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 Manager 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).
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.

NRCS Policy and Procedure on Reasonable Accommodations?

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?