

**GUIDE TO**  
**REASONABLE**  
**ACCOMMODATION**

Completed forms should be sent to  
**88abw.de.DisabilityProgram@us.af.mil**

## POLICY

The United States Air Force employs over one hundred and thirty thousand men and women across the country and around the world. The ability of the government to meet the complex needs of the nation rest squarely on these dedicated and hard-working individuals. Equal Opportunity in the Federal workplace is a key to accomplishing this goal. In order to develop a competitive, highly qualified workforce, Federal agencies must fully utilize all workers' talents, without regard to race, color, religion, national origin, sex or disability.

Executive Order 13164 requires agencies to provide reasonable accommodation to individuals with disabilities unless the accommodation would create an undue hardship on the operations of the agency. A reasonable accommodation is an adjustment or alteration that enables an individual with a disability to apply for a job, perform job duties, or enjoy equal benefits and privileges of employment.

Unless doing so would impose an undue hardship, Commanders and supervisors will make reasonable accommodations for individuals with disabilities fully utilizing the assistive technologies and services of the DoD, Computer/Electronic Accommodations Program (CAP) to fulfill requests for reasonable accommodations, <http://www.tricare.osd.mil/cap>. Commanders and supervisors will ensure their personnel are familiar with Federal and DoD-specific policies and procedures related to the availability and provision of reasonable accommodations for individuals with disabilities.<sup>1</sup>

It is imperative that requests for reasonable accommodation are appropriately processed, accurately documented, decided and implemented when necessary in a timely and expeditious manner. This Guide is designed to assist Air Force installations to comply with AFI 36-205.

### I. DEFINITIONS/GLOSSARY

1. **Applicants**<sup>2</sup> - An individual applying for a job with Tinker Air Force Base (TAFB). An employer must provide a reasonable accommodation to a qualified applicant with a disability that will enable the individual to have an equal opportunity to participate in the application process and to be considered for a job (unless it can show undue hardship).
2. **Commander (CC)**—The Air Force commander who has been delegated appointing authority. In complaints filed against personnel in the grades of colonel (or civilian equivalent) or above who are assigned to the Secretariat of Air Staff, a senior civilian with supervisory responsibility over the responsible management official, and no conflict of interest, shall be considered the commander for purposes of settling the complaint. AFMC and Air Force Space Command (AFSPC) center directors exercising delegated appointing authority over civilian employees under their direction may be considered the “Commander” for the limited purpose of EO program oversight, including dismissal and settlement of complaints.

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<sup>1</sup> The appendix in the Policy Guidance on Executive Order 13164 lists several sources at the website [http://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](http://www.eeoc.gov/policy/docs/accommodation_procedures.html) that supervisors and managers can consult to identify and evaluate possible accommodations.

<sup>2</sup> For purposes of this Guide, the word “requestor” refers to both Applicants and Employees. See definition 24.

3. **Decision Maker** – The decision as to requests for reasonable accommodation should be made at the lowest possible level. With the exception of requests for reasonable accommodation received from an applicant, requests for reasonable accommodation from employees will be handled by the requestor’s immediate supervisor or other designated supervisor as a Decision Maker, whenever possible. Requests for reasonable accommodation from *applicants* will be handled by the installation Staffing Office (AFPC/DPIDO). Requests for reasonable accommodation may be coordinated up a chain of command and may require a higher decision-making authority. All decision makers will ensure completion of the necessary documentation outlined herein.

4. **Designated Representative** – A family member, health professional, or other representative requesting an accommodation on behalf of a requestor. When a request for accommodation is made by a third party, the Decision Maker must receive written documentation from the requestor authorizing the designated representative and confirm with the requestor with a disability that he or she wants a reasonable accommodation before proceeding with processing the request. It may not be possible to confirm the request if the requestor has, for example, been hospitalized in an acute condition. In this situation, the decision maker will process the third party’s request and will consult directly with the individual needing the accommodation as soon as practical.

5. **Disability** – With respect to an individual, the term disability means:

- a. Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. Has a record of such an impairment; or
- c. Being regarded as having such impairment.

6. **Disability Program Manager (DPM)** – The DPM is appointed IAW AFI 36-205 to improve the hiring, advancement and retention of individuals with disabilities. The DPM is the installation’s designated individual and office responsible for providing guidance on the installation’s policy regarding reasonable accommodations to employees, supervisors and other management officials and whose office will receive, record, and/or process all requests for reasonable accommodation. Ms. Sarah Dallis is the Wright-Patterson AFB Disability Program Manager. You can reach her at (937) 904-3467 or sarah.dallis.2@us.af.mil.

7. **Direct Threat** – A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodations. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. Factors to be considered include:

- a. The duration of the risk;
- b. The nature and severity of the potential harm;

- c. The likelihood that the potential harm will occur; and
- d. The imminence of the potential harm

8. **Employees<sup>3</sup>** - An employee who is a qualified individual with a disability may request a reasonable accommodation which will assist them to accomplish the essential functions of their assigned position at any time, orally or in writing, from their immediate supervisor. However, requests may be made to another supervisor or manager in their immediate chain of command, the organizational Resource Management office, the installation ADR Office, or the Affirmative Employment Program Manager.<sup>4</sup>

9. **Essential Functions** – Essential functions are the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position. Determination of the essential functions of a position must be conducted on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description. The reasons a function may be essential include, but are not limited to:

- The reason the position exists is to perform that function;
- The limited number of other employees who could perform that function; and/or
- The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the particular function.

10. **Extenuating Circumstances** – Extenuating circumstances are factors that could not be reasonably anticipated or avoided in advance of the request for accommodation. Extenuating circumstances may include an outstanding request for medical information, the purchase of equipment, employees working with equipment on a trial basis to ensure that it is effective before being purchased, or facility modifications or improvements

11. **Facilitation** – The process through which a trained neutral from the installation Alternative Dispute Resolution Office may assist a Requestor and a Decision Maker to enter into, participate in, and complete the interactive process.

12. **Individual with a Disability (IWD)**—A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment (regardless of whether or not it limits or is perceived to limit a major life activity). The Rehabilitation Act of 1973 (29 USC §791 et seq.) as amended by the Americans with Disabilities Act of 1990, as amended (42 USC §12101 et seq.) requires all Federal agencies to provide reasonable accommodation to qualified individuals with

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<sup>3</sup> See footnote 2.

<sup>4</sup> Requests for reasonable accommodation do not have to be formal or use the language “reasonable accommodation”.

disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. An employer does not have to employ an individual with a disability who poses a direct threat to the health or safety of him/herself or of others in the workplace.

13. **Installation Commander**—For purpose of AFI 36-205, the commander or head of an Air Force activity exercising delegated appointing authority pursuant to AFPD 36-1, *General Civilian Personnel Provisions and Authorities*, over civilian personnel assigned to the organization or activity under his or her command or direction, including field operating agencies and direct reporting units.

14. **Interactive Process** – When a qualified individual with a disability requests an accommodation, the employer must engage in an "informal, interactive process" with the employee to identify the limitations caused by the disability and the potential reasonable accommodations to overcome those limitations. The process requires a meaningful dialogue with the employee to find the best means of accommodating that disability. This process may be facilitated through the Alternative Dispute Resolution Office.

15. **Job Restructuring** – Modifications such as reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability, and altering when and/or how a function, essential or marginal, is performed.

16. **Major Life Activity** – Activities that are of central importance to daily life. The determination is made based on whether the applicant/employee is unable to perform tasks that are central to most people's lives. Examples are 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.

17. **Management Official** – Designated individuals charged with the responsibility of internal review of decisions regarding various aspects of reasonable accommodation.

18. **Medical Facility/Occupational Medicine** – Serves as a consultant, reviews and interprets medical documentation, when necessary, for the purpose of assisting in determining the validity of reasonable accommodation.

19. **Mental Impairment** - Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

20. **Physical Impairment** – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin or endocrine. Physical impairment alone does not make an employee disabled. The impairment must also substantially limit a major life function. Common conditions, like excess weight and back pain, impair an individual's ability

to stand for long periods or on one leg, but not all persons impaired by common afflictions are qualified individuals with a disability.

21. **Qualified Individual with a Disability**—A qualified individual with a disability is an individual with a physical or mental impairment, or a record of having such an impairment, that substantially limits one or more major life activities, who can, with or without reasonable accommodation, perform the essential functions of the position that the individual holds or desires. A qualified individual with a disability does not include any employee or applicant who is currently engaging in the illegal use of drugs. For the purpose of MD-715 reporting, Air Force employees with a disability are those who have indicated having a disability on OPM Standard Form (SF) 256.

22. **Reasonable Accommodation** – A reasonable accommodation is an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy equal benefits and privileges of employment. The concept of reasonable accommodation applies to all aspects of employment, including recruitment, work location and schedule, training, promotion, reassignment, and developmental assignments. Reasonable accommodation is always prospective; an employer is not required to excuse performance problems or past misconduct that has occurred prior to an accommodation request even if the problem resulted from the individual’s disability.

Suggested accommodations include but are not limited to:

- a. Modification of worksites – such as widening access areas to allow for room for wheelchairs, raising or lowering equipment to provide comfortable working heights, installing holding devices on desks, installing communications equipment for the deaf, and etc.
- b. Making facilities available – providing handicapped parking and making physical structural changes in order to create an environment that is as barrier-free as practicable. Ramps, wider doorways, and handrails are examples of structural changes.
- c. Adjusting work schedules – Mobility-impaired employees may find it difficult to maneuver during peak work periods. Those requiring medical treatment may also need a flexible schedule. Some may be able to work odd shifts, while others cannot, and so on.<sup>5</sup>
- d. Additional breaks – Some disabled employees may need additional breaks to ensure they can continue accomplishing their essential functions. Allowing such breaks and extending the work day to allow for a full workday can be a reasonable accommodation.

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<sup>5</sup> An employee’s actual commute is an issue outside his or her working relationship with the employer. A schedule change, however, may assist an employee to overcome commuting difficulties which exist due to a disability. See generally, *Colwell v. Rite Aid of Pennsylvania*, 2010 U.S. App. LEXIS 7249 (3<sup>rd</sup> Cir. 2010)

e. Restructuring jobs – Redesigning a job is one of the principal means by which qualified workers can be accommodated. The idea is to find those factors that make a job incompatible with a worker’s disability, and if possible, remove them from the job so the person can perform the duties. However, the employee must be able to perform the essential functions of the job with or without reasonable accommodation; an employer is not required to restructure in such a way as to eliminate essential functions of a position.

f. Providing readers and interpreters.

g. Providing ergonomically efficient assistive devices.<sup>6</sup>

An employer is not obligated to provide personal use items such as glasses or hearing aids. An employer is not required to remove an essential function of the job as an accommodation. *See* EEOC’s Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No.915.002 (October 17, 2002).

23. **Reasonable Accommodation Committee (RAC)** – Installations may create RACs which can be assembled to assist in the interactive process.

24. **Reassignment as a Reasonable Accommodation** – if no other reasonable accommodation enables the employee to perform the essential functions of his or her current position, reassignment may be considered. The Equal Employment Opportunity Commission refers to reassignment as “the accommodation of last resort”. Reassignment/change to a lower grade is only considered if no appropriate reasonable accommodation is available to enable the QIWD to perform his or her current job/position or if the only effective accommodation would cause undue hardship. Positions appropriate for consideration for reassignment/change to a lower grade of QIWD will include: (a) all vacant positions at the same grade, or at a lower grade, within the commuting area or any geographic area to which the employee indicates he or she is willing to move and for which the employee is qualified; and (b) any planned jobs/positions which appropriate officials can reasonably assume will become available over a period of 60 business days, for which the disabled employee is qualified, at same pay, or lower rate of pay. The law does not require agencies to train a qualified individual with a disability in order to make him or her qualified. The employer does not have to create new positions or move other employees from their jobs in order to create a vacancy. There is no right to “save pay” or “save grade” when an employee accepts a reassignment as a reasonable accommodation.<sup>7</sup> The Agency does not pay relocation expenses for a reassignment which is out of the commuting area.

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<sup>6</sup> The ergonomics program may be utilized to address or prevent various medical conditions. The most common ergonomics improvement is the sit/stand stool. Employees who cannot bend, kneel and/or who have lifting as a restriction may utilize the ergonomics program to obtain an engine stand to assist with lifting items.

<sup>7</sup> Referral to the installation PDRP (Physically Disqualified and Referral Program) or Medical Placement Program is not an appropriate process through which to effect a potential reassignment. The PDRP is governed by a process guide which requires benefits not required for reassignments effected as a reasonable accommodation. Not finding a reassignment is NOT a denial of reasonable accommodation, it is a conclusion of the reasonable accommodation process.

25. **Record of Having an Impairment** – Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. An employee claiming a record of a disability must demonstrate that the employer was aware of that record.

26. **Regarded As Having an Impairment:** An employee may be regarded as having a disability if an employer ascribes an inability to perform the essential functions of a job because of a medical condition when, in fact, the individual is able to meet the job's duties. There are two apparent ways in which individuals may fall within this statutory definition: (1) an employer mistakenly believes that a person has a physical impairment that substantially limits one or more major life activities, or (2) an employer mistakenly believes that an actual, non-limiting impairment substantially limits one or more major life activities. Being regarded as having such an impairment does not apply to impairments that are transitory, episodic, or in remission.

- A **transitory impairment** is an impairment with an actual or expected duration of 6 months or less. An employer need not provide reasonable accommodations to an employee who does not actually suffer from a substantially limiting impairment merely because the employer thinks the employee has such an impairment.
- An impairment that is **episodic** or **in remission** is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

27. **Request/RAR/Requestor** - An employee has the initial duty to inform the employer of a disability. A request for reasonable accommodation is a statement, oral or written, that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. No specific language is required to make a request, nor does the request have to use specific words such as "reasonable accommodation", "disability" or "Rehabilitation Act".<sup>8</sup> The request must be clear enough to inform the employer that the employee needs assistance accomplishing an essential function of their job due to a disabling condition. The request should be made to the employee's first-line supervisor but may be made to the DPM. Hereinafter, in this Guide, a reasonable accommodation request (or a request for reasonable accommodation) will be referred to as an **RAR** and a **Requestor**<sup>9</sup> is any current or prospective applicant or employee who wishes to be considered for a reasonable accommodation and brings the matter to the attention of the employer.

28. **Substantial Limitation** – For purposes of reasonable accommodation and the determination as to whether the employee or applicant is qualified for consideration for a reasonable accommodation, the inquiry is whether the identified limitation is substantial or considerable in light of what most people do in their daily lives, and whether the impairment's effect is permanent or long term.

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<sup>8</sup> The standards under Title I of the Americans with Disabilities Act ("ADA") apply to Rehabilitation Act claims which cover federal employees and employers.

<sup>9</sup> See footnote 2.



29. **Temporary Restrictions** - Temporary, non-chronic impairments of short duration, with little or no long term or permanent impact, are usually not disabilities within the law. A temporary impairment caused by an injury may be a covered disability if it is sufficiently severe enough to substantially limit a major life activity, but it is well-established that disability act protection was never intended to extend to persons suffering from temporary conditions or injuries. For example, a broken leg that heals normally is a temporary condition that does not affect a major life activity long enough to be substantial. In order for an impairment to substantially limit a major life activity, it generally must involve some manifestation of severity, significant duration, or permanence. Temporary conditions should not be referred to as “disabilities”. This does not preclude the employer from implementing measures to ameliorate the effects of a temporary condition. This measures should not, however, be referred to as “reasonable accommodations”. Any ameliorating measures given to an employee with a temporary condition should be provided in an employee’s current position if at all possible.

30. **Undue Hardship** – An accommodation may be unreasonable if it either imposes undue financial and administrative burdens or requires a fundamental alteration in the nature of the employer’s program. An accommodation, even a reasonable one, imposes undue hardship on an employer if it requires significant difficulty or expense, when considered in light of several statutory factors. Those factors include the nature and cost of the accommodation and the composition, structure, and functions of the employer’s workforce. An employer invoking the undue hardship defense must use these factors to show case-specific circumstances that demonstrate undue hardship in the particular circumstances.

## **II. REASONABLE ACCOMMODATION PROCEDURES**

### **A. Forms**

1. **RAR Form 1** – Confirmation of Request for Reasonable Accommodation
2. **RAR Form 2** – Notification of Request for Medical Information
3. **RAR Form 3** – Template for a Request for Medical Information Letter
4. **RAR Form 4** – Request for Supplemental Medical Documentation
5. **RAR Form 5** – Medical Release
6. **RAR Form 6** – Record of Interactive Discussions
7. **RAR Form 7** – Decision
8. **RAR Form 8** – Rights Advisement

### **B. Information Tracking**

(1) The office of the Disability Program Manager (DPM) will be the single repository for RARs and will maintain, record, and process all RAR Forms, tracking the amount of time utilized between request and implementation or denial of a reasonable accommodation. The installation will maintain the records related to a particular individual who has requested

accommodation for the duration of the employee's tenure with the agency.<sup>10</sup> In each case, the following information will be recorded by the DPM:

- (a) The description of the reasonable accommodation requested.
  - (1) Whether the requestor was an applicant or an employee.
  - (2) Whether the request for reasonable accommodation was for:
    - (A) The application process
    - (B) Performing Job Functions
    - (C) Modifying the Job Environment
    - (D) Accessing a Benefit or Privilege of Employment
- (b) The dates of all RAR Forms.
- (c) The identity of the individual receiving the request.
- (d) The date the first-level supervisor was provided the request.<sup>11</sup>
- (e) The date the request was provided to the DPM
- (f) Whether medical information was requested.
  - (1) If so, the date the information was requested.
  - (2) If so, the date the information was received.
  - (3) Whether supplemental medical information was requested.
    - (A) If so, the date supplemental information was requested.
    - (B) If so, the date supplemental information was received.
  - (4) Why medical information was deemed necessary.
- (g) Whether the reasonable accommodation request was granted or denied.
  - (1) If it was denied, a description of the reasons for denial.
  - (2) If an alternative was granted, a description of the alternative.
- (h) Whether Reconsideration was requested.
  - (1) If requested, the dates of processing.
  - (2) If requested, whether the Decision was upheld or reversed.

(2) The DPM will maintain an installation spreadsheet of all requests received. The installation will also retain for at least three (3) years any cumulative records used to track the installation's performance with regard to reasonable accommodation. Tracking performance over a three year period is critical to enable an installation to assess whether it has adequately processed and provided reasonable accommodations and where to improve handling requests. The installation must be able to identify, at the minimum, the following information:

- (a) The number of reasonable accommodations that have been requested for the application process and whether those requests have been granted or denied;
- (b) The jobs (identified by series, grade, and agency component) for which reasonable accommodations have been requested;
- (c) The types of reasonable accommodations which have been requested for each of those jobs;

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<sup>10</sup> See Attachment 4, AFI 36-205

<sup>11</sup> Dates may be identical.

(d) The number of reasonable accommodations that have been approved, identified by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;

(e) The reasons for denial of requests for reasonable accommodation;

(f) The amount of time taken to process each request for reasonable accommodation; and

(g) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

### **C. Applicant Requestors**

1. An applicant for employment may request a reasonable accommodation orally or in writing from the staffing specialists assigned to the installation. The staffing specialist receiving the RAR is responsible for completing the Confirmation of Request for Reasonable Accommodation (RAR Form 1) and the applicant must provide written documentation when authorizing a designated representative to act on their behalf.

2. If an applicant makes a RAR to someone other than the AFPC/DPICO (Staffing) the receiving official must complete the Confirmation of Request for Reasonable Accommodation (**RAR Form 1**) and ensure proper documentation has been provided if the applicant has designated a representative. This information must be forwarded immediately, but no later than the next business day, to the appropriate Staffing Office.

3. The Staffing Office will forward a copy of the request to the DPM for tracking purposes. The Chief of the Staffing will be the Decision Maker on RARs received from *applicants*.

### **D. Medical Information**

#### 1. Defining the Information

(a) The employer is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation.

(b) There may be circumstances where the scope of disability, the impact of the limitations on the essential functions, and the need for accommodation is apparent or already known to the decision maker. In those circumstances further medical information may not be needed.

(c) If medical information is needed, the information must be sufficient to substantiate that the individual is a qualified individual with a disability that meets the definition under Rehabilitation Act and needs a reasonable accommodation. The requirements set forth in accordance with EEOC Enforcement Guidance: *Disability-Related Inquiries and Medical*

*Examinations of Employees Under the Americans with Disabilities Act*, (available via the internet at <http://www.eeoc.gov/policy/docs/guidance-inquiries.html>) provides further details. The agency may request information or documentation regarding the:

- Nature, severity, and duration of the requestor's impairment;
- Activity or activities that the impairment limits;
- Extent to which the impairment limits the requestor's ability to perform the activity or activities;

and/or

- Why the requestor requires reasonable accommodation or the particular reasonable accommodation requested; as well as how the reasonable accommodation will assist the requestor to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

(d) Information unrelated to the foregoing should not be solicited.

(e) The failure to provide appropriate documentation or to cooperate in efforts to obtain such documentation may result in a denial of the reasonable accommodation.

## 2. Obtaining Medical Information

(a) If it is determined that medical information related to the impairment is necessary to make a determination regarding reasonable accommodation, the Decision Maker must notify the DPM that a Request for Medical Information is being processed. **RAR Form 2** should be used for that purpose.

(b) The Decision Maker may prepare a Request for Medical Information Letter (**RAR Form 3**) addressed to the requestor and his/her medical provider. The Letter will notify the requestor as to what medical documentation is required to identify his/her disability and functional limitations with regard to the essential functions of the position. The DPM may assist the Decision Maker with the Request for Medical Information Letter.

(c) The Decision Maker will also attach a copy of the requestor's current position description to the Letter used to request the medical information.

(d) The Decision Maker will provide the requestor a package with the above information to obtain the medical information from their health care provider to support the request for reasonable accommodation.

(e) The requestor is responsible for obtaining the necessary medical information directly from their medical expert or provider and providing it to the Decision Maker. The

requestor is responsible for all costs incurred with providing existing supporting medical documentation.

(f) The requestor may supply medical information directly to the Decision Maker without being asked. If this occurs, the Decision Maker may advise the requestor to submit a copy of the medical information to OMS to ensure it is documented and retained in a medical file. In these cases, the decision maker will consider such documentation.

(g) There may be instances where the employer may require that a requestor visit the healthcare provider of its choice at government expense. Any such medical examination will be limited to determining the existence of a disability and the need for reasonable accommodation. Where a medical examination is warranted, the agency must explain to the requestor that failure to agree to it could result in a denial of reasonable accommodation.

### 3. Supplemental Medical Documentation

(a) Supplemental documentation may be requested when the medical information submitted is insufficient to document the disability or the functional limitations it causes. **(RAR Form 4)**

(b) When requesting supplemental information, the requestor or designated representative will be told in specific terms why the information which has been provided is insufficient, what additional information is needed and why it is necessary for determining the need for reasonable accommodation. The requestor or designated representative can then ask the health care or other appropriate professional to provide the missing information within a reasonable timeframe as determined by decision maker.

### 4. Protecting Medical Documentation

(a) Supporting medical documentation obtained in connection with the reasonable accommodation process must be kept confidential. Such information and documentation, including information about functional limitations and reasonable accommodation needs, will be kept in a secured file separate from the supervisor's employee work folder (971). The folder may be labeled Personal Data Privacy Act 1974 Reasonable Accommodation. Any employee who obtains or receives such information is strictly bound by confidentiality requirements.

(b) Records will be maintained in accordance with the *Privacy Act of 1974*, the requirements of 29 CFR Section 1611, *Privacy Act Regulations*, the Equal Employment Opportunity Commission Order 150.003, *Procedures for Providing Reasonable Accommodations for Individuals with Disabilities*, and applicable Air Force instructions. This information may only be disclosed to:

(1) Supervisors, managers and personnel specialists who need to know may be told about necessary restrictions concerning the work or duties of the employee or applicant and about the necessary accommodations, but medical information will not be

disclosed without consent of the employee in accordance with the *Privacy Act of 1974*.

(2) First aid and safety personnel may be informed when appropriate, if the disability might require emergency treatment.

(3) Government officials, as necessary, to investigate compliance with the Rehabilitation Act and/or defend the agency against a claim of failure to comply with the Act.

(4) The Workers' Compensation offices in certain circumstances or to the Office of Personnel Management in connection with disability retirement applications.

(5) The Occupational Medicine Services Flight of the installation.

3. The Requestor will complete a **RAR Form 5** to facilitate the foregoing section.

### III. PROCESSING

The optimal time for processing a RAR is thirty (30) days:

<u>Days</u>		<u>Process</u>
1-5	(5 days)	Initial processing and contact
6-16	(10 days)	Interactive Process
17-25	(9 days)	Internal Coordination
25-30	(5 days)	Communicate Decision

\*\*During the 1-16 days an employee might have to obtain medical documentation, according to AFI 36-2710, information necessary should be submitted within 20 calendar days of request by Agency.\*\*

After a RAR has been made, processing of requests, regardless of whether written confirmation has been provided, should begin immediately.

#### A. 1-5 Days (Initial Processing/Initiation of Interactive Process)

1. Decision makers should contact the DPM first for assistance with processing a request and with identifying resources for an accommodation. The DPM may assist all parties with the reasonable accommodation process directly or refer the Decision Maker to the Alternative Dispute Resolution Office. Decision Makers should have designated alternates to receive and process requests for reasonable accommodation when they are unavailable. The timeframes for processing a request should not normally be extended because of the unavailability of a decision maker. Decision Makers may not refuse to process a request for reasonable accommodation based on a belief that the accommodation should have been requested earlier (e.g. during the application process). An individual with a disability may request reasonable accommodation at any time.

2. **RAR Form 1**, Confirmation of Request for Reasonable Accommodation, will be utilized to initiate the Interactive Process.

(a) Whether a RAR is received orally or in writing, a Confirmation of Request for Reasonable Accommodation (**RAR Form 1**) will be used to document when the request was received and the nature of the accommodation. All Decision Makers must forward a copy of the completed Confirmation of Request for Reasonable Accommodation (**RAR Form 1**) and written documentation, if applicable, from the employee authorizing a designated representative to the DPM upon receipt but no later than the next business day for tracking purposes

(1) When an employee needs a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, the employee must submit the form only for the first request and annotate the recurring need. The employee must give the

supervisor appropriate, advance notice each subsequent time the accommodation is needed. When an employee needs an accommodation on a scheduled, regular basis (e.g. weekly staff meeting), the supervisor is responsible for providing the accommodation as requested without additional notice from the employee.

(2) Any individual who receives information in connection with a request for reasonable accommodation may share information connected with that request with other agency officials only on a need-to-know basis.

(b) If the RAR is in writing, it will be attached to **RAR Form 1**.

(c) If the RAR is made by a designated representative, the requestor must provide written documentation when authorizing a designated representative to act on their behalf. Only one representative will be recognized in connection with any specific request for accommodation.

(d) If a requestor makes a RAR to a management official other than the Decision Maker as defined above, the receiving official must complete the Confirmation of Request for Reasonable Accommodation (**RAR Form 1**) and forward it to the appropriate Decision Maker within one (1) business day.

(e) This information should be forwarded and processed in accordance as near as practical with the timelines outlined in this Guide.

3. If the employee or applicant refuses to participate in the interactive process or withholds essential information to this process,<sup>12</sup> the Decision Maker should document their attempt to obtain information that would facilitate in identifying and making a reasonable accommodation.

## **B. 6-16 Days** (Interactive Process and Response)

1. Decision Makers will process RARs, engage in the interactive process, and provide accommodations where appropriate in as short a time frame as reasonably possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If at all possible, a response to a RAR may be provided within ten (10) business days from the initial request.

2. There is no required structure for the interactive process. The optimal process would be for a requestor and his/her supervisor (Decision Maker) to engage directly and informally with each other, examine the essential functions, discuss the employee's limitations with regard to those functions, and reach an agreement as to accommodation. Only the rarest of circumstances would warrant bypassing the direct supervisor of the employee who has the RAR.

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<sup>12</sup> Requestors refusing to engage in the interactive process may lose their claim to a reasonable accommodation by failing to participate. Federal courts have held that employers are not in violation of the ADA when responsibility for the breakdown of the interactive process is traceable to the employee. *EEOC v. Kohl's Dep't Stores, Inc.*, 2014 U.S. App. LEXIS 24043 (1st Cir., Dec. 19, 2014).



Either individual or the DPM can solicit the intervention of the Alternative Dispute Resolution Office who will assign one of the program’s facilitators to the matter to assist the parties in the interactive process.

3. The Decision Maker will take a proactive approach in considering possible accommodations, including consulting appropriate resources for assistance. The requestor or designated representative are expected to act in good faith in the reasonable accommodation process and work together with the Decision Maker in a partnership to identify an effective accommodation.

4. The Decision Maker should meet with the employee, either directly or with the assistance of a facilitator from the Alternative Dispute Resolution Office, within three (3) business days from the initial request to begin the interactive process to determine what, if any, accommodation should be provided. In these three (3) days, the Decision Maker and the requestor must communicate with each other about the request regarding:

(a) the precise nature of the workplace that is generating the request;

(b) how a disability is prompting the need for an accommodation in the essential functions of the assigned position;

(c) possible alternative accommodations that may be effective in meeting a requestor’s need for a reasonable accommodation.

5. The supervisor (Decision Maker) will discuss with the employee who has permanent restrictions<sup>13</sup> the RAR and the options available. The discussion may include subjects such as duties, restrictions, job restructuring,<sup>14</sup> assistive devices, schedule modifications, and any other potential accommodations as outlined in the definition of “reasonable accommodation” in this Guide. A record of this discussion (**RAR Form 6**) must be provided to the employee, a copy of which will become part of the case file.

(2) Expedited Processing. In certain circumstances, such as situations where the disability is obvious or already known and the accommodation can be provided in less than the allotted time frame, a RAR requires the decision maker to expedite processing the request. These include RARs that will enable applicants to apply for jobs, or that will enable an employee to attend and participate in a meeting when short notice of the meeting was given to the employee. A request that is straightforward and can be handled in less than 20 business days should be acted on promptly.

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<sup>13</sup> Temporary conditions severe enough to affect a major life function and impair the conduct of the essential functions of a position may also qualify for reasonable accommodation discussions.

<sup>14</sup> According to the EEOC, job restructuring includes modifications such as: reallocating or redistributing **marginal** job functions that an employee is unable to perform because of a disability; and altering when and/or how a function, essential or marginal, is performed. An employer never has to reallocate essential functions as a reasonable accommodation, but can do so if it wishes.

### **C. Delay and Extenuating Circumstances**

1. When extenuating circumstances are present, the time for processing a RAR and providing the accommodation will be extended as reasonably necessary.

(a) Delay due to a Request for Medical Documentation. The timeframe for processing the reasonable accommodation request will be suspended on the day the Decision Maker submits a written request to the requestor to obtain medical documentation and will resume on the day that the documentation is received by the decision maker.

2. If a delay is required in processing the request or in delivering a reasonable accommodation due to extenuating circumstances, the decision maker must notify the requestor or designated representative of the delay in writing to include the reason for the delay and the approximate date on which a decision is expected.

3. If there is a delay in providing an accommodation which has been approved, the Decision Maker must investigate whether temporary measures can be taken to assist the individual. Temporary measures may include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation.

(a) The decision maker will notify the requestor or designated representative in writing that the accommodation is being provided on a temporary basis pending final decision.

(b) Decision makers who approve temporary measures are responsible for ensuring that the measures do not take the place of a permanent accommodation and that all necessary steps to reach a decision on a permanent accommodation are being taken.

4. Any further developments or changes will be promptly communicated to the individual or designated representative.

### **D. 17-25 Days** (Internal Coordination)

#### 1. Granting a Reasonable Accommodation Request

(a) Decision Makers will work in consultation with the DPM in the receipt, review, and determination of a reasonable accommodation request. The DPM will consult with the necessary advisory offices (JA, DP, etc.)

(b) The Decision Maker and the DPM will process coordination of the request through the Decision Maker's appropriate chain of command and secure approval.

(c) As soon as the decision maker determines that a reasonable accommodation will be provided, the decision should, if possible, be communicated to the individual or

designated representative in writing within twenty (20) business days from the Decision Maker's initial receipt of the request.<sup>15</sup>

(d) A decision to grant an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The Decision form (**RAR Form 7**) will explain both the reasons for the denial of the individual's specific requested accommodation and why the decision maker believes that the chosen accommodation will be effective.

(e) If the request is approved but cannot be provided immediately, the Decision Maker will inform the requestor of the projected time frame for providing the accommodation utilizing **RAR Form 7**.

(f) If the requestor accepts the alternative accommodation, the decision maker, requestor, and/or designated representative will sign and date the **RAR Form 7**. Rejection of the alternative reasonable accommodation will conclude the interactive process.

(g) The Decision Maker will provide the requestor and/or designated representative with the Decision (**RAR Form 7**) and discuss implementation of the accommodation. This form must be completed regardless of what type of change or modification is approved and a copy provided to the DPM within four (4) days of management's final action.

## 2. Denial of a Reasonable Accommodation Request

(a) Any decision to deny a reasonable accommodation must be reviewed and endorsed by the Installation Commander.<sup>16</sup> The Installation Commander is responsible for the final determination on a reasonable accommodation request which the organization proposes denial due to undue hardship.<sup>17</sup>

(b) As soon as the decision maker determines that denial is proposed for a RAR, the Decision Maker must notify the DPM prior to notifying the requestor. (**RAR Form 7**)

(c) The DPM will coordinate the denial through the following:

- (1) The installation Legal Office
- (2) The appropriate Management Officials as defined in this Guide.
- (3) The Installation Commander

(c) The Decision Maker will not communicate the decision until the coordination in (b), above, is complete.

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<sup>15</sup> This optimal timeframe may be adjusted in accordance with the provisions of the Guide.

<sup>16</sup> See Definitions/Glossary, #14. See also AFI 36-205, para 8.3.1.2.

<sup>17</sup> AFI 36-205, para. 8.3.1.2.

### **E. 25-30 Days (Communication of the Decision)**

1. After coordination is complete, the Decision Maker will communicate the decision to deny a reasonable accommodation to the requestor, explaining the reasons for the denial. (**RAR Form 7**)

2. The Denial should be written in plain language and clearly state the specific reasons for the denial. This means the Decision Maker cannot simply state, for example, a requested accommodation is denied because of undue hardship or because it would be ineffective. The explanation should explain specifically why the accommodation would result in undue hardship or why it would be ineffective. The Denial will include the Rights Advisement form, **RAR Form 8**, which will inform him/her of their right to file an EO complaint (45 days), a grievance (MLA timelines), an appeal to the Merit Systems Protection Board (if applicable) (30 days), and availability of the informal dispute resolution process.

3. A denial of an accommodation does not prevent the requestor from making another request at a later time if circumstances change and the individual believes that an accommodation is needed due to limitations from a disability. The individual's disability may worsen or may be assigned new duties that require an additional or different reasonable accommodation.