



USAID
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ADS Chapter 111

Procedures for Providing Reasonable Accommodation

Partial Revision Date: 06/01/2023
Responsible Office: OCR
File Name: 111_060123

Functional Series 100 – Agency Organization and Legal Affairs
 ADS 111 – **Procedures for Providing Reasonable Accommodation**
 POC for ADS 111: See [ADS 501maa, ADS Chapters and Point of Contact List](#)

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ADS 111 – Procedures for Providing Reasonable Accommodation

111.1 OVERVIEW

Effective Date: 06/01/2023

This chapter prescribes USAID’s policies and required procedures for granting reasonable accommodations for qualified individuals with disabilities. The chapter also addresses accommodations for individuals with pregnancy-related conditions regardless of whether the individual is experiencing a disability. It provides examples of the types of accommodations that are appropriate and generally will be provided to qualified individuals with disabilities, in accordance with related USAID procedures and instructions. The examples of accommodations identified in this policy are not exhaustive; instead, they illustrate the broad spectrum of accommodations that may be provided. Reasonable accommodations must be provided to individuals regardless of whether they work full-time or part-time or are considered probationary.

The Rehabilitation Act of 1973, as amended, requires Federal agencies to provide reasonable accommodations to qualified employees or applicants with disabilities, unless doing so would cause undue hardship. The Pregnant Workers Fairness Act (PWFA) requires federal agencies to also provide reasonable accommodations to qualified employees or applicants who have known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would cause undue hardship.

In general, an accommodation is a change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability or pregnancy-related limitation to enjoy equal employment opportunities.

There are four categories of reasonable accommodations:

- 1) Modifications or adjustments to a job application (excluding offerors) to permit an individual with a disability to be considered for a position (*i.e.*, providing forms in alternative formats like large print or Braille and/or providing a sign language interpreter);
- 2) Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (*i.e.*, providing sign language interpreters; making existing facilities accessible; job restructuring or part-time or modified work schedules and/or reassignment to a vacant position for non-PSC positions; acquiring or modifying equipment; changing tests or training materials; providing qualified readers or interpreters); and
- 3) Modifications or adjustments that enable qualified individuals with disabilities to enjoy equal benefits and privileges of the Agency’s workforce, depending on whether such individuals are Direct-Hire or PSC (*i.e.*, training; services (*e.g.*, employee assistance programs (EAPs), credit unions, cafeterias, lounges,

gymnasiums, auditoriums, transportation)); and social functions (e.g., retirement celebrations and birthdays, and Agency outings).

4) Modifications or adjustments for qualified individuals with known limitations related to pregnancy (e.g., acquisition or modification of equipment or seating).

Many individuals with disabilities can apply for and perform jobs without the need for an accommodation. However, where workplace barriers exist, such as physical obstacles or rules about how a job is to be performed, reasonable accommodations serve two fundamental purposes. First, reasonable accommodations remove barriers that prevent people with disabilities from applying for or performing jobs for which they are qualified. Second, reasonable accommodations enable agencies to expand the pool of qualified workers, thereby allowing agencies to benefit from the talents of people they might otherwise have arbitrarily excluded from employment.

The procedures in this chapter are separate and apart from the medical clearance process governed by [16 FAM 200](#) (see [ADS 309](#) for PSCs, [ADS 414mab, Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review, and Overseas Assignments in the Foreign Service](#)).

These procedures implement Executive Order 13164 (July 26, 2000), which instructs Federal agencies, including USAID, to “establish effective written procedures for processing requests for reasonable accommodation by employees and applicants with disabilities.” These procedures supersede all prior USAID policies on reasonable accommodation.

Nothing in these procedures will be construed as creating any legal rights for qualified individuals beyond the rights such persons may have under the Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 et seq.), [or the PWFA](#). These procedures are intended to provide guidance for the implementation of the Agency's obligations under the Rehabilitation Act [and the PWFA](#). All dates and time periods are to be reasonably interpreted and applied.

111.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/01/2023

All of the following roles must maintain the confidentiality of all information obtained in connection to a reasonable accommodation request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements, as required by the Rehabilitation Act, the Americans with Disabilities Act (ADA), [the PWFA \(see section 111.3.2\)](#), and the Privacy Act.

a. The Director of the Office of Civil Rights (OCR):

- 1) Implements, administers, and monitors the reasonable accommodation program in a manner consistent with USAID policies and procedures, and all applicable Federal laws, regulations, policies, and guidelines.
- 2) Designates an Agency Reasonable Accommodation Manager (RAM) to serve as a technical advisor to the USAID workforce on all reasonable accommodation issues.
- 3) Maintains a firewall between the RAM and the OCR Director to remove any actual or perceived conflict of interest between the duties of the RAM and OCR's Equal Employment Opportunity (EEO) complaints and resolution function. Accordingly, the OCR Director ensures that the EEO complaints and resolution staff do not participate in processing accommodation requests and the RAM is not involved in processing any EEO complaint that pertains to alleged violations of the Rehabilitation Act or the PWFA.
- 4) Serves as USAID's liaison with the U.S. Department of Health and Human Services' Program Support Center (PSC), which can provide medical review and suggest possible accommodations.
- 5) Notifies the Bureau for Management (M) when requests for reasonable accommodation are approved and require funding from USAID's Centralized Accommodation Fund, a fund that can be used to purchase reasonable accommodations (*i.e.*, assistive technology and ergonomic equipment) for qualified individuals with disabilities (see section 111.3.8, Centralized Fund for Reasonable Accommodation).
- 6) Coordinates with other internal Agency Bureaus in requesting the procurement of all reasonable accommodations, including but not limited to ergonomic equipment, electronic assistive software and hardware, travel-related accommodations, facility modifications, and other items authorized as reasonable accommodations.
- 7) Maintains and manages Agency contracts for facilitative services (*e.g.*, American Sign Language interpreters, Real-Time Captioning or Communication Access Real-time Translation (CART)), and other auxiliary aids and services that are provided to qualified individuals as a reasonable accommodation.
- 8) Educates stakeholders on the Agency's reasonable accommodation program and applicable Federal laws, regulations, policies, and guidelines.

b. The **Office of the General Counsel, Ethics and Administration Division (GC/EA)** advises the RAM, Deciding Officials, Office of Human Capital and Talent Management (HCTM) and other Agency designated officials regarding reasonable accommodation matters involving the Agency's legal responsibilities, and maintains the confidentiality of all information obtained in connection to a reasonable accommodation

request, its processing, and implementation in accordance with applicable confidentiality and privacy requirements as required by the Rehabilitation Act, the **ADA, the PWFA**, and the Privacy Act.

c. The Office of Human Capital and Talent Management (HCTM):

- 1) Coordinates with the RAM to identify and facilitate reasonable accommodations involving areas within HCTM's purview (*i.e.*, reasonable accommodations impacted by services provided by HCTM) for job applicants who are deemed minimally qualified and have requested reasonable accommodation and renders a decision to the applicants on any reasonable accommodation request following such coordination.
- 2) Coordinates with the RAM when a Direct-Hire employee seeks disability retirement.
- 3) Serves as the primary expert resource to OCR, the RAM, the Agency, and Deciding Officials when an accommodation request is accompanied by performance, conduct, or leave issues; relates to a worker's compensation claim; or involves the reallocation of tasks, telework, reassignment, revision of standards, or other adjustments ordinarily accomplished with the assistance of HCTM staff. Regarding Foreign Service employees, the Foreign Service Center Director will play a lead role in addressing issues that fall under their authority, such as issues related to curtailment, leave without pay, and the ability to telework for more than 90 days.

d. The Bureau for Management, Office of Management Services (M/MS) provides input to the RAM on reasonable accommodations and implements approved reasonable accommodations involving areas within M/MS purview, including but not limited to requests for parking (see [ADS 514, Parking Program Administration](#)), architectural barriers, reconfigured workspaces and furniture, doors, bathrooms, and other capital expenditures for USAID/W facilities, consistent with requisite timeframes.

e. The Bureau for Management, Office of Chief Information Officer (M/CIO):

- 1) Provides input to the RAM on reasonable accommodations involving areas within M/CIO's purview.
- 2) Maintains and manages Agency contracts for specialized telecommunication services (*e.g.*, the **Relay Conference Captioning (RCC)**).
- 3) Implements reasonable accommodations involving areas within M/CIO's purview, including but not limited to conducting a Software & Hardware Approval Request Panel review and approving, securing, and installing IT-related accommodations (including computer and electronic hardware and software, apps, telephonic

equipment, etc.), consistent with requisite timeframes. M/CIO coordinates with OCR and M/MS regarding funding for IT-related accommodations.

- f. The **Office of Security (SEC)** provides input to the RAM on reasonable accommodations involving areas within SEC's purview.
- g. **Executive Officers (EXOs)** at overseas posts or Missions:
 - 1) Coordinate with the RAM, supervisors, and requesting qualified individuals with a disability to identify and facilitate reasonable accommodation requests.
 - 2) Coordinate with the RAM to ensure that approved accommodations are implemented.
- h. **Administrative Officers (AMS)** at USAID/Washington headquarters facilities:
 - 1) Coordinate with the RAM, supervisors, and requesting qualified individuals with a disability to identify and facilitate reasonable accommodation requests.
 - 2) Coordinate with the RAM to ensure that approved accommodations are implemented.
- i. The **Reasonable Accommodation Manager (RAM)**:
 - 1) Serves as the Agency's technical advisor and collects, stores, and reviews medical documentation (see section **111.3.1.6**) on all reasonable accommodation requests from qualified individuals.
 - 2) Takes a proactive approach in providing guidance on reasonable accommodation matters related to qualified individuals with a disability, including researching and identifying possible accommodation and consulting appropriate resources for assistance.
 - 3) Notifies requestors of their rights and responsibilities with respect to reasonable accommodation.
 - 4) Provides Deciding Officials drafts of reasonable accommodation decisions for their review and later issuance by OCR.
 - 5) Works with the OCR Director to provide direction, training, and guidance on the implementation of this ADS chapter and maintains summary statistics on accommodations for the agency.
- j. **The Deciding Official, which are First-Line Supervisors** for an employee or a PSC and **HCTM officials** (for Direct-Hire applicants or matters within the Foreign Service Center's purview):

- 1) With assistance from the RAM, cooperate and engage in the mandatory “interactive process,” in good faith, with the requesting individual to understand the needed accommodation. The RAM will generally be a member of discussions in the interactive process. The Deciding Official will usually not collect, receive, or store any employee medical documentation; the RAM will collect and store all medical documentation.
- 2) Cooperate and engage with the RAM and pertinent stakeholders as needed (e.g., the Contracting Officer for the PSC) to process and implement, as appropriate, the accommodation request.
- 3) Consult with HCTM for Direct-Hire employees, or the Contracting Officer for a PSC, when accommodation requests involve performance, conduct, telework, scheduling adjustments or leave issues.
- 4) Consult with HCTM for Direct-Hire employees when accommodation requests involve reallocation of tasks; reassignment; revision of standards; change in duty station, or other adjustments ordinarily accomplished with the assistance of HCTM staff.
- 5) Issue a written decision on any reasonable accommodation request after consultation with the RAM and GC/EA.

k. Direct-Hire Employees and PSCs:

- 1) Notify RAM, their supervisor(s) or office manager(s) of their current or prospective need for a reasonable accommodation.
- 2) Provide RAM with all requested information within the required timeframes.
- 3) Cooperate and engage in the mandatory interactive process, in good faith, with the first-line supervisor or other Deciding Official to determine the effective accommodation to enable the employee to perform the essential functions of their position or enjoy a benefit or privilege of employment.
- 4) Cooperate and engage with RAM and pertinent stakeholders (as needed) throughout the processing and implementation of the accommodation request.
- 5) Promptly (ideally, no later than two business days) notify RAM of any material change in the (1) underlying medical condition(s); or (2) known limitations related to the pregnancy, childbirth, or related medical condition(s) for which an accommodation was sought or provided which results in the need for an accommodation modification or cessation of the accommodation.

- 6) Refrain from sharing any medical documentation with the Deciding Official, rather share it with the RAM.

I. **Applicants:**

- 1) Contact the Agency's Reasonable Accommodation Manager at **reasonableaccommodations@usaid.gov** regarding their current or prospective need for accommodation.
- 2) Provide RAM with all requested information within the required timeframes.
- 3) Cooperate and engage with RAM and pertinent stakeholders (as needed) throughout the processing and implementation of the accommodation request.
- 4) Promptly (ideally, no later than two business days) notify RAM of any material change in the (1) underlying medical condition(s); or (2) known limitations related to the pregnancy, childbirth, or related medical conditions(s) for which an accommodation was sought or provided which results in the need for an accommodation modification or cessation of the accommodation.

111.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 06/01/2023

It is USAID's policy to comply with all the reasonable accommodation requirements of the Rehabilitation Act of 1973, the Americans with Disabilities Act Amendments Act (ADAAA), the PWFA, and all other applicable Federal laws, statutes, regulations, and guidance. USAID is committed to providing reasonable accommodations to its Foreign Service and Civil Service employees, U.S. PSCs, and applicants for employment in the Foreign Service and Civil Service to ensure that individuals with disabilities or pregnancy-related limitations enjoy full access to equal employment opportunities. The Agency provides reasonable accommodations to:

- Enable a job applicant with a disability to have an equal opportunity to participate in the application process and/or be considered for a job;
- Enable an employee with a disability to perform the essential functions of a position or access the workplace;
- Allow an employee with a disability to enjoy equal benefits and privileges of employment as similar employees without disabilities; and
- Provide adjustments to address limitations associated with pregnancy, childbirth, or related medical conditions.

OCR processes requests for reasonable accommodations from qualified individuals.

To determine an effective reasonable accommodation, management (supervisors and hiring managers) must participate in an interactive process when a request, either verbal or written, is made by a qualified individual for a reasonable accommodation and make efforts to resolve requests for accommodations through this interactive process whenever possible. If needed or desired, qualified individuals may designate a representative, advocate, physician, union steward, relative, etc., in writing, to request an accommodation or otherwise participate in the accommodation process. For Direct-Hire employees, bargaining unit employees have the right to include their Union Steward in the process. Qualified individuals with a disability who make requests for accommodations are expected to fully cooperate in the interactive process to ensure that effective and appropriate accommodations are provided.

The procedures in this ADS chapter apply to all qualified individuals with a disability **or pregnancy-related limitation** who are part of the Agency's workforce as follows:

- **U.S. Direct-Hire Employees**

Applicants (including both prospective and current employees) for employment in the Foreign and Civil Service and Foreign Service and Civil Service employees as defined by applicable Federal laws, regulations, and USAID policies.

- **United States Personal Services Contractors (USPSCs)**

For purposes of the Rehabilitation Act of 1973, as amended, **and the PWFA**, the policies in this chapter apply to individuals with personal services contracts (PSCs) who have begun their service with USAID, unless specifically indicated otherwise in this chapter. The Agency applies reasonable accommodation provisions to all U.S. Personal Services Contractors (USPSCs) as a matter of Agency policy. The Deciding Official in these instances will consult with the cognizant Contracting Officer (CO) as described in 111.2, paragraph j.

- **Participating Agency Service Agreements (PASA)**

PASAs include employees of participating agencies under any type of interagency agreement ([ADS Chapter 306, Interagency Agreements](#)) between USAID and another Federal agency under the authority of the Foreign Assistance Act of 1961 (FAA), section 632(b). Although USAID works closely with the employing agencies, these employing agencies are responsible for meeting their own obligations under the Rehabilitation Act of 1973, as amended, **and the PWFA**. USAID, however, may need to help the employing Agency implement an approved accommodation, as appropriate.

- **Foreign Service National (FSN) Direct-Hires**

FSN Direct-Hire employees are not U.S. citizens. FSN Direct-Hire employees may be covered in some circumstances; such determinations will be made on a

case-by-case basis. Local customs and labor laws must be considered in determining whether it is appropriate for FSNs to participate. Where FSN Direct-Hire employees conduct U.S. visits, USAID applies the reasonable accommodation provisions of U.S. law and regulations. Missions must coordinate the participation of such overseas staff with the Chief of Mission and cognizant Regional Bureau.

- **Cooperating Country National and Third Country National Personal Services Contractors (CCNPSCs; TCNPSCs)**

As a policy matter, USAID seeks to provide accommodations to CCNPSCs and TCNPSCs to the extent practicable. Local customs and labor laws must also be considered in determining whether it is appropriate for these staff members to participate. The Deciding Official in these instances will be the CCN/TCNPSC's Supervisor, in consultation with the cognizant CO.

- **Contractor Employees (Institutional Support Contractors)**

USAID plays a support and consultative role when these individuals seek accommodation from their employer entity. Contractor employees may be covered in some circumstances; such determinations will be made on a case-by-case basis.

111.3.1 Requests for Reasonable Accommodation

111.3.1.1 Initiating a Request Effective Date: 06/01/2023

USAID will process requests for reasonable accommodations from qualified individuals with disabilities (this includes PSCs and applicants for Direct-Hire positions and does not include contractor employees (ISCs) and PASAs, where USAID plays a support and consultative role when these employees seek accommodation from their employer(s)). **Individuals with disabilities may include those with conditions that develop during pregnancy (see section 111.3.2 for information on pregnancy-related accommodations for individuals without a disability).** USAID will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the following procedures.

A qualified individual must let USAID know that they need an adjustment or change concerning some aspect of the application or PSC offer process, the position, or a benefit of the workforce for a reason related to a medical condition. However, an individual does not need a particular accommodation in mind before making a request. A request is any communication in which an individual asks or states that they need USAID to provide or change something work-related, including related to the hiring/interview process, because of a medical condition. A qualified individual may request a reasonable accommodation at any time, orally or in writing, and the request

does not have to include any special words, such as “reasonable accommodation,” “disability,” “Rehabilitation Act,” or “Pregnant Workers Fairness Act.” An individual may make a reasonable accommodation request to the RAM, an OCR representative, an agency management official (e.g., the requestor’s immediate supervisor, another supervisor or manager in their immediate chain of command, an AMS Officer or EXO), or an HCTM official (if an applicant). Where an individual makes a verbal request, USAID encourages them to confirm the request by sending an email and/or the Confirmation of Reasonable Accommodation Request form ([AID 111-6](#)) to **reasonableaccommodations@usaid.gov**.

Upon receipt of a reasonable accommodation request by an agency management official other than the RAM or an OCR representative, (e.g., the requestor’s immediate supervisor, hiring manager, another supervisor or manager in their immediate chain of command, an AMS Officer or EXO), the management official must promptly, ideally, within two business days, forward the request to the RAM at **reasonableaccommodations@usaid.gov**. The reasonable accommodation process begins as soon as an oral or written request for accommodation is made to any manager in a qualified individual’s chain of command, so it is imperative that the manager act promptly.

If the nature of the initial accommodation request is unclear, the hiring manager or supervisor may seek clarification from the requestor to determine whether a reasonable accommodation is being sought. The hiring manager or supervisor may also ask, with assistance from the RAM, how an accommodation can help the requestor perform his/her job appropriately or conduct an interview, the duration of their medical condition, and what specific functional limitations or barriers they are experiencing. The hiring manager or supervisor may not ask the requestor to disclose the underlying medical condition (diagnosis) for which the accommodation is sought.

A family member, healthcare professional, or another representative may initiate an accommodation request on behalf of a qualified individual (e.g., a doctor’s note outlining medical restrictions for an individual may constitute a request). However, a designation of representation form signed by the qualified individual is required before the Agency will share any medical or other personnel information with the third-party individual.

A qualified individual **with a disability** who needs reasonable accommodation on a permanent and recurring basis, such as a sign language interpreter, only needs to make the request once. Once the RAM makes the appropriate reasonable accommodation recommendation on the specific request, the individual’s supervisor must review the recommendation and make the decision whether to approve the request. Upon this approval, the Agency will provide the recurring accommodation on a continuing basis, as needed and as appropriate. For example, after issuing a decision on reasonable accommodation, the B/IO or Mission will take the necessary steps to make the accommodation available promptly. However, where warranted, the B/IO and the RAM may periodically assess the ongoing effectiveness of a recurring accommodation by conducting a review or requesting up-to-date medical documentation.

If a qualified individual needs Personal Assistant Services (PAS), the individual may make a request for PAS by informing a supervisor in the individual's chain of command or the RAM that they need assistance with daily life activities because of a medical condition. This request may also be made on their behalf by Bureau/Independent Office management staff, a family member, or an appropriate representative of the qualified individual. The requestor does not need to use any special words such as PAS, disability, or Rehabilitation Act when making a request and may request PAS even if they have not previously disclosed the existence of a disability.

If a request for accommodation involves a disability that is new or different from a previously accommodated disability or requires an accommodation that is different from what the agency previously approved, the qualified individual must initiate a new request with the RAM. For example, an individual requests accommodation for a back condition. The Deciding Official provides an ergonomic chair as a reasonable accommodation. The qualified individual later develops an eye condition and needs accommodation. The qualified individual must submit a new request to the RAM.

An individual's receipt of acceptance or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and the individual requests a new accommodation (e.g., the disability progresses, or the employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the RAM or the Deciding Official cannot refuse to process a request for reasonable accommodation, and a reasonable accommodation cannot be denied based on a belief that the accommodation should have been requested earlier.

For PSCs, the Contracting Officer (CO), including a warranted Executive Officer (EXO), is responsible for overall contract management. As such, the PSC Supervisor must work closely with the CO or EXO to address reasonable accommodation of the PSC within the framework of the Rehabilitation Act, in conjunction with Federal and Agency procurement regulations and policies.

111.3.1.2 Processing Requests for Reasonable Accommodation

Effective Date: 05/07/2021

After a qualified individual contacts the RAM to make a request for accommodation, the RAM will:

- Ask the requestor to complete a Request for Reasonable Accommodation form (AID 111-1) if they have not already done so;
- Review the information;
- Interact with the requestor to gain an understanding of the need, as necessary, and determine if additional information (e.g., medical documentation) is

necessary to process the request;

- Ask the requestor for supporting medical documentation from appropriate healthcare providers, if necessary;
- Maintain medical documentation related to the reasonable accommodation request in a confidential manner, consistent with applicable laws and regulations, as required by the Rehabilitation Act, the ADA, and the Privacy Act;
- Determine whether the person meets the criteria for accommodation as set forth in applicable laws and regulations;
- If the person is entitled to an accommodation, work with appropriate stakeholders, including but not limited to the requestor's supervisor, to identify reasonable and effective accommodation(s);
- When the individual requests a specific reasonable accommodation, consider the requested accommodation and any alternatives to provide an effective accommodation;
- Obtain applicable clearances for the approved accommodation;
- Consult with the State Department Office of Medical Services (State/MED), as appropriate regarding employees serving overseas;
- Consult with GC/EA, as appropriate;
- Once approved by the Deciding Official, assist in the drafting of a document that memorializes the granted accommodation(s) in a communication that is issued to the requesting individual by the Deciding Official (Reasonable Accommodation Information Reporting form: AID 111-4, or a written decision containing equivalent information);
- Procure and/or direct the appropriate Agency official(s) to procure and implement the accommodation(s), as appropriate; and
- Track and maintain all necessary documentation during the reasonable accommodation process.

See section **111.3.7.2** for various resources that may assist the Deciding Official, RAM, and requestor to identify and evaluate possible accommodations.

The time necessary to process a request depends on numerous factors, including but not limited to the nature of the request, whether it is necessary to obtain supporting information or documentation, the requestor's active and timely participation in the process, the procurement process, and, where applicable, the hiring process.

A requesting individual's failure to actively participate in the processing of a reasonable accommodation request or provide timely responses to the RAM's request for pertinent information (typically within 10 business days of the request) may delay the obtaining of an accommodation. If a requester has been unresponsive, the requestor may reinstate the request at any time; however, depending on the amount of time that has passed since the initial request, the process may start from the beginning.

111.3.1.3 The Interactive Process

Effective Date: 05/07/2021

The interactive process is an informal, legally required process to clarify what the individual needs and identify the appropriate effective reasonable accommodation(s). After a qualified individual with a disability requests a reasonable accommodation, the individual, the Deciding Official, and the OCR/Reasonable Accommodation Manager (RAM) must begin the interactive process. The purpose of the interactive process is to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation must communicate with the appropriate persons throughout the entire process, but particularly to clarify:

- The workplace barrier(s) the individual is experiencing;
- The disabling condition at issue (to be shared only with the RAM);
- The proposed effective accommodation(s); and/or
- That the current accommodation is no longer effective, and another effective accommodation must be identified.

When the request is made by a third party, the RAM must, when possible, confirm with the qualified individual with a disability that the individual does, in fact, want reasonable accommodation and authorizes USAID to discuss the need for reasonable accommodation with the third party before processing the request. If it is not possible to confirm the request because, for example, the individual has been hospitalized, then the RAM must process the third party's request and consult directly with the individual needing the accommodation as soon as practicable. In the absence of an authorization from the qualified individual, the RAM must not provide personal information to the third party.

Communication is a priority throughout the interactive process. Ongoing communication is particularly important when a specific limitation, restriction, or barrier is unclear; when an effective accommodation is not obvious; or when the parties are each considering different possible accommodations. When the existence of a disability, the need for accommodation, and the type of effective accommodation are clear, extensive discussions are not necessary. However, the RAM, the requesting individual, and the Deciding Official must engage in the interactive process to ensure that there is an

exchange of relevant information.

Upon receiving a request for reasonable accommodation, the RAM must provide to the requestor the steps in processing the request and explain that at the end of the process, the Deciding Official will make the final determination on the accommodation request.

After obtaining the necessary information and input from relevant stakeholders, the RAM must provide guidance to the Deciding Official regarding whether the individual is entitled to an accommodation under the Agency's reasonable accommodation program and applicable laws. Depending on the nature of the request, the RAM must engage with one or more internal and/or external entities to determine whether a reasonable accommodation is available or effective, including but not limited to the requestor's supervisor, AMS Officer/EXO, HCTM, M/MS, GC/EA, M/CIO, SEC, third party accommodation providers (e.g., the U.S. Department of Defense Computer/Electronic Accommodation Program (CAP), the USDA Target Center (Target Center), and the Job Accommodation Network (JAN)), and an independent medical professional of the Agency's choosing. An accommodation may not need to be the most expensive option or provide the exact accommodation that the qualified individual requests. Rather, the accommodation must be effective. The prevailing consideration in this interactive process is the reasonableness of the accommodation for the employees/applicants and employer.

Individuals who request reasonable accommodations are expected to cooperate in good faith in providing the information necessary to assess the request throughout the interactive process. Individuals who fail to engage in the interactive process may risk being provided with ineffective accommodations or having their request denied due to a lack of information supporting the need for an accommodation.

The RAM must work closely with the Deciding Official in responding to the reasonable accommodation request, including gathering relevant information to respond to a request and assess whether a particular accommodation will be effective.

111.3.1.4 Special Considerations: Travel Related Accommodations

Effective Date: 05/07/2021

When the Agency provides travel-related accommodation that includes any type of air travel other than coach-class, open-ended, blanket authorizations will not be granted (see [41 CFR §301-10.123, n.2](#) and [Federal Travel Regulation \(FTR\) §301-10.123](#)). Rather, approvals for travel-related accommodations that include any type of air travel other than coach-class are limited to a one-year period or less, subject to recertification on an annual basis. However, if the disability is a lifelong condition, then a one-time certification statement is required. In the case of a disability that has been deemed "permanent" or "life-long" by a competent medical authority, where appropriate, the Agency may request information subsequently not to reestablish the existence of the disability but to reassess the limits, restrictions, and other contributing and relevant factors to ensure that the agency provides an appropriate, and effective accommodation

based upon up-to-date information (see [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)).

111.3.1.5 Reassignment

Effective Date: 05/07/2021

The Agency will consider reassignment for U.S. and FSN Direct-Hires as a reasonable accommodation only as a last resort after all other possible accommodations have been explored and ruled ineffective. Reassignment is not available to PSCs as a reasonable accommodation as the contract has a specific place of performance. Generally, reassignment will be considered if no accommodations are available to enable the individual to perform the essential functions of their current job, or if the only effective accommodation would cause undue hardship. In this instance, the employee may be reassigned to an existing, vacant funded position for which the employee is qualified and can perform the essential functions thereof, with or without accommodation. The employee is not required to compete for the reassignment. Reassignment is available only to Direct-Hire employees, not to applicants.

While reassignment is the reasonable accommodation of last resort, if both the Agency and the employee voluntarily agree that reassignment is preferable to remaining in the current position with some form of reasonable accommodation, then the Agency may reassign the employee. An employee's rejection of a reasonable accommodation or effective alternative accommodation does not make an employee eligible for reassignment.

Civil Service Employees

In considering whether there are positions available for reassignment for Civil Service employees, the RAM must work with the individual needing the accommodation and with the individual's Bureau and/or, depending on their hiring category, HCTM's Human Capital Services Center (HCSC) or HCTM's Center for Performance Excellence, Executive Resources Division (CPE/ER). The Agency will first seek a position that is equivalent to the employee's current job with regard to grade, status, hiring mechanism, geographic location, and other relevant factors.

The Agency will identify:

- Vacant funded positions within the Agency for which the employee may be qualified, with or without reasonable accommodation, at the current grade level;
- Positions that based on current knowledge reasonably may become vacant over the next 60 calendar days and for which the employee may be qualified; and
- Vacant lower-graded positions for which the individual is qualified, in the event there is no vacant position at an equivalent grade and the individual is amenable to reassignment to a lower-grade position.

Reassignment can be made only to a vacant funded position at the employee's same or lower grade for which they qualify. The Agency cannot move another employee from their job to create a vacancy for the employee needing accommodation. In addition, the Agency cannot reassign the employee needing the accommodation to a higher-graded position or a position with promotion potential greater than the employee's current position. Intra-Bureau/Independent Office/Mission reassignments must be considered first before inter-Bureau/Independent Office/Mission reassignments are assessed. In certain circumstances, a civil service employee may be offered a reassignment to a vacant funded Foreign Service limited position pursuant to Section 309 of the Foreign Service Act.

Reassignment may be made to a vacant funded position outside of the employee's commuting area if the employee is willing to relocate. An employee being reassigned to a different commuting area must pay for relocation expenses unless the Agency routinely pays such expenses when granting voluntary reassignments to other employees.

When considering reassignment as a reasonable accommodation, the Agency will examine whether the accommodation conflicts with a controlling collective bargaining agreement.

Foreign Service Employees

Foreign Service employees and other U.S. Direct-Hire employees serving on overseas appointments under Chief of Mission authority are required to obtain and maintain medical clearances in accordance with [16 FAM 200](#).

The denial of a medical clearance required for an overseas assignment in accordance with 16 FAM 200 does not necessarily mean that the employee is an individual with a disability; or that the employee is entitled to reasonable accommodation. That latter decision will be made on a case-by-case basis in accordance with the procedures outlined in this chapter.

A Foreign Service employee who is unable to obtain or maintain a medical clearance (class 1 or 2 with approval for the post of assignment, as applicable) may seek an administrative waiver to serve overseas in accordance with [ADS 414mab, Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review, and Overseas Assignments in the Foreign Service](#). A career Foreign Service employee whose medical condition restricts their ability to serve at a particular overseas post is encouraged to work with the HCTM's Foreign Service Center (FSC) to obtain an appropriate assignment in accordance with normal bidding procedures governing the Foreign Service open assignments system and may be required to serve on the complement or in a domestic assignment in lieu of a particular overseas assignment.

A career Civil Service employee serving on a Foreign Service Limited appointment overseas is not subject to worldwide availability and is entitled to reemployment in the Civil Service, with a domestic duty station.

In certain situations, career Foreign Services Employees may no longer be able to maintain the requisite medical clearance for overseas assignments or may otherwise be medically unable to return to an overseas assignment. In those situations, the employee may request a reasonable accommodation in accordance with this chapter to permanently leave the career Foreign Service and be appointed into the Civil Service in accordance with Executive Order 11219 and 5 CFR 315.606. In such cases, the RAM must work with HCTM/FSC and HCTM/HCSC to determine whether there is a vacant funded position in the USAID Civil Service for which the employee is qualified. The Agency will follow the reassignment procedures as set forth for Civil Service employees.

The Agency must first seek a position that is equivalent to the Foreign Service employee's current personal grade, and if none exists, to a position equivalent to a lower personal grade. There is no guarantee that such a position will exist in the Civil Service. The Chief Human Capital Officer, or designee, has the authority to appoint a career Foreign Service employee into the Civil Service. It is also possible for the career FS employee to leave the career Foreign Service in order to be reassigned to a vacant funded Foreign Service limited position for which the employee qualifies pursuant to Section 309 of the Foreign Service Act. Depending on the circumstances, the employee may receive reemployment rights pursuant to Section 310 of the Foreign Service Act.

A Foreign Service employee who is not able to maintain a required medical clearance and does not request and receive either an administrative waiver for an overseas assignment in accordance with [ADS 414mab](#) or an appointment into the Civil Service, may be removed from the Federal service based on a medical inability to perform the essential functions of the job.

111.3.1.6 **Requests for Medical Documentation** Effective Date: 06/01/2023

The RAM may request medical information to identify an individual's functional limitations or to determine whether the applicable condition meets the definition of a "disability" pursuant to the Rehabilitation Act, as amended, except when the disability and need for accommodation are reasonably obvious (e.g., blindness) or the individual has already provided sufficient, up-to-date medical information documenting the propriety of the accommodation. The standards and process below apply to all requestors (e.g., Civil Service and Foreign Service employees, Direct-Hire applicants or PSC offerors, and other staff to the extent applicable).

When the disability or the justification for the accommodation is not obvious, the RAM must request medical information from the Disability Employment Program Manager in HCTM's External Outreach and Strategic Recruitment (XOSR) showing that the requestor has a covered disability that requires accommodation and any related

functional limitations. The RAM may also request medical information to determine an appropriate and effective accommodation.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an individual has a disability within the meaning of the Rehabilitation Act, the RAM is guided by the principles in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. Supporting medical documentation must describe the following:

- Impairment;
- The nature, severity, and duration of the impairment;
- The activity or activities that the impairment limits;
- The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or
- The nexus between the impairment and the requested accommodation.

For reasonable accommodations pursuant to this ADS chapter, only the RAM may request supporting medical documentation of the individual's disability, limitations, and restrictions, and the RAM may only request relevant information. The RAM requires that an appropriate, licensed professional, such as a doctor, social worker, or rehabilitation counselor, provide the medical documentation concerning the disability.

When the requestor provides sufficient information that can substantiate the existence of a disability, functional limitations, workplace limitations, or barriers and the need for a particular reasonable accommodation, additional medical information may not be required. The RAM may make further inquiries where such information is not clear or if it does not make sufficiently clear whether a possible alternative accommodation will be effective.

When an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual must immediately inform the RAM. The RAM must determine whether additional medical information is needed for the new request.

When the RAM determines that the initial information provided by the health professional or the requestor is insufficient to a) determine whether the individual has a “disability”; b) identify the limitations; or c) determine that a particular accommodation is needed, the RAM must explain what additional information is required. The RAM may require that the individual’s healthcare professional provide additional information that:

- Describes the nature, severity, and duration of the individual's impairment;
- Describes the activity that the impairment limits, and the extent of the limitation on the individual's ability to perform necessary activities;
- Substantiates why the requested accommodation is needed and how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or equally enjoy a benefit or privilege of the workplace; or
- Invites the medical provider to offer or opine on alternative accommodations that may be effective under the circumstances.

Supporting medical documentation may also be deemed insufficient if:

- The health care professional does not have the expertise to give an opinion about the medical condition and the limitations imposed by it;
- The information does not specify the functional limitations currently due to the disability; or
- Other factors indicate that the information provided is not credible.

The RAM may provide information to the healthcare professional concerning the nature of the position, essential functions of the position, and other relevant information. If the medical information is insufficient for the reasons stated above, the RAM can request the U.S. Department of Health and Human Services' Program Support review the medical information at the Agency's expense, if such review is job-related and consistent with business necessity. The individual requesting the accommodation can also sign a limited release allowing the RAM to communicate directly with the health care professional.

Failure of requesting an individual to provide appropriate documentation or to cooperate with the Agency may result in the delay of or inability to grant the reasonable accommodation request.

111.3.2 Requests for Pregnancy-Related Accommodations in the Workplace

Effective Date: 06/01/2023

Under the PWFA, the Agency provides reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would cause the Agency an undue hardship. This law provides for accommodations for pregnant employees, even if the employee is not experiencing a pregnancy-related disability. The procedures for requesting and processing requests for pregnancy-related accommodations are the same as outlined in sections 111.3.1.1 through 111.3.1.6.

Examples of possible reasonable accommodations under the PWFA may include, but are not limited to:

- More frequent or longer paid or unpaid breaks;
- Time off to attend to a pregnancy complication or recover from childbirth, with or without pay;
- Acquisition or modification of equipment or seating;
- A temporary transfer to a less strenuous or hazardous position, including light duty;
- Job restructuring;
- Private non-bathroom space for expressing human milk;
- Assistance with manual labor; and
- Modification of work schedule.

Requests for accommodation may be directed to the RAM, an OCR representative, an agency management official (e.g., the requestor's immediate supervisor, another supervisor or manager in their immediate chain of command, an AMS Officer or EXO), or an HCTM official (if an applicant). Where an individual makes a verbal request, USAID encourages them to confirm the request by sending an email and the Confirmation of Reasonable Accommodation Request form ([AID 111-6](#)) to reasonableaccommodations@usaid.gov. Upon receipt of the request, the Agency must engage in an interactive process (see section 111.3.1.3) with the employee to determine a proper accommodation. The accommodation must be provided unless it creates an undue hardship.

OCR may request documentation from an appropriate health care provider or rehabilitation professional to support the need for an accommodation to include:

- Confirmation of pregnancy;
- The nature, severity, and duration of the pregnancy;
- The activity or activities that the pregnancy limits;
- The extent to which the pregnancy limits the individual's ability to perform the activity or activities; and/or
- The nexus between the pregnancy and the requested accommodation.

The Agency must not take a retaliatory action against an employee who requests or receives an accommodation under this law (see [What You Should Know About the Pregnant Workers Fairness Act](#)). Additionally, as required by the [PUMP for Nursing Mothers Act \(PUMP Act\)](#), the Agency must provide reasonable break time and appropriate spaces for expressing human milk for one year after a child's birth and a private place other than a bathroom to express milk at work.

111.3.3 Confidentiality Requirements

Effective Date: 05/07/2021

Under the Rehabilitation Act, all medical information obtained in connection with the reasonable accommodations process is confidential. This includes all information regarding an accommodation request and processing and disposition of the request, including information about any functional limitations. Anyone with USAID who obtains or receives such information is strictly bound by these confidentiality requirements. OCR may share certain information with an individual's supervisor or other Agency officials/agents (e.g., HCTM/ELR and/or GC/EA), as necessary and where legally permitted, to make appropriate determinations on a reasonable accommodation request and implementation. The information disclosed must be limited to no more than what is necessary to process the request. Whenever medical information is disclosed, the individual disclosing the information must inform the recipient about the confidentiality requirements in accordance with relevant laws and regulations.

Confidential medical information may not be disclosed except as follows:

- 1) Supervisors and managers may be told about necessary restrictions on the work duties of the qualified individual and about necessary accommodations—not including the medical condition or medical history;
- 2) First aid and safety personnel may be told if the disability may require emergency treatment;
- 3) Government officials may be given information to investigate the Agency's compliance with the Rehabilitation Act, to support implementation of an accommodation (i.e., State Medical), or to advise the Agency about a particular accommodation request (i.e., HHS/FOH);
- 4) Worker's compensation offices or insurance carriers in certain circumstances; and
- 5) Agency EEO officials may be given information to maintain records and to evaluate the Agency's performance in processing accommodation requests.

111.3.3.1 Privacy

Effective Date: 05/07/2021

Medical documentation is sensitive information about an individual. USAID must keep this information confidential and maintain it in secure files separate from the individual's personnel file. The RAM must maintain custody of all records obtained or created during the processing of a request for reasonable accommodation in accordance with the Rehabilitation Act, E.O. 13164, 29 CFR 1611, and [ADS Chapter 508, Privacy Program](#).

111.3.4 Timeframe for Processing Requests and Providing Accommodations

Effective Date: 05/07/2021

Intake:

- Deciding Officials, HCTM, any management official, or any Agency staff connected with the job application process must report all requests for reasonable accommodation to the RAM promptly (within two business days of receiving the request).
- The RAM must contact the requestor promptly (within four business days) after the accommodation request is received.

Processing:

The Agency will endeavor to provide reasonable accommodations to employees and applicants in the shortest amount of time practicable. The timeframe in this section indicates the maximum amount of time it should generally take to process a request.

The timeframe for processing a request (including providing accommodation) is generally 30 business days from the date the request is submitted, absent extenuating circumstances (see section **111.3.4.3**). The Deciding Official must, unless there are extenuating circumstances, issue a written decision to the requestor (see [AID Form 111-4](#); the Deciding Official may also provide an equivalent written decision).

The timeframe begins when an oral or written request for reasonable accommodation is submitted, and not necessarily when it is received by the Deciding Official and/or RAM. Everyone involved in processing a request must respond as quickly as possible. This includes referring a request to the RAM, the RAM requesting supporting medical information or documentation, if needed, and the Deciding Official or other relevant stakeholder providing technical assistance to the RAM regarding issues raised by a request (e.g., the essential functions of a qualified individual's position, information from M/CIO regarding the compatibility of certain adaptive equipment with the Agency's technology, etc.).

If the RAM must request medical information or documentation from a requestor's doctor, the timeframe will stop on the day that the RAM makes a request to the individual to obtain medical information or sends out a request for medical

information/documentation and will resume on the day that the information/documentation is received by the RAM.

If the disability is obvious or already known to the RAM, or if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the RAM should generally not require the full 30 business days to process the request.

As stated above, the Agency will try to provide reasonable accommodations to qualified individuals with a disability in the shortest amount of time practicable. Where a particular reasonable accommodation can be provided in less than the maximum amount of time permitted, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

A requestor may track a request for accommodation by contacting the RAM, their supervisor), or HCTM (if an applicant).

111.3.4.1 Expedited Processing

Effective Date: 05/07/2021

In certain circumstances, a request for reasonable accommodation may require an expedited review and decision. This includes where reasonable accommodation is needed, for example:

- To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- To enable a qualified individual to attend an imminent meeting. For example, an individual may need a sign language interpreter for a meeting scheduled to take place in five days.

Where a request for reasonable accommodation requires expedited processing, the RAM must prioritize the request and make efforts, within reason, to meet the necessary deadline. To meet the deadline, the Agency may (but is not required to) choose to forgo or shorten the exchange of information to grant the request where appropriate, and the Deciding Official may (but is not required to) grant a reasonable accommodation prior to issuing a formal reasonable accommodation decision. The Agency may also opt to provide an interim accommodation (see section 111.3.4.2) while awaiting receipt of medical documentation or other relevant information.

An individual needing an expedited request for accommodation is encouraged to make the request as far in advance as possible and to highlight the urgency and the necessary deadline verbally (in the case their request is verbal) or in the subject line of their email or other correspondence (if their request is in writing). A late request may

hinder the Agency's ability to timely grant the request. In the interest of the Agency expediting the request, a requestor is further encouraged to comply with all requests from the RAM as soon as possible.

111.3.4.2 Interim Accommodation

Effective Date: 05/07/2021

When facts and circumstances known to the Agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided in a reasonable period of time, the Agency should consider providing an interim accommodation that allows the individual to perform some or all of the essential functions of their job, absent undue hardship. OCR and the individual's B/O must inform the individual that the measures are only temporary and provided on an interim basis until such time as a permanent accommodation can be provided or until a decision is made that one is not warranted.

111.3.4.3 Extenuating Circumstances

Effective Date: 05/07/2021

Extenuating circumstances are situations that arise after the request for a reasonable accommodation which the RAM could not have reasonably anticipated or avoided. When extenuating circumstances exist, the RAM can extend the time necessary to process an accommodation request or provide a reasonable accommodation, as necessary.

Examples of extenuating circumstances include, but are not limited to:

- An outstanding initial or follow-up request for medical information;
- An unusually complicated request for accommodation;
- A delay in a necessary procurement;
- Needed equipment, goods, or services are not immediately available; and/or
- An accommodation involves the removal of architectural barriers.

111.3.4.4 Notification of Delay

Effective Date: 05/07/2021

When extenuating circumstances exist as outlined above, the RAM will notify the Deciding Official (if not yet known) and the requester of the delay, the reason for the delay, and the expected decision date or implementation date.

If there is an unreasonable delay in USAID implementing a decision to provide a reasonable accommodation, the RAM must investigate and determine whether

temporary measures are available to assist the qualified individual. The Agency should consider providing interim accommodation, if appropriate and available.

111.3.5 Choosing a Reasonable Accommodation

Effective Date: 06/01/2023

If all possible accommodations have been explored and ruled ineffective, reassignment can be considered as a reasonable accommodation for Direct-Hire employees. Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of the current job, or if the only effective accommodation would cause undue hardship to the Agency (see section **111.3.1.5**).

USAID cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a particular reasonable accommodation is effective to enable the individual to perform the essential functions of the job, but is refused, the individual may be considered not qualified for their position.

USAID cannot require a qualified individual affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process. USAID cannot require a qualified individual to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions(s) of the qualified employee.

111.3.5.1 Granting and Providing a Reasonable Accommodation

Effective Date: 05/07/2021

After all pertinent information has been received and reviewed, and any appropriate stakeholders have been engaged, the Deciding Official must issue a final decision to the employee or applicant regarding a request for reasonable accommodation, in writing, following consultation with the RAM and/or GC/EA.

The Deciding Official may grant and implement an accommodation before issuing such a written decision. While a written decision should generally be issued simultaneously, it should not delay the provision of accommodation. The Deciding Official, in consultation with the RAM and/or GC/EA, must issue a Reasonable Accommodation Information Reporting form ([AID 111-4](#)) to the qualified individual with a disability. Within form AID 111-4, the Deciding Official must identify the accommodation(s) requested, the date of the request, the date the requestor provided supporting medical documentation (if applicable) and any accommodation(s) the documentation recommended, the specific reasonable accommodation(s) the Agency will provide, the specific reasons and support for the approval, and the duration of the accommodation (where the need for the accommodation is temporary). In lieu of AID 111-4, the Deciding Official may issue a written decision that includes the above-referenced information.

If the Deciding Official is granting a request without determining whether the individual has a “disability,” the decision should generally state that USAID has voluntarily granted this accommodation without determining whether the employee/applicant is a qualified individual with a disability.

After granting a request for accommodation, the Deciding Official must work to implement the accommodation.

After an accommodation has been provided, the RAM may monitor the accommodation for effectiveness, as appropriate, by following up with the employee.

111.3.5.2 Denying an Accommodation Request

Effective Date: 05/07/2021

If the Deciding Official denies a request for accommodation, the Deciding Official must inform the requestor in writing of the decision. The Deciding Official must write the denial in consultation with the RAM, and GC/EA must review and clear the denial before it is issued to the requestor. The Deciding Official must use the Denial of Reasonable Accommodation Request form ([AID 111-3](#)). The written decision must include the accommodation(s) requested, the date of the request, the date the requestor provided supporting medical documentation (if applicable) and any accommodation(s) the documentation recommended, and the specific reasons for the denial. The written decision must also include : 1) the individual’s opportunity to request reconsideration of the decision (see section **111.3.5.3**), and 2) information about the individual’s right to file an EEO complaint pursuant to 29 CFR § 1614.106, and to invoke other statutory processes, as appropriate (29 CFR § 1614.203(d)(3)(i)(T)). In lieu of AID 111-3, the Deciding Official may issue a written decision that includes the above-referenced information. The following is a non-exhaustive list of reasons for denying an accommodation request:

- Medical documentation did not establish a disability or need for accommodation;
- The only effective accommodation(s) would result in an undue hardship to the Agency;
- There are no accommodations possible;
- The accommodation requires lowering a performance or production standard, or excusing unrelated misconduct already committed; and/or
- The accommodation would require removing an essential function of the job.

Prior to denying any reasonable accommodation based on cost, the Deciding Official must be aware of and comply with cost considerations in section **111.3.7.1**.

111.3.5.3 Informal Dispute Resolution Process - Reconsideration of Reasonable Accommodation Decision

Effective Date: 05/07/2021

Individuals who are dissatisfied with the decision of their reasonable accommodation request may ask, in writing, the next higher level Official in their leadership chain to reconsider the decision within 14 calendar days of receipt of the decision. Upon receipt of the written reconsideration request, the RAM must forward it to the designated Official within seven calendar days, or as soon as practicable. The requestor may provide additional information in writing in support of the request for reconsideration. The designated Official may consult with the RAM to help make the appropriate decision. The designated Official must provide a written response to the requestor either affirming (whether in whole or in part) or reversing the original decision within 21 calendar days after receiving the written request for reconsideration. The requestor must provide a copy of the written response to the Deciding Official and the RAM.

Pursuing this informal resolution procedure does not limit or replace statutory or collective bargaining protections for persons with disabilities and the remedies they may provide for the denial of requests for reasonable accommodation. An individual's participation in this reconsideration process does not extend, alter, or in any way affect the time limits for initiating administrative, statutory, or collective bargaining claims (as outlined in section **111.3.5.4**).

This request for reconsideration does not affect the timeframe for instituting proceedings under the Equal Employment Opportunity (EEO) procedures in 29 CFR Part 1614. The 45 calendar day period during which an individual may begin proceedings under the EEO process begins on the date of the decision letter issued by the Deciding Official, not the date of any decision in response to the request for reconsideration. An individual's participation in any of these informal dispute resolution processes does not satisfy the requirements to bring a claim under the EEO complaint process, Merit Systems Protection Board, or union grievance procedures. For more information on initiating the EEO process, please see [ADS 110, Equal Employment Opportunity](#).

111.3.5.4 Statutory/Other Dispute Resolution Processes

Effective Date: 05/07/2021

U.S. citizen Direct-Hire employees and U.S. citizen applicants may pursue statutory or collective bargaining remedies for the denial of the original request for a reasonable accommodation, as applicable, by:

- 1) Initiating EEO counseling by contacting OCR or an EEO counselor within 45 calendar days from the date of receipt of the reasonable accommodation decision (see [29 CFR 1614](#)).
- 2) Filing a written grievance in accordance with the provisions of the Collective Bargaining Agreement if the requestor is a collective bargaining unit member.

- 3) Initiating an appeal to the Merit Systems Protection Board (MSPB), if the MSPB has jurisdiction, within 30 calendar days of the appealable adverse action as defined by [5 CFR 1201](#).

FSN Direct-Hire employees, CCNPSCs, and TCNPSCs working in USAID's overseas Missions who believe they have been subjected to discrimination because of an EEO protected class may seek redress for the denial of the original request for a reasonable accommodation through the informal EEO complaint process by contacting OCR or an EEO counselor within 45 calendar days from the date of receipt of the reasonable accommodation decision. FSN Direct-Hire employees, CCNPSCs, and TCNPSCs may not file formal EEO complaints. U.S. Personal Service Contractors (PSCs) may be able to pursue the EEO process in some circumstances; whether the law will recognize their standing will depend on the circumstances of each case.

These procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or any applicable collective bargaining agreement. [Executive Order \(E.O.\) 13164](#), which requires all Federal agencies to adopt reasonable accommodation procedures, explains in section 5(b) that the procedures are "intended only to provide the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies."

111.3.6 Documentation for Record-Keeping Purposes

Effective Date: 05/07/2021

In order for USAID to monitor and track requests for accommodation, qualified individuals (or their representative) requesting a reasonable accommodation from an Agency official other than the RAM are encouraged to contact the RAM via reasonableaccommodations@usaid.gov and/or to submit to the RAM the Confirmation of Reasonable Accommodation Request form ([AID 111-6](#)) within five working days of the request. Any qualified individual needing assistance in providing the information may notify the RAM. The RAM must document the requests.

111.3.6.1 Information Tracking and Reporting

Effective Date: 05/07/2021

USAID is required to keep records to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 of the Rehabilitation Act of 1973 and to make such records available to the United States Equal Employment Opportunity Commission (EEOC) upon request.

Accordingly, USAID is required to collect details about each request for reasonable accommodation including, at a minimum:

- The specific reasonable accommodation requested, if any;

- The job (occupational series, grade level, and agency component) sought or held by the requestor;
- Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment or those of a contractor;
- Whether the request was granted (which may include an accommodation different from the one requested) or denied;
- The identity of the deciding official;
- If denied, the basis for such denial; and
- The number of days taken to process the request.

OCR retains cumulative records used to track USAID's performance with regard to reasonable accommodations for at least three years. USAID must maintain accommodation request records separately from personnel or PSC contract files. Management must forward all records received as part of the processing of an accommodation request to OCR for monitoring, storage, and maintenance. However, the Deciding Official may keep the decision letter regarding qualified individual's need for an accommodation in an encrypted (if electronic) or locked (if in hard copy) file separate from the personnel or the personal services contract file and the files of other employees or personal services contractors. The Deciding Official should inform future supervisors who have a need to know about the accommodation, and where they can find documentation in support of it.

OCR maintains reasonable accommodation request records for the duration of the individual's time at USAID. OCR maintains these records in accordance with the Rehabilitation Act, [E.O. 13164](#), [29 CFR 1611](#), and [Employee Medical File System Records, OPM/GOVT IO](#). OCR must make these records available to the EEOC upon request.

111.3.7 Additional Guidelines

111.3.7.1 American Sign Language Interpreting, Communication Access Real-Time Translation Captioning Services and Personal Assistance Services

Effective Date: 06/01/2023

OCR manages a USAID-wide allocation of personnel resources that are distributed to Bureaus/Independent Offices to support reasonable accommodations for qualified individuals with disabilities. This resource pool provides:

- **American Sign Language Interpreting** (ASLI) and Communication Access Real-time Translation/Captioning Services (CART); and
- Personal Assistance Services (PAS).

Requests for **American Sign Language Interpreting** or **Captioning Services**

OCR maintains an Agency-wide contract for **ASLI** and **CART** for qualified individuals who require effective access to American Sign Language (ASL) and/or an English text-based accommodation to access spoken language during a meeting or event. Services are request-driven and are provided for any official work function as well as for Agency-sponsored events. Examples include meetings, briefings, town halls, Agency-wide events, and workplace celebrations and events. If the qualified individual attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters. OCR must provide interpreters, however, if the sponsoring organization fails to do so. A USAID employee who knows sign language or who is taking a sign language class is not an acceptable substitute for an interpreter; the individual must be certified as a sign language interpreter. OCR contracts for such services.

Services are available at any hour at the qualified individual's regular duty station or at an alternate location.

Services are provided within the Continental United States (CONUS) as well as Outside of the Continental United States (OCONUS). For **ASLI/CART** outside of the metropolitan USAID/W **area**, requests should be made far enough in advance to permit adequate time for processing requirements. Processing may include arranging transportation; obtaining travel documents, immunizations, and country clearances; visa processing; and obtaining security clearances.

To request **ASLI/CART**, individuals must **send a google calendar invite for the date and timeframe that the service is needed to ASLRequests@usaid.gov**. The calendar invite should clearly indicate that it is a request for ASL Interpreting services (i.e., "ASLI: name of event" or "ASL Interpreter Request: name of event")

The calendar invitation must enable permission to modify the event, and include the following information in the notes section:

- **Date of service, start/end times;**
- **Point of contact(s) including their email address(es) and phone number(s);**
- **Name of Deaf participant, if known;**
- **Location of services (Presenter/Panelist links or in-person location for interpreters to join);**

- Links to Google files or folders for any event/meeting materials and information such as talking points, agendas, run of show, slide decks, visual aids, handouts, etc.

Note: Requests for ASL Interpreting/CART services must be sent from USAID email addresses.

Requestors should include supporting documentation to strengthen the effectiveness of the **service provider**, such as an agenda, list of speakers, or a course plan. Caption writers utilize similar technology as a court reporter and will often ask for substantive information about an event so they can pre-program acronyms and/or specific names that will be used during the event into their equipment in order to maximize effectiveness.

Requests for Personal Assistance Services (PAS)

The EEOC issued a final rule amending the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501) on January 3, 2017, as part of the affirmative action requirements. This mandate requires that USAID provide Personal Assistance Services (PAS) to employees or applicants with certain disabilities who, because they have targeted disabilities, require such assistance to work or participate in work-related travel (see 29 C.F.R. 1614.203(d)(5)). Individuals with “targeted disabilities” are defined by the U.S. Office of Personnel Management as individuals with the most severe disabilities (e.g., blindness, deafness, partial and full paralysis, etc.) who have the greatest difficulty finding employment. The purpose of focusing on targeted disabilities is to encourage the hiring, placement, and advancement of individuals with targeted disabilities in affirmative action planning. The current list of targeted disabilities can be found on [SF 256, Self-Identification of Disability](#).

USAID will provide PAS primarily via a contract managed by OCR. Under this contract, OCR will contract a full-time, part-time, or intermittent contractor to provide PAS services. OCR PAS providers must assist with activities of daily living such as:

- Assistance with removing and putting on clothing;
- Eating;
- Using the restroom; and
- Pushing a wheelchair.

PAS are non-medical assistants who assist with activities of daily living, such as removing and putting on clothing, eating, and using the restroom. These services are needed by individuals whose specific targeted disabilities make it difficult for them to perform such activities on their own. PAS does not include medical care such as

administering shots or monitoring blood pressure, helping individuals perform essential job functions, or assisting a qualified individual with his/her commute to work unless the individual is on work-related travel.

Requests for PAS will be processed under the same procedures and delegated authority used for processing requests for reasonable accommodation, as described in this chapter. An individual may request PAS by informing a supervisor or, if an applicant, HCTM, that they need assistance with daily living activities because of a medical condition. The individual does not need to mention Section 501 or the EEOC's regulations explicitly or use terms such as "PAS" to trigger the Agency's obligation to consider the request.

In addition to reasonable accommodations that may be needed, USAID must provide a qualified individual with a targeted disability with PAS during work hours and/or work-related travel if:

- 1) The individual requires such services because of a targeted disability;
- 2) The provision of such services would, together with any reasonable accommodation, enable the individual to perform the essential functions of the position; and
- 3) The provision of such services would not impose undue hardship on USAID.

In providing PAS, USAID:

- 1) Must ensure that PAS is performed by qualified personal assistance service providers, employees or independent contractors whose primary job functions include provision of PAS;
- 2) May require PAS providers to provide PAS to more than one individual;
- 3) May require PAS providers to perform job-related tasks unrelated to PAS, but only to the extent that doing so does not result in failure to provide PAS to the individual; and
- 4) When selecting someone who will provide PAS to a single individual, give primary consideration to the individual's preferences to the extent permitted by law. However, it may not be possible to honor the individual's preferences in all circumstances.

In an emergency or unusual situation, when a USAID PAS provider is unable to be present to assist the qualified individual, the individual must notify their supervisor immediately. The supervisor must consult with the RAM to consider viable options (*i.e.*, telework, back-up PAS provider). If no alternative is available, the RAM, in consultation with GC/EA, as needed, may recommend that the supervisor grant the qualified

individual an excused absence/administrative leave. USAID PAS providers will be provided for employees required to work during a furlough.

A qualified individual may utilize a PAS provider at the individual's own expense. If an individual chooses to obtain their own provider, the individual should notify the RAM who will assist the employee in facilitating entrance into the USAID facility. The RAM must notify the individual of the availability of the USAID provided PAS and ask the individual to sign a statement verifying their agreement to use their own provider and acknowledge that USAID is unable to ensure that the individual-provided PAS is meeting their needs.

All PAS providers are required to undergo and pass a background investigation before entering USAID facilities. Once this is complete, the RAM must request a background investigation of the Agency-provided PAS provider from SEC. Individual-provided PAS providers may be issued a Homeland Security Presidential Directive (HSPD) credential or facility access badge at the discretion of local management. Local management is responsible for submitting requests for credential or facility access to the RAM, monitoring the individual-provided PAS providers, and notifying the RAM of any issues or changes in the status of the Agency-provided PAS (e.g., separation).

EXOs in the field and AMS Officers in Washington must make appropriate efforts to secure a space for the Agency-provided PAS provider.

At any time, if the qualified individual wishes to utilize the USAID PAS provider, the individual may request it, and the RAM must consider the request as expeditiously as possible.

Individual-provided PAS providers are not personal assistants and will not provide assistance to staff in performing work-related functions. If an individual needs assistance in performing their essential work functions, the individual should submit a reasonable accommodation request.

Resources available to help both the Deciding Official and the individual requesting the accommodation or PAS to identify possible accommodations are listed in section **111.5**.

111.3.7.2 Changes to Building or Facilities

Effective Date: 05/07/2021

In the event that an individual has a reasonable accommodation request that requires making physical changes to a USAID building or workspace used by that individual, the individual must make the request directly to the RAM and/or the Deciding Official. The Deciding Official must consult with the Bureau for Management (AA/M) in order to receive guidance relating to functional limitations or alternatives based on the type of disability.

The requestor may be required to provide medical documentation or additional information.

The Deciding Official, in consultation with the RAM and the Bureau for Management (AA/M), must provide the requestor with a written decision and provide the RAM with a copy of the record. The RAM should monitor requests for building-related accommodations, as needed.

111.3.7.3 Accessibility of Meetings, Conferences and Seminars

Effective Date: 05/07/2021

USAID meetings, conferences, and seminars held either in public or private facilities must be accessible for qualified individuals with disabilities with respect to facilities, programs, and services.

The sponsoring Office or Bureau in USAID must ensure that the programs, in addition to the facilities, are accessible. When scheduling a meeting, the sponsoring Office should provide general notice asking supervisors or qualified individuals with disabilities to contact them or the RAM if they or subordinates need reasonable accommodation. For persons who are deaf or hard of hearing, the Agency must arrange for a sign language interpreter or CART services as appropriate. For persons with visual impairments, the sponsoring Office must arrange for a reader or materials in alternate formats (e.g., Braille, large print, or taped). If there are no attendees with mobility, visual, or hearing impairments (e.g., for an internal meeting restricted to specific, identified individuals who are not deaf or hard of hearing), the above provisions are not required. If an outside contractor is used, USAID must ensure that the contractor develops a plan to assure that any meeting, conference, or seminar will meet or exceed the minimum accessibility standards.

111.3.7.4 Vacancy Announcements and Offer Letters

Effective Date: 05/07/2021

In all Direct-Hire vacancy announcements, HCTM must include a statement that reads:

For USAJOBS.gov vacancies:

Reasonable Accommodation:

USAID is committed to equal employment opportunity; therefore, reasonable accommodations are available to applicants and employees with disabilities. If you need an accommodation for any part of the application and hiring process, please notify the Reasonable Accommodation Division in OCR at **reasonableaccommodations@usaid.gov**. Reasonable accommodation decisions are made on a case-by-case basis. To learn more about the Reasonable Accommodation Division, please visit our website at: <https://www.usaid.gov/careers/reasonable-accommodations>.

In all offer letters, HCTM must include a statement that reads:

For tentative and final offer letters:

Reasonable Accommodation:

USAID is committed to equal employment opportunity. If you need an accommodation at any point throughout your application, hiring or onboarding experience, or once you become a USAID employee, please notify your Human Resources Specialist, and the Reasonable Accommodation Division in OCR at **reasonableaccommodations@usaid.gov**. Reasonable accommodation decisions are made on a case-by-case basis. To learn more about the Reasonable Accommodation Division, please visit our website at: <https://www.usaid.gov/careers/reasonable-accommodations>.

111.3.7.5 Training

Effective Date: 05/07/2021

The Deciding Official must:

- 1) Request and ensure, when necessary, that appropriate training for the use of reasonable accommodation is provided to qualified individuals who are granted reasonable accommodations (e.g., training on assistive technology software).
- 2) Ensure that subordinate Agency management officials who have responsibilities regarding reasonable accommodation receive training on the Agency's reasonable accommodation policy, including training provided by the RAM and/or OCR, in collaboration with GC/EA.

111.3.8 Centralized Fund for Reasonable Accommodations

Effective Date: 05/07/2021

Pursuant to 29 C.F.R. 1614.203 (in the Rehabilitation Act), the Agency must ensure that requests for reasonable accommodation are not denied for reasons of cost and that individuals with disabilities are not excluded from employment or employment opportunity due to the anticipated cost of a reasonable accommodation, if the resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, would enable it to provide an effective reasonable accommodation without undue hardship.

Accordingly, M/MS manages the central fund allocated for the Agency Reasonable Accommodation Program Manager-approved OE-funded reasonable accommodations pursuant to the Rehabilitation Act of 1973 and E.O. 13164, with the exception of interpreter/captioning services. OCR manages the funding for and provision of

interpreter/captioning and other accommodation-related services (e.g., personal assistance services).

111.3.9 Additional Information and Resources

Effective Date: 06/01/2023

Questions concerning these procedures should be directed to OCR. Additional OCR contact information is on the [USAID intranet](#).

For additional information on reasonable accommodations, please see the following:

U.S. Equal Employment Opportunity Commission

1 (800) 669-3362 (Voice), 1 (800) 800-3302 (TTY)

EEOC has published many ADA and Rehabilitation Act, **and PWFA**-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

EEOC has developed a wide range of fact sheets, question and answer documents, and other publications to help employees and employers understand the complex issues surrounding disability discrimination at <https://www.eeoc.gov/disability-discrimination#resources>.

Job Accommodation Network (JAN)

1 (800) 232-9675 (Voice/TTY) <https://askjan.org/>

A service of the U.S. Department of Labor Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations.

DOD's Computer/Electronic Accommodations Program (CAP)

(703) 614-8416 (Voice)/(571) 384-5629 (Videophone) <http://www.cap.mil/>

CAP provides **and performs** assessment to **any non-DOD** qualified individuals with disabilities quickly, effectively, and at no cost to partnering agencies. **USAID is responsible for providing the approved accommodation.**

For additional information, or to schedule a tour of the Technology Center at the Pentagon, contact CAP at the above numbers or at the following email address: cap.captec@mail.mil.

111.4 MANDATORY REFERENCES

111.4.1 External Mandatory References

Effective Date: 06/01/2023

- a. [5 CFR 1201; 5 CFR 1630; 29 CFR 825; 29 CFR 1611; 29 CFR 1614; 29 CFR 1630; and 41 CFR 301-10.123, n.2](#)
- b. [16 FAM 200](#)
- c. [EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act \(ADA\) \(July 27, 2000\)](#)
- d. [EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act \(October 17, 2002\)](#)
- e. [EEOC Policy Guidance on E.O. 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation \(October 20, 2000\)](#)
- f. [E.O. 13163 \(July 26, 2000\): Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government](#)
- g. [E.O. 13164 \(July 26, 2000\): Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation](#)
- h. [Federal Travel Regulation \(FTR\) §301-10.123](#)
- i. [Pregnancy Discrimination and Pregnancy-Related Discrimination](#)
- j. [PUMP for Nursing Mothers Act \(PUMP Act\)](#)
- k. [Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services \(PAS\) Under Section 501 of the Rehabilitation Act](#)
- l. [The Americans with Disabilities Act Amendments Act of 2008, P. L. 110-325](#)
- m. [The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.](#)
- n. [The Family and Medical Leave Act of 1993, 5 U.S.C 6381 through 5 U.S.C 6387](#)
- o. [The Foreign Service Act of 1980, as amended, 22 U.S.C 3901, et seq.](#)
- p. [The Privacy Act of 1974, as amended, 5 U.S.C 552a](#)
- q. [The Rehabilitation Act of 1973, as amended, 29 U.S.C 791 et seq.](#)
- r. [What You Should Know About Pregnant Workers Fairness Act](#)

111.4.2 Internal Mandatory References

Effective Date: 06/01/2023

- a. [ADS 110, Equal Employment Opportunity](#)
- b. [ADS 309, Personal Services Contracts with Individuals](#)
- c. [ADS 309man, Telework and Remote Work Policy for Personal Services Contracts with Individuals](#)
- d. [ADS 405, Telework](#)
- e. [ADS 418, Merit Staffing Program for Civil Service \(CS\) Employees](#)
- f. [ADS 436, Foreign Service Assignments Process and Tours of Duty](#)
- g. [ADS 502mah, Policies and Procedures for Recording Audio and Video Meetings](#)
- h. [ADS 514, Parking Program Administration](#)
- i. [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)
- j. [ADS 524, Emergency Management](#)
- k. [ADS 529, Occupational Safety and Health Program for USAID Washington Facilities](#)
- l. [ADS 551, Section 508 and Accessibility](#)

111.5 ADDITIONAL HELP

Effective Date: 05/07/2021

There are no Additional Help documents for this chapter.

111.6 DEFINITIONS

Effective Date: 06/01/2023

See the [ADS Glossary](#) for all ADS terms and definitions.

Accessibility

The design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of

physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design. Please review the definition of reasonable accommodation compared to the definition of accessibility. (Chapter 111)

Deciding Official

In the case of an employee, the supervisor, or in the case of an applicant, an HCTM officer, who makes the decision on reasonable accommodation or Personal Assistance Services (PAS) in response to a request for reasonable accommodation or PAS. (Chapter 111)

Disability

A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment. (Chapter 111)

Essential Functions

Job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function may 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 an individual is hired based on their ability to perform it.

A determination of the essential functions of a position is made by the individual's supervisor in consultation with HCTM. (Chapter 111)

Known Limitation

A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in the Americans with Disabilities Act of 1990. (Chapter 111)

Major Life Activities

Basic activities that the average person can perform with little or no difficulty. Examples of major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

A major life activity also involves the operation of major bodily functions, including, but

not limited to functions of the immune system; normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. **(Chapter 111)**

Personal Assistance Services

Assistance with performing activities of daily living that an individual would typically perform if s/he did not have a disability, and that is not otherwise required as a reasonable accommodation, including, but not limited to, assistance with removing and putting on clothing, eating, and using the restroom. Such services do not include medical care. The agency provides personal assistance services during work hours and work-related travel, and if the provision of such services would not impose an undue hardship on the agency. **(Chapter 111)**

Qualified Individual Affected by Pregnancy, Childbirth, or Related Medical Conditions

An individual who, with or without reasonable accommodation, can perform the essential functions of the position, except that an individual must be considered qualified if:

- A. Any inability to perform an essential function is for a temporary period,
- B. The essential function could be performed in the near future; and
- C. The inability to perform the essential function can be reasonably accommodated.

(Chapter 111)

Qualified Individual with a Disability

An individual with a disability who satisfies the requisite skill, experience, education, and other work-related requirements of the position and can perform the essential functions of the position, with or without reasonable accommodation. **(Chapter 111)**

Reasonable Accommodation

Any change in the work environment or application process that enables a person with a disability to enjoy equal employment opportunities. "Accommodation" does not mean staying at a house or a hotel, it means adjustments made for an individual. Reasonable Accommodation is different from accessibility. Reasonable Accommodation is determined on a case-by-case basis, often in response to an individual need. These adjustments will be needed more in environments that are not accessible, but even if they are fully accessible, further adjustments may be needed.

There are **four** general categories of reasonable accommodations:

- Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (*i.e.*, providing application forms in alternative formats like large print or Braille and providing a sign language interpreter);

- Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (*i.e.*, providing sign language interpreters; making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests or training materials; providing qualified readers or interpreters; and reassignment to a vacant position);
- Modifications or adjustments that enable individuals with disabilities to enjoy equal benefits and privileges of employment (*i.e.*, 1) training; 2) services (*e.g.*, employee assistance programs (EAPs), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation); and 3) parties or other social functions (*e.g.*, parties to celebrate retirements and birthdays, and agency outings), and
- Modifications or adjustments for qualified individuals with known limitations related to pregnancy, childbirth, or related medical conditions even if the individual is not experiencing a pregnancy related disability. (Chapter 111)

Undue Hardship

An “action requiring significant difficulty or expense” when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the full scope of the Agency’s operations. (Chapter 111)

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