

Reasonable Accommodation Procedures

1. Requesting a Reasonable Accommodation

a. The reasonable accommodation process begins when an employee, applicant, or their representative requests, due to a disability, an adjustment of modification that will enable the individual to perform the essential functions of the position, to complete the application process, or to allow them to enjoy a benefit or privilege of employment. A healthcare professional, family member or other representative may make a request on an employee's or applicant's behalf. Whenever possible, the Reasonable Accommodation Coordinator (RAC) will confirm the request with the individual. A request may be made orally or in writing to the agency officials below. However, any agency official receiving the request, other than the first- or second-line supervisor, will ensure the request is promptly forwarded to the first line supervisor for action.

- (1) An employee's first line supervisor
- (2) An employee's second line supervisor
- (3) Reasonable Accommodation Coordinator
- (4) Applicants for employment should contact the Human Resources Specialist responsible for the recruitment or selection process.

b. A request does not have to use any special words, such as "reasonable accommodation", "disability", or "Rehabilitation Act". Employees may consult with the EEO office for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

c. The obligation to consider an individual's request begins when the request is made to any of the individuals referenced above, and for an applicant, any employee with whom the applicant has had contact with in connection with the application process.

d. Individuals requesting a reasonable accommodation **must** submit the following documents via DoDSafe, to the RAC:

- a. Secretary of the Navy (SECNAV 12306_01), Confirmation of Reasonable Accommodation Request (completed and signed by employee and supervisor)
- b. Authorization for Release of Medical Documentation
- c. Medical Documentation

**Documents a and b can be obtained through the RAC or on the USNA Intranet at: [https://
Equal Employment Opportunity :: Office of Diversity,... \(usna.edu\)](https://Equal Employment Opportunity :: Office of Diversity,... (usna.edu)).

e. The RAC will provide a copy of the request to the RA Panel. The panel will review the document(s) to determine if the employee is a qualified individual with a disability.

f. Post determination, the interactive process will begin with the RA Panel, employee, and manager/supervisor to discuss the RA request.

A decision maker must begin processing an oral request immediately upon receipt of such a request and should not wait for the written confirmation. If the request was made by a family member, health professional or other representative, the decision maker should confirm that the employee in fact wants an accommodation.

2. Processing Requests for Reasonable Accommodation

a. The request for an accommodation begins an interactive and flexible process between the requester and the decision maker. This process includes communicating with the requester to clarify the request, obtaining and exchanging information with the requester to the extent necessary regarding needs and alternatives, searching for solutions, consulting with the DPM and outside resources, and evaluating possible accommodations and additional information, if needed.

b. If the decision maker does not immediately grant a requested accommodation, he or she will consult directly with the DPM. The DPM will coordinate, as needed, with the Office of the General Counsel prior to providing a decision maker with any recommendations in connection with a requested accommodation.

c. As soon as the decision maker determines an accommodation will be provided, he or she will immediately communicate the decision orally or in writing to the individual. If the decision maker initially communicates the determination orally, he or she must follow-up in writing.

d. A decision maker granting a request is responsible for following through and making necessary arrangements to ensure that the accommodation is provided within the applicable time limit.

e. The decision maker or any other official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request with any USNA official, only when those other official(s) need to know the information in order to make a determination on an accommodation request, or to assist the decision maker in making a determination.

f. Any EEO staff member who has any involvement in processing a request for reasonable accommodation should recuse himself or herself from participating in the process of any subsequent formal or informal complaint challenging USNA's handling of the accommodation request. Recusal is a safeguard against actual or apparent conflicts of interest arising with respect to formal or informal complaints where DPM and EEO counselors are collocated in the same office.

3. Written Request for Record Keeping Purposes

To enable the USNA to keep accurate records regarding requests for accommodation, employees seeking a reasonable accommodation must follow up an oral request by completing the SECNAV12306_01 Confirmation Reasonable Accommodation Request.

A written confirmation is not required in every instance when an individual need reasonable accommodation on a recurring basis (i.e. the assistance of sign language interpreters or readers). The written form is required for the first request, although appropriate notice must be given each time the accommodation is needed.

4. Timeframes for Processing Request

The amount of time it takes to respond to a request for reasonable accommodation will depend on the nature of the accommodation and whether it is necessary to obtain supporting medical information.

a. The time limit should be as short as possible. These procedures permit USNA, absent extenuating circumstances, up to 15 business days to approve or reject requests for reasonable accommodation.

b. If an EEO official initially receives the request, the EEO official must forward the request to the employee's first or second line supervisor within three (3) business days from the date it was received. If the accommodation is approved, it will normally be provided within the 15-day period, unless extenuating circumstances delay implementation. Certain extenuating circumstances may delay providing reasonable accommodations within the time frame listed above. In these situations, managers must consider temporary accommodations and provide them when possible.

Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. The following are some examples of extenuating circumstances:

1. There is an outstanding initial or follow-up request for medical information, or USNA officials are evaluating medical information that has been provided.

2. The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation.

3. Equipment must be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available; or

4. New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers or reconfiguration of working space.

The DPM or RAC are responsible for training staff that is involved in the application process to recognize requests for reasonable accommodation and to handle them appropriately. Managers and supervisors should also ensure that all staff, having contact with applicants, understands how to recognize and handle requests for reasonable accommodation.

5. Request for Computer and/or Electronic Equipment

a. Requests for computer and/or electronic equipment (i.e. TTYs, modified computer screens or peripherals, specialized software—voice activated, screen readers, etc.) can be submitted by employees and supervisors directly to the DoD Computer/Electronics Accommodation Program (CAP) office, but must also provide copies to the EEO office.

b. The DoD CAP centrally funds and supplies equipment to DoD employees with disabilities and should be used by all employees or offices to ensure the most appropriate equipment is expedited and does not create an undue hardship to a particular office or component. USNA employees are strongly encouraged to take advantage of the CAP program. The CAP request form is available on the CAP website at www.cap.mil.

6. Recurring Requests. Once an employee is granted a type of reasonable accommodation that he or she is likely to need on a recurring basis (e.g., sign language interpreter), he or she is not required to submit a written request for record keeping purposes each time the accommodation is needed. After the reasonable accommodation is approved the first time, the employee may subsequently obtain the accommodation by providing notice to his or her first line supervisor.

7. Expedited Processing. In special circumstances, expedited processing may be required reducing the 15 business days' time frame. Examples are when the reasonable accommodation is needed to enable an individual to apply for a job or to participate in a specific agency activity that is scheduled to occur shortly.

8. Delays in Processing Requests. If there is a delay in either processing a request for or delivering a reasonable accommodation, the decision maker must notify, in writing, the employee requesting the reasonable accommodation of the specific reasons for the delay, and to the extent possible, keep the employee informed of the date on which the Agency expects to complete the process. A decision maker could consider, for example, a temporary job restructuring or the use of equipment that might permit the individual to perform some of the functions of the job. The 15 business day time period stops running while waiting to receive information from the requestor or a health care provider. Once the medical information has been received; however, the time period begins to run again.

9. Approval of Reasonable Accommodation Request. When a request for a reasonable accommodation is approved, the individual requesting the accommodation will be notified in writing. There is no requirement for the official approving the request to provide specific reasons for his or her decision. However, USNA is required to track and monitor the processing of each request. The applicant or employee may contact the DPM or RA to request status of the requested accommodation.

10. Denial of Reasonable Accommodation Request. Decision makers must consult directly with the DPM prior to denying a request for accommodation or particular accommodation requested. Legal reviews must be conducted for all proposed denials of a reasonable

accommodation. When the Agency denies an individual's request for a reasonable accommodation, it must be recorded on a Denial Reasonable Accommodation Request letter. This letter must be completed by the USNA official denying the accommodation request and must be provided to the individual who requested the accommodation. The letter must contain the specific reason(s) for the denial, state why the requested accommodation would not be effective, and/or state why the requested accommodation would pose an undue hardship. The reason(s) for the denial should be written in plain language with as much specificity as possible and should identify the employee or office that made the decision to deny the request. If USNA has denied the specific requested reasonable accommodation, but offered to make a different accommodation in its place, the Denial of Reasonable Accommodation Request letter should explain both the reasons for the denial of the requested accommodation and the reasons why it believes the chosen accommodation will be effective. The supervisor of the individual whose request was denied must forward the letter to the EEO office within 10 business days of the decision.

11. Request for Reconsideration, Alternative Dispute Resolution, and the Right to pursue an EEO complaint

a. If an employee or applicant wishes reconsideration of a denial of his or her reasonable accommodation request, he or she must submit a written request to the decision maker who denied the request. The written request for reconsideration must be made within 5 business days from the date of receipt of the denial. The employee or applicant may present additional information to support his or her request at the same time the request for reconsideration is submitted. The decision maker should respond to the request within 5 business days of receipt of the request.

b. An individual whose request for accommodation has been denied has the option to initiate alternate dispute resolution (ADR). The ADR process for denial of a Reasonable Accommodation does not affect the time limits governing the EEO complaint process. An individual's participation in the ADR procedures does not satisfy the requirements for bringing a claim under the EEO, Merit Systems Protection Board (MSPB), or union grievance procedures, where applicable.

c. If the individual wishes to file an EEO complaint, he or she must contact the EEO office within 45 calendar days from the date he or she received notification of the denial of request for accommodation. The individual, during the informal complaint stage, initially elects either traditional EEO counseling or mediation through the ADR Program. If the matter is not resolved during the informal complaint process, the individual may subsequently file a formal complaint with the EEO office. The complaint must be received by the EEO office within 15 calendar days from the date the individual is notified that the informal stage or ADR process has ended and has received a notice of right to file a complaint. During both the informal and formal complaint processing stages, the employee or applicant has the right to representation.