

U.S. Forest Service Reasonable Accommodation Procedures

What is Reasonable Accommodation (RA)?

A reasonable accommodation is a change involving the workplace that enables a person with a disability to enjoy equal employment opportunities. Many individuals with disabilities can apply for and perform jobs without the need of an accommodation.

Possible accommodations (not all-inclusive):

- Modifications or adjustments to a job or the application process
- Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of his or her position
- Modifications or adjustments that allow employees with disabilities to enjoy equal benefits and privileges of employment include, but are not limited to:
 - Mandatory or voluntary training/staff meetings;
 - Employer-sponsored parties (even if off-site and outside business hours); or
 - Employer-sponsored programs/special events (i.e. annual CFC kick-off assembly).
- Modifying workplace policies
- Changes in work environment (e.g. flashing warning lights for evacuation)
- Providing assistive technology (hardware and software)
- Communication (i.e. sign language, CART, etc.)
- Reassignment (accommodation of last resort)

Note: Employee is NOT entitled to accommodation of their choice. If two or more accommodations would be effective, the Forest Service may choose between them.

Reasonable accommodations not required:

- Removing an essential function (i.e., fundamental/critical job duty)
- Lowering production standards (quantitative and qualitative)
- Excusing misconduct/performance deficiencies
- Providing personal use items, such as hearing aids, service animals, medical scooters, wheelchair, etc.

Note: The Rehabilitation Act does not immunize disabled employees from being disciplined for misconduct, provided the employer would impose the same penalty on a non-disabled employee.

RA Fact Sheet (link to [PDF](#) & [WORD](#))

RA Request

The RA process begins as soon as an employee makes a written or verbal request to a manager, supervisor, or disability program manager at the Forest Service.

Duration

Up to 30 calendar days (excluding extenuating circumstances), as long as all parties (requestor, disability program manager, manager/supervisor) involved in the interactive process are doing their part in a timely manner.

Process and Timeline Flow Chart ([link to PNG](#))

Process Overview ([link to PDF](#))

Request Form - AD1163 ([link to PDF](#) & [WORD](#))

Although completing this form is voluntary, it is in your best interest to complete this form because it serves as your voice and reason as to why you think the accommodation(s) will assist you in performing the essential functions of your position. The form also helps capture a more accurate reflection of your request.

This form is used for recordkeeping and reporting purposes only, and it should be maintained separately and confidentially from the employee's personnel file.

Submission

By email to the centralized shared inbox at ra@fs.fed.us or send by fax at 877-719-7148.

Reporting Form – AD1164 ([link to PDF](#) & [WORD](#))

Request Denial Form – AD1165 ([link to PDF](#))

*Note: If you have an **obvious/visible** disability, you will most likely not have to submit any medical documentation to the disability program manager. An employee with an obvious/visible disability can make a request directly to the supervisor either verbally or in writing. Note: The disability program manager is available for advice. If you have a **non-visible disability** (i.e. PTSD/TBI, cognitive, respiratory, musculoskeletal, circulatory, etc.) then the disability program manager will request medical information from the employee to verify the disability and process the request.*

Reasonable Accommodation Triggers

- Employee makes a specific written or verbal request.
- A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."
- An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability.
- Supervisor observes employee having difficulty performing essential job functions.
- Decline in performance.

- Leave issues:
 - Frequent, unplanned absences
 - Exhausted all leave
 - Requests advanced sick leave
 - Requests extended absence or invokes FMLA

Interactive Process

Once a request is received from the employee/applicant, the RA interactive process begins between the disability program manager, requestor and manager; however, the employee and supervisor should begin the interactive process as soon as possible.

- No “magic words” needed
- Requestor must tell employer/FS that he/she needs something from FS because of her disability
- Need not be in writing
- May come from someone other than the individual needing the accommodation (i.e. doctor, peer, spouse, union rep, etc...)

The disability program manager may obtain medical documentation to determine if the individual’s medical condition constitutes a disability and/or to verify the need for accommodation.

Roles and Responsibilities

Requestor (*Employee*)

- Submission of request verbally or in writing and follow-up with completion of AD-1163 form
- Engage in interactive process with manager and disability program manager
- Submission of medical information to the disability program manager ONLY
 - Identify medical condition
- Impact of medical condition on major life activity
 - Diagnosis/prognosis
 - Identify requested accommodation and statement of how it will enable employee to perform the essential functions of the position

Deciding Official (*Manager/Supervisor*)

- Engage in interactive process with employee
- Approve requested accommodation
 - If obvious/visible disability, may request assistance from the disability program manager
 - If hidden disability, request assistance from the disability program manager
 - Receive written recommendation letter from the disability program manager
 - Accept written recommendations if in agreement

- If not in agreement with the written recommendations and if in:
 - The Washington Office, including detached, the second level supervisor can modify or reject recommendations; or
 - The field, only the line officer can modify or reject recommendations
- Consider other options if requested accommodation is not effective
- Final review of requested accommodation and response to employee

Disability Program Manager *(formerly known as Mission Area Designee or DEPM)*

- Process reasonable accommodation requests
- Provide appropriate advice concerning reasonable accommodation
- Participate in the interactive process
- Determine whether individual has a disability
- Consult with the individual to determine effective accommodations
- Create and maintain reasonable accommodation case files
- Consult with management to acquire the essential functions of position of record; receive and maintain medical information confidentially, as needed
- Sign off on all USDA TARGET Center request forms
- Assist the employee in acquiring assistive technology
- Implements the accommodation of last resort – “reassignment”

FS Manual – Civil Rights Chapter 1760 Equal Employment Opportunity ([link to PDF](#) & [WORD](#))

Medical Documentation

Disability program manager may request medical documentation:

- When disability and need for accommodation are not obvious
- When medical documentation provided is outdated
- When medical documentation provided is insufficient
- When it is job-related
- When consistent with business necessity

Note: Failure to provide necessary information may result in closure and/or denial of request.

Confidentiality of medical documentation:

- The manager or supervisor should know only the nature of the accommodation (not the disability)
- All medical records are subject to the confidentiality provisions of the Privacy Act
- The Rehabilitation Act requires that all medical information be kept confidential
- All medical information must be locked up in a secure location with the disability program manager (not manager/supervisor) and separate from the employee’s personnel file

- Individuals who have access may not disclose this information except under certain conditions, (i.e., medical emergency, employee provides signed statement naming recipients)
- HIPAA does not apply to agency and the receipt of medical information when requesting reasonable accommodation
- HIPPA applies to medical and/or health care providers only