

# NRCS REASONABLE ACCOMMODATIONS PROCESS

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PowerPoint adapted from the Ohio NRCS website

# What is a Reasonable Accommodation?

- Enables person with a disability to enjoy equal benefits and privileges of employment.
- May provide a change in the work environment or the application process that would enable a person with a disability to experience equal employment opportunities.



# The Rehabilitation Act of 1973

- Section 501 mandates non-discrimination by the Federal government in its own hiring practices and requires affirmative action in the hiring, placement, and advancement of people with disabilities.

## Under the Rehabilitation Act:

- Federal agency must provide reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee with a disability.



# USDA-NRCS Policy

- Is to provide reasonable accommodations to “qualifying” individuals with disabilities”



**Except when such an accommodation would cause an undue hardship to the Agency.**

- Made in consultation with the National NRCS DEPM.
- Hardship is based on USDA, not individual NRCS State specific resources

# Who is a “qualifying individual with a disability”?

- Qualifying disabilities as defined by the Rehabilitation Act
- Satisfies the job related requirements of the position
- Can perform the essential functions of the positions with or without reasonable accommodations.

# Definition of Disability

**An individual with a disability is one who**

- Has a record of, or
- Is regarded as having a physical or mental impairment that substantially limits a major life activity



## **Substantial limitations to one or more of the major life activities:**

- Such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing, reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running and working.

**A Record of such an impairment,  
or being regarded as having such  
an impairment.**

- Having a history of or been classified as having mental or physical impairment that substantially limits one or more major life activities.

# Disability Does Not Include

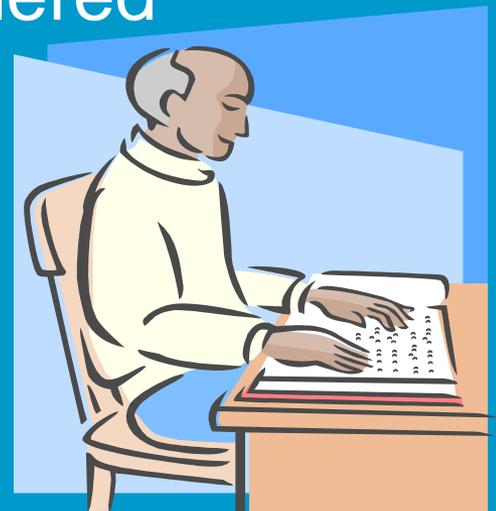
- Homosexuality and bisexuality
- Transvestitism, transsexuals, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.

## Cont..:

- Compulsive gambling, kleptomania, or pyromania; or
- Psychoactive substance use disorders resulting from current illegal use of drugs.

## Request for an Accommodation:

- If employee has an obvious or previously documented qualifying disability, the accommodation request shall be considered immediately



# Request for an Accommodation:

- No history or records of disability and is not obvious, one may be required to provide sufficient documentation in consultation with National DEPM.



## **ALSO: the immediate supervisor**

- May request consideration for R.A. on behalf of an employee with a disability.
- In order to perform the essential functions of the job
- Is to consult with employee and others.

# When?

- Prior to a job interview.
- Anytime during Federal employment as needed.



## How?

- Either written or oral request to immediate supervisor.
- Provide the kind of accommodation being requested, if known.

# Timeline

- 30 days from time of request accommodation should be in place unless there are extenuating circumstances.



## Reasonable Accommodation means:

- Modification of the job application process
- Modification to the work environment/manner under which the position held is customarily performed
- Modification that enables an employee to enjoy equal benefits and privileges of employment

# What Does Reasonable Accommodation Include?

- Making existing facilities used by employees readily accessible and usable by persons with disabilities
- Job restructuring
- Part-time/ modified work schedules
- Adjustments/modifications of tests, training materials, or policies
- Providing qualified readers or interpreters
- Reassignment to vacant positions

## **Request for R.A. may be an interactive process**

- **Management shall consult with all necessary parties, including, but not limited to:**
  1. The employee
  2. Members of the family of employee
  3. Employee's attending physician
  4. Rehabilitation counselor
  5. TARGET Center
  6. NRCS DEPM
  7. National DEPM

**Supervisor may receive, process,  
and document the R.A request.**

- Forward the request to State Disability Emphasis Program Manager –
- Iowa NRCS Disability Program Manger is Robert Lawson

# Supervisor documents request:

- Use Form AD-1163, Confirmation of Request for Reasonable Accommodation.



# Determining the Reasonable Accommodations

- Determine the job's purpose and essential functions.
- Consult with the individual to determine the specific skills and limitations.
- Identify potential accommodations in consultation with the individual.
- Consider the preference of the individual, but select the method that best serves both the individual and the business.

# Reasonable Accommodation Requests

- Must be determined on a case-by-case basis.



# NRCS Management Response to Request

- Provide written documentation of the provision of a reasonable accommodation OR
- If request denied by management, a written denial is required stating reason the accommodation causes an undue hardship.
- Provide copy to National DEPM.

# Reasonable Accommodation Non Assistive Technologies

- Ergonomic office equipment
- Sign language Interpreters
- Alternative work schedules
- Leave

# Reasonable Accommodation Assistive Technologies

- All assistive technology accommodations will be provided to NRCS at no cost through the TARGET Center by the Department of Defense Computer/Electronic Accommodations Program (CAP).

# Reasonable Accommodation Assistive Technologies

- Iowa NRCS DEPM may be contacted to assist in obtaining assistive technology.
- Request is sent to the USDA TARGET Center in Washington, D.C., at 202-720-2600 with copy to the National DEPM.

# Reasonable Accommodation Assistive Technologies

- Alternative keyboards
- TTY
- Speech Recognition Software
- Screen Readers
- Monitors
- Braille Displays



# Confidentiality

- Agencies must keep all information concerning the medical condition or history of its applicants and employees confidential.
- This includes medical information that an individual voluntarily tells his/her employer.



# Rehabilitation Act Enforcement

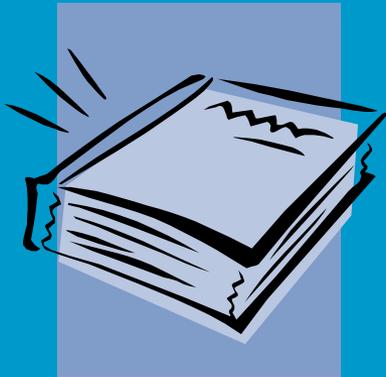
Contact USDA Equal Employment Opportunity Office for internal complaint processing procedures.

The Equal Employment Opportunity Commission (EEOC) enforces Section 501 of the Rehabilitation Act.

# NRCS Policy and Procedure on Reasonable Accommodations?

- Title 230 – General Manual,  
Part 401 – Equal Employment  
Opportunity,  
Subpart C – Reasonable  
Accommodation

(230-GM, Amend 17, February  
2004)



# How Can I Get The Reasonable Accommodation Procedure?

- Go to the Iowa NRCS DEPM Web Page at <http://www.ia.nrcs.usda.gov/about/disability.html>
- OR contact Robert Lawson, Iowa NRCS DEPM at (712) 755-2417 ext. 3

# Summary

- Remember anyone can request an accommodation at anytime.
- Additional accommodations may be needed in the future.
- Confidentially is maintained at all times.
- QUESTIONS?