Director, HC Policy Division, will issue a formal written decision sustaining or rejecting the objection, **within five (5) business days** of receipt of the memorandum. If the objection is rejected, the placement is final.
- 9) The SHRO/SSC will inform the Hiring Manager that the position will be filled through the RALR process and will notify the Requestor in writing of the offer of reassignment, which will serve as the tentative offer. The Requestor will be required to respond to the offer **within five (5) business days**. If the Requestor fails to respond to the offer, they will be advised in writing,

promptly upon the expiration of the five-business day period, that the timeframe to accept the position has expired and the Department has met its obligation for RA. The SHRO/SSC must ensure the employee has received and reviewed the offer.

- 10) Upon receiving an acceptance of the tentative offer from the Requestor, the SHRO/SSC will issue an official reassignment letter to the Requestor. Final placement of the Requestor should occur as soon as possible but **no later than two (2) pay periods** after issuance of the official reassignment letter. The reassignment letter will explain that the reassignment was an RALR and detail any additional information (e.g., meeting attendance, training or security clearance requirements, performance expectations, other accommodations such as equipment/furniture). If the Requestor accepts the position but requires an RA to perform the essential functions of the position, the LRAC will initiate the RA process.

## ATTACHMENT 7

### TYPES OF RA

There may be times when an employee is not aware of an accommodation to address a workplace barrier. The LRAC should provide guidance and assistance by contacting both national and local resources to identify applicable and potential products to address a workplace barrier. Assessments for assistive technology can be provided through the Computer Accommodation Program (CAP). If an assessment is required as part of the interactive process, the LRAC will schedule the assessment with CAP on behalf of the requestor. The Job Accommodation Network (JAN) can also provide guidance on a wide range of products and services. See [Attachment 8, RA Resources](#) for more information about the resources available.

Different types of accommodations can be combined (e.g., an employee who is on a telework agreement as an accommodation may also be eligible for equipment as an accommodation).

#### CHANGE IN SUPERVISION:

DOE is not required to provide a change in supervision as an RA. However, a supervisor may, in certain circumstances, be required to change their supervisory methods as an effective accommodation (such as communicating in writing rather than orally, providing an agenda for meetings, or allowing teleconferencing rather than face-to face meetings).

#### COMPUTER-RELATED:

If an employee requests an accommodation requiring a purchase or modification of computer equipment, including hardware, software, input devices, scanners, or other products, the employee or the Supervisor should contact the LRAC to start the RA process. The LRAC, after an appropriate assessment and determination, will work with the Information Technology (IT) POC of the Departmental Element to purchase the software or hardware devices in a timely manner. All government furnished equipment is the property of DOE and must be used only for official use and be returned when no longer needed or when the Requestor leaves the Department.

Some Departmental Elements may need to conduct network assessments to determine the safe operation of the software or hardware product before a final determination can be made. This may impact the timely procurement of the product. The LRAC should work closely with the Departmental Element IT POC to identify any interim accommodations that can be provided to the Requestor until the appropriate product can be procured. The LRAC will inform the Requestor, in writing, of any delays in making the determination to offer the requested product and will inform the Requestor of any interim accommodations, if available, pending the determination.

#### OFFICE FURNITURE:

The Requestor or the Supervisor must contact the LRAC for accommodations requiring the purchase or modification of furniture. The LRAC will initiate the RA process. The LRAC will also work with the Departmental Element Facilities POC to make the needed modifications or purchases, or to schedule a professional ergonomic assessment to determine what type of furniture will accommodate the Requestor. Professional ergonomic assessments are determined on a case-by-case basis. If the Departmental Element Facilities POC receives a request directly from an employee for an

accommodation, then the request should be routed to the LRAC before providing the furniture or equipment. If the Requestor leaves DOE, the equipment or furniture must be returned to DOE at no cost to the Requestor.

### **PARKING:**

Employees requiring a parking space as an accommodation should contact the LRAC, who will initiate the RA process. Every facility providing parking spaces to employees must have a standardized method for ensuring employees with a disability receive the parking spaces closest to the building, if required. When there are a limited number of employee parking spaces, employees with a severe disability have priority. Additional parking spaces will need to be created if a facility does not have enough parking spaces for the number of employees with a disability who are approved for parking as a RA.

### **RECURRING ACCOMMODATION:**

When the accommodation is likely to be needed on a recurring basis, such as a sign language interpreter or PAS, the Requestor does not need to go through the approval process each time there is a need. The LRAC will work with the DMO and other parties, as applicable, to set up a Blanket Purchase Agreement to provide the accommodation to employees requiring the services on a recurring basis. Relay Conference Captioning is available for employees who are deaf or hard of hearing so they can participate in conference calls, webinars, or video meetings. The employee who requires the service should contact the LRAC who can assist with scheduling.

### **RELIGIOUS ACCOMMODATION:**

The need for a religious accommodation most frequently arises when an individual's religious beliefs, observances, or practices conflict with a specific task or requirement of the job or the application process. DOE's duty to provide religious accommodation may require making a special exception from, or adjustment to, such tasks and requirements to enable the employee or applicant to practice their religion. Requests for religious accommodation may relate to work schedules, dress and grooming, or religious expression and practices while at work.

Requests for religious compensatory time should be discussed with the Requestor's Supervisor. Requests for religious accommodation are processed in the same manner as other requests (see [Template A.2, Request for Accommodation \[Religious\]](#)).

### **TELEWORK:**

In some cases, telework may be an effective accommodation. A Requestor may work from home or another approved remote location only to the extent necessary to reasonably accommodate the impacts of the disability. The Requestor must articulate the disability-related reason for teleworking and why telework will enable them to perform the essential functions of their job. The LRAC will determine whether the medical documentation supplied adequately describes the disability and effectiveness of telework as the proposed accommodation. The DMO will complete the necessary documents (see [Template C, Essential Functions](#)) and work with the LRAC to make a determination.

Requestors approved for telework as an accommodation will complete the routine telework agreement and annotate "regular" telework time in the Department's time and attendance system as well as on the telework agreement. They will not be required to annotate "medical telework" to ensure confidentiality.

## ATTACHMENT 8 RA RESOURCES

### OPLER:

OPLER disseminates RA information online to applicants, employees, and Supervisors through [energy.gov](https://www.energy.gov) and [HCnet](https://www.hcnet.gov). These webpages provide links to policy documents, resources, and LRAC POCs. New employees are provided with an electronic brochure providing information on the RA process, LRAC contacts, and a link to [PM #100A](#).

Training is available to both Supervisors and employees providing an overview of the RA and PAS process and how to respond appropriately and promptly to requests. In-person training and online courses through DOE Learning Nucleus may also be available. For information on training, contact your assigned [LRAC](#).

### U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:

1-800-669-3362 (Voice) | 1-800-800-3302 (TT) | [www.eeoc.gov](https://www.eeoc.gov)

The EEOC has published Americans with Disabilities Act of 1990 (ADA) and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process.

### JOB ACCOMMODATION NETWORK (JAN):

1-800-232-9675 (Voice/TT) | [janweb.icdi.wvu.edu](https://janweb.icdi.wvu.edu)

JAN can provide information, free-of-charge, about many types of RAs and provide referrals to other organizations that may have information about accommodations for persons with various disabilities.

### ADA DISABILITY AND BUSINESS TECHNICAL ASSISTANCE CENTERS (DBTAC):

1-800-949-4232 (Voice/TT) | [adata.org/find-your-region](https://adata.org/find-your-region)

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, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on RA and make referrals to local resources with expertise in RAs.

### FEDERAL RELAY SERVICE:

(855) 482-4348 (Voice) | [www.federalrelay.us/about-federal-relay.html](https://www.federalrelay.us/about-federal-relay.html)

The Federal Relay Service is the contracted Federal Government telecommunications relay service through the General Services Administration (GSA) for Federal employees who are deaf, hard of hearing, deafblind, blind, low vision, or have speech disabilities. The contract provides a package of communication access services for Federal employees to conduct official duties. Calls are relayed using trained Communication Assistants (CA). The CA acts as a transparent conduit for the transmittal of information. All calls are strictly confidential, and no records of any conversations are maintained. There are two types of services, internet and telephone based.

## **REGISTRY OF INTERPRETERS FOR THE DEAF (RID):**

(301) 608-0050 (Voice/TT) | [rid.org](http://rid.org)

RID offers information on locating and using interpreters and transliteration services.

## **REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF NORTH AMERICA (RESNA):**

(703) 524-6686 (Voice) | (703) 524-6639 (TT) | [www.resna.org](http://www.resna.org)

RESNA 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 databases containing information on thousands of commercially available assistive technology products).
- Centers where individuals can try out devices and equipment.
- Assistance in obtaining funding for the procurement and repair of devices.
- Equipment exchange and recycling programs.

## **COMPUTER/ELECTRONIC ACCOMMODATION PROGRAM (CAP):**

(833) 227-3272 (Voice) | (703) 614-8416 (Voice) | (571) 384-5629 (Video Phone) | [cap@mail.mil](mailto:cap@mail.mil)

The Department of Defense CAP provides assessment and information on various types of assistive technology (such as software or hardware) to help Federal employees with disabilities perform the essential functions of their job. An assessment request for assistive technology may be made to an employee's Management Official or LRAC. The request must be entered into CAP online by the LRAC. DOE employees must have an RA on file with DOE to make a request for a needs-assessment and consultation about assistive technology.

## **STATE ASSISTIVE TECHNOLOGY (AT) PROJECTS:**

[www.at3center.net/stateprogram](http://www.at3center.net/stateprogram)

State Assistive Technology Projects are funded under the Technology-related Assistance for Individuals with Disabilities Act and support consumer-driven state plans for the delivery of assistance technology. Each state has an Assistive Technology Program that can conduct assessments, provide demonstrations, a loan library, and a reuse program for assistive technology.