



Title: Reasonable Accommodations Policy, BAM Title V-583

Last Updated: March 29, 2024

Originating Office: Office of Civil Rights (OCR), OCR@usagm.gov

(a) PURPOSE:

(1) This policy establishes the United States Agency for Global Media (USAGM) rules, guidelines, and procedures for responding to and evaluating requests for reasonable accommodations related to disability, pregnancy, and sincerely held religious beliefs. The following implements the requirements set forth under Title VII of the Civil Rights Act of 1964, Section 501 of the Rehabilitation Act of 1973 ([29 C.F.R. § 1614.203\(d\)\(3\)](#)), Americans with Disabilities Act Amendments Act of 2008, and the Pregnant Workers Fairness Act (PWFA) of 2022, by establishing procedures for processing requests for reasonable accommodations.

(b) POLICY:

(1) Agency Commitment.

(i) USAGM is committed to providing reasonable accommodations to applicants and employees to ensure that individuals with disabilities, those who are pregnant or have pregnancy-related requirements, or individuals practicing sincerely held religious beliefs can enjoy full access to equal employment opportunities at all levels of the Agency, consistent with applicable law. Under Title VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Pregnant Workers Fairness Act of 2022, USAGM must provide reasonable accommodations to qualified employees or applicants with disabilities, pregnancy or sincerely held religious beliefs unless doing so would cause undue hardship (often meaning significant difficulty or expense) or if another exception applies. In addition, providing reasonable accommodations allows USAGM to expand its pool of qualified workers.

(2) Categories of Reasonable Accommodations.

(i) In general, an accommodation is a change in the work environment or in the way work is ordinarily performed that would enable a person to enjoy equal employment opportunities. USAGM provides the following three categories of reasonable accommodations:

(A) Accommodations in the job application process;

(B) Accommodations that enable covered employees to perform the essential functions of their job; and,

(C) Accommodations that give covered employees equal access to the benefits and privileges of employment.

(c) Reasonable Accommodations Overview

(1) Eligibility for Reasonable Accommodations.

(i) To be eligible for a reasonable accommodation, an individual must have:

(A) A physical or mental impairment that:

(1) Substantially limits a major life activity; or,

(2) A “Known limitation” which is a “physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or the employee’s representative has communicated to the covered entity, whether or not such condition meets the definition of disability”;

(B) A record of a physical or mental impairment that substantially limits a major life activity. This may apply when the individual making a request is not presently experiencing any physical or mental impairment, such as with chronic or temporary conditions with symptoms that vary in severity over time;

(C) A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; or

(D) A sincerely held religious belief that conflicts with a work assignment, policy, or practice.

(ii) Not all medical conditions or functional limitations meet the definition of a disability under the Rehabilitation Act. See Paragraph (g)(1) for the definition of disability. This means that not every individual who considers themselves disabled is entitled to a reasonable accommodation.

(iii) Under PWFA, pregnancy is not defined as a disability, but may present health-related conditions that require an accommodation.

(iv) Individuals whose circumstances only meet the “regarded as” definition of disability under paragraph (g)(1)(iii) are not entitled to reasonable accommodations.

(2) The Interactive Process.

(i) USAGM will use an interactive process to evaluate requests for accommodation. This is a flexible process that emphasizes information-gathering and communication between the individual requesting an accommodation (“Requestor”), Agency management, the Agency’s Disability Program Manager (“DPM”) and/or Reasonable Accommodation Program Manager (“RAPM”), and any other relevant person (e.g., the Requestor’s healthcare provider).

(ii) The Deciding Official is the supervisor or manager who will make the final decision regarding the request for reasonable accommodation.

(iii) The interactive process begins immediately after a Requestor makes a request for

reasonable accommodation to the Requestor's supervisor, the DPM/RAPM, or another Agency official identified in paragraph (d)(2)(i). To request accommodation, an individual may use "plain English" and need not mention the phrase "reasonable accommodation," but is strongly encouraged to contact ReasonableAccommodation@usagm.gov. The Deciding Official should engage in a discussion with the Requestor as soon as possible and not delay. The DPM/RAPM will assist both with procedural guidance and issue the request for additional information that may be required to address the Requestor's needs. In the case of a request for a religious accommodation, additional information may be needed regarding the Requestor's sincerely held religious beliefs to ascertain whether an accommodation is necessary, and if so, what type of accommodation may be appropriate.

(iv) In the case of disability-based accommodation request, the DPM may require medical information that is relevant to the claimed condition and sufficient to perform an individualized assessment to determine if the employee is a qualified individual with a disability and allow the Deciding Official to make an informed decision about the request. Medical information from a healthcare provider should contain the following information:

- (A) Statement of the Medical Condition: The information should clearly state the nature, duration and severity of the medical condition, and functional limitation for which the accommodation is being requested. This helps USAGM understand the nature of the accommodation needed.
- (B) Functional Limitations: The information should outline the specific functional limitations or restrictions imposed by the medical condition. This includes how the condition affects the individual's ability to perform essential job functions.
- (C) Recommended Accommodations: The doctor should recommend specific accommodations that would help mitigate the limitations caused by the medical condition. These accommodations should be directly related to the individual's ability to perform their essential job duties effectively. When possible, the doctor should recommend alternate accommodations, recognizing that a preferred accommodation is sometimes incompatible with the employee's job responsibilities.
- (D) Duration or Permanency: If applicable, the note should specify whether the need for accommodation is temporary or permanent. This helps USAGM understand the expected timeline for the accommodation. If indeterminate, an indication of follow-up assessment to inform the employer of the status.
- (E) Signature and Contact Information: The note must be signed by the healthcare provider and include their contact information for verification purposes.
- (F) If necessary, USAGM may ask the requesting employee for additional information to support the request. If additional information is requested, the OCR specialists will specify the necessary information needed to support the request.

(v) In the case a disability-based accommodations requests, the DPM will determine through the interactive process whether the Requestor is a covered individual with a medical condition, disability, or functional limitation covered by the Rehabilitation Act. If not, the interactive process stops, and there will be no further evaluation of the request. If the Requestor is a qualified applicant or employee with a medical condition, disability, or

functional limitation, then the Deciding Official, in consultation with the DPM, will determine what – if any – reasonable accommodation(s) are available to effectively allow the Requestor to perform the essential functions of his/her job.

(3) Supervisor as Deciding Official.

(i) Ordinarily, the Requestor's first-line supervisor is the Deciding Official. However, some Office Directors or Division Directors may act as the Deciding Official instead of first-line supervisors in their offices or divisions. Generally, the Deciding Official should be at the lowest supervisory level with the greatest knowledge of the Requestor's position and job functions.

(4) DPM or RAPM's Role in the Interactive Process.

(i) The DPM/RAPM will assist Requestors and Deciding Officials and provide advice throughout the interactive process. In the case of disabilities, the DPM will conduct an individualized assessment to determine whether the Requestor is a Qualified Individual with a Disability (QIWD). In addition, the DPM will inform the Deciding Official of available resources and potential accommodations, such as:

(ii) For disability-related accommodations requests:

- (A) Adaptive equipment including information technology and communication equipment, or specially designed furniture;
- (B) A reader, sign language interpreter, or other staff assistant;
- (C) Reconfiguration of workspaces;
- (D) Accessible parking;
- (E) Materials in alternative formats (e.g. Braille, large print); or
- (F) Reassignments.

(iii) For pregnancy-related accommodations requests:

- (A) Additional, longer or more flexible breaks to eat, rest, or restroom;
- (B) Changing food or drink policies to allow for a water bottle or food;
- (C) Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- (D) Changing a uniform or dress code or providing safety equipment that fits;
- (E) Changing a work schedule, such as having shorter hours, part-time work, or a later start time;
- (F) Temporary suspension of one or more essential functions of a job;

- (G) Leave for health care appointments;
- (H) Light duty or help with lifting or other manual labor;
- (I) Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth;
- (J) Telework;
- (K) Temporary reassignment; and/or,
- (L) Provide a clean, acceptable location for expressing milk during lactation.

(iv) For religion-related accommodations requests:

- (A) Work schedule adjustments or leave;
- (B) Exceptions to dress or grooming standards;
- (C) Travel schedule adjustments; and/or
- (D) Reassignments.

(5) Reassignment as an Accommodation.

- (i) The Agency will pursue all other accommodation options during the interactive process with the employee to discuss the limitations posed by the medical condition, disability or functional limitation, or religious belief, and explore potential, available accommodations, before considering reassignment.
- (ii) When an employee with a medical condition, disability, pregnancy, pregnancy-related condition, or sincerely held religious belief is unable to perform the essential functions of their current job, even with reasonable accommodations, reassignment may be considered.
- (iii) The Agency can only reassign employees to vacant positions for which they are qualified. The DPM/RAPM can request that the USAGM Office of Human Resources (OHR) identify positions that are currently vacant or that may become vacant within the next 60 calendar days. The Director of HR or their designee will then decide whether the employee is qualified for any of the vacant positions identified. The HR Director or designee can request that the employee provide an updated resume for qualification purposes.
- (iv) The Agency will attempt to place the employee in a position equivalent to the employee's current grade, status, and other relevant factors. If there is no such position, the Director of HR or their designee will consider lower-graded positions for which the employee qualifies and will consider whether pay retention is available.
- (v) If the employee is qualified for the position, they may be reassigned to the job without competition. Reassignment to a vacant position for which the employee is qualified is considered a reasonable accommodation.

(6) Duration of Accommodation.

(i) Accommodations may be long-term or temporary, depending on the nature of the Requestor's physical or mental impairment, pregnancy related condition, or religious requirement. The Agency's decision regarding the request will specify whether the accommodation is long-term or temporary, providing an expiration date if the accommodation is temporary. The DPM/RAPM will remind Requestors and Deciding Officials about a temporary accommodation's expiration date in sufficient time before its expiration, so that the Requestor can ask for extension or modification of the existing accommodation if necessary. See paragraph (d)(9) for additional procedures.

(7) Conflict of Interests.

(i) If the DPM/RAPM is involved in processing or implementing a request for reasonable accommodation in which the DPM/RAPM has a conflict of interest, or where a perceived conflict of interest may exist, the DPM/RAPM will recuse themselves, and the Director of the USAGM Office of Civil Rights (OCR) will assign another OCR employee to fill the DPM/RAPM's role.

(ii) In addition, a conflict of interest could arise if the same person works on both the processing of a request for reasonable accommodation and responding to a complaint challenging the Agency's handling of the accommodation request. The DPM/RAPM, and any other OCR staff member, who has any involvement in the processing of a request for reasonable accommodation shall recuse themselves from working on any subsequent EEO counseling, investigation, or EEO complaint regarding that accommodation request. The OCR Director will re-assign work to another employee who does not have a conflict of interest as appropriate. If the OCR Director has a conflict, they will alert the Director of Management Services (OMS) to determine how to process the complaint outside of OCR.

(8) Privacy.

(i) The Agency will not disclose the existence of a reasonable accommodation request, the associated costs, or any other aspects of the request unless necessary. For example, the Agency may share reasonable accommodation information with:

(A) Supervisors and managers to inform them of necessary restrictions on the employee's work or duties or about the necessary accommodation(s);

(B) Medical experts, as further discussed below;

(C) Government officials who are:

(1) Evaluating the Agency's compliance with applicable law and/or policy;

(2) Responding to legal challenges, which may include providing such information to the Department of Justice or other appropriate Federal Government agency conducting litigation or in proceedings before any court, adjudicative or administrative body; or

(3) Maintaining records, evaluating, auditing, and/or reporting on the Agency's

performance in processing reasonable accommodation requests;

- (D) First aid and safety personnel, when appropriate;
- (E) Workers' compensation offices or insurance carriers in certain circumstances; and/or
- (F) Other circumstances required by law, statute, regulation, or an order by a court or administrative body with competent jurisdiction to order such disclosure.

(ii) To process some requests (e.g., to requisition equipment), the DPM/RAPM may coordinate with other offices, such as the USAGM Offices of the Chief Financial Officer, Contracts, Facilities Management, Office of Security, and Human Resources. The DPM/RAPM will protect the Requestor's personal information to the greatest extent possible.

(9) Medical Information Requests.

(i) The Agency has a right to request medical information to identify the Requestor's functional limitation or to document whether the Requestor's disability or pregnancy-related limitation is covered by the Rehabilitation Act or the Pregnant Workers Fairness Act, respectively. The DPM and/or Director of OCR has the sole discretion to request medical information from a Requestor as applied to the accommodation process.

(ii) The DPM may ask the Requestor to provide medical documentation of the medical condition, disability or functional limitation. The DPM will only ask for this information if the medical condition, disability, or functional limitation requires a need for reasonable accommodation is not obvious or already known to the Agency.

(iii) An Agency-chosen and Agency-compensated medical expert may review provided medical documentation.

(iv) All medical information, including information about functional limitations and accommodation needs, obtained in connection with a reasonable accommodation request will be kept confidential in accordance with the Privacy Act of 1976 and the Rehabilitation Act. Additionally, they will be maintained in files that are separate from the Requestor's personnel file.

(v) If the Deciding Official needs medical information to decide whether to approve a request, the Deciding Official must discuss the case with the DPM.

(10) Appointing Backups.

(i) Because the Agency cannot delay processing a request if a Deciding Official is unavailable, Agency officials who serve as Deciding Officials must designate a backup. Deciding Officials should inform the Requestor and the DPM of the designated backup.

(d) PRIMARY RESPONSIBILITIES:

(1) The Director of the Office of Civil Rights.

- (i) Designates a DPM/RAPM who has experience with the reasonable accommodation process.
- (ii) Designates a backup to serve as DPM/RAPM in case the DPM/RAPM has a conflict of interest or is unavailable.

(2) The Disability Program Manager (DPM)/Reasonable Accommodation Program Manager (RAPM).

- (i) Has direct administrative responsibility for the Agency-wide reasonable accommodations program;
- (ii) Notifies the relevant supervisor or manager as soon as the DPM/RAPM receives a request for a reasonable accommodation and immediately initiates the interactive process;
- (iii) Participates in the interactive process, during which the DPM/RAPM provides assistance to Requestors and Agency managers regarding reasonable accommodation policies and procedures;
- (iv) If necessary, requests medical information, as necessary, from Requestors and/or seeks opinions from medical experts retained by the Agency; and
- (v) Securely maintains all reasonable accommodation records.

(3) Supervisors and Managers.

- (i) Notifies the DPM/RAPM as soon as they receive a request for a reasonable accommodation and immediately initiates the interactive process;
- (ii) Directs Requestors to submit their reasonable accommodations requests to ReasonableAccommodation@usagm.gov;
- (iii) Participates in the interactive process;
- (iv) May serve as the Deciding Official;
- (v) Designates a backup Deciding Official to ensure processing is not delayed; and
- (vi) Informs Requestor and the DPM/RAPM regarding the designated backup Deciding Official.

(4) Requestor.

- (i) Participates in the interactive process;
- (ii) Completes all necessary paperwork when asked by the DPM/RAPM (the confirmation of

request will be made available in a format so as to be accessible to people with disabilities); and

(iii) Timely provides requested information related to the requested accommodation—including medical information in the case of disability requests or details regarding religious beliefs or practices in the case of religious accommodation requests—in response to the DPM/RAPM's request for information. Failure by the Requester to comply with these primary responsibilities may lead to the Agency's cancellation of the request.

(e) PROCEDURES:

(1) Initiating an Accommodation Request

(i) What to Include in a Reasonable Accommodation Request.

(A) To make a reasonable accommodation request and initiate the interactive process, the Requestor must ask for a change in workplace conditions or assistance based on a medical condition, pregnancy/pregnancy related condition, or religious belief.

(B) The Requestor does not need to use specific words, such as “reasonable accommodation,” “disability,” “Rehabilitation Act.” But, for the request to be recognized as one seeking reasonable accommodations, the Requestor cannot merely ask for a change in workplace conditions or assistance; the Requestor must make clear that the request is due to a disability, medical condition, pregnancy, pregnancy related condition or religious obligation.

(C) The Requestor does not need to identify a specific accommodation, and the Requestor does not need to have a particular accommodation in mind before making a request. However, when requesting an accommodation, Requestors are encouraged to identify accommodations that would enable them to:

(1) Perform the essential functions of the position;

(2) Complete the application process; or

(3) Enjoy a benefit or privilege of employment.

(ii) How to Submit a Reasonable Accommodation Request.

(A) To aid in the processing of reasonable accommodations requests, Requestors should submit their requests to ReasonableAccommodation@usagm.gov.

(B) Below is a non-exhaustive list of individuals to whom a Requestor may submit an oral or written request for a reasonable accommodation:

(1) The employee's first-line supervisor;

(2) The employee's Office/Division Director;

(3) If the Requestor is an applicant, an OHR specialist responsible for the recruitment process; or

(4) The DPM/RAPM.

(i) To the extent that one of the individuals identified above receives a request for a reasonable accommodation, they should forward the request to ReasonableAccommodation@usagm.gov for timely processing.

(C) Those who submit oral requests may also be requested to complete a “Confirmation of Request for Reasonable Accommodation” form.

(1) The “Confirmation of Request for Reasonable Accommodation” form will be made available in alternative formats that are accessible to people with disabilities.

(D) A health care professional, family member, or other representative may make a request on an employee’s or applicant’s behalf. Whenever USAGM receives this sort of third-party request, the Agency will confirm the request with the employee or applicant by using the “Confirmation of Request for Reasonable Accommodation” form.

(E) If the Requestor does not provide required information during the interactive process, this may delay the processing or cause a cancellation of the request.

(F) A Requestor may seek a status report regarding the processing of their request for a reasonable accommodation by mailing ReasonableAccommodation@usagm.gov.

(2) Guidance to Supervisors Upon Receiving Possible Requests for Reasonable Accommodations.

(i) Supervisors should recognize that reasonable accommodation requests may arrive in multiple forms, and will not always include specific words, such as “reasonable accommodation,” “disability,” “religious/religion,” “Rehabilitation Act” etc.

(ii) Supervisors who receive any requests for assistance or work modifications from employees related to any form of medical issue, disability, pregnancy, pregnancy related condition, or religious belief, or those who otherwise have questions about reasonable accommodation requests, should contact OCR at (202) 920-2265 or ReasonableAccommodation@usagm.gov.

(iii) Supervisors may also seek guidance from the Office of General Counsel by emailing ogcteam@usagm.gov.

(3) Processing an Accommodation Request.

(i) If the Agency supervisor or manager receives a reasonable accommodation request and can approve the accommodation request without further guidance, for example in the case of an obvious medical condition or disability or the ability to make a schedule change for a religious observance, they should inform the employee that their request is approved and notify the DPM/RAPM concerning the disposition of the request. Even in such cases, supervisors and managers should encourage the Requestor to submit their request to ReasonableAccommodation@usagm.gov in order to record the request and approval for posterity in case of personnel turnover.

(ii) If the Agency supervisor or manager receives a reasonable accommodation request and requires additional guidance to consider the request, they should contact the DPM/RAPM for guidance in addition to advising the Requestors to submit their requests to ReasonableAccommodation@usagm.gov. The DPM/RAPM will immediately initiate the interactive process by coordinating a discussion that includes the Requestor, the DPM/RAPM, and the Deciding Official.

(iii) The DPM/RAPM, Deciding Official, and the Requestor should engage in an open and ongoing dialogue. The DPM/RAPM helps facilitate the dialogue as necessary.

(iv) Ongoing communication through the interactive process is particularly important when:

- (A) A specific limitation, restriction, observance, or barrier is unclear;
- (B) An effective accommodation is not obvious; or
- (C) The parties are considering different possible accommodations.

(v) If the Deciding Official would like to request additional information from the Requestor:

(A) the DPM/RAPM will determine whether additional medical or supporting religious documentation is necessary.

(1) If medical information is not necessary, the DPM/RAPM will return the request for accommodation to the Deciding Official to complete processing. If medical information is necessary, the DPM will inform the Requestor why the current information provided is insufficient and what additional information the Agency needs.

(i) The DPM may ask an Agency-chosen and Agency-compensated medical expert to review provided medical documentation.

(ii) If necessary for the Deciding Official to decide on the accommodation request, the DPM may ask the Requestor to undergo an examination by a health care professional of the Agency's choice and at the Agency's expense.

(iii) The DPM may ask the Requestor to sign a limited release allowing the Agency to submit a list of specific questions or to otherwise contact the individual's health care professional to obtain additional information. However, the Agency may not, and will not, ask the Requestor to sign a release form so that the Agency can talk directly with the physician.

(2) If additional information regarding the sincerely held religious belief is not necessary, the RAPM will return to the request for accommodation to the Deciding Official to complete processing. If additional information is necessary regarding the sincerely held religious belief is necessary, the RAPM will inform the Requestor why the current information provided is insufficient and what additional information the Agency needs.

(B) Failure to provide appropriate documentation or to cooperate with the Agency's efforts to obtain such documentation may result in a cancellation of the request.

(4) Timeframe for Processing a Reasonable Accommodation Request.

(i) The amount of time it takes to respond to each request for reasonable accommodation will depend on the nature of the accommodation and whether it is necessary to obtain supporting medical information. However, the Agency will provide the requestor a response and approved reasonable accommodations, if the request is granted, as quickly as reasonably possible.

(ii) Absent extenuating circumstances, the timeframe for a reasonable accommodation request will take no longer than 30 business days (approximately six weeks). This 30 business day timeframe begins when the request is made, and includes processing the request, notifying the Requestor of the outcome, and – if the request is granted – providing a reasonable accommodation.

(A) However, if the DPM must request medical information from a Requestor, the 30-day timeframe will stop on the day the DPM made the request and will resume on the day the DPM receives the information.

(B) Where a particular reasonable accommodation can be provided in less than the 30-day timeframe, the Agency will provide the requestor a response and approved reasonable accommodations as quickly as possible. As explained in 29 C.F.R. 1614.203, the Agency's failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

(iii) Extenuating circumstances, including, but not limited to, all of the following, may slow the processing or delivery of a reasonable accommodation:

(A) If there is an outstanding request for medical information with the Requestor;

(B) If the DPM or the Agency's medical expert is evaluating provided medical information;

(C) If the purchase of equipment takes longer than 30 business days because of, for example, the requirements under the Federal Acquisition Regulation;

(D) If the needed equipment is not readily available because:

(1) Equipment is on backorder;

(2) The vendor typically used has unexpectedly gone out of business; or

(3) The vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(E) If the Requestor needs to test the equipment to ensure it is effective before the Agency purchases it;

(F) If the Agency needs to hire or contract new staff in order to provide the reasonable

accommodation;

(G) If an accommodation involves the removal of architectural barriers or physical reconfiguration of workspace;

(H) If the Requestor causes delays;

(I) If the Requestor is located overseas; or

(J) If multiple accommodations are explored.

(iv) Delayed Processing or Delivery. If there is a delay in either processing or delivering a reasonable accommodation, the Deciding Official must:

(A) Keep the Requestor apprised, to the extent possible, of the date the Agency expects to complete the process;

(B) Evaluate whether to provide an interim accommodation (i.e., a temporary measure put in place) to assist a person with a disability until a reasonable accommodation is available. Deciding Officials are strongly encouraged to provide an interim accommodation whenever they determine it is reasonably likely that a Requestor is entitled to a reasonable accommodation, even if the interactive process is not yet complete. However, the Deciding Official must provide an interim accommodation if all of the following conditions apply:

(1) The Deciding Official has determined that the Requestor is entitled to a reasonable accommodation;

(2) Extenuating circumstances delay the Agency's providing an accommodation; and

(3) An interim accommodation is available that does not pose an undue hardship.

(v) Expedited Processing. The Agency must expedite processing when the Agency determines that a reasonable accommodation request is time sensitive (e.g., for job applications or to participate in a specific Agency event scheduled to occur shortly).

(5) Approval Process.

(i) If the Agency approves a request for reasonable accommodation, the Agency will notify the Requestor in writing, using the "Disposition of Reasonable Accommodation Request" form. The Deciding Official must be identified on the form and sign the form.

(6) Process for Denial or Alteration of Requests.

(i) Denial. If the Agency denies a request for reasonable accommodation, the Deciding Official must fill out the "Disposition of Reasonable Accommodation Request" form, sign it, and forward it to the Office of General Counsel for review. The form must contain the specific reason(s) for the denial, such as why the requested accommodation would not be effective or why the requested accommodation would present an undue hardship. To deny an accommodation based on cost, the Deciding Official must consider all resources available

to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

(1) If after internal review, the reasonable accommodation is still denied, the Requester will be provided a copy of the disposition notice. The notice is available in accessible formats upon request.

(ii) Alteration. If the Agency denies the specific accommodation requested but offers a different accommodation, the Deciding Official must fill out the "Disposition of Reasonable Accommodation Request" form, sign it, and forward it to the Office of General Counsel for review. The form must: explain the reasons for the denial of the requested accommodation; and explain the reasons the chosen accommodation will be effective.

(1) If after internal review, the reasonable accommodation request is still altered, the Requester will be provided a copy of the disposition notice. The notice is available in accessible formats upon request.

(7) Appeals Process.

(i) If the Agency denies a request, the Requestor has the right to:

(A) Seek redress through an Agency approved informal dispute resolution process (e.g. Alternative Dispute Resolution (ADR)). USAGM encourages the use of voluntary informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(U). Individuals interested in pursuing the informal dispute resolution processes should contact OCR at 202-920-2265 or ocr@usagm.gov;

(B) File a formal EEO complaint with OCR; or

(C) If the Requestor is a bargaining unit employee, file a written grievance in accordance with the provisions of the applicable collective bargaining agreement.

(ii) EEO Process. If the Requestor wishes to file a formal EEO complaint, the Requestor must contact OCR within 45 calendar days from the date he/she received the form denying his/her request for accommodation.

(A) OCR will explain the Requestor's options, which include:

(1) Traditional EEO counseling; or

(2) Mediation through the Agency's Alternative Dispute Resolution process.

(B) If the matter is not resolved during the informal complaint stage or ADR process, the individual may file a formal complaint with the OCR Director. The complaint must be received by OCR 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.

(8) Paying for a Reasonable Accommodation.

(i) To deny an accommodation based on cost, Deciding Officials must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

(ii) The Agency has dedicated centralized funding resources to pay for reasonable accommodation.

(A) Deciding Officials can arrange to use these resources for a reasonable accommodations request by emailing the DPM/RAPM. The email should include:

(1) The specific reasonable accommodation; and

(2) The cost of the reasonable accommodation.

(B) The DPM/RAPM will respond to requests for the use of centralized Agency funding resources within five business days.

(9) Records Management.

(i) The DPM/RAPM and Deciding Official must work together to complete the "Reasonable Accommodation Information Reporting" form within five business days of issuing a decision.

(ii) The Agency must retain information and any records used to track reasonable accommodation performance for at least three years. The Agency will make these records available to the EEOC upon request.

(iii) The Agency's record-keeping systems must:

(A) Track the processing of requests for reasonable accommodation;

(B) Maintain the confidentiality of medical information received in accordance with applicable laws and regulations; and

(C) Allow the Agency to track the following information:

(1) The number of reasonable accommodations, by type, requested in the application process and whether those requests were granted or denied;

(2) The positions (occupational series, grade level, and agency component) for which reasonable accommodations were requested;

(3) The types of accommodations that were requested for each position;

(4) The specific reasonable accommodation requested, if any;

(5) The number of approved reasonable accommodations, by type, for each job;

(6) The number of denied accommodations, by type, for each job;

- (7) Whether an accommodation is temporary, including the expiration date of all temporary accommodations;
- (8) The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and the final decision;
- (9) The reasons for denying reasonable accommodation requests;
- (10) The amount of time taken to process each request for reasonable accommodation;
- (11) The sources of technical assistance that were consulted to identify possible reasonable accommodations; and
- (12) The identity of the Deciding Official for each reasonable accommodation request.

(10) Additional Procedures for Temporary Accommodations.

- (i) If the Deciding Official determines to provide a temporary accommodation, the Deciding Official shall record this and specify an expiration date on the "Disposition of Reasonable Accommodation Request" form.
- (ii) A temporary accommodation expires on the date specified in the form, without any further action by the Requestor or Agency Management. However, the Requestor may request extension or modification of a temporary accommodation, as further described below.
- (iii) The DPM/RAPM is responsible for keeping records of temporary accommodations and their expiration dates. The DPM/RAPM shall remind both the Requestor and Deciding Official about a temporary accommodation's expiration date in sufficient time before its expiration so that the Requestor can ask for extension or modification of the existing accommodation if necessary.
- (iv) If the Requestor would like to request an extension or modification of a temporary accommodation, the Requestor is responsible for making that request to the Deciding Official before the expiration of the temporary accommodation.
- (v) If the Deciding Official approves an extension or modification to a temporary accommodation, the Deciding Official shall record this on the "Disposition of Reasonable Accommodation Request" form and provide a copy of the updated form to the DPM/RAPM. The DPM is responsible for keeping records of the extension or modification, including the expiration date of any extension.

(f) SCOPE:

This policy applies to federal government employees of USAGM and its federal entities, including USAGM, the Voice of America (VOA), and the Office of Cuba Broadcasting (OCB), known collectively as "the Agency" or USAGM.

(g) AUTHORITIES:

- (1) [Title VII Civil Rights Act of 1964](#);
- (2) [The Rehabilitation Act of 1973](#);
- (3) [The Americans with Disabilities Act \(as amended by the ADA Amendments Act of 2008\)](#);
- (4) [29 C.F.R. Part 1630 – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#);
- (5) [Executive Order 13164 – Establishing Procedures to Facilitate the Provision of Reasonable Accommodation](#); and
- (6) [EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation \(October 20, 2000\), available on the EEOC's Web site](#).
- (7) [Pregnant Workers Fairness Act \(PWFA\) of 2022](#)

(h) DEFINITIONS:

- (1) **Disability**.
 - (i) In general, disability means, with respect to an individual who has:
 - (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - (B) A record of such an impairment; or
 - (C) Being regarded as having such an impairment as described in [42 U.S.C. 12102](#) and [29 C.F.R. 1630.2](#). This means that the individual has been subjected to an action prohibited by the ADA (as amended) because of an actual or perceived impairment that is not both “transitory and minor.”
 - (ii) An individual may establish coverage under any one or more of these three prongs of the definition of disability, i.e., paragraphs (g)(1)(i)(A) (the “actual disability” prong), (g)(1)(i)(B) (the “record of” prong), and/or (g)(1)(i)(C) (the “regarded as” prong) of this section.
 - (iii) See [29 CFR 1630.3](#) for exceptions to this definition.
 - (iv) This definition of disability is not limited to obvious physical or mental impairments and specifically includes hidden disabilities or impairments that are not visible, such as asthma, arthritis, chronic fatigue syndrome, epilepsy, diabetes, cancer, kidney disease, HIV infection, chronic depression, learning disabilities, autism spectrum disorder, and mild intellectual disability.
- (2) **Deciding Official**. An employee’s first-line supervisor or an employee’s Office/Division

Director who is charged with either granting or denying a reasonable accommodation request.

(3) **Essential Function.** Those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the incumbent is hired based on his/her ability to perform it. Determination of the essential functions of a position is on a case-by-case base so that it reflects the job as actually performed, and not simply a generic position description.

(4) **Major Life Activities.** In general, major life activities include, but are not limited to:

- (i) 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, and working.
- (ii) The operation of a major bodily function, including the following: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- (iii) In determining other examples of major life activities, the term “major” shall not be interpreted strictly to create a demanding standard for disability, consistent with the Americans with Disabilities Act Amendments Act section 2(b)(4) (Findings and Purposes). Whether an activity is a “major life activity” is not determined by reference to whether it is of “central importance to daily life.”

(5) **Physical or Mental Impairment.**

- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (ii) Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (iii) Any physical or mental condition “related to, affected by, or arising out of” pregnancy, childbirth, or related medical conditions.

(6) **Qualified.**

- (i) “Qualified,” with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. See 29 CFR § 1630.3 for exceptions to this definition.

(ii) "Qualified," with respect to an individual with a pregnancy, means "an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position"; and,

(iii) An employee or applicant is qualified even if they cannot perform one or more essential functions of the job if the inability to perform the essential function(s) is "temporary," the employee could perform the essential function(s) "in the near future," and the inability to perform the essential function(s) can be reasonably accommodated. (For instance, it is assumed "in the near future" because they could perform the essential functions within generally 40 weeks of the temporary suspension of the essential function. This does not mean that the essential function(s) of a pregnant employee must always be suspended for 40 weeks, or that if a pregnant employee seeks the temporary suspension of an essential function(s) for 40 weeks it must be automatically granted.)

(7) Religion. All aspects of religious belief, observance, and practice; including all widely practiced religions, as well as other systems of belief or worship.

(8) Religious Belief. A sincerely held belief in a deity or deities, as well as non-theistic moral or ethical beliefs as to what is right or wrong that are sincerely held with the strength of traditional views;

(9) Religious Observance or Practice. Includes but is not limited to, attending worship services, praying, wearing religious attire or symbols, displaying religious objects, adhering to certain dietary rules, other forms of religious expression, or refraining from certain activities;

(10) Religious Accommodation. Any change in the application process or work environment, or in the way work or responsibilities are customarily done, that enables an employee or applicant to participate in their religious belief, observance, or practice.

(11) Requestor. An Agency employee or an applicant for employment who submits a reasonable accommodation request.

(12) Undue Hardship. An accommodation that causes undue hardship means the accommodation would require significant difficulty or expense. This determination considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency. However, to deny an accommodation based on cost, the Deciding Official must consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.