

Confidentiality Requirements

Confidentiality applies to all aspects of the RA process, including all participants involved and all medical information obtained in the process.

Useful Web Sites

Disability Information Government www.disabilityinfo.gov

ADA Home Page www.ada.gov

Department of Labor, Office of Disability Employment Policy www.dol.gov/odep

Job Accommodation Network (JAN) www.jan.edu

U.S. Office of Personnel Management: Disability www.opm.gov/disability

U.S. Equal Employment Opportunity Commission www.eeoc.gov/policy



LABOR AND EMPLOYEE RELATIONS DIVISION

Desk Guide



Washington, D.C.
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United States Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

RA Request is provided to the Supervisor- Supervisor's responsibility:

- Receives, processes, and documents the RA request;
- Participates in the interactive process;
- Maintains confidentiality; and
- Forwards the request to the DEPC in HRO for determination.

RA request is forwarded to the FSIS Disability Employment Program Coordinator (DEPC):

**FSIS Disability Employment Program Coordinator
Human Resources Operations
Food Safety and Inspection Service
100 North 6th Street, Suite 420C
Minneapolis, MN 55403
1-800-370-3747 612-659-8567**

DEPC's responsibility:

- Receives, documents and processes RA requests;
- Requests and reviews the medical documentation and consults with the Medical Officer when making determination based on medical documentation;
- Determines whether the individual qualifies as a PWD under the ADAAA;
- Notifies the employee and supervisor in writing of the decision and any appeal rights to the RAA; and
- Advises managers and supervisors regarding their rights and responsibilities under the ADAAA regarding RA requests.

STEP 3: GRANTING (APPROVAL) OF A RA REQUEST

The Supervisor:

- Considers the essential functions of the job and whether the RA request can be granted;
- Approves and provides the accommodation;
- Uses an interactive process with the employee, to implement and monitor the effectiveness of the RA.

Reassignment: Executive Order 13164 stipulates that reassignment will be considered as a Reasonable Accommodation if the agency determines that no other Reasonable Accommodation will permit the employee with a disability to perform the essential function of his or her current position.

STEP 4: DENIAL OF AN RA REQUEST

- The decision for denial shall be communicated to the requestor. The explanation for the denial should clearly state the specific reasons for the denial.
- The denial notice will also state the right to file an appeal to the Reasonable Accommodation Adviser (RAA), or possible rights to pursue a union grievance, file an Equal Employment Opportunity complaint, or file a Merit System Protection Board complaint.

Employee's Right to Appeal:

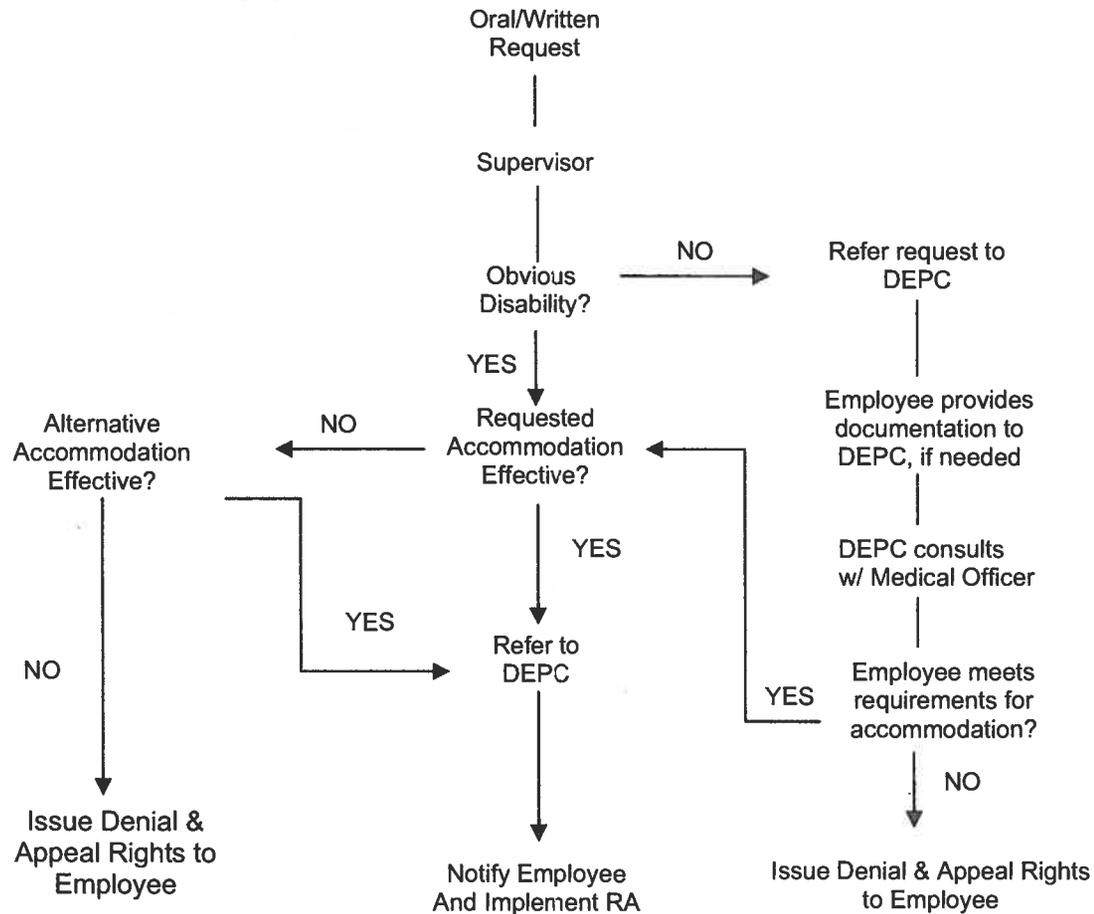
If the employee has concerns about his or her request or the RA process he/she can appeal the decision to the FSIS Reasonable Accommodation Adviser (RAA).

**Tom Valluzzi, Reasonable Accommodation Advisor
Food Safety and Inspection Service
1400 Independence Ave., Rm. 3175-South Bldg, Mailstop 3707
Washington, DC 20250
202-720-2683 Tom.Valluzzi@fsis.usda.gov**

The Reasonable Accommodation Adviser (RAA):

- Receives reviews and decides on the appeal of an RA determination;
- Consults with the Medical Officer;
- Notifies the employee of the decision and any appeal rights to the USDA, Office of Human Capital Management; and
- Serves as FSIS technical expert and provides advice, guidance, and counsel to agency officials on reasonable accommodation matters, issues, requests, and appeals.

Reasonable Accommodation Interactive Process



USDA TARGET Center

- Provides on-site workplace assessments and demonstrations of assistive technology and ergonomic solutions.
- Services as the link to the USDA TARGET CENTER/CAP Program at (202) 720-2600 (voice/TTY) or www.usda.gov/oo/target/

Purpose:

This desk guide can be used as a supplement with the FSIS Directive 4306.2 Reasonable Accommodation and Accessibility for People with Disabilities.

Reasonable Accommodation (RA) - Defined:

The term Reasonable Accommodation (RA) refers to the modification of the job application process, work environment, or manner in which the duties of a position are customarily performed to enable a qualified person with a disability (PWD) to enjoy equal employment opportunities.

RAs may include:

- altering existing facilities used by employees to make them readily accessible and usable by persons with disabilities;
- restructuring certain jobs;
- allowing part-time or modified work schedules;
- making adjustments or modification to testing or training materials or policies;
- providing qualified readers or interpreters; or
- reassigning personnel to vacant positions.

Person with a disability (PWD) - Defined:

A person with a disability (PWD) is defined by the Americans with Disabilities Act Amendments Act (ADAAA) as a person who:

1. has a physical or mental impairment that substantially limits one or more of the major life activities; or
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

For the purpose of obtaining Reasonable Accommodations under the definition of a person with a disability, ONLY persons with a disability who are covered by Parts 1 and/or Part 2 above can qualify for Reasonable Accommodations.

The Laws - Defined:

The Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and its revisions, the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, requires that accommodations be provided to employees and applicants with disabilities to enable them to perform essential functions of the job and to be afforded equal access to the benefits and privileges of employment, or participate in the application process.

Participants in a RA- Defined:

A number of people may be part of the RA process including, but not limited to, the following:

- Members of the employee's family (with the employee's consent);
- Rehabilitation Counselor;
- Disability Employment Program Coordinator (DEPC) in HRO, Minneapolis;
- Reasonable Accommodation Adviser (RAA) in Headquarters (WO);
- Human Resources Operations (HRO); or
- Employee representative (e.g., union representative).

Overview of the Process for Requesting a Reasonable Accommodation:**STEP 1: MAKING THE RA REQUEST**

The employee initiates the request for an RA; participates in the interactive process or designates a representative to do so; and provides medical documentation; as requested.

- A request for an RA may come from an employee, an applicant for employment, an employee's or applicant's family member, health professional, immediate supervisor, co-worker, or other representative.
- The employee makes the request for an RA to his or her supervisor, either orally or in writing.
- The employee provides medical information and documentation directly to the Disability Employment Program Coordinator (DEPC), when needed.

STEP 2: PROCESSING AND EVALUATING THE RA REQUEST

The RA, whether orally or in writing, can be given to the employee's first- or second-line supervisor, or the FSIS Disability Employment Program Coordinator (DEPC) of the Human Resources Operations (HRO) in Minneapolis.

If a **job applicant** is making the request, he/she gives it to the contact individual listed in the vacancy announcement to which a candidate for employment is applying. After determination of eligibility for an RA under the ADAAA is made by the DEPC, the responsibility for providing the accommodation for the job application process rests with Human Resources Operations (HRO) or the interviewing official.