



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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ALEXANDRIA, VIRGINIA 22350-1500

December 8, 2016

INSPECTOR GENERAL INSTRUCTION 1440.2

PROCEDURES FOR PROVIDING REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES

FOREWORD

This instruction provides policies, assigns responsibilities, and prescribes procedures within the DoD Office of Inspector General for providing reasonable accommodations to individuals with a disability.

This instruction will expire 10 years from its issuance date.

The office of primary responsibility for this instruction is the Office of Equal Employment Opportunity. This instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "Steven A. Stebbins", is positioned above the printed name and title.

Steven A. Stebbins
Chief of Staff

5 Appendices

**PROCEDURES FOR PROVIDING REASONABLE ACCOMMODATION FOR
QUALIFIED INDIVIDUALS WITH DISABILITIES**

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CHAPTER 1 GENERAL

A. Purpose. This instruction implements reference (a), which instructs U.S. Government agencies to establish procedures and processes for employees and job applicants with disabilities to receive reasonable accommodations. This instruction provides guidance and direction for delivering prompt accommodations to personnel within the DoD Office of Inspector General (OIG).

B. Cancellation. This instruction cancels IG Instruction 1440.2, *Procedures for Providing Reasonable Accommodation for Qualified Individuals with Disabilities*, March 20, 2006.

C. Summary of Changes. This instruction incorporates changes reflected in reference (b), which broadened the term “disability” under the Americans with Disabilities Act (ADA). The instruction also clearly defines the roles and processes for obtaining a reasonable accommodation within the OIG. For simplicity, IG Form 1440.2-5, *Reasonable Accommodation Request*, replaces all previous forms used in connection with a request for accommodation.

D. Applicability. This instruction applies to the OIG. The provisions of this instruction apply to any Government civilian employee (permanent, temporary, or probationary) or job applicant with the OIG.

E. References. (See Appendix A.)

F. Definitions. (See Appendix B.)

G. Acronyms and Abbreviations. (See Appendix C.)

H. Policy.

1. The OIG policy fully complies with the reasonable accommodation requirements of reference (c). Under this law, U.S. Government agencies must provide reasonable accommodations to qualified employees and job applicants with disabilities unless doing so causes an undue hardship. The reasonable accommodation process is limited to individuals with a known disability and is not intended for employees requesting assistance to prevent occupational injury or illness, as defined by the Safety and Occupational Health Program. The OIG provides reasonable accommodations as follows:

a. When a job applicant with a disability needs an accommodation in order to be considered for employment.

b. When an employee with a disability needs an accommodation to perform essential job functions, gain access to the workplace, or receive equal benefits and privileges of employment.

2. Immediately following receipt of the request for an accommodation, the approving official's and employee's first conversation regarding a reasonable accommodation initiates the Interactive Process. (See Appendix B for the definition of the "Interactive Process.")

3. Employees may refer to reference (d) for additional information on the rights and responsibilities of individuals who request reasonable accommodation, as well as the responsibilities of Government agencies in responding to those requests.

4. The approving official, on behalf of the OIG, may take appropriate steps beyond those required by the reasonable accommodation process.

I. Responsibilities.

1. The **IG** will:

- a. Ensure the development and implementation of reasonable accommodation procedures.
- b. Promote the use of reasonable accommodations throughout the OIG.
- c. Provide sufficient resources for efficient and successful operation of the reasonable accommodation process.

2. The **Component Heads** will:

- a. Ensure wide dissemination, understanding, and implementation of reasonable accommodation procedures at all levels within their respective Component.
- b. Actively support and promote reasonable accommodation procedures and remain informed of, and sensitive to, accommodations made within their areas of responsibility.
- c. Take proactive measures to ensure all employees, job applicants, and approving officials of the employee comply with the reasonable accommodations procedures.
- d. Ensure personnel who interact with job applicants understand how to recognize and process reasonable accommodation requests.

3. The **Director, Office of Equal Employment Opportunity (EEO)**, will:

- a. Exercise overall responsibility for managing the reasonable accommodation processes and procedures.
- b. Institute a process to ensure employees understand the reasonable accommodation procedures.
- c. Receive, review, and process requests for reasonable accommodation.

- d. Monitor the progress and results of requests for reasonable accommodations.
- e. Provide advice to the IG, Component Heads, approving officials of employees requesting a reasonable accommodation, and employees regarding reasonable accommodation requests.
- f. Work collaboratively with the approving official, employee, and representatives from Human Capital Advisory Services (HCAS), the Facilities and Space Management Division (FSD), the Office of Chief Information Officer (OCIO), and the Office of General Counsel (OGC), as appropriate, to facilitate issuance of accommodation solutions.
- g. Compile and maintain data for reporting requirements to Congress, the Equal Employment Opportunity Commission (EEOC), and the Office of the Principal Deputy Under Secretary of Defense for Personnel and Readiness regarding the OIG's reasonable accommodation activity.
- h. Track the processing of reasonable accommodation requests, ensure confidentiality in the process, and maintain records throughout the employee's tenure at the OIG.
- i. Serve as the custodian who maintains a record of the employee's reasonable accommodation.
- j. Substantiate the need for an accommodation and sign the justification section on SD Form 474 for approved reasonable accommodation requests.

4. The **OCIO** will:

- a. Ensure individuals requesting a reasonable accommodation and their approving officials are provided the necessary information regarding assistive technology pertaining to the reasonable accommodation request.
- b. Approve or disapprove assistive technology from the Computer or Electronic Accommodation Program (CAP) within 5 business days after receiving the specific technological request. Recommend alternative solutions, offered through CAP, when the requested technology is not compatible with OIG system requirements.
- c. When appropriate, in coordination with Acquisition Division staff, acquire assistive technology for an approved reasonable accommodation request.

5. The **FSD** in the Logistics Management Office will work collaboratively with representatives from the EEO, HCAS, OCIO, and OGC, as appropriate, to:

- a. Install CAP procured furniture and equipment.
- b. Modify or adjust individual workstations procured as part of an approved reasonable accommodation.

- c. Provide furniture and equipment for an approved reasonable accommodation.
 - d. Coordinate with the appropriate building or facilities management personnel to modify an employee's existing workspace as part of an approved reasonable accommodation, and to ensure employees have full access to the Mark Center or field site facilities.
 - e. Review all SD Forms 474 for the approving official's and EEO staff member's signatures prior to procuring items or making workplace adjustments for approved reasonable accommodations. The FSD will return any SD Form 474 that does not contain the appropriate signatures for a reasonable accommodation.
6. **HCAS** will work collaboratively with representatives from the EEO, FSD, OCIO, and OGC, as appropriate, to:
- a. Provide guidance and advice concerning OIG personnel decisions.
 - b. Ensure job applicants receive the reasonable accommodation required to apply for OIG positions.
 - c. Advise and assist approving officials regarding reasonable accommodation requests in conjunction with the investigation or initiation of disciplinary, adverse, or performance based actions.
 - d. Compile data for the EEO on requests for reasonable accommodations from job applicants.
 - e. Help the EEO train OIG personnel performing the application process to recognize requests for reasonable accommodation and to handle them appropriately.
 - f. Collaborate with EEO, FSD, approving officials, employees, and OGC when applicable, to facilitate timely issuance of accommodation solutions.
 - g. Ensure a copy of the employee's reasonable accommodation is not included in the employee's official personnel files.
7. The **approving official** will work collaboratively with representatives from the EEO, HCAS, FSD, OCIO, and OGC, as appropriate, to:
- a. Approve or disapprove requests for reasonable accommodations, except for personnel actions or other actions outside the scope of the approving official's control, such as in the case of a job applicant. (See Appendix B for a definition of "approving official.")
 - b. Ensure employees complete IG Form 1440.2-5, attach the completed SD Form 474, and forward it to the EEO for recordkeeping purposes. (See Appendix E for IG Form 1440.2-5.)

c. Advise the employee when a reasonable accommodation request needs supporting medical documentation.

d. Protect the employee's right to privacy and limit access to accommodation related information to those individuals with a need to know.

e. Engage in dialogue with the employee to assess their needs and to identify the appropriate reasonable accommodation. This dialogue is known as the Interactive Process.

f. Consult with HCAS, EEO, and OGC, as necessary, to ensure timely reasonable accommodation processing.

g. Ensure a copy of the employee's reasonable accommodation is not included in the employee's personnel files maintained by the approving official.

h. Complete the SD Form 474 and ensure that the document contains a signature from a Reasonable Accommodation Specialist before submitting the form to the FSD to procure furniture, equipment, or initiate a workplace modification in connection with an approved reasonable accommodation.

i. Ensure that all furniture, chairs, and other equipment purchased by the OIG for an approved reasonable accommodation at the Mark Center are turned into the FSD upon the employee's departure from the OIG. Similar items purchased for use at field sites will be retained there under the control of the property custodian until needed to fulfill another reasonable accommodation request.

8. The **Employee, Job Applicant, or Employee Representative** will:

a. When appropriate, request, either orally or in writing, an adjustment or modification to their work environment or business process due to a disability.

b. Engage in the Interactive Process, including answering relevant questions from the approving official, EEO, or HCAS, as necessary, who will collectively assess the employee's needs and identify the appropriate reasonable accommodations.

c. Follow up an oral reasonable accommodation request by completing IG Form 1440.2-5. A recurring reasonable accommodation only needs a written confirmation with the first request.

d. Provide appropriate notice, as defined in Chapter 4 of this instruction, to the approving official or the EEO each time they need a recurring reasonable accommodation, such as a sign language interpreter or communication access real time translation (CART) services.

e. Provide medical documentation to substantiate the existence of an ADA disability and explain the need for reasonable accommodation when the disability is not obvious.

- f. Submit a request to the DoD CAP for any computer and electronic equipment the CAP office can satisfy.
- g. Coordinate with their approving official and representatives from the OCIO to provide the specifications of the requested assistive technology in advance of CAP acquisition to ensure the requested items will function properly on the OIG network. Failure to properly coordinate assistive technology may result in delays or denial of the requested technology.
- h. Submit a written request for reconsideration to the approving official, if the request is denied.
- i. Contact EEO if the individual wishes to file an EEO complaint related to the request for a reasonable accommodation.
- j. Use the approved accommodation only for official purposes. Employees may not take Government property home for personal use or use such resources for unofficial purposes.

CHAPTER 2 REASONABLE ACCOMMODATIONS

A. General. An accommodation is a change in the workplace policies or procedures that enables an individual with a disability to obtain equal opportunities in employment or application for employment. A reasonable accommodation removes barriers, absent an undue hardship, that prevent an individual with disabilities from applying for or performing jobs for which they are qualified. A reasonable accommodation can also provide access to a benefit or privilege of employment, such as use of medical benefits, access to facilities, training and development, and all other employment related activities.

B. Types of Reasonable Accommodations. Reasonable accommodations for qualified individuals with disabilities consist of, but are not limited to:

1. Job Restructuring. A job restructure reallocates or redistributes an employee's nonessential job functions, if the employee cannot perform them due to a disability. This may require altering when or how a function is performed. Approving officials are not required to reallocate or eliminate essential functions as a reasonable accommodation.

2. Leave. Employees may use accrued paid or unpaid leave as a form of reasonable accommodation, when necessitated by a disability. The approving official may allow the use of limited, unpaid leave when an employee exhausts accrued paid leave.

a. Absent undue hardship, an employee with a disability who receives leave as a reasonable accommodation can return to the same position if they are still qualified and able to perform the position's essential functions, with or without reasonable accommodation.

b. If the approving official can demonstrate holding the position open imposes an undue hardship, the approving official will follow the guidance contained in Chapter 2, paragraph B.5. (See Appendix B for further information regarding "undue hardships.")

c. Approving officials do not have to grant frequent, unpredictable, and unscheduled leave as a reasonable accommodation due to the hardship such leave may impose on the OIG.

3. Modified or Part Time Schedule. Approving officials may create a part time work schedule for an employee as a form of reasonable accommodation provided there is no undue hardship. The approving official may also modify an individual's work schedule by adjusting arrival or departure times, providing periodic breaks, altering when certain functions are performed, or allowing the use of leave as described in Chapter 2, paragraph B.2.

4. Modified Workplace Policies. Workplace policy modification may serve as a form of reasonable accommodation when necessitated by the limitations of an individual's disability. An approving official, in coordination with HCAS, EEO, and OGC, when necessary, will determine when such policy modifications may take place.

5. Reassignment.

a. Approving officials, in consultation with representatives from HCAS, EEO, and OGC, can offer a reassignment as a form of reasonable accommodation if it is determined that no other reasonable accommodation will permit the individual to perform the essential functions of the current position or if all other possible accommodations impose an undue hardship on the OIG.

b. Reassignment is a last resort accommodation and is available only to employees, not to job applicants. When reassignments are considered as a reasonable accommodation, employees do not need to compete for the vacant position.

c. In considering whether there are positions available for reassignment, the first step is for HCAS to determine whether the employee is qualified for reassignment. The approving official will work with HCAS, EEO, OGC, and the employee requesting the accommodation to determine eligibility for reassignment.

d. To determine whether an employee is qualified for a new position, HCAS will:

(1) Review the employee's resume to determine whether the employee satisfies the requisite skill, experience, education, and other job-related requirements of vacant OIG positions. An employee does not have to be the best qualified candidate for a position in order to be reassigned to the position.

(2) Review medical documentation to determine whether the employee can perform the essential functions of current or future vacancies.

(3) Focus on positions equivalent to the employee's current job, pay, status, and other relevant factors.

(a) If HCAS cannot identify an equivalent position, it will review all projected vacancies available within 60 business days from the date the reassignment is being considered.

(b) The HCAS review will consider all positions, including those at lower grades, that the employee is qualified for with or without a reasonable accommodation. Approving officials and HCAS have no obligation to assist the individual to become qualified for a vacancy.

6. Telework. Approving officials may permit workplace location modifications, as a form of reasonable accommodation, including the employee's home, alternate designated work locations, and designated work centers.

CHAPTER 3 PROCEDURES

A. Request for Reasonable Accommodation.

1. The reasonable accommodation process begins when an individual with a disability, or their representative, requests an adjustment or modification to enable the individual to perform the essential functions of the position, to complete the application process, or to allow the individual to obtain equal access to a term, benefit, or privilege of employment.

2. A healthcare professional, family member, or any other person, may serve as a representative to request an accommodation on behalf of an individual. This request should be in writing, but is not mandatory.

3. Whenever possible, the approving official will confirm the request with the individual needing the accommodation. The OIG official who receives the request, if other than the approving official, will promptly forward the request to the approving official for action within 3 business days. Regardless of which OIG official receives the initial notification, the approving official must provide a decision approving or denying the request for reasonable accommodation within 15 business days of receipt of all relevant documentation to support the reasonable accommodation request. Reasonable accommodation requests can be made orally or in writing, at any time, to any of the OIG officials or Components listed:

- a. An employee's first line supervisor.
- b. An employee's second or third line supervisor, or any senior management official supervisor.
- c. HCAS.
- d. EEO.

4. An individual does not have to use special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" when requesting an accommodation. Employees and approving officials should consult with the EEO for further information or assistance initiating or processing a request for reasonable accommodation. If the individual does not complete the IG Form 1440.2-5, anyone who received the request and is listed in Chapter 3, paragraph A.3.a. through A.3.d., can complete the form on behalf of the individual.

5. The approving official and the employee with a disability should engage in an informal discussion to clarify the employee's needs and identify the appropriate reasonable accommodation(s). This discussion begins the Interactive Process. (See Chapter 3, paragraph C. for more information on the Interactive Process.)

a. The approving official may ask the employee relevant questions to enable an informed decision about the request including the nature of the disability, the employee’s functional limitations, and the appropriate types of reasonable accommodation.

b. The approving official should document this discussion. In cases involving a job applicant’s request, a human resources specialist in HCAS should document this discussion.

B. Written Request for Recordkeeping Purposes.

1. To enable the OIG to keep accurate records of accommodation requests, employees seeking a reasonable accommodation, or in some cases HCAS on behalf of applicants, should complete the IG Form 1440.2-5. In the absence of an employee’s written request, management’s written decision to grant or deny the reasonable accommodation will be sufficient for recordkeeping. A written decision is needed because an approved reasonable accommodation is legally binding on the OIG.

2. While an individual should submit a written confirmation of their request for an accommodation as soon as possible following the oral request, the approving official who received the request will begin processing the request immediately rather than waiting for the written confirmation. In all instances where the individual’s disability is not obvious, sufficient medical documentation is required to substantiate the issuance of an accommodation solution.

3. Recurring reasonable accommodations, such as the assistance of sign language interpreters, readers, or CART services, do not need a written confirmation. Only the first request requires a written confirmation. Thereafter, the individual must give appropriate notice each time they need the accommodation. (See Chapter 4 for further guidance on requesting sign language interpreters and CART services.)

C. Interactive Process. This process involves an open, continuous dialogue among the approving official; EEO, Safety, and FSD staff; and in some cases HCAS (on behalf of the applicant or the individual making the request for the applicant) designed to expedite and facilitate the best possible solutions. During this process, the applicant may be asked to provide additional information to assist in clearly understanding the disability and in developing effective accommodations.

D. Timeframes for Processing Requests.

1. The amount of time it takes to respond to a request for reasonable accommodation depends on the nature of the accommodation and whether medical documentation is needed to confirm the existence of an ADA disability and the need for a reasonable accommodation.

2. Approving officials should respond to reasonable accommodation requests as soon as possible. The process timeframe begins when an individual makes an oral or written request for a reasonable accommodation.

a. Absent extenuating circumstances, the approving official must begin the Interactive Process and use the existing information to approve or reject the reasonable accommodation request in 15 business days. The requirement to provide a decision within 15 business days stops when the approving official requires medical documentation to make an informed decision, and starts again once adequate documentation is provided. (See Chapter 3, paragraph H., for more information on medical documentation.)

b. However, if the approving official can provide a particular reasonable accommodation in less time than is authorized under these procedures, the approving official should respond promptly to the request to ensure consistency with reference (c). (See Chapter 3, paragraph G., for further information on approval notifications.)

3. If an OIG official other than the employee's approving official initially receives the accommodation request, the official must forward it to the employee's approving official within 3 business days from the date received. Family members and coworkers may request an accommodation on behalf of employees. Once the request is received, the reasonable accommodation process is initiated as described in Chapter 3, paragraphs C. and D.2.

a. If approved, the employee will normally receive the accommodation within 15 business days unless extenuating circumstances delay implementation. Extenuating circumstances include factors that could not have reasonably been anticipated or avoided in advance of the request for accommodation.

b. When delays occur, approving officials must consider temporary accommodations and provide them whenever possible. Approving officials will notify the employee, or HCAS on behalf of an applicant, within 3 business days if such delays exist. Examples of extenuating circumstances include, but are not limited to:

(1) The employee has not responded to the initial or follow up request for medical documentation or the medical evaluation they provided is not sufficient to substantiate a reasonable accommodation. Chapter 3, paragraph H., describes in detail what constitutes sufficient medical documentation.

(2) Equipment purchases that take longer than 15 business days to deliver per reference (e).

(3) Back ordered equipment, a vendor unexpectedly goes out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(4) The OIG needs to hire or contract for new staff, or an accommodation involves the removal of architectural barriers or reconfiguration of an employee's work space.

(5) Receipt of an appliance permit from the building landlord that takes longer than 15 business days to obtain.

4. When there is a delay, any official from the EEO, HCAS, OCIO, or FSD who is involved in facilitating an effective accommodation solution must notify the employee's approving official. In such cases, the approving official must then confer with the employee to discuss providing temporary measures. For example, where an employee requests telework or an alternative work schedule as an accommodation due to their impairment, the approving official may grant the accommodation on a temporary, provisional basis while evaluating the request.

a. If a delay exists in either processing a request or delivering a reasonable accommodation and the delay is not attributable to the requesting individual, the approving official will notify the individual, in writing, of the specific reasons for the delay.

b. Whenever possible, the approving official should keep the individual informed of the OIG's expected process completion date.

5. In special circumstances, reasonable accommodations may require expedited processing, which can reduce the 15 business day decision timeframe. Examples of special circumstances include an individual applying for a job, or an employee requesting to participate in a specific OIG activity scheduled to occur on short notice.

E. Request for Computer and Electronic Equipment. When funds are available, CAP provides computer and electronic equipment to all DoD employees with disabilities. In order to maximize the use of all available resources, OIG employees with a disability will first request assistive technology from CAP to fulfill a reasonable accommodation request. When funding or equipment is not available from CAP or the CAP technology is not compatible with the OIG network, the OCIO will provide the assistive technology.

1. Computer Electronic Equipment. This may include, but is not limited to:

- a. Teletypewriter (TTY).
- b. Modified computer screens or peripherals.
- c. Voice activated specialized software.
- d. Screen readers.
- e. Cueing and memory aids.

2. System Compatibility. Prior to completing a request with the CAP office, employees or their approving officials must provide the OCIO the assistive technology specifications in order to ensure the accommodation equipment is compatible with OIG systems. Close coordination with the CAP office and approving officials ensures correct specifications.

3. Requests. Employees or approving officials may directly submit equipment requests to CAP via their Internet website. All information will be kept confidential. Employees or approving officials must provide a copy of the CAP request to the Director, EEO. Additional information is available on the CAP website at www.cap.mil.

4. CAP Procurement Exceptions. The OCIO will acquire assistive technology equipment for an approved reasonable accommodation when CAP has notified the OIG that funding is not available or the requested accommodation will take longer than 30 business days to acquire using the CAP process. The approving official's signature on the SD Form 474 certifies the necessity of an accommodation to aid an employee with a disability to accomplish an essential job requirement.

5. Property Accountability. All equipment used as a reasonable accommodation is OIG property. Equipment maintenance beyond the initial warranty period and additional supplies after receipt of equipment is the responsibility of the FSD or OCIO depending on the type of property involved.

F. Recurring Requests. Once granted, recurring requests for reasonable accommodations, such as a sign language interpreter, CART, or some other accommodation, do not need to be resubmitted each time the accommodation is needed.

G. Approval of Reasonable Accommodation Requests. Approving officials, who are leaders in the requesting employee's supervisory chain to include the IG or Principal Deputy Inspector General, must provide reasonable accommodation decisions in writing. An approving official does not need to provide specific reasons for the decision to approve or partially approve a request. Within 3 business days of providing the written decision to the requesting individual, the approving official will provide a copy of the final official reasonable accommodation decision to the Director, EEO, for recordkeeping.

H. Requests for Medical Documentation.

1. The approving official, in coordination with EEO, must confirm that an individual requesting a reasonable accommodation has a disability covered by reference (c). When the disability and need for reasonable accommodation is obvious or the individual previously provided the approving official with sufficient information to substantiate the need for reasonable accommodation, the approving official does not need to seek additional medical documentation to prove the existence of the disability.

2. If not already known to the approving official, the individual must provide medical documentation regarding the disability and any resulting functional limitations that show the need for a reasonable accommodation. Documentation must:

a. Describe the nature, severity, and duration of the individual's disability, the activities the disability limits, and the extent to which the disability limits the individual's ability to perform the essential job functions.

b. Substantiate the need for the requested reasonable accommodation.

3. The approving official, with the assistance of the EEO or HCAS, as appropriate, will make a determination if additional medical documentation is necessary. The approving official will promptly process the individual's request when additional documentation is not necessary.

4. If additional documentation is necessary, the approving official, with the assistance of EEO, will explain how the submitted documentation is insufficient and what additional information the approving official needs. Documentation is insufficient if it, for example:

a. Does not specify the existence of an ADA disability or explain the need for reasonable accommodation.

b. Is provided by a healthcare professional who does not have the expertise to give an opinion about the individual's medical condition or cannot provide the functional limitations imposed by it as specified by reference (d).

c. Appears fraudulent or not credible.

d. Is not provided on letterhead, dated, and signed by a healthcare professional with the expertise to substantiate the required reasonable accommodation request.

5. The approving official may provide an interim reasonable accommodation until the employee provides sufficient documentation. EEO, HCAS, or OGC, as required, will work with the approving official and the requesting employee to acquire sufficient documentation to substantiate the reasonable accommodation.

6. When medical documentation is required to implement a reasonable accommodation, a letter addressed to the approving official from the healthcare professional on official letterhead must accompany the request for reasonable accommodation. The requesting individual should provide all medical documentation within 15 calendar days of making the request for accommodation. A medical expert of the OIG's choice, obtained at the OIG's expense, may review the medical documentation. This expert is usually the same expert used to determine an OIG employee's fit-for-duty status.

7. If the employee requesting an accommodation cannot provide sufficient documentation in support of the request, the approving official, in conjunction with EEO, HCAS, and OGC, may request a healthcare professional of the OIG's choice and expense to examine the employee.

8. The approving official, in consultation with EEO, may ask the individual to sign a limited release allowing the approving official to submit a list of specific questions or to otherwise contact the employee's healthcare professional to obtain relevant information. The failure to provide sufficient documentation or cooperate with the OIG's efforts to obtain such documentation will result in a denial of the reasonable accommodation.

I. Rules against Acquiring Genetic Information. The following applies to any OIG personnel who may obtain genetic information during the course of their duties. All OIG personnel will follow reference (f). When collecting information for reasonable accommodations:

1. Approving officials, or any official in the reasonable accommodation process, will not request the genetic information of any individual.

2. If approving officials, or any official in the reasonable accommodation process, lawfully obtains any OIG personnel's genetic information during the course of normal duties, that employee must keep this information confidential, refrain from adding this information to normal employment records, and not share this information with anyone without a need to know.

J. Denial of Reasonable Accommodation Requests.

1. When an approving official denies an individual's request for reasonable accommodation, the approving official must complete the IG Form 1440.2-5 in its entirety and record the reason for the denial in Part 16. (See Appendix E.) The approving official must ensure that the decision to deny the request is provided to the employee and the Director, EEO, within 10 business days of the decision. The form must be in writing and contain one or both of the following reasons for the denial:

- a. Stating why the requested accommodation would not be effective.
- b. Stating why the requested accommodation poses an undue hardship.

2. Approving officials must write the reasons for the denial in plain language with as much specificity as possible.

3. If the approving official denied the specific requested reasonable accommodation, but offers an alternate solution in Part 14 of the IG Form 1440.2-5, then the OIG official should explain both the reasons for the denial of the individual's requested reasonable accommodation, and the reasons why the alternative accommodation may be more effective.

K. Medical Information Confidentiality.

1. Any OIG official involved in the reasonable accommodation process should only disclose the individual's medical documentation to those with a specific need to know, such as relevant personnel in HCAS or OGC. Coworkers do not need to know the medical condition, or be made aware that an accommodation was granted to the individual.

2. Reference (c) requires approving officials to keep all medical documentation obtained through the reasonable accommodation process confidential. This means the approving official should keep all medical documentation obtained regarding a request for reasonable accommodation, including information about functional limitations and needs, in designated files separate from the employee's personnel file. It also means anyone with knowledge of such information is strictly bound by confidentiality requirements limiting access to a need-to-know basis. The approving official will provide the EEO with a copy of all medical documentation involved in the request.

3. The EEO Reasonable Accommodation section will keep a copy of all records, including medical records, obtained or created during reasonable accommodation for accountability, tracking, and reporting purposes. The Disability Program Manager will respond to any requests for disclosure of the records and must maintain records per reference (g). Individuals who are aware of the existence of the request, costs, or other aspects must not share these details with anyone who does not have an official need to know. Any sharing of this information may violate the employee's rights under reference (h). Personnel with knowledge of the disability will only discuss the information if necessary, and only as follows:

a. The employee's approving official may be told about the employee's work restrictions, adjustments, limitations, and necessary accommodations.

b. First aid and safety personnel may be informed if the disability requires emergency evacuation assistance or medical treatment.

c. The EEO will provide U.S. Government agencies, such as the EEOC, Office of Personnel Management, or DoD Office of Diversity Management and Equal Opportunity, information necessary to maintain records, evaluate, and report on the OIG's performance in processing reasonable accommodation requests. Information may also be given to these agencies to investigate OIG compliance with reference (c) and respond to legal challenges.

L. Recordkeeping Requirements. Reasonable accommodation records are subject to the same requirements as other Government records.

1. Approving officials must provide the EEO with a copy of the approved IG Form 1440.2-5 with supporting medical documentation. The approving official must maintain a copy of the documentation for 1 year after issuance of the reasonable accommodation to ensure all accommodation solutions are provided and effective.

2. EEO will maintain official records of the request for reasonable accommodation for the duration of the employee's tenure with the OIG, plus an additional 3 years, or until all appeals are concluded, whichever is later, per item 24 of reference (i). These records are separate from the personnel records maintained by HCAS.

3. In addition, the EEO will retain information or any other cumulative records used to track the OIG's performance regarding reasonable accommodations for a minimum of 3 years. The Director, EEO, will provide the EEOC these records upon request in a timely manner and these records will contain the following information:

- a. Number and types of reasonable accommodation requests made during the application process and whether those requests were granted or denied.
- b. Types of jobs for which reasonable accommodations were requested.
- c. Types of reasonable accommodations requested for each of those jobs and the number and types of approved or denied reasonable accommodations for each job.
- d. Number and types of requests for reasonable accommodations related to accessing the benefits or privileges of employment and whether those requests were granted or denied.
- e. Reasons reasonable accommodation requests were denied.
- f. Time taken to process each reasonable accommodation request.
- g. Sources consulted in identifying possible accommodation solutions.

M. Requests for Reconsideration.

1. If an individual wishes reconsideration of a denial of their reasonable accommodation request, they must submit a written request to the next higher level approving official in the supervisory chain. The formal written request for reconsideration must be submitted within 5 business days from the date the individual received the denial. The individual may present additional information to support the reconsideration request. The approving official should respond to the request within 5 business days of receipt.

2. If the individual wishes to file an EEO complaint, they must contact the EEO within 45 calendar days from the date they received notification that the request for reasonable accommodation was denied. The individual will, during the informal complaint stage, initially elect either traditional EEO counseling or mediation through the OIG EEO Alternative Dispute Resolution (ADR) Program. If the matter goes unresolved during the informal complaint stage or through the ADR process, the individual may subsequently file a formal complaint with the Director, EEO.

3. If an EEO staff member facilitates an accommodation solution, that staff member will recuse themselves from handling the EEO complaint of discrimination on the same matter.

CHAPTER 4
UTILIZING SIGN LANGUAGE INTERPRETERS AND COMMUNICATION
ACCESS REAL TIME TRANSLATION SERVICES

A. Scheduling Interpreter and Communication Access Real Time Translation Services.

1. The individual scheduling a meeting or event, such as a staff meeting, training, or office function, that requires CART services or sign language interpreters should direct the request via e-mail to EEO@dodig.mil upon scheduling the date, time, and place of the event.

2. The individual should provide notice, preferably 14 business days in advance, to the greatest extent possible. Under extenuating circumstances, the EEO may be able to secure services in less time, but there is no guarantee of being able to provide the services if the notice is less than 5 business days. Although individuals cannot foresee every occasion for which interpreting services may be required, failure to schedule interpreting services in advance may result in the need to reschedule meetings until interpreter services are available.

3. If a meeting or event will last longer than 60 minutes, schedulers must arrange for more than one interpreter at the gathering. Interpreters will receive sufficient rest periods, including a “sign free” lunch break, if necessary. Generally one interpreter can work 45 to 60 minutes before a break. A break during a meeting or event does not constitute a rest period for the interpreter if they are expected to continue interpreting through the break to assist with questions or other communications.

4. An individual who knows sign language or who is taking a sign language class is not an acceptable substitute for a contract interpreter.

5. EEO will provide an interpreter and CART services for any Government employee who is deaf or hard of hearing to attend an OIG-sponsored activity. The Component which sponsors the event must immediately notify EEO upon receipt of the requested accommodation.

B. Work Events Outside Workplace. EEO, upon receiving notification from the approving official, will provide an interpreter for an employee, who is deaf or hard of hearing, who attends a meeting or event outside of the workplace as part of their assigned work duties.

C. Office Social Functions and Special Events. Approving officials may routinely request interpreting services for OIG social functions or special events scheduled during official time which will be attended by individuals who are deaf or hard of hearing.

D. Interpreting Phone Calls. Employees who are deaf or hard of hearing should coordinate with their approving official and EEO to schedule an interpreter when they need interpretation services for business related phone calls.

**APPENDIX A
REFERENCES**

- a. Executive Order 13164, *Establishing Procedures to Facilitate the Provision of Reasonable Accommodation*, July 26, 2000
- b. Public Law 110-325, *Americans with Disabilities Act Amendments Act (ADAAA) of 2008*, September 25, 2008
- c. United States Code, Title 29, Section 701, *Findings; Purpose; Policy* (also known as the *Rehabilitation Act of 1973*)
- d. Equal Employment Opportunity Commission, *Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, October 17, 2002
- e. Code of Federal Regulations, Title 48, Part 39.201, *Scope of Subpart*
- f. Public Law 110-233, *Genetic Information Nondiscrimination Act of 2008*
- g. United States Code, Title 5, Section 552a, *Records Maintained on Individuals* (also known as the *Privacy Act of 1974*)
- h. Code of Federal Regulations, Title 29, Part 1630.14, *Medical Examinations and Inquiries Specifically Permitted*
- i. National Archives and Records Administration, Transmittal No. 22, *General Records Schedule 1*, April 2010
- j. United States Code, Title 42, Section 12102, *Definition of Disability*
- k. United States Code, Title 42, Chapter 126, *Equal Opportunity for Individuals with Disabilities*
- l. Code of Federal Regulations, Title 29, Section 1630, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*
- m. United States Code, Title 29, Section 791, *Employment of Individuals with Disabilities*

APPENDIX B DEFINITIONS

1. **approving official.** Any leader within the OIG employee’s supervisory chain who can grant a reasonable accommodation to the employee or to the requestor. Approving officials should immediately consult with EEO, HCAS, and OGC, as appropriate, to obtain guidance on the reasonable accommodation process.
2. **disability.** 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 (reference (j)). The term disability will be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA. Disabilities include:
 - a. Mental impairments or psychological disorders, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities (reference (h)).
 - b. Physical impairments that are constant, episodic, or in remission, when the disability substantially limits a major life activity when active. The determination of whether the impairment substantially limits a major life activity will be made **without regard to** the beneficial effects of mitigating measures such as:
 - (1) Medications, medical supplies, equipment and devices, prosthetic limbs, low vision devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and devices.
 - (2) Use of assistive technology.
 - (3) Learned behavioral or adaptive neurological modifications.
 - (4) Reasonable accommodations or auxiliary aids or services.
3. **employee.** This means any civilian – permanent, temporary, or probationary – OIG personnel. This does not include contractor employees.
4. **essential functions.** Job duties or functions so fundamental to the position the individual holds or desires to hold that the job cannot be done without performing them. A function can be “essential” if, among other things:
 - a. The position exists specifically to perform that function.
 - b. There are a limited number of other individuals who could perform the function.
 - c. The function is specialized and the individual is hired based on their ability to perform that function.

APPENDIX B (continued)
DEFINITIONS

5. **individual.** This means any person – employee or job applicant – who seeks a reasonable accommodation.

6. **Interactive Process.** Detailed conversation between a manager and an employee to assess whether an employee’s disability can be reasonably accommodated. When necessary, the manager and employee will collaborate with EEO, HCAS, and OGC. This is a conversation that covers an array of questions and answers to determine the best possible accommodation solution for the individual and that will not create an adverse impact on the Component’s ability to fulfill mission obligations.

7. **job applicant.** This means any person seeking employment with the OIG but who does not yet work at the OIG.

8. **qualified individual with a disability.** An individual with a disability is qualified if:
 - a. The individual satisfies the requisite skill, experience, education, and other job related requirements of the position.

 - b. The individual can perform the essential functions of the position, with or without reasonable accommodation.

9. **reasonable accommodation.** Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to obtain equal employment opportunities. Reasonable accommodations must be provided to qualified individuals regardless of whether they work part-time, full-time, or are considered probationary.

10. **reassignment.** Movement of an employee from one position to another position when, because of a disability, the individual can no longer perform the essential functions of their job with or without a reasonable accommodation. This movement can be to any position for which the individual qualifies at the same grade level or, in some cases, a lower graded position, if applicable. When reassigned, employees do not need to compete for the position.

11. **undue hardship.** If a specific type of reasonable accommodation causes significant difficulty or expense, the OIG does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the OIG mission and operations. Undue hardships are determined in collaboration between the approving official, OGC, EEO, or MST leadership, as appropriate.

**APPENDIX C
ACRONYMS AND ABBREVIATIONS**

ADA	Americans with Disabilities Act
ADR	Alternative Dispute Resolution
BNA	Bureau of National Affairs
CAP	Computer or Electronic Accommodation Program
CART	communication access real time translation
DBTAC	Disability and Business Technical Assistance Center
EEO	Office of Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FEP	Federal Employee Program
FSD	Facilities and Space Management Division
HCAS	Human Capital Advisory Services
OCIO	Office of Chief Information Officer
OGC	Office of General Counsel
OIG	Office of Inspector General
TTY	teletypewriter

APPENDIX D
REASONABLE ACCOMMODATION RESOURCES

A. United States Equal Employment Opportunity Commission. (800) 669-3362 (voice), (800) 800-3302 (TTY).

1. The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both reference (k), and reference (l). In addition, the EEOC publishes a great deal of basic information about reasonable accommodations and undue hardship. The main sources of interpretive information are:

a. The Interpretive Guidance accompanying the Title I regulations (also known as the Appendix to the regulations), 29 CFR 1630 Appendix, Sections 1630.2(o), (p), 1630.9.

b. Enforcement Guidance on *Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act*, 8 FEP Manual 405:7601 (1999).

c. Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (Technical Assistance Manual). The Technical Assistance Manual includes a 200 page Resource Directory, including U.S. Government and state agencies and disability organizations, which can provide assistance in identifying and locating effective reasonable accommodations solutions.

2. The EEOC discusses issues involving reasonable accommodation in the following guidance and documents:

a. Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations, No. 915.002, October 10, 1995, at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).

b. Enforcement Guidance: Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).

c. Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).

d. Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996).

e. Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

APPENDIX D (continued)
REASONABLE ACCOMMODATION RESOURCES

3. Finally, the EEOC has a poster the OIG can use to fulfill the ADA's posting requirement.

4. All of the listed documents, with the exception of the Technical Assistance Manual and poster, are also available through the Internet at www.eeoc.gov. They provide guidance that applies to Government agencies through references (c) and (m). The EEOC site can be accessed through the OIG Intranet, EEO website, "Other EEO Related Links."

B. Job Accommodation Network. (800) 232-9675 (voice/TTY) <http://janweb.icdi.wvu.edu/>. The Job Accommodation Network is a service of the Department of Labor's Office of Disability Employment Policy. It provides free information about many types of reasonable accommodations.

C. Americans with Disabilities Act Disability and Business Technical Assistance Centers. (800) 949-4232 (voice/TTY). The Disability and Business Technical Assistance Centers (DBTAC) consist of ten federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTAC can make referrals to local sources of expertise in reasonable accommodations.

D. Registry of Interpreters for the Deaf. (301) 608-0050 (voice/TTY). The registry offers information to locate and use interpreters and transliteration services.

E. Rehabilitation Engineering and Assistive Technology Society of North America Technical Assistance Project. (703) 524-6686 (voice), (703) 524-6639 (IT) <http://www.resna.org>. The Rehabilitation Engineering and Assistive Technology Society of North America can refer individuals to projects in all 50 states and the 6 territories, offering technical assistance on technology related services for individuals with disabilities. Services may include:

1. Information and referral centers to help determine what devices may assist a person with a disability, including access to large databases containing information on thousands of commercially available assistive technology products.

2. Centers where individuals can try devices and equipment.

3. Assistance in obtaining funding for devices and repair services for devices.

4. Equipment exchange and recycling programs.

APPENDIX E
IG Form 1440.2-5, Reasonable Accommodation Request

REASONABLE ACCOMMODATION REQUEST		
<i>See Privacy Act Statement on page 2</i>		
SECTION I - REQUESTER'S INFORMATION		
1. REQUESTER'S NAME	2. COMPONENT/DIRECTORATE OR OFFICE	3. PHONE NUMBER
4. FIRST-LINE SUPERVISOR'S NAME	5. PHONE NUMBER	
SECTION II - ACCOMMODATION INFORMATION		
6. DATE REQUESTED	7. DATE ACCOMMODATION PROVIDED	
8. REASONABLE ACCOMMODATION NEEDED FOR		
<input type="checkbox"/> a. Application Process	<input type="checkbox"/> b. Performing Job Functions or Accessing the Work Environment	<input type="checkbox"/> c. Accessing a Benefit or Privilege of Employee
9. DESCRIBE REASONABLE ACCOMMODATION REQUESTED <i>(be specific)</i>		
10. REQUEST DETERMINATION <i>(if denied, state reason in block #16)</i>		
<input type="checkbox"/> a. Approved	<input type="checkbox"/> b. Denied	
11. APPROVING OFFICIAL'S NAME	12. DATE <i>(Approved /Denied)</i>	13. APPROVING OFFICIAL'S SIGNATURE
14. REASONABLE ACCOMMODATION(S) PROVIDED <i>(if different from what was requested)</i>		
15. IF DELAYED, REASON FOR DELAY		
16. REASON DENIED		

Appendix E (continued)
IG Form 1440.2-5, Reasonable Accommodation Request

SECTION III - CONSENT		
CONSENT TO LIMITED RELEASE OF MEDICAL INFORMATION		
I authorize the release of medical information relating to my disability, disease or injury for the purpose of obtaining a reasonable accommodation from my employer.		
17. NAME	18. DATE	19. SIGNATURE
INSTRUCTIONS		
<p>The individual identified above is requesting medical documentation that will be evaluated, along with other information, in connection with his or her request for reasonable accommodation. The reasonable accommodation, if found to be medically warranted, could include several options, including restructuring of the current position or reassignment to a position which the employee is medically able to perform. The essential functions of the position are listed in the employee's position description. The critical elements and performance standards for the position are available for your reference.</p>		
MEDICAL DOCUMENTATION REQUIREMENTS		
PLEASE PROVIDE THE FOLLOWING INFORMATION:		
<ol style="list-style-type: none"> 1. The nature, severity, and duration of the individual's impairment. 2. The activity or activities that the impairment limits. 3. The extent to which the impairment limits the individual's ability to perform the activity or activities. 4. Why the individual requires a reasonable accommodation or the particular reasonable accommodation requested. 5. How will the requested reasonable accommodation assist the individual to perform the essential functions of the job, enjoy a benefit of the workplace, or to apply for a position within the DoD Office of Inspector General. 6. The probability that the individual will suffer injury or harm if he or she is not restricted or accommodated. Explain the medical basis for your conclusion. 7. The medical basis for your decision to recommend or not to recommend restrictions that prohibit the individual from attending work altogether or performing specific duties of the position. If you have recommended any work related restrictions or accommodations, explain the therapeutic or risk avoiding value of the restrictions and whether you have recommended any similar restrictions on non-work related activities. 		
PRIVACY ACT STATEMENT		
AUTHORITY:	Executive Order 13164; 29 U.S.C., Section 701, et. seq. (Rehabilitation Act of 1973) 42 U.S.C., Sections 12101, et. seq. (American with Disabilities Act of 1990), 29 C.F.R., Part 1630 et seq.	
PRINCIPAL PURPOSE(S):	To collect personal information from an employee/applicant to assist with a request for reasonable accommodation and collection of required statistical data regarding requests for reasonable accommodation.	
ROUTINE USE(S):	To the Department of Defense and EEOC in instances where an employee/applicant requests a reasonable accommodation.	
DISCLOSURE:	Voluntary; however, failure to provide the requested information may hinder the ability to provide a complete or adequate reasonable accommodation.	