



COMMANDER U. S. PACIFIC FLEET

REASONABLE ACCOMMODATION

USER GUIDE



WHAT IS REASONABLE ACCOMMODATION ("RA") ?

An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

The three categories of "reasonable accommodation" are summarized below:

1. *Modifications or adjustments to a job application process;*
2. *Modifications or adjustments to the work environment; and/or*
3. *Modifications or adjustments to equal benefits and privileges of employment.*

Common terminology associated with the "RA" process can be found on page 4 of this Guide

WHY DO WE OFFER RA?

Leadership is committed to supporting applicants and employees with disabilities as a valued part of the workforce.

Additionally, Federal law* requires employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause an "undue hardship."

* The Rehabilitation Act of 1973, American with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008

HOW DO I REQUEST RA?

Employees can make their request for an accommodation, due to a medical condition, directly to their supervisor/manager within their chain of command, or to the the RA Point of Contact identified below.

Applicants can request RA via the RA POC or the Human Resources staff.

Requests may also be made by **representatives** of the individual with a disability.

The RA request can be made orally or in writing, and need not contain any special language such as, "reasonable accommodation." Furthermore, written requests are not required to be on any specific form in order *for the interactive process to begin*, and the individual need not have a particular accommodation in mind before making the request. With that said, the Dept of Navy (DON) uses a digital form for RA requests and will ask requesters or their representatives to complete the form. A copy of this form is included with this Guide. Contact one of the RA POC below if you prefer an alternative format for the DON RA form.

RA points of contact:

Mr. Casey Shaw,
619-705-4142 or casey.l.shaw@navy.mil;

Ms. Pam Agpaoa,
619-705-4144 or pamela.m.agpaoa@navy.mil



DON'S RA PROCESS AT A GLANCE*

Employee/applicant or someone acting their behalf, makes RA request.

Request is documented, and interactive process between requestor, supervisor, RA POC, and HR begins. Supporting medical documentation may be requested.

Supervisor meets with the RA POC to review the request.

Supervisor makes determination to approve or deny RA request and issues a written decision.**

APPROVED

Inform requestor what accommodation will be effected and timelines to provide.

Alternative accommodation from original request may be provided.

DENIED

Inform requestor of reason for denial and right to request re-consideration, use Alternative Dispute Resolution, file an EEO complaint or grievance.

*See page 3 for a more detailed description of the process.

**The contact information for all the decision makers can't be provided in this document, however the RA Coordinators can provide that information, upon request.

HOW DO I TRACK THE PROCESSING OF MY RA REQUEST?

RA points of contact:

Mr. Casey Shaw,
619-705-4142 or casey.l.shaw@navy.mil;

Ms. Pam Agpaoa,
619-705-4144 or pamela.m.agpaoa@navy.mil

PROCESSING TIMEFRAMES



The DON requires that RA requests be processed within **30 calendar days (CDs)** of the initial request, unless there are extenuating circumstances which can extend the timeframe. Also, the DON will provide expedited processing of requests that are needed sooner than the allowable timeframe when reasonably possible.

Additionally, if an accommodation can be provided sooner than the 30 CD timeframe, then failure to do so could be considered a violation of the Rehabilitation Act.

WHAT HAPPENS AFTER I REQUEST RA?

The interactive process or discussions between the supervisor, RA POC, HR and you will help to determine your accommodation needs and

management's obligation and ability to meet those needs. You may be asked about the nature of your disability/condition, any imitations, and possible accommodation options.

These discussions help determine whether additional medical documentation is necessary; establish information about the essential functions of the position and how they can be performed; and determine the appropriate accommodation if you are a qualified individual with a disability.

CAN THE SUPERVISOR ASK FOR MEDICAL DOCUMENTATION?

Yes, an individual who requests RA may be required to provide medical documentation to explain: the nature of the disability, if not obvious (e.g., cognitive disability or back problems), the need for RA, and how the requested accommodation will assist the individual in applying for a job, performing the job, or enjoying the benefits and privileges of the workplace.

If the medical information provided is insufficient, DON has the right to request relevant supplemental medical information, and to have the medical information

reviewed by a medical expert of the DON's choice, at the Navy's expense.

THE REASONABLE ACCOMMODATION PROCESS; ROLES & RESPONSIBILITIES

Dept of Navy (DON) Officials (Supervisors/Hiring managers/ RA POC, etc.)	Employee/Applicant/Representative
<p>A request for a modification is made verbally or in writing by an employee, applicant or his/her representative (heretofore “requester”). The requester may use "plain English" and need not mention the ADA , RA or use the phrase "reasonable accommodation.” (See example to the right.)</p> <p>The official receiving the request should acknowledge and document the request and contact one of the RA POCs, if they did not receive the initial request.</p>	<p>Make your accommodation needs related to a disability known to the supervisor, hiring manager, RA POC, or HR professional if HR is involved in your application for employment.</p> <p><u>For example</u>, a comment or email to one or more of the above officials, such as, <i>“I’m having trouble sitting for long periods of time due to my back problem.”</i> This is considered a request for RA and triggers the 30 CD RA process.</p>
<p>The RA POC will contact the requester and coordinate an “interactive” discussion with appropriate parties. The interactive process continues as needed throughout the processing of the RA request.</p>	<p>Employees/ reps will be asked to fill out the DON form; applicants are generally not asked to complete the DON form.</p>
<p>For <u>employees</u> or their representative the RA POC, the supervisor, and HR will participate in the interactive discussion to determine the need for an accommodation and what modification is needed.</p> <p>Medical documentation may be requested at this time. <u>Applicants</u>, will work through the RA POC and HR.</p>	<p>Requesters should participate in the interactive process to describe the RA requested and how it relates to their access to equal employment opportunities.</p>
<p>DON officials will only ask for relevant medical documentation and have an obligation to keep the information confidential, securely stored, and shared only with those with an official need to know .</p>	<p>Requestors should provide requested medical and other requested information in a timely manner. Navy doesn't count the time it takes to get the medical into the 30 CD timeframe.</p>
<p>If an employee can’t perform the essential functions of their position, a reassignment must be explored. An internal job search will be conducted by the HR staff in concert with management for vacant funded positions for which the employee is minimally qualified and they can perform with or without RA. Applicants are not eligible for reassignments.</p>	<p>Employees facing a job search should provide a resume and other requested information in a timely manner. If a match to a position occurs, an interactive process with the prospective supervisor may occur. Any offer of reassignment will be made in writing. A declination of an offer will result in a denial of RA.</p>
<p>Supervisors/hiring managers make decisions on RA requests. Approvals and denials are in writing to the requester. The approval will inform the individual what accommodation will be effected. Sometimes, an interim accommodations may be provided as required by the situation.</p> <p>Denials will inform the individual of reason for denial and the right to request reconsideration of RA,</p> <p>Alternative Dispute Resolution (ADR), and file an EEO complaint or a grievance.</p>	<p>The requester is advised that DON is not required by law to provide a RA that the individual wants or what their medical has specified, but rather, may choose among RA options as long as the chosen accommodation is effective and meets the requestor’s medical limitations.</p> <p>If RA is denied review the denial letter for the appeal rights and applicable timeframes. For those who chose to file an EEO complaint, failure to initiate contact with an EEO Counselor within 45 CDs of the denial, will result in an untimely filing, even if ADR is requested.</p>

COMMON TERMINOLOGY USED IN THE REASONABLE ACCOMMODATION PROCESS

TERMS	DEFINITIONS
Reasonable Accommodation	<p>In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. Some of examples of RA options:</p> <p><i>Making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position.</i></p> <p><i>(Applicants are not eligible for reassignments)</i></p>
Disability 	<p>Not everyone with a medical condition is protected by the law with respect to employment. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. A person can show that he/she has a disability in one of three ways:</p> <p>1). A person may be disabled if he/she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning); 2.) A person may be disabled if he or she has a history of a disability (such as cancer that is in remission); 3.) A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he/she does not have such an impairment).</p>
Interactive Process	<p>The employer and the individual with a disability should engage in an informal process, known as the interactive discussion, to clarify what the individual needs and identify the appropriate reasonable accommodation. This should occur as often as needed throughout the RA process.</p>
Qualified	<p>A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the Essential Functions (EF) of the job. The EF are the fundamental duties of the position.</p>
Undue Hardship	<p>Undue hardship means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.</p>

RESOURCES AVAILABLE FOR ADDITIONAL INFORMATION ON REASONABLE ACCOMMODATION

Dept of Navy 's Disability Info Program	http://www.secnnav.navy.mil/donhr/Site/EEO/Pages/Discrimination-Policy-and-Reasonable-Accommodation.aspx
Equal Employment Opportunity Commission	https://www.eeoc.gov/laws/types/disability.cfm https://www.eeoc.gov/laws/types/disability_regulations.cfm https://www.eeoc.gov/policy/docs/accommodation.html
Job Accommodation Network	https://askjan.org/