



GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF DISABILITY RIGHTS

MANUAL FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

Title I of the Americans with Disabilities Act



 GOVERNMENT OF THE
DISTRICT OF COLUMBIA
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Table of Contents

1	Introduction.....	4
1.1	The Office of Disability Rights	4
1.2	Purpose of this Manual	4
2	Overview	5
2.1	Legal Requirements.....	5
2.2	Purpose and Types of Reasonable Accommodation	5
2.3	General Rules Regarding Reasonable Accommodations	6
3	Definitions.....	7
3.1	What is a Disability?.....	7
3.2	Who is a Qualified Individual?.....	8
3.3	What is a Reasonable Accommodation?	8
3.4	What are the “Essential Functions” of a Position?	9
3.5	What are the Elements of a “Verification Letter”?	10
4	Types and Examples of Reasonable Accommodation	12
4.1	Job Restructuring.....	12
4.1.1	Reassigning Marginal Functions.....	12
4.1.2	Modifying Essential Functions	12
4.2	Modified Work Schedules and Flexible Leave Policies	13
4.2.1	Modified Work Schedules	13
4.2.2	Flexible Leave Policies	13
4.3	Modification or Purchase of Equipment and Devices.....	14
4.4	Training Accommodations.....	15
4.5	Modification of Policies or Procedures	16
4.6	Modification of Physical Site	17
4.7	Provision of Auxiliary Aids and Services	17
4.8	Reassignment to a Vacant Position and Light Duty	18
4.8.1	Reassignment to Vacant Position.....	18
4.8.2	Reassignment to Light Duty Position	19
4.9	Separation from the Agency.....	19
5	Reasonable Accommodation Process.....	20
5.1	Initiating the Request	20
5.1.1	Who May Initiate the Request.....	20
5.1.2	Form of the Request.....	21
5.1.3	Timing of the Request.....	21

5.1.4	Referral of Request by the Agency	22
5.2	Interactive Process	22
5.2.1	Time Frame	23
5.2.2	Receipt of Reasonable Accommodation Request	23
5.2.3	Gather Information.....	24
5.2.4	Meeting with the Employee.....	26
5.2.5	Authenticating Verification and Requesting Further Information.....	26
5.2.6	Identifying Accommodation Options	28
5.2.7	Evaluation.....	29
5.2.8	Temporary and Interim Accommodations	29
5.2.9	Accommodation Determination and Implementation	30
5.3	Review of Accommodations to Ensure Effectiveness	31
5.4	Denying a Request for an Accommodation.....	31
5.4.1	Undue Hardship.....	32
5.4.2	Direct Threat.....	33
5.4.3	Fundamental Alteration.....	34
5.5	Discipline and Conduct	34
5.6	Reporting Reasonable Accommodation Requests.....	35
6.0	Medical Documentation and Confidentiality.....	36
7.0	Appeal Process	37
8.0	Additional Information.....	39
9.0	Appendix	40
9.1	Disability-Related Inquires and Medical Examinations.....	40
9.2	Sample Forms.....	42
A.	ADA Coordinator Responsibilities.....	43
B.	ADA Coordinator Job Description	44
C.	Notice for Employees	45
D.	Process and Next Steps Letter	46
E.	ADA Reasonable Accommodation Request Form	49
F.	Request for Verification Letter.....	51
G.	Interactive Process Letter.....	53
H.	Request for Additional Information Letter	54
I.	HIPAA Release Form.....	55
J.	Determination Letters	58
K.	Checklist for Reasonable Accommodation Determination and Implementation.....	70

Government of the District of Columbia's MANUAL FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

1 Introduction

1.1 The Office of Disability Rights

The mission of the DC Office of Disability Rights (ODR) is to ensure that the programs, services, benefits, activities, and facilities operated or funded by the District of Columbia are fully accessible to and useable by people with disabilities. ODR is committed to inclusion, community-based services, and self-determination for people with disabilities. The agency is responsible for overseeing the implementation of the District's obligations under the Americans with Disabilities Act, as well as other disability rights laws.

1.2 Purpose of this Manual

The purpose of this manual is to provide guidance on evaluating reasonable accommodation requests for District employees, interns, and job applicants with disabilities.¹ This manual outlines a uniform approach to evaluating reasonable accommodation requests consistent with federal and District laws. Moreover, this manual explains the obligations of both District agencies and individuals with disabilities.

¹ This Manual refers to District employees, interns, and job applicants collectively as "Employees" or "employees."

2 Overview

2.1 Legal Requirements

The District of Columbia Government (District) is required by federal and District law to provide equal employment opportunity to qualified individuals with disabilities. The Americans with Disabilities Act of 1990, as amended (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the D.C. Human Rights Act of 1977, as amended (HRA) seek to eliminate discrimination against individuals with disabilities to ensure that our workforce is as diverse as our society.² The HRA and Section 504 are construed by the Office of Human Rights (OHR) and federal and District courts in congruence with the ADA. The District has a legal obligation under these laws to provide reasonable accommodations to facilitate the employment of qualified employees and applicants with disabilities. Beyond its legal obligations, the District is committed to providing accommodations that will allow its employees with disabilities to contribute at the highest levels.

Pursuant to Mayor's Order 2017-010,³ all agencies are required to designate an ADA Coordinator to ensure the agency has internal policies for receiving, evaluating, and responding to requests for reasonable accommodations, as well as providing notice of ADA rights to all agency employees. Agencies should designate an alternate ADA Coordinator in case the ADA Coordinator is unavailable or has a conflict.

2.2 Purpose and Types of Reasonable Accommodation

The purpose of reasonable accommodations is to remove workplace barriers to enable employees with disabilities to perform the essential functions of their position. Reasonable accommodations are also provided to allow an employee with a disability to enjoy the benefits and privileges of employment equal to those enjoyed by similarly situated employees without a disability.

Under Title I of the ADA, reasonable accommodations in the workplace may include, but are not limited to:

- Hiring process modifications;
- Making existing facilities accessible (parking, entrances, pathways, workstations, common areas, and emergency routes);
- Accessible or alternate format documents;
- Job restructuring;
- Modified work schedule or location;

² 42 U.S.C. § 12101, *et seq.*, 29 U.S.C. § 794 *et seq.*, D.C. Code § 2-1401, *et seq.*

- Modified breaks;
- Extended leave;
- Situational or routine telework ;
- Creating a fragrance-free policy;
- Modifying a no animal policy to accommodate a service animal;
- Reassignment to a vacant position;
- Acquisition or modification of equipment or devices, including computer software and hardware and ergonomic equipment;
- Appropriate adjustments or modifications of examinations, training materials, or policies; and
- Provision of qualified readers and/or sign language interpreters and other similar accommodations for effective communication.

2.3 General Rules Regarding Reasonable Accommodations

The general rules regarding a request for a reasonable accommodation are as follows:

1. An employee with a disability is entitled to a *reasonable accommodation* if:⁴
 - The employee is a *qualified individual with a disability*,⁵
 - The accommodation will enable the employee to perform the *essential functions* of the position,⁶
 - The accommodation does not cause an *undue hardship* on the agency,⁷ pose a *direct threat* to the health and safety of others,⁸ or constitute a *fundamental alteration*.⁹
2. The agency must make a good faith effort to engage in an *interactive process* with the employee when evaluating and providing or denying requests for accommodations.¹⁰
3. The agency must implement, review, and assess the accommodation to confirm that it is effective, meaning that it enables the employee to perform the essential functions of the position.¹¹

⁴ See [Section 3.3](#)

⁵ See [Section 3.1](#), [Section 3.2](#)

⁶ See [Section 3.4](#)

⁷ See [Section 5.4.1](#)

⁸ See [Section 5.4.2](#)

⁹ See [Section 5.4.3](#)

¹⁰ See [Section 5.2](#)

¹¹ See [Section 5.3](#)

3 Definitions

3.1 What is a Disability?

- Under the ADA, a “**disability**” is:
 - A physical or mental impairment that substantially limits one or more of the individual’s major life activities or major bodily functions, or
 - An individual with a record of such an impairment, or
 - An individual who is perceived to have such an impairment.¹²

While individuals in all categories are protected against discrimination, only individuals in the first two categories may be entitled to a reasonable accommodation.

- Examples of “**major life activities**” include, but are not limited to: walking, lifting, seeing, performing manual tasks, sitting, standing, breathing, eating, speaking, hearing, thinking, learning, reading, personal care/grooming, bending, sleeping, concentrating, communicating, working, interacting with others, and other activities.
- Examples of “**major bodily functions**” include, but are not limited to: functions of the immune system, normal cell growth, as well as digestive, bowel/bladder, neurological, respiratory, circulatory, endocrine, and reproductive functions.

The definition of “disability” is meant to be a broad standard that has wide application.¹³ When in doubt, the agency should generally proceed with the assumption that the individual has a disability for purposes of ADA coverage.¹⁴

The U.S. Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) have issued guidance to use when evaluating whether an individual is living with a disability:¹⁵

¹² This includes those who are associated with individuals with a disability, such as a family member.

¹³ The regulations list the following as impairments that will nearly always qualify an individual as living with a disability: deafness; blindness; an intellectual disability; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair; autism; cancer; cerebral palsy; diabetes; epilepsy; HIV; multiple sclerosis; muscular dystrophy; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia. 29 C.F.R. § 1630.2(j)(3)(iii); 28 C.F.R. part 35.

¹⁴ As the definition of “disability” is more expansive under the ADA than workers’ compensation, an employee with an injury covered under workers’ compensation may be protected by the ADA. However, there may be instances where an employee has an occupational injury but does not qualify for an accommodation under the ADA.

¹⁵ 42 U.S.C. § 12102(4); 29 C.F.R. §§ 1630.1, 1630.2(g); 29 C.F.R. Appendix to Part 1630; 28 C.F.R. § 35.108.

- All terms should be construed broadly in favor of expansive coverage.
- The term “*major*” is not a demanding standard and a “*major life activity*” does not need to be of central importance.
- An impairment rises to the level of a disability when it “*substantially limits*” the ability of an individual to perform a major life activity or major bodily function as compared to the average individual.
 - This comparison does not generally require scientific, medical, or statistical evidence.
 - The agency may consider such factors as the condition, manner, or duration of the impairment. That is, the difficulty in performing the task, the pain experienced, and the length of time it takes to perform the activity as compared to the general population.
- A short-term or temporary impairment can rise to the level of an ADA-covered disability when it is serious and has long-term consequences.¹⁶

Except for eyeglasses or contact lenses, mitigating measures may not be taken into account when determining whether an individual is living with a disability. That is, an employee still falls under the definition of disability under the ADA even when the employee has taken measures to control the impact of the disability (for example, taking seizure control medication).

3.2 Who is a Qualified Individual?

Under Title I, a “**qualified individual**” with a disability means an employee with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment functions of the position, and who can perform the essential functions of the position with or without a reasonable accommodation.¹⁷

3.3 What is a Reasonable Accommodation?

A “**reasonable accommodation**” can be described as any change or adjustment to the job, the work environment, or the way work is customarily done which permits a qualified individual with a disability to perform the essential functions of a job or to enjoy the equal benefits and privileges of employment as are available to a similarly situated employee without a disability.

A reasonable accommodation is effective when it enables the employee to perform the essential functions of their position.

¹⁶ Temporary impairments that are severe and have long-term consequences can constitute an ADA-covered disability. For example, if an employee breaks a leg and will be unable to walk for at least five (5) months and the doctor tells the employee that without rest, surgery, pain medication, and physical therapy, it will take even longer for the employee to heal and walk again, this would warrant a reasonable accommodation under the ADA. See *Summers v. Altarum Inst., Corp.*, 740 F.3d 325 (4th Cir. 2014).

¹⁷ 42 U.S.C. § 12111.

Under the ADA, reasonable accommodations may be required in three phases of employment:

- *In the application process.* Reasonable accommodations shall be provided during the job application process to provide a qualified applicant with a disability with an equal opportunity to be considered for the position (for example, location and method of an applicant interview).
- *In the performance of the essential functions of a job.* Reasonable accommodations shall be provided to enable a qualified individual with a disability to perform the essential functions of the job. These reasonable accommodations may include changes or adjustments to the work environment, the manner or circumstances in which the position is customarily performed, and employment policies.
- *In the receipt of all benefits and privileges of employment.* Reasonable accommodations shall be provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. This would include but is not limited to equal access to lunchrooms, meetings, agency-sponsored services, employee benefits, agency-sponsored social events, and trainings.¹⁸

3.4 What are the “Essential Functions” of a Position?

“Essential functions” are those that are fundamental and central to the purpose of the position.

A function is considered “essential” if any of the following are true:

- The position exists to perform that function,
- There are a limited number of employees available who could perform that function, or
- The function is highly specialized.

Other factors that may be considered are:¹⁹

- The agency’s judgment,
- Position description written before the job was advertised and filled,²⁰

¹⁸ See the [Section 4.4](#) on Training Accommodations.

¹⁹ This is a fact intensive analysis that is evaluated on a case-by-case basis, and accordingly, no factor is dispositive on its own.

²⁰ A function listed in the position description is more likely to be considered essential.

- Amount of time the employee spends performing the function,²¹
 - Functions performed by others in the same or similar job classifications,²²
 - Work performed by current and past incumbents,²³
 - Consequences if this position did not perform the function,²⁴
 - Number of available employees who could perform the function,²⁵ and
 - The terms of a collective bargaining agreement.
- **“Marginal functions”** are tasks that are useful responsibilities, but not central to the purpose of the position. These functions can be reassigned without destroying the basic purpose of the position.

Example: Serving as the agency webmaster is not likely an essential function for an attorney advisor.

Example: A job description for a program analyst lists “increasing visibility and transparency of the agency” as one of the employee’s duties. This is likely a marginal function, as public-facing task is more appropriate for a public affairs specialist or Public Information Officer.

An employee who cannot perform an essential function of a position with or without an accommodation is not considered a “qualified individual” for the position. As such, it is important for an agency to appropriately determine what the functions of a job are and whether those functions are essential.

In defining what the functions of the job are, the agency should focus on what a completed task is, not *how* that task is completed. For example, a job description may sometimes state that an employee must be able to lift boxes weighing 50 lbs. However, it is likely that the essential function of the job is for an employee to be able to *relocate* (as opposed to *lift*) the boxes. For an individual with a disability, that can be a critical distinction; the individual may not be able to lift a box weighing 50 lbs., but the individual may be able to relocate such a box with a reasonable accommodation, such as a dolly or cart.

3.5 What are the Elements of a “Verification Letter”?

A **“verification letter”** is credible documentation from an appropriate healthcare or rehabilitation professional (“appropriate professional”) that speaks to the

²¹ The more time the employee spends performing the function, the more likely the function is considered essential.

²² If more employees in the same or similar job classification perform the function, it is more likely to be considered essential.

²³ The longer the history that an employee in the same or similar position performs the function, the more likely it is considered essential.

²⁴ The more serious the consequences are if the function isn’t performed, the more likely it is considered essential.

²⁵ The greater the number of people who can perform the function, the less likely it is considered essential.

employee's disability, functional limitations, how those limitations substantially impair the ability to perform any essential functions of their job, and, if known, an accommodation that will enable the employee to perform the essential functions.

The agency may ask the employee for a verification letter only when the disability or need for an accommodation is not obvious.

Neither the employee nor the verification letter need to provide a diagnosis²⁶ or medical records, and the employee is not required to provide the agency with access to the appropriate healthcare or rehabilitation professional.²⁷ Instead, the individual should provide information through a verification letter establishing:

1. The symptoms and/or effects of the disability,
2. How the symptoms or effects of the impairment substantially limit the ability to perform a major life or bodily function,
3. How those symptoms or effects impact the employee's ability to perform the essential functions of the position,
4. How an accommodation will enable the employee to perform the essential functions that are impacted.

²⁶ This is important because the focus should not be on a diagnosis, but rather the scope and severity of the symptoms of the employee's condition(s) and whether those substantially impair the employee's ability to perform the essential functions of the job.

²⁷ In limited circumstances (for example, if the documentation is unclear or insufficient), it may be appropriate for the agency to request that the employee authorize the agency to discuss the employee's disability or need for an accommodation with the employee's appropriate healthcare or rehabilitation professional; the employee can be asked to sign a limited release allowing the agency to submit a list of questions to the appropriate healthcare or rehabilitation professional. Also, while the agency generally does not need to engage with the appropriate healthcare or rehabilitation professional, it is still reasonable to authenticate the verification letter. See Section [5.2.5](#).

4 Types and Examples of Reasonable Accommodation

A reasonable accommodation may take a number of forms, and most do not impose significant costs on the District government. The following subsections describe some of the most common type of accommodations.

4.1 Job Restructuring

4.1.1 Reassigning Marginal Functions

Job restructuring as a form of reasonable accommodation may involve reallocating or redistributing the marginal functions of a job. Job restructuring is frequently accomplished by exchanging marginal functions of a job that cannot be performed by an employee with a disability for marginal job functions performed by another employee that can be performed by the employee with a disability. To determine whether a function is essential or marginal, the agency should use the balancing test described in [Section 3.4](#).

Example: An agency has two data processing clerks. Typing on the computer is an essential function, using the phone is a marginal one. If a qualified data processing clerk has speech impairments, it would be reasonable to assign the function of using the phone to the employee without speech impairments in exchange for doing that employee's filing.

Similarly, the agency should remove certain non-essential tasks from an employee's work requirements as a reasonable accommodation.

Example: If a part of the job is not necessary, it could be eliminated entirely. A mail clerk could be allowed to wait for regular mail delivery rather than travel to the post office in the early morning.

4.1.2 Modifying Essential Functions

The agency is not required to reallocate essential job functions. However, it may be a reasonable accommodation to change when or how the essential functions are done. These include:

- Allowing work in places other than the traditional office setting, and

Example: A data analyst who is going through treatment that weakens the immune system might be allowed to telework during that time instead of having to come regularly to the office.

- Changing the function to outcome-based.

Example: A job that requires moving objects from one place to another should state this as the essential function. The analysis may note that the person in the job “lifts 50-pound cartons to a height of 3 or 4 feet and loads them into truck-trailers 5 hours daily,” but should not identify the “ability to manually lift and load 50-pound cartons” as an essential function unless this is the only method by which the function can be performed.

4.2 Modified Work Schedules and Flexible Leave Policies

4.2.1 Modified Work Schedules

Changing a regular work schedule or establishing a flexible leave policy is a type of reasonable accommodation. Modified work schedules may include flexibility in work hours or the work week, or part-time work.

Some qualified employees with disabilities are unable to work a standard 9:00 a.m. to 5:30 p.m. workday, or a standard Monday to Friday work week. Depending on the nature of the work assignment and operational requirements, changes to work schedules and hours may be a reasonable accommodation.

Some examples of employees whose disabilities may need modified work schedules include individuals:

- Who require special medical treatment for their disability (such as employees with cancer, HIV/AIDS, or a mental health condition),
- Who need rest periods (such as some employees who have multiple sclerosis, cancer, diabetes, respiratory conditions, or a mental health condition),
- Who need time to administer medication during the day, and
- Whose disabilities (such as diabetes) are affected by eating or sleeping schedules.

Example: An employee who needs kidney dialysis treatment is unable to work on two regularly scheduled workdays because treatment is only available during work hours on weekdays. Depending on the nature of the work and nature of the work operation, it may be possible to perform work assignments at home or during the weekend.

4.2.2 Flexible Leave Policies

Flexible and extended leave policies should be considered as a reasonable accommodation when employees with disabilities require time off from work or need an additional break because of their disabilities, even if the employee has

exhausted all leave granted under the Family and Medical Leave Act (FMLA). Agencies are not required to provide indefinite leave, which includes a continual pattern of requesting additional leave after expiration of the prior leave. Moreover, while the agency is not required to provide additional paid leave as an accommodation, it should allow use of accrued leave or leave without pay.

When extended leave is granted, agencies must hold the employee's position, regardless of whether FMLA leave has been exhausted, unless it poses an undue hardship. If an agency cannot hold the position open, the agency should explore all other accommodation options, including reassignment (see Section 4.8).

Employees with disabilities may require flexible or extended leave because of:

- Medical treatment related to the disability,
- Repair of a prosthesis or equipment,
- Temporary adverse conditions in the work environment (for example, an air-conditioning breakdown causing a workplace temperature increase above 75 degrees could harm the condition of an employee with multiple sclerosis),
- Training in the use of an assistive device or caring for a service dog, or
- Additional time to recover from surgery after FMLA leave has been exhausted.

4.3 Modification or Purchase of Equipment and Devices

Purchase of equipment or changes to existing equipment may be effective accommodations for employees with many types of disabilities. There are a variety of devices that make it possible for employees to overcome existing barriers to performing functions of a job. These devices range from very simple solutions, such as an elastic band that can enable an employee with cerebral palsy to hold a pencil and write, to "high-tech" electronic equipment that can be operated by head or mouth movements by employees who cannot use their hands.²⁸

Types of equipment and devices that may be appropriate include:

- Telecommunications Relay Services (TRS), Teletypewriters (TTYs), telecommunications devices for the deaf (TDDs), text telephones (TTs), or video phones to enable employees with hearing or speech impairments to communicate over the telephone,
- Telephone amplifiers for employees with hearing impairments,

²⁸ If an assistive device is used at work and provided as a reasonable accommodation, and if other employees receive training during work hours, then the employee should receive training on this device during work hours without the need to take leave.

- Special software for standard computers and other equipment to enlarge print or convert documents to spoken words for employees with vision and/or reading disabilities,
- Tactile markings on equipment in Braille or raised print for employees with low vision,
- Telephone headsets, speaker phones, alternate computer input devices, and adaptive light switches for employees with manual dexterity disabilities,
- Talking calculators for employees with visual or reading disabilities,
- Raised or adjustable-height desks for employees with mobility disabilities,
- Modified equipment controls for hand and foot operation for employees with limited hand or foot control,
- Keyboard armrest and finger guides mounted on keyboards to keep employees with motor control impairments from striking keys in error,
- Clipboards for employees with manual impairments, and
- Refreshable Braille displays or Braille printers for blind employees.

Generally, an agency is not obligated to provide personal use items, like glasses or a hearing aid, when needed for activities of daily living off the job, but the agency may be obligated to provide personal use items that might otherwise be considered personal, if they are required to perform a job and the employee does not already have the item.²⁹

Example: An employee with a physical disability owns and uses a manual wheelchair. However, if heavy, deep-pile carpeting prevents operation of a manual wheelchair, then it may be a reasonable accommodation to provide an employee with a motorized scooter that is used only at work.

4.4 Training Accommodations

Reasonable accommodation should be provided, when needed, to give employees with disabilities equal opportunity to benefit from training, to perform their jobs effectively, and to advance in employment.³⁰ Needed accommodations for training may include providing:

- Accessible training sites,
- Training materials in alternate formats to accommodate a disability,³¹ and
- Sign language interpreters or captioning.

²⁹ 29 C.F.R. § 1630.9.

³⁰ If a third party is providing the training, that third party has responsibility to provide reasonable accommodations for the attendees. However, if the third party fails to accommodate an employee with a disability, the agency may be required provide accommodations to ensure equal access to this benefit or privilege of employment.

³¹ For example, large print, Braille, audiotape, or electronic format.

Example: An employee with autism is hired for a data entry position and needs a job coach to develop a healthy working relationship with the manager by encouraging appropriate social interaction and maintaining open communication.

4.5 Modification of Policies or Procedures

Modifying an agency policy or procedure may also serve as a form of reasonable accommodation. This might include changing a workplace policy that prohibits something an employee with a disability needs to do their job. Some examples of policy modifications include:

- Allowing a person with a disability to be accompanied by a service animal when animals are not otherwise granted access,
- Allowing food at the workstation of a person with diabetes when the agency otherwise prohibits food and drink at a workstation,
- Allowing personal items that alleviate the symptoms of PTSD at the desk of a person with a disability when the agency otherwise prohibits personal items to be displayed at a workstation,
- Allowing an individual to take an additional unpaid 15-minute break to administer medication,
- Creating a fragrance-free workplace policy to alleviate the symptoms of a respiratory disability, and
- Assigning an accessible parking spot for an employee with a disability when the agency does not otherwise assign specific parking spots.³²

Other examples include the following:

Example: An employee makes sporadic site visits to a home for inspection. The agency's existing policy is that employees must use an agency vehicle for site visits. If an agency employee doesn't drive because of a disability, then a reasonable accommodation may be made to modify the agency's policy to allow the employee to use paratransit or taxicabs, instead of driving a car.

Example: An agency's existing procedure may be that work assignments are communicated to employees in person by the employee's manager. However, if an agency employee has a learning disability that makes it difficult for the employee to understand and process verbal instructions, the agency would generally be required to modify its procedure so that assignments and instructions are communicated to that employee by email, rather than verbally.

³² Note: If an agency does not provide parking to employees, it is not obligated to provide parking to an individual with a disability.

4.6 Modification of Physical Site

Reasonable accommodations may also take the form of physical modifications to a building or facility. This means that architectural barriers may have to be removed or altered to provide structural accessibility to the workplace.

In existing buildings, structural changes are necessary to the extent that they allow an employee with disabilities to perform the essential functions of the job, including access to workstations, and normal support facilities such as bathrooms, water fountains, and lunchrooms.

Non-structural changes are allowed instead of structural changes if they achieve the same result.

Example: A water fountain is too high for an employee in a wheelchair. Rather than lower the drinking fountain, cup dispensers may be installed.

Example: A training event is provided in a location without an accessible restroom. Rather than modify the restroom, the training can be moved to an accessible location.

Example: The workstation of an employee who uses a wheelchair is accessible only through a narrow doorway or by climbing a step. An employee's workstation may be relocated to a wheelchair-accessible location instead of modifying the doorway or installing a ramp.

Although non-structural changes are allowed in some instances, it is important to note that employment activities must take place in an integrated setting. Employees with disabilities may not be segregated into particular facilities or parts of facilities.

4.7 Provision of Auxiliary Aids and Services

An agency may be required to provide auxiliary aids and services to individuals with disabilities (e.g., vision, hearing, and speech disabilities) that substantially impair their ability to communicate and to have access to information needed for the essential functions of their job or to have equal access to the benefits and privileges of their employment. Identifying the needs of the employee in relation to specific job functions, as well as the nature, complexity, and duration of the communications, will determine what type of reasonable accommodation is necessary – for example, when an interpreter, reader, LanguageLine, or other communication access provider may be needed.

In some situations, a reader may be the most effective and efficient accommodation, but in other instances, equipment may enable an employee with a vision disability to perform job tasks more accurately. Consideration should be given to the preference of the employee who best knows their disability.

Example: A social worker who is blind requests a reader for paperwork, interviews, and report generation. A reader could be provided for several hours a day. If reading materials consist of complex or technical material, then the reader's vocabulary and reading level should be commensurate with the documents to be read.

Communication access providers (e.g., sign language interpreters or real time captioning (CART)) as needed may be a reasonable accommodation for an employee who is deaf.

Example: A deaf employee applies for a job as a clerk-typist. It may be necessary for the agency to obtain a qualified interpreter for a job interview as a reasonable accommodation because the applicant and interviewer must communicate fully and effectively to evaluate whether the applicant is qualified to do the job. Once hired, however, if the employee is doing clerical work, computer applications, or other job tasks that do not require much verbal communication, an interpreter may only be needed occasionally. Interpretation may be necessary for training situations, staff meetings or employee parties so that this employee can fully participate in these functions. Communication on the job may be handled through different means, depending on the situation, such as written notes, "signing" by other employees who have received basic sign language training, mobile phone apps, or by typing on a computer.

4.8 Reassignment to a Vacant Position and Light Duty

Reassignment and light duty are considered an accommodation of last resort and should be considered only if there are no available accommodations that would allow the employee to perform the essential functions of the current job.

4.8.1 Reassignment to Vacant Position

If an employee develops a disability after the start of their employment and there is no reasonable accommodation that will allow the employee to continue to perform the essential functions of the position, the agency should reassign the employee to an existing vacant position for which the employee is qualified (and for which the employee can perform the essential functions, with or without a reasonable accommodation) without the need to compete for it with other applicants. The new position should be one that the employee is qualified to

perform and that pays a comparable salary. If a comparable position is not open, it is permissible to offer the employee a position at a lower level with a lower salary.

However, reassignment does not require the agency to violate a seniority system or collective bargaining agreement under which someone else is entitled to the vacant position.

4.8.2 Reassignment to Light Duty Position

Reassigning an employee with disabilities to a light duty job might be required as a reasonable accommodation, depending on how the agency's light duty program is designed. If an agency reserves certain jobs for light duty, rather than creating light duty jobs as needed, the agency should reassign the employee to a vacant, reserved light duty position as a reasonable accommodation if there is no reasonable accommodation that will allow the employee to continue to perform the essential functions of the position and the employee can perform the essential functions of the light duty position, with or without a reasonable accommodation.

There is, however, no requirement that an agency create a light duty position or any other position as a reasonable accommodation.

4.9 Separation from the Agency

If an effective accommodation does not exist and there is no vacant or light duty position to which the employee can be reassigned, only then may the agency separate the employee with a disability. Prior to making the determination that no effective accommodation is available, please contact the ODR. The Job Accommodation Network (JAN) can also provide guidance in brainstorming and identifying potential accommodations.³³

³³ The Job Accommodation Network (JAN) is a free service of the U.S. Department and Labor's Office of Disability Employment Policy and can be contacted at 1-800-232-9675 (Voice/TTY), <https://askjan.org/>; ODR can be reached at ODR@dc.gov, (202) 724-5055, odr.dc.gov.

5 Reasonable Accommodation Process

All accommodation requests must be evaluated on a case-by-case basis, relying on the facts for the specific employee.

In addressing a reasonable accommodation request and making a reasonable accommodation determination, the agency shall use the protocol described in this section.³⁴ ADA Coordinators should document all steps and communications.

Agencies must post their reasonable accommodation protocol in conspicuous places at the workplace, and should also provide this information in alternate, accessible format on their website.

5.1 Initiating the Request

5.1.1 Who May Initiate the Request

Generally, it is the responsibility of the employee to request a reasonable accommodation; however, a request may also be made by a family member, health professional, or other representative who is acting on the employee's behalf with his/her consent.

Moreover, an agency should itself initiate the reasonable accommodation request process with the employee, even if the employee has not initiated a request, if the agency knows (or has reason to know) that the employee is experiencing a workplace problem due to a known disability.³⁵

The employee usually initiates the reasonable accommodation process by inquiring about the process from a manager, human resources representative, EEO Counselor, or the agency ADA Coordinator.

Employees with disabilities may request reasonable accommodations regardless of title, salary, grade, bargaining unit, employment status (permanent, temporary, provisional, emergency), or civil service status (regular, exempt).

³⁴ This policy has been adapted from the Department of Justice. See <https://www.justice.gov/jmd/page/file/1212831/download>.

³⁵ See Equal Employment Opportunity Commission's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA at #40, 41, available at: <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada#other>

5.1.2 Form of the Request

An employee may submit a request verbally,³⁶ by email, letter, agency form, ADA database portal, or other communication method.³⁷ The agency cannot require that the employee use a specific format or specific language, including mention of the term “ADA” or “reasonable accommodation.”

An agency is on notice that a request for reasonable accommodation has been made when it becomes objectively clear that an employee wants assistance performing the essential functions of the position due to a medical condition.

The following are some examples from JAN of requests for reasonable accommodation:³⁸

- Example A: An employee tells her manager, “I’m having trouble getting to work at my scheduled starting time because of medical treatments I’m undergoing.” This is a request for a reasonable accommodation because the employee has provided the agency notice that the effects of the disability are preventing her from adhering to a policy.
- Example B: An employee tells his manager, “I need six weeks off to get treatment for a back problem.” This is a request for a reasonable accommodation because the employee informed his agency that he needs an exception due to a medical condition.
- Example C: A new employee, who uses a wheelchair, informs the agency that her wheelchair cannot fit under the desk in her office. This is a request for a reasonable accommodation because the employee’s disability is obvious and she is requesting a change in her workspace due to her disability.

5.1.3 Timing of the Request

An employee with a disability is not precluded from requesting a reasonable accommodation because it was not done so when applying for a job, after receiving a job offer, or the condition has changed over the course of employment. An employee should request a reasonable accommodation when there is a barrier that is preventing performance of an essential function of the position, effectively competing for a position, or having equal access to the privileges and benefits of employment due to a disability. An applicant for employment may request a reasonable accommodation at any point during the application process.

³⁶ As discussed in section 5.2.2, if an employee makes a verbal request, it is recommended that the agency ask the employee to submit a written request.

³⁷ See [ADA Reasonable Accommodation Request Form](#), [ADA Database Portal](#)

³⁸ <https://askjan.org/publications/individuals/employee-guide.cfm>

Employees who have recurring or on-going needs for a reasonable accommodation do not need to make a formal request each time that particular accommodation is needed. Employees should give the appropriate notice, ideally 7 to 10 business days before the date the accommodation is needed to the extent practicable to ensure the agency has time to implement a needed accommodation, unless arranged to do otherwise. Examples of recurring or on-going requests include sign language interpreter services, readers, and accommodations for participation in training programs (e.g., providing printed handouts in alternate formats like large print or ensuring access to assistive technology at training sites).

While employees are encouraged to request a reasonable accommodation before their performance suffers or conduct problems occur, a request may be made at any time during the course of employment. However, a reasonable accommodation request is prospective, and does not remove an agency's ability to take disciplinary actions for issues that occurred before the request was made.³⁹

5.1.4 Referral of Request by the Agency

If the employee's reasonable accommodation request is made to the employee's manager or human resources staff, or to anyone else other than the agency's ADA Coordinator, the request should be immediately referred to the ADA Coordinator by the person who received the request and that individual should be removed from the process. The employee should also be informed that the request was referred to the ADA Coordinator and that the employee does not need to engage with anyone else during the process.

5.2 Interactive Process

After a request has been made, the ADA requires that the agency engage in a good faith interactive process with the employee to determine what type of accommodation will be effective. This may take place through multiple discussions with the employee as well as relevant agency staff. It is best to take a methodical approach in addressing requests for reasonable accommodation from employees.

As part of the interactive process, the EEOC recommends that employers:

- a. Analyze the relevant position and determine its purpose, essential functions, and marginal functions,
- b. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those barriers could be overcome with a reasonable accommodation,

³⁹ See [Section 5.5](#)

- c. In consultation with the employee, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position, and
- d. Consider the preference of the individual to be accommodated and, after discussing with any needed agency staff, select and implement the accommodation that is most appropriate for both the employee and the agency.⁴⁰

It is important to document all communications to establish the agency's engagement in the interactive process.

The following subsections describe various elements of the interactive process.

5.2.1 Time Frame

Processing a reasonable accommodation request, which includes notifying the employee of the determination and implementing the accommodation, should be completed within thirty (30) business days, absent extenuating circumstances (e.g., lack of awareness by the ADA Coordinator, delayed receipt of documents), from when the employee makes a request for accommodation.⁴¹ The agency ADA Coordinator should keep the employee apprised of the status of the request and provide an interim accommodation, if possible, in the event of a delay.

Processing a request within this time frame often depends on the employee engaging in the interactive process in a timely manner. When appropriate, the agency should inform the employee that a delay in responding to a request may result in the processing of the request being postponed beyond thirty (30) business days. Unreasonable delays in processing requests can create potential agency liability.

There are circumstances when the processing of a request should be expedited by the agency, such as when an accommodation is needed in order to enable an applicant to apply for a position or to enable an employee to attend a meeting or training.

5.2.2 Receipt of Reasonable Accommodation Request

Once an employee makes a request, the ADA Coordinator must enter it into ODR's Complaint, Information, and Technical Assistance (CITA) tracker within three (3)

⁴⁰ See JAN, <https://askjan.org/topics/interactive.cfm>

⁴¹ The EEOC utilizes a 30-day time frame in their reasonable accommodation policy. See section IV(F) at https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/internal_eeo/EEOC-2018-Procedures-for-Providing-Reasonable-Accommodations-for-Individuals-with-Disabilities.pdf

business days of receipt.⁴² The ADA Coordinator should then send the employee the introductory documents (“Process and Next Steps” letter, “Request Form,” and “Verification Letter”) and schedule a meeting with the employee.⁴³ The employee’s collective bargaining agent or other individuals(s) of the employee’s choosing may assist the employee during this meeting.

While employees may make a request for reasonable accommodation verbally, it is recommended that the agency ask the employee to submit a written request. If an employee refuses to submit a written request or is unable to do so, the ADA Coordinator should enter the necessary information onto the request form and in the ODR Complaint, Information, and Technical Assistance (CITA) tracker.⁴⁴

5.2.3 Gather Information

In preparation for the meeting, the ADA Coordinator should take the following information-related steps:

i. Review the Information Submitted

Review the information the employee provided in the Request Form and Verification Letter (if needed)⁴⁵ establishing the disability and the need for an accommodation to perform the essential functions of a position.

ii. Request Additional Information, if Needed

An agency generally should ask the employee to provide documentation establishing the disability and the need for accommodation. However, employees with known or obvious disabilities do not need to provide documentation establishing a disability. Likewise, an employee with a known or obvious need for an accommodation does not need to provide documentation establishing the need for an accommodation.

For disabilities and/or accommodations that are not known or obvious, the agency may require the employee to provide a verification letter or other documentation⁴⁶ from an appropriate healthcare or rehabilitation professional establishing:

- A. The presence of a disability. That is, the symptoms and/or effects of the impairment (or the mitigating measure, such as side effects of

⁴² See Section [5.6](#)

⁴³ All samples can be found in the [Appendix](#).

⁴⁴ See Section [5.6](#)

⁴⁵ See [Section 5.2.3.ii](#)

⁴⁶ See [Section 3.5](#)

medication) and how they substantially limit one or more major life activities or major bodily functions.

Keeping in mind that the definition of disability is meant to be broad, a disability determination does not need extensive analysis.⁴⁷

Accordingly, neither the employee nor the appropriate healthcare or rehabilitation professional's note needs to provide a diagnosis or medical records (although one generally ends the disability determination analysis), and the employee is not required to provide the agency with access to the appropriate healthcare or rehabilitation professional (although the agency may reach out to the appropriate healthcare or rehabilitation professional with the appropriate signed release for the purposes of verifying the authenticity of the letter or when an employee fails to provide the requested information, as described in section [5.2.5](#) below).

In determining whether an individual's impairment substantially limits a major life activity or major bodily function, the ADA Coordinator may request information from the professional establishing what functions the employee can and cannot perform or what other coping skills they use to manage the impairment.

If there are any inconsistencies between what the employee states their limitations are and the limitations described in the verification letter, the agency should discuss those discrepancies with the employee to attempt to resolve them. In some cases, further information from the appropriate healthcare or rehabilitation professional may be appropriate to request. If the agency and employee are unable to resolve the discrepancies, the information in the verification letter should prevail over the employee's stated limitations.

Example: A verification letter recommends a sedentary position, states that the employee is unable to bend, stand, lift, or walk, all of which are required to perform the essential functions. The agency was unable to find an accommodation that would enable the performance of the essential functions, rendering the employee unqualified for the position. There are no open vacant or light duty positions available, making separation the only option. The employee cannot then retract the request, claiming that the employee is able to perform those functions. Absent further information from the qualified provider, the agency should not allow the employee to exceed the appropriate healthcare or rehabilitation professional restrictions.

⁴⁷ See [Section 3.1](#)

- B. The reason for the accommodation. That is, how the disability (or impact of the disability) prevents the employee from performing any of the essential functions of the position.
- C. Not necessary, but helpful: Suggestion for an accommodation that will alleviate a symptom or effect of the disability such that it will enable the employee to perform the essential function of the position.

iii. Review Job Description and Essential Functions

Additionally, preparation for the meeting includes reviewing the employee's written job description and determining which functions of the job are essential and which are marginal, identifying the barriers to job performance, understanding the employee's precise limitations, and determining potential types of accommodations which would be effective.

A discussion with the employee's manager before the meeting to discuss the employee's job description and the functions of the job, is often helpful, but not always necessary to evaluate the essential functions of a position.

5.2.4 Meeting with the Employee

One of the main goals of the interactive process is for the agency to understand the employee's functional limitations and how they are posing a barrier to the employee's ability to perform the essential functions of the position.

Once in possession of the request, the agency's ADA Coordinator should conduct an informal, interactive discussion with the employee, which can be accomplished in person, over the telephone, through video communication, or through email.

Review the [Process and Next Steps](#) document with the employee to ensure that the employee is aware of their rights and responsibilities under this policy.

Use this meeting to confirm with the employee the limitations caused by the disability, the disability-related barriers preventing the employee from performing the essential functions of the position, and ways to remove those barriers. You should discuss how the employee's preferred accommodation will enable the performance of essential functions and ask the employee to consider if they would consider any alternative accommodations as effective.

5.2.5 Authenticating Verification and Requesting Further Information

After the meeting, the ADA Coordinator should determine whether there is sufficient information to fully evaluate the accommodation request or whether more documentation is needed. If there are outstanding questions, the ADA Coordinator should follow up with the employee and may request that further clarification from the appropriate healthcare or rehabilitation professional be provided if needed.

When evaluating the credibility of a verification letter, the ADA Coordinator should research the professional's credentials and then may contact the professional to ensure that the individual wrote and signed the specific letter. No questions should be asked of the professional regarding health information protected by HIPAA⁴⁸ unless the employee has signed a release allowing the disclosure of the information. If the answer is yes, the letter has been authenticated. If the answer is no, the ADA Coordinator should ask the employee where the letter came from and, if the situation warrants, refer the employee for discipline if the letter was forged.

In general, neither medical records nor direct contact with the appropriate healthcare or rehabilitation professional (other than for the purposes of verification of the authenticity of a letter) are needed to determine whether an employee is a ["qualified individual with a disability."](#) Should there be any concerns about the reliability or sufficiency of the verification or information provided, ask the employee to provide clarification from the appropriate healthcare or rehabilitation professional.

Example: An employee requests full-time telework as a reasonable accommodation. The verification letter states that the employee must telework because she has been diagnosed with anxiety. While the diagnosis falls under the ADA definition of disability, this is insufficient to support the request without any further information on the symptoms or effects of the disability, how it impairs a major life activity, as well as the ability to perform the essential functions of the position. The ADA Coordinator should ask the employee to provide additional clarification from the appropriate healthcare or rehabilitation professional.

HIPAA releases generally are not necessary when evaluating reasonable accommodation requests and should be requested in limited circumstances. For example, if an employee repeatedly fails to provide sufficient verification of a disability or how the disability impacts the ability to perform the essential functions of the position, it may be reasonable to speak directly with the appropriate healthcare or rehabilitation professional or require access to relevant medical records. These efforts, while not required under the ADA, help demonstrate that the agency has engaged in a good faith interactive process.

⁴⁸ The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104-191, 110 Stat. 1936, protects patient health information from being disclosed without the patient's knowledge or consent.

Example: In the above example, the employee refuses to provide additional documentation. In this situation, it would be appropriate to request a HIPAA release to contact the professional directly to obtain necessary information to process the request. If the appropriate healthcare or rehabilitation professional fails to respond to the ADA Coordinator, or the employee refuses to sign a release, the ADA Coordinator may but is not required to request the employee provide any other documentation that would support their request by a date certain and then proceed to make a determination based on the information in their possession.

However, if access to the appropriate healthcare or rehabilitation professional or medical records are appropriate, the request must be narrowly tailored to elicit only information that is relevant to how the disability at issue currently impacts the individual, not information about the employee's entire medical history.

5.2.6 Identifying Accommodation Options

After reviewing the verification letter and meeting with the employee, the ADA Coordinator should identify potential accommodations that will enable the employee to perform those essential functions. This can consist of the ADA Coordinator researching options, brainstorming with the employee, or asking an appropriate healthcare or rehabilitation professional.⁴⁹ While the employee's preference should be given primary consideration, the agency may choose a different accommodation among equally effective options and may ask the employee's appropriate healthcare or rehabilitation professional for alternatives. Some factors that may come into play are the feasibility of the accommodation given the employee's position, cost, ease of implementation, and agency operational needs. Agencies should be flexible and creative when considering potential accommodations.

The employee's manager may be part of the process for assessing the feasibility of an accommodation given the employee's position, job performance, and agency operational needs. While the manager is entitled to know the accommodation being granted, the manager should not be provided with the employee's specific health information.

Should the ADA Coordinator have difficulty identifying an appropriate and effective accommodation, ODR and JAN are available for additional reference materials and guidance in brainstorming.⁵⁰

⁴⁹ A HIPAA release is needed before having direct discussions with a healthcare provider.

⁵⁰ <https://askjan.org/contact-us.cfm>

5.2.7 Evaluation

With the necessary information in hand, the ADA Coordinator can fully evaluate the request by answering these questions:

- Is the employee **living with a disability** under the ADA?
- Does the disability **impact** the employee's **ability to perform any essential function(s)** of the position?
- Will the accommodation **enable** the employee **to perform the essential functions** of the position?
- Does an **exception** exist (an undue hardship, direct threat, or fundamental alteration)?⁵¹
- Is there an **equally effective accommodation** that is preferred by the agency?

5.2.8 Temporary and Interim Accommodations

Normally, accommodations are granted on a permanent basis since most disabilities are permanent. However, there are situations where an accommodation should be implemented on a temporary or interim basis while further information is obtained from the employee or a medical provider, while the agency is otherwise considering the request, or if the request or supporting documentation indicates the disability is expected to improve after a certain period of time. Such accommodations can be used as a stop-gap measure and may demonstrate the agency's good faith effort in engaging in the interactive process.

When an accommodation is offered prior to receiving the necessary documentation, because the ADA Coordinator concludes that it is likely that an accommodation will be provided given the weight of information already received, the employee should be given a specific time frame in which to complete the request.

Some examples of situations that may warrant a temporary or interim accommodation:

- A telework request for a serious illness prior to receipt of all medical documentation,
- Additional time is needed to find a permanent solution, acquire equipment, arrange a service, or another alternative,
- The accommodation is for a condition that is expected by an appropriate healthcare or rehabilitation professional or the employee to change over a certain duration,
- The accommodation is feasible in the short-term but may ultimately pose an undue hardship to the agency.

⁵¹ See [Section 5.4](#)

When a temporary or interim accommodation is provided, the ADA Coordinator should make it clear to the employee that the accommodation is temporary or interim, explain the reason for granting the temporary or interim accommodation, the duration of the temporary or interim accommodation and date when it will be re-evaluated (if applicable), the delay in making a final determination (if applicable), and an estimate as to when the final determination will be made (if applicable).

5.2.9 Accommodation Determination and Implementation

ADA Coordinators are responsible for making the final determination on reasonable accommodation requests in consultation with agency leadership and appropriate staff (which may include a review by the agency's general counsel). ADA Coordinators may also consult with ODR. Final determination letters should be in writing and include a synopsis of the request, information provided, meetings and conversations that occurred as part of the interactive process, agency considerations for approving, approving in part, or denying the request, the rationale for the accommodation(s) being offered, and the employee's options for appeal..

Once one or more effective accommodation(s) are offered, it is then the employee's choice whether to accept the accommodation(s). If the employee rejects the accommodation(s) offered (and there is no feasible, effective alternative), the employee is still expected to perform the essential functions of the position without an accommodation, and the employee should be given an opportunity to do so.

The employee has the option of requesting a reconsideration of the final determination by the ADA Coordinator, and/or proceeding with the appeal process.⁵² This reconsideration request is not a pre-requisite to appealing the agency's final determination to the EEOC, OHR, or to filing a lawsuit. The accommodation determination remains in effect during any appeal.

If the accommodation is accepted, keep the dialogue open with the employee and discuss timelines for obtaining the accommodation and follow up with the employee on unexpected delays.

ODR is available for technical advice as requested.⁵³

⁵² See [Section 7.0. A plaintiff asserting claims under the ADA must exhaust his administrative remedies by filing a complaint with the EEOC before suing in court. See 42 U.S.C. § 12117 \(incorporating the enforcement provisions of Title VII\).](#)

⁵³ See [Section 8.0](#)

5.3 Review of Accommodations to Ensure Effectiveness

Within 4-6 weeks after an accommodation has been implemented, the agency should assess the effectiveness of the accommodation in enabling the employee to perform the essential functions of the job by scheduling separate meetings with the employee and manager.

If there is a need for additional accommodations or changes to the existing accommodations, the agency should monitor and reevaluate the accommodation. It is appropriate to rescind an accommodation if it is not enabling the employee to perform the essential functions of the position. In such instances, the agency should re-engage with the employee to determine if another accommodation will be successful.

If the accommodation is not effective and there are no other methods of accommodation that can assist the employee in performing the essential functions of the job, then the accommodation of reassignment should be discussed.⁵⁴

5.4 Denying a Request for an Accommodation

An agency may deny an employee's request for a reasonable accommodation for the following reasons:

1. The employee does not have a qualifying disability.
 - a) The employee fails to provide credible documentation from an appropriate healthcare or rehabilitation professional of the disability or how it impacts the ability to perform the essential functions of the position (as in [Section 3.5](#)).⁵⁵
 - b) A minor impairment is generally not considered a qualifying disability for purposes of accommodations⁵⁶.
2. The employee (even if they have a disability) is able without an accommodation to:
 - a) Perform the essential functions of the job, or

⁵⁴ See [Section 4.8](#)

⁵⁵ The interactive process requires cooperation between the Agency and employee. If the employee fails to engage in the interactive process or provide information that has been requested in good faith, the agency does not have to offer an accommodation. Moreover, cooperation can also include a willingness to try an accommodation (including a good faith effort to succeed) and consider alternatives.

⁵⁶ though an employee may still be protected against disability discrimination under the "regarded as" definition of the ADA

- b) Participate in and/or benefit from the service or activity in an equally effective manner as employees without disabilities.
3. The requested accommodation will not enable the employee to perform the essential functions of the job or will lower performance/production standards (and no alternative accommodation(s) would be effective).
 4. The employee's request for a reasonable accommodation would impose an undue hardship on the operations of the agency.⁵⁷
 5. The employee would pose a direct threat to health or safety of others that cannot otherwise be mitigated.⁵⁸
 6. The accommodation would cause a fundamental alteration of the agency's services, programs, or activities.⁵⁹

If an employee is unable to perform the essential functions of the position without an accommodation and no accommodation is approved by the agency under the standards set forth in this Manual, the employee may not be "qualified" for the position. In such a situation, the employee may be subject to separation from employment with the agency.⁶⁰

If the agency intends to deny an accommodation request because the requested accommodation would constitute an undue hardship or direct threat, the agency should consider whether alternative accommodations would be reasonable, effective, and not constitute an undue hardship or direct threat. The agency ADA Coordinator should contact the ODR for questions and additional reference material. JAN can also provide guidance in brainstorming and identifying alternative accommodations.⁶¹

5.4.1 Undue Hardship

An agency may decline to provide an accommodation if providing the accommodation would result in an undue hardship. An undue hardship can be shown if the accommodation is unduly:

- Expensive,
- Extensive,
- Substantial, or

⁵⁷ See Section [5.4.1](#)

⁵⁸ See Section [5.4.2](#)

⁵⁹ See Section [5.4.3](#)

⁶⁰ It is important to reiterate that the employee must be given the opportunity to continue to perform the job without accommodation, and reassignment to another position may be a reasonable accommodation, and the situations where separation is the only option should be rare.

⁶¹ <https://askjan.org/>

- Disruptive.

This means that the accommodation poses significant administrative difficulty such that it impacts agency operations or significant expense in light of the entire agency's budget and other available resources. Whether an accommodation causes an undue financial or administrative hardship shall be determined in light of the overall financial and administrative resources available to the agency's cluster, not just those of the individual agency.

If an agency is unable to provide an accommodation because of financial constraints, the Director should contact their Deputy Mayor to determine whether funds can be identified outside the agency.

Note: If an accommodation would create an undue hardship, the agency must try to identify another accommodation that would not create an undue hardship. Also, if the accommodation would create an undue hardship because of its cost (which is unlikely), the agency should give the individual with a disability the option of paying the portion of the cost which would constitute an undue hardship.

Example: A corrections officer asked for a schedule modification to work an 8-hour shift rather than the standard 12-hour shift because of his depression and anxiety. The agency denied this accommodation as it posed an undue hardship because it required other officers to work longer hours and extended shifts. Instead, the agency provided the employee with additional breaks during the shift.

5.4.2 Direct Threat

An agency may decline to provide an accommodation if the individual would pose a direct and specific threat to the health or safety of others. A direct threat is one that poses a significant risk of substantial harm that cannot be eliminated or reduced below the level of a direct threat by reasonable accommodation.

The determination of a direct threat must be based on an individualized assessment of the employee with a disability, rely on current medical knowledge and/or the best available objective evidence, and not be based on generalized assumptions or stereotypes.

In determining whether an employee with a disability poses a direct threat, the factors the agency should consider include:

- The duration of the risk,
- The nature and severity of the potential harm,
- The probability that the potential harm will occur,
- The imminence of the harm, and
- Whether reasonable modifications of policies, practices, or procedures will eliminate the risk or reduce it below the level of a direct threat.

5.4.3 Fundamental Alteration

In addition, an accommodation is considered to create an undue hardship, and an agency may decline to provide it, if it causes a change so significant that it alters the essential nature of the position, services, program, or activities provided by the District.

Example: One of a receptionist's essential functions is to greet and triage constituents who come to the agency from 9:00 am to 5:00 pm each day. He requests a change to his start time from 9:00 am to 10:00 am due to the side effects of medication he takes for a disability. This accommodation would amount to a fundamental alteration of the services provided as it would require the facility to change the time it is open for services. Accordingly, this accommodation is not reasonable and the agency would not have to provide it.

Example: A youth case manager who must meet with clients in their home as an essential function is requesting full-time telework due to a disability. However, allowing full-time telework amounts to a fundamental alteration as the employee would not be able to provide the agency's service to the clients.

5.5 Discipline and Conduct

All employees are expected to adhere to workplace conduct standards, as well as perform the essential functions of their position, regardless of any disability. Requesting an ADA accommodation after being disciplined for performance or conduct issues does not invalidate or otherwise impact the prior discipline as agencies may hold all employees to the same performance and conduct standards. There is no need to delay the discipline, as accommodations are prospective rather than retrospective.

Separately from any discipline, the agency should commence the interactive process for the requested accommodation, which may resolve the performance issue.

Example: A program analyst committed a fireable offense by shouting obscenities and verbally attacking a colleague. Afterward, the employee claimed that the outburst was due to a bipolar disorder and asked for an accommodation of leave to get treatment. If the agency is considering separating the employee it should reach out to ODR prior to taking this action.

Example: A customer service representative was disciplined for lashing out at a caller. He then asked for an accommodation to take additional short, unpaid breaks to control his bipolar disorder and ensure he answers calls in a professional manner. While there is no need to rescind the discipline, the agency should modify his work schedule as an accommodation if it does not pose an undue burden, direct threat, or fundamental alteration.

5.6 Reporting Reasonable Accommodation Requests

Pursuant to [Mayor's Order 2017-010](#), ADA Coordinators shall enter all reasonable accommodation requests in the [ODR Complaint, Information, and Technical Assistance \(CITA\) Tracker](#) within three (3) business days after the request is made, regardless of whether the accommodation has been finalized.

6.0 Medical Documentation and Confidentiality

Due to the nature of their work, ADA Coordinators manage personal medical information that is subject to strict confidentiality requirements.

Pursuant to federal law, ADA Coordinators shall put into place appropriate protections to keep the information private. Each ADA Coordinator should consult with the agency privacy officer or another appropriate employee to determine the best storage protocol for confidential documents procured pursuant to reasonable accommodation requests.

The employee's medical information shall be maintained in a confidential file that is separate from the employee's personnel file or other records. Records must be retained by the agency for the length of the individual's employment with the agency. If an employee is terminated, the agency must retain records for two (2) years after the date of termination.⁶²

It is imperative that the fewest individuals have access to the private, confidential information. In most circumstances, managers do not need to know about the specific disability. Instead, the manager can know the nature of the restrictions and accommodation.

The ADA provides for the following exceptions to access and disclosure of the medical information:

- Managers need to know what restrictions have been placed on the employee and what accommodations are being made,⁶³
- First aid and safety personnel who may be required to perform emergency treatment for the employee, and
- Government officials who are investigating agency compliance with the ADA, FMLA, and other laws.

Information about the employee's disability or accommodation should not be revealed to co-workers, customers, or members of the public. If asked, agencies should state it has a policy of assisting individuals who encounter difficulties in the workplace. An employee may voluntarily choose to disclose a disability and/or reasonable accommodation to others.

⁶² See 29 CFR § 1602.31

⁶³ Information concerning the accommodation only, and not medical information, should be sent to the manager in a correspondence separate from the determination letter.

7.0 **Appeal Process**

An employee who believes that an accommodation was unlawfully denied, will not be effective, or experienced an undue delay in processing and granting an accommodation may:

- Request reconsideration with the agency ADA Coordinator.
- Request technical guidance from ODR at odr.dc.gov/page/file-complaints.⁶⁴
- Contact an agency certified EEO Counselor for informal mediation.⁶⁵
- File a complaint with:
 - The DC Office of Human Rights⁶⁶ at ohr.dc.gov/service/file-discrimination-complaint
 - The US Department of Justice at civilrights.justice.gov/report/
 - The US Equal Employment Opportunity Commission at eeoc.gov/filing-charge

The agency may provide an optional reconsideration process to the employee to re-examine its own decision. This optional process is not required by the ADA and not required of the employee in order to appeal to the EEOC and beyond. ODR advises agencies as best practice to have such an internal reconsideration request process to provide the agency an opportunity to consider any additional evidence the employee may provide and double check the sufficiency of its decision. ODR advises as best practice that agency procedures include for a reconsideration request that an employee must request reconsideration with the ADA Coordinator within ten (10) business days after receiving the determination letter, absent extenuating circumstances. The employee may provide an explanation and additional information in support of their request. If the employee did not submit the request for reconsideration in writing, the agency ADA Coordinator should ensure that the reconsideration request is memorialized in the employee's accommodation request file and in writing to the employee. ODR advises as best practice that procedures state the ADA Coordinator must provide the employee a final reconsideration determination within five (5) business days after receiving the request for reconsideration. The initial accommodation determination remains in

⁶⁴ See also [Section 8.0](#)

⁶⁵ The DC Office of Human Rights maintains a list of certified EEO Counselors: <https://ohr.dc.gov/publication/certified-eeo-counselor-officer-list>. Note that the EEO Counselor serves as a neutral party who attempts to facilitate a resolution, but does not have authority to overturn the agency's decision.

⁶⁶ Prior to filing complaint with OHR, an employee must first consult an agency certified EEO Counselor within 180 days of the accommodation denial.

effect during the appeal process. If the determination changes upon reconsideration, the agency may apply it retroactively, if applicable.

The ADA Coordinator must communicate the appeal process clearly to the employee when communicating the accommodation determination to the employee.

8.0 Additional Information

ODR is available to assist agencies and employees with technical guidance concerning disability rights and reasonable accommodations.

Contact us:

DC Office of Disability Rights

Website: <http://odr.dc.gov>

Phone: (202) 724-5055

TTY: 711

Email: odr@dc.gov

Address: 441 4th Street NW
Suite 729 North
Washington, DC 20001

9.0 **Appendix**

9.1 **Disability-Related Inquires and Medical Examinations**

Title I restricts an agency from making disability-related inquiries—that is, asking questions that are likely to elicit information about a disability—or requiring medical examinations. The restrictions apply during employment as well as during the pre-offer and post-offer stages.

An agency may make disability-related inquiries and conduct a medical examination of an applicant for a position pre-offer only if all applicants for that position are subject to the inquiries and examination, not just applicants with a disability.

After an offer is accepted, an agency may make a disability-related inquiry or require a medical examination only if it is “job-related” and “consistent with business necessity.” Specifically, these standards are satisfied if the agency can show:

1. It reasonably believes:
 - a. The employee’s condition impairs the employee’s ability to perform the essential functions of the job, or
 - b. The employee poses a direct threat to themselves or others, and
2. The asserted standards are job-related and consistent with “business necessity”.

For example, an employer may establish physical or mental qualifications that are necessary to perform specific jobs (for example, jobs in the transportation and construction industries; police and fire fighter jobs; security guard jobs) or to protect health and safety, but before excluding an otherwise qualified individual with a disability, the employer must consider whether there is a reasonable accommodation that would enable this person to meet the standard.

In order to do so, the agency may make a disability-related inquiry or request a medical examination, but the inquiry or examination must be no broader or more intrusive than necessary.

Disability-related inquiries, which are not permissible unless the standards above are satisfied, include:⁶⁷

⁶⁷ Adapted from “Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA,” available at: <https://www.eeoc.gov/laws/guidance/enforcement-guidance-disability-related-inquiries-and-medical-examinations-employees>

- Asking how the employee came to be living with a disability,
- Inquiring about the nature or severity of an employee's disability,
- Requesting medical documentation regarding a disability,
- Asking another individual (such as a co-worker, family member, doctor) about an employee's disability,
- Requesting an employee's genetic information,
- Requesting an employee's prior workers' compensation history,
- Asking whether the employee is currently taking or has in the past taken any prescription drugs or medications, or monitoring an employee's taking of or medications,
- Asking a broad question about the employee's impairments that is likely to elicit information about a disability, such as whether the employee has any impairments.

Agencies are permitted to ask questions not likely to elicit information about an ADA-covered disability, such as inquiring:

- About an employee's well-being,
- Whether an employee who looks tired or ill is feeling well,
- Whether an employee who is sneezing or coughing has a cold or allergies,
- How an employee is doing following a traumatic event,
- About an impairment not related to a disability, such as how the employee broke a leg,
- Whether the employee can perform the job functions,
- Whether the employee has been drinking or is currently using illegal drugs,
- For the name and telephone number of an emergency contact.

As a best practice, if at minimum an employer notices the employee is struggling to perform the essential functions of their job, simply ask the employee if they need any help in performing the essential functions of the job. The employee may inform the ADA Coordinator of something needed that the agency can provide without going through the ADA reasonable accommodation process (by utilizing existing policies applicable to all employees).

If there is objective evidence that the employee cannot perform the essential functions of the position due to a physical or mental condition that cannot be accommodated, the question then becomes whether the employee is otherwise qualified for the position. In such a situation, the agency may request a fitness-for-duty (FFD) assessment, which is a separate evaluation process. The agency should submit an FFD request to DCHR.⁶⁸

⁶⁸ See DC Code § 1-620.07, Issuance I-2021-13 (March 23, 2021), available at: <https://edpm.dc.gov/issuances/fitness-duty-assessments/>

9.2 Sample Forms

Agencies should use the following sample forms to implement a reasonable accommodation policy and process:

- A. [ADA Coordinator Responsibilities](#)
- B. [ADA Coordinator Job Description](#)
- C. [Notice for Employees](#)
- D. [Process and Next Steps Letter](#)
- E. [ADA Reasonable Accommodation Request Form](#)
- F. [Request for Verification Letter](#)
- G. [Interactive Process Letter](#)
- H. [Request for Additional Information Letter](#)
- I. [HIPAA Release Form](#)
- J. [Determination Letters](#)
- K. [Checklist for Reasonable Accommodation Determination and Implementation](#)

A. ADA Coordinator Responsibilities

Each agency shall appoint an ADA Coordinator who shall:⁶⁹

- Inform ODR of the name and contact information of the ADA Coordinator,
- Serve as the agency resource for all ADA matters,
- Provide notice of ADA rights to all agency applicants, employees, interns, and constituents,
- Confirm that the agency has internal policies for responding to requests for reasonable accommodations and complaints,
- Work with ODR to develop the agency's ADA implementation plan,
- Ensure that agency employees, constituents, and volunteers are aware of their rights under the ADA,
- Complete an annual self-evaluation to determine ADA compliance,
- Receive and evaluate accommodation requests, provide the employee with the agency's determination regarding the request, maintain records, and respond to appeals, and
- Record each request in the ODR Complaint, Information, and Technical Assistance (CITA) Tracker within three (3) business days of receipt or awareness of a discrimination complaint.⁷⁰

As part of their onboarding process, each ADA Coordinator shall:

- Receive access to all ADA Coordinator communication channels,
- Receive access to the ODR Complaint, Information, and Technical Assistance (CITA) Tracker and a training on how to use it,
- Attend a mandatory annual ODR training and take a certification test, and
- Attend other trainings as applicable.

⁶⁹ See Mayor's Order 2017-010, available at <https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?noticeId=N0062097>.

⁷⁰ <https://octo.quickbase.com/db/bds3pz6sp>.

B. ADA Coordinator Job Description

ADA COORDINATOR

The Americans with Disabilities Act (ADA) Coordinator participates in collecting information regarding the agency's ADA policies and practices; informs agency staff of ADA requirements; participates in the overall planning and decision making to bring the agency into compliance with the ADA; and serves as the agency ADA contact person.

The DC Office of Disability Rights (ODR) works closely with all agency ADA Coordinators. The ADA Coordinator may come from several different professional backgrounds, services, or programs from within an agency. The ADA Coordinator can be someone who comes to the position out of interest and may acquire information and expertise through ODR sponsored training, consultation with ODR, attendance at ADA conferences, etc.

MAJOR DUTIES

- Ensure that all employees and program constituents are aware of their ADA rights and provide guidance when needed.
- Pass the ODR ADA Coordinator certification program.
- Attend the annual ODR ADA Coordinator training and other mandatory trainings.
- Apply federal and District disability rights laws to accommodation requests and equal access issues.
- Evaluate and implement reasonable accommodation requests; enter all information into the District's centralized database.
- Serve as the initial contact person for ADA grievances and conduct informal investigations ADA compliance.
- Conduct an internal review of Agency/Department ADA compliance to include:
 - Policies, practices, and activities including general nondiscrimination provisions such as equal opportunity to participate and benefit from the program(s),
 - Eligibility criteria for the program(s),
 - Integration of the program(s),
 - Communication access such as the availability of auxiliary aids and services and the availability of printed materials in alternate formats such as Braille and large print,
 - Accessibility of programs, locations, and facilities.
- Participate in the development of an agency ADA compliance plan and self-assessment.
- Maintain confidential contact information, results and progress made regarding complaints, requests for technical assistance, and information and referrals.
- Provide, as needed, disability rights advisory services to co-workers, managers, constituents, and other identified individuals.
- Maintain a positive working relationship with the ODR.

C. Notice for Employees

[AGENCY LETTERHEAD]

**DC Government Employees
& Individuals with Disabilities**

Information Regarding the Americans with Disabilities Act

- Do you need help with a disability-related issue?
- Do you know how to request assistance or a reasonable accommodation under the **Americans with Disabilities Act (ADA)**?
- Does your agency need ADA training or technical assistance?
- Do you know how to file a disability rights complaint?

Contact your agency ADA Coordinator for further assistance:

[ADA COORDINATOR]
[PHONE NUMBER]
[EMAIL]

For additional information, please contact
The DC Office of Disability Rights

Website:	http://odr.dc.gov/
Email:	ODR@dc.gov
Phone:	(202) 724-5055
TTY:	711
Location:	441 4th Street NW, Suite 729N Washington, DC 20001

D. Process and Next Steps Letter

[AGENCY LETTERHEAD]

RE: Request for an ADA Accommodation – Process and Next Steps

Dear [EMPLOYEE]:

The purpose of this letter is to explain the process for requesting and obtaining a reasonable accommodation pursuant to the Americans with Disabilities Act (ADA) as well as to outline both the employee's and agency's rights and responsibilities.

Under ADA, qualified employee with disabilities may be entitled to a reasonable accommodation, which is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. [AGENCY] is committed to providing reasonable accommodations to qualified employees with disabilities to ensure equal access for all employment opportunities.

To qualify for an accommodation, an employee must establish:

1. The presence of a disability,
2. Its impact on the ability to perform an essential function of the position, and
3. An accommodation for the disability will be effective.

An accommodation is considered effective if it enables the employee to perform the essential functions of the position, or enjoy equal access to the benefits and privileges of the position.

The accommodation process is meant to be an interactive dialogue between the employee and ADA Coordinator, requiring the full cooperation of both parties. Accordingly, during this process, we will work together to assess your disability-related limitations, which essential functions the disability is impacting, and what accommodation will enable you to perform the essential functions of your position.

If your disability is not obvious, [AGENCY] may need a letter from an appropriate health care or rehabilitation professional establishing your disability (that is, the symptoms and/or effects of the impairment) and how it limits your ability to perform the essential functions of your position. Additionally, we may need a letter from an appropriate health care or rehabilitation professional establishing how an accommodation will enable you to perform the essential functions of your position or whether an alternative will be equally effective, if it is not obvious.

After you submit the request form and verification letter, we will schedule a meeting to discuss your disability and functional limitations, their impact on performing the essential

functions of your position, and options for an effective accommodation. If we do not have sufficient information to discuss each of these issues, we will discuss the type of information we need to fully evaluate your request. This may include requesting clarifying information from your health care or rehabilitation professional regarding your disability, how it impacts the essential functions of your position, or effectiveness of an accommodation. Please note that a collective bargaining agent or another individual in their own capacity may assist you during this meeting.

[AGENCY] evaluates accommodation requests on a case-by-case basis that rely on the facts for the specific employee. Accordingly, there is no generic or automatic response to a particular request. Moreover, an accommodation granted to another employee is not instructive of the accommodation that may be appropriate for your situation. While we will aim to provide employees with disabilities with their requested accommodation, [AGENCY] may offer an equally effective alternative. You will have the option of accepting or rejecting the accommodation, however, you will be expected to perform the essential functions of your position without an accommodation if you reject all offered accommodations.

[AGENCY] may deny a request for an accommodation if:

- The employee cannot establish a qualifying disability,
- The employee is able to perform the essential functions of the position without an accommodation,
- The accommodation will not be effective,
- The accommodation will pose an undue hardship on agency operations,
- The employee will pose a direct threat to the health and safety of others,
- The accommodation will cause a fundamental alteration of [AGENCY]'s programs, services, or activities.

Your medical records are confidential and kept separate from other employee files. Your manager and other colleagues are not provided with or entitled to knowledge of your medical information. You are not required to reveal any information concerning this process to others and the agency may not retaliate against you for requesting an accommodation. However, your manager may be advised of the nature of your restrictions and the accommodation being provided.

Please submit the ADA accommodation request form and a verification letter (if necessary) by [DATE]. (If you are unable to fill out the request form, we are available to assist you.) Without this information we will be unable to further evaluate or approve a reasonable accommodation request.

If you have questions or concerns, please contact the agency's ADA Coordinator, at the telephone number or email below.

Sincerely,

[NAME]

ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

ACKNOWLEDGED BY:

Individual

Date

E. ADA Reasonable Accommodation Request Form

[AGENCY LETTERHEAD]

Date of Request: Click or tap to enter a date.

Individual Information	Occupational Information	
Name: Click or tap here to enter text.	Title/Grade: Click or tap here to enter text.	
Unit/Dept.: Click or tap here to enter text.	City: Click or tap here to enter text.	State: Click or tap here to enter text.
Work Email: Click or tap here to enter text.	Work Phone Number: Click or tap here to enter text.	

Manager Information

Your manager may be contacted to establish the essential functions of your position.

Name: Click or tap here to enter text. **Work Phone Number/Email:** Click or tap here to enter text.

☐ **I am requesting an expedited review (please explain).**

Click or tap here to enter text.

Accommodation Requested (if known):

Describe the specific accommodation that you are requesting including the anticipated length of time needed and any other alternative accommodations that might address your needs. If unsure of what to request, please note the type of assistance that is needed.

Click or tap here to enter text.

Condition Needing an Accommodation:

Briefly describe the condition related to your request and which major life activity or major bodily function it impacts. You do not need to provide a diagnosis or medical records at this time; the impact of your disability on major life activities or major bodily functions is sufficient. If your disability is not obvious or otherwise known, we will need a verification letter from an appropriate health care or rehabilitation professional establishing the presence of a disability and its function limitations.

Click or tap here to enter text.

Reason for Request:

Explain how your disability prevents you from performing an essential function of your position or access a benefit or privilege of employment and how the requested accommodation(s) (if known) would assist you in doing so.

Click or tap here to enter text.

I affirm that all statements made above are true to the best of my knowledge and belief.

Signature of Individual

Date

Click or tap to enter a date.

The Americans with Disabilities Act authorizes the collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: to medical personnel to meet a *bona fide* medical emergency; to another District agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a District agency when the District is a party to the judicial or administrative proceeding; to a legislative office from the record of an individual in response to an inquiry from the legislative office made at the request of the individual; and to an authorized grievance official, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

Updated April 15, 2024

F. Request for Verification Letter

[AGENCY LETTERHEAD]

RE: Request for an ADA Accommodation – Verification Letter

Dear [Employee],

Thank you for beginning the interactive process in requesting an accommodation under the American with Disabilities Act (ADA) to enable you to perform the essential functions of your position.

[SUMMARIZE THE REQUEST]

[AGENCY] needs documentation from an appropriate qualified provider to fully assess your reasonable accommodation request. The documentation should:

- Confirm that you have a disability (that is, a physical or mental impairment that substantially limits one or more major life activities or major bodily functions) by describing the symptoms or effects of the impairment.
- Describe the functional limitation(s) of the disability on major life activities or major bodily functions.
- Describe how the impairment impacts your ability to perform essential functions of the position as compared to the average person (a copy of your position description is attached). This can include examples of functions or tasks that you can and cannot perform and coping skills used to manage the impairment.
- State the estimated date of full or partial recovery, if applicable.
- Propose an accommodation, if known, and describe how the accommodation will enable you to perform the essential function of the position.
- State the estimated length of time the accommodation is needed, if known.

The letter must be on the appropriate health care or rehabilitation professional's official letterhead, signed by the health care or rehabilitation professional, and include the health care or rehabilitation professional's credentials (*i.e.*, the type of license, the jurisdiction of licensure, the license number, and the date of expiration of the license).

Please submit a letter by [DATE]. Without the above information we will be unable to further evaluate or approve a reasonable accommodation request.

If you have questions or concerns, please contact the agency's ADA Coordinator, at the telephone number or email listed below.

Your records and information related to this accommodation request will be maintained in accordance with applicable confidentiality requirements.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

Enclosure

G. Interactive Process Letter

[AGENCY LETTERHEAD]

RE: Request for Medical Accommodation – Interactive Process Meeting

Dear [EMPLOYEE]:

[AGENCY] is in receipt of your reasonable accommodation request pursuant to the Americans with Disabilities Act (ADA) dated [DATE]. [SUMMARIZE THE REQUEST]

To further assess your eligibility and the feasibility of your request and as part of the reasonable accommodation process, we would like to schedule a meeting to engage in an interactive dialogue. During this meeting we may discuss all or some of the following:

- Whether additional information is needed to verify your disability, functional limitations, or need for an accommodation,
- How the essential functions of your position are impacted by your disability,
- How the requested accommodation will enable you to perform the essential functions of your position,
- Alternative accommodations that may be equally effective,
- Agency needs and potential impact on operations, and
- Any other concerns.

So that we may schedule this meeting as soon as possible, please let me know if any of these times work for you:

[OFFER AT LEAST TWO DATES/TIMES]

If neither of these times work, please suggest times that do. Your response is requested within three (3) business days.

If you have questions or concerns, please contact the agency's ADA Coordinator, at the telephone number or email listed below.

Your records and information related to this accommodation request will be maintained in accordance with applicable confidentiality requirements.

Sincerely,

[NAME]

ADA Coordinator for [AGENCY]

[PHONE NUMBER]

[EMAIL]

H. Request for Additional Information Letter

[AGENCY LETTERHEAD]

RE: Request for Medical Accommodation – Follow Up

Dear [Employee],

Thank you for meeting with me on [DATE] to engage in the interactive process regarding your request for an accommodation pursuant to the Americans with Disabilities Act (ADA).

[SUMMARIZE THE REQUEST]

Based on our discussion and the information received to date, [AGENCY] needs more information from an appropriate health care or rehabilitation professional to fully assess your reasonable accommodation. Specifically,

[LIST THE INFORMATION NEEDED AND WHY]

The letter must be on the health care or rehabilitation professional's official letterhead, signed by the health care or rehabilitation professional, and include the health care or rehabilitation professional's credentials (*i.e.*, the type of license, the jurisdiction of licensure, the license number, and the date of expiration of the license).

Please submit a letter by [DATE]. Without the above information we will be unable to further evaluate or approve a reasonable accommodation request.

If you have questions or concerns, please contact the agency's ADA Coordinator, at the telephone number or email listed below.

Your records and information related to this accommodation request will be maintained in accordance with applicable confidentiality requirements.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

I. HIPAA Release Form

Note: HIPAA releases should be requested only in limited circumstances.

AUTHORIZATION FOR REQUEST OR USE/DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI)

This form is for use when such authorization is required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Name of Patient (Print): [Click or tap here to enter text.](#)

Date of Birth: [Click or tap here to enter text.](#)

Healthcare Provider / Entity: [Click or tap here to enter text.](#)

I. My Authorization:

I direct [Click or tap here to enter text.](#) To disclose and release my protected health information described below to:

[AGENCY]
Attn: ADA Coordinator
[ADDRESS]
Washington, DC [ZIP]
[PHONE NUMBER]
[EMAIL]

Health Information to Be Disclosed (Check all that apply)

- ☐ My health information relating to the following treatment or condition: [Click or tap here to enter text.](#)
- ☐ My health information covering the period from [Click or tap to enter a date.](#) to [Click or tap to enter a date.](#)
- ☐ Other: [Click or tap here to enter text.](#)

Form of Disclosure:

(Check all that apply)

- ☐ An electronic record or access through an online portal
- ☐ Printed paper copy
- ☐ Verbal
- ☐ Email
- ☐ Other: [Click or tap here to enter text.](#)

Duration of Authorization

This authorization is valid starting on the date of my signature and ending (**Check one**):

- ☐ On (date): [Click or tap to enter a date.](#)
- ☐ When the following event occurs: [Click or tap here to enter text.](#)

unless I revoke it.⁷¹

I understand that revocation will not affect agency's ability to use or disclose the health information obtained for reasons related to prior reliance on this authorization.

Authority To Discuss and Answer Questions:

My healthcare providers are expressly authorized to answer questions posed by the representatives of the [AGENCY] and openly discuss with them my condition, treatment, test results, prognosis, and everything pertinent to my healthcare described above, even if I am fully competent to ask questions and discuss this matter at the time. This document constitutes a full authorization to disclose any individually identifiable health information to the [AGENCY] representatives.

II. My Rights

I understand that I have the right to revoke this authorization, in writing, at any time; however, I also understand that uses and disclosures already made based upon my original permission cannot be taken back. In order to revoke this authorization, I must do so in writing and send it to the appropriate disclosing party.

I understand that it is possible that information used or disclosed with my permission may be re-disclosed by the recipient in accordance with confidentiality requirements under the Americans with Disabilities Act.⁷²

I will receive a copy of this authorization after I have signed it. A copy or facsimile of this authorization is as valid as the original.

I understand that I may refuse to sign this authorization. However, I understand that if I refuse to sign this authorization, I am responsible to ensure that [AGENCY] receives the necessary health information to fully evaluate my accommodation request.

Signature of Individual	Date Click or tap to enter a date.
-------------------------	---------------------------------------

If the individual is unable to sign, please complete the following:

The individual is unable to sign because: [Click or tap here to enter text.](#)

Signature of Authorized Representative	Date
----------------------------------------	------

Print Name of Authorized Representative: [Click or tap here to enter text.](#)

Authority of representative to sign on behalf of the patient:

- ☐ Parent
- ☐ Legal Guardian
- ☐ Court Order
- ☐ Other: [Click or tap here to enter text.](#)

⁷¹ Note: The individual may revoke this authorization at any time by notifying the employee's healthcare provider or agency in writing.

⁷² Americans with Disabilities Act, 42 U.S.C. § 12112(d)(3)(B)(i)-(iii).

J. Determination Letters

[AGENCY LETTERHEAD]

RE: Request for Reasonable Accommodation – Approval

Dear [EMPLOYEE]:

Under the Americans with Disabilities Act (ADA), qualified employees with disabilities may be entitled to a reasonable accommodation, which is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. [AGENCY] is committed to providing reasonable accommodations to qualified employees with disabilities to ensure equal access for all employment opportunities.

[SUMMARIZE THE REQUEST AND OUTLINE THE STEPS TAKEN DURING THE INTERACTIVE PROCESS]

[AGENCY] has reviewed your reasonable accommodation request dated [DATE], participated in the interactive process, evaluated the essential functions of your position, assessed any issues of undue hardship, fundamental alteration, and direct threat, and considered agency operational needs.

Based on these considerations, [AGENCY] has determined that:

- You are considered a qualified employee with a disability for the purposes of the ADA.
- The essential job function(s) that are substantially impaired by your disability and for which you are requesting an accommodation are [LIST ESSENTIAL JOB FUNCTIONS THAT ARE SUBSTANTIALLY IMPAIRED]
- The requested accommodation will [LIST HOW THE ACCOMMODATION(S) WILL ENABLE THE EMPLOYEE TO PERFORM THE ESSENTIAL JOB FUNCTIONS]
- The requested accommodation does not cause an undue hardship, pose a direct threat, or cause a fundamental alteration.

Accordingly, [AGENCY] has approved the following accommodation(s):

[LIST ALL APPROVED ACCOMMODATIONS AND PARAMETERS OR NEXT STEPS]

The accommodation(s) will be implemented and are effective on [DATE]. Please note the above-listed accommodation(s) are being implemented to allow you to perform the essential functions of your job. If you are still unable to perform the essential functions of your job in accordance with your position description after the accommodation(s) are provided, or you experience a change in condition, or the agency's operational needs change, you or [AGENCY] may re-engage in the interactive process to determine what, if any, changes are needed to the approved accommodation(s).

Your records will be maintained in accordance with applicable confidentiality requirements. Please let me know if you have any questions or concerns.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

[AGENCY LETTERHEAD]

RE: Request for Reasonable Accommodation – Alternative Selected

Dear [EMPLOYEE]:

Under the Americans with Disabilities Act (ADA), qualified employees with disabilities may be entitled to a reasonable accommodation, which is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. [AGENCY] is committed to providing reasonable accommodations to qualified employees with disabilities to ensure equal access for all employment opportunities.

[SUMMARIZE THE REQUEST AND OUTLINE THE STEPS TAKEN DURING THE INTERACTIVE PROCESS]

[AGENCY] has reviewed your reasonable accommodation request dated [DATE], participated in the interactive process, evaluated the essential functions of your position, assessed any issues of undue hardship, fundamental alteration, and direct threat, and considered agency operational needs.

Based on these considerations, [AGENCY] has determined that:

- You are considered a qualified employee with a disability for the purposes of the ADA.
- The essential job function(s) that are substantially impaired by your disability and for which you are requesting an accommodation are [LIST ESSENTIAL JOB FUNCTIONS THAT ARE SUBSTANTIALLY IMPAIRED]
- The requested accommodation of [LIST REQUESTED ACCOMMODATION(S)] will [LIST HOW THE ACCOMMODATION(S) WILL OR WILL NOT ENABLE THE EMPLOYEE TO PERFORM THE ESSENTIAL JOB FUNCTIONS]

[Note to agency: Include only those reasons that are applicable.]

- The requested accommodation will not enable you to perform the essential job functions [DESCRIBE WHY]
- The requested accommodation causes an undue hardship to the agency. [IF IT DOES, DETAIL THIS]
- The requested accommodation poses a direct threat. [IF IT DOES, DETAIL THIS]
- The requested accommodation will alter the essential nature of the position, services, program, or activity [IF IT DOES, DETAIL THIS]

[Note to agency: continue with the following.]

- An equally effective alternative accommodation has been identified that will [LIST HOW THE ACCOMMODATION WILL OR WILL NOT ENABLE THE EMPLOYEE TO PERFORM THE ESSENTIAL JOB FUNCTIONS]
- The agency has determined that the equally effective accommodation is preferable because [LIST WHY THE ALTERNATIVE ACCOMMODATION IS PREFERABLE]

- The accommodation does not cause an undue hardship, pose a direct threat, or cause a fundamental alteration.

Accordingly, [AGENCY] has denied the following accommodation(s):

[LIST ALL DENIED ACCOMMODATIONS]

Accordingly, [AGENCY] has approved the following accommodation(s):

[LIST ALL APPROVED ACCOMMODATIONS AND PARAMETERS OR NEXT STEPS]

The approved accommodation(s) will be implemented and effective on [DATE]. Please note the above-listed approved accommodation(s) are being implemented to allow you to perform the essential functions of your job. If you are still unable to perform the essential functions of your job in accordance with your position description after the approved accommodation(s) are made, or you experience a change in condition, or the agency's operational needs change, you or [AGENCY] may re-engage in the interactive process to determine what, if any, changes are needed to the approved accommodation(s).

If you are unsatisfied with this decision, you may:

- Request reconsideration with [AGENCY]'s ADA Coordinator.
- Request technical guidance from ODR at odr.dc.gov/page/file-complaints.
- Contact any agency's certified EEO Counselor for informal mediation.⁷³
- File a complaint with:
 - The DC Office of Human Rights⁷⁴ at ohr.dc.gov/service/file-discrimination-complaint
 - The US Department of Justice at civilrights.justice.gov/report/
 - The US Equal Employment Opportunity Commission at eeoc.gov/filing-charge

You have ten (10) business days from the date of this determination letter to request reconsideration of this decision with [AGENCY's] ADA Coordinator. If you are unable to submit a request in writing, we are available to assist you. You may provide a description and additional information explaining why the agency should reconsider your accommodation request. Absent extenuating circumstances, the ADA Coordinator will provide a final determination on the reconsideration request within five (5) business days. Please note that the accommodation the agency is approving in this letter will be provided as promptly as feasible and will remain in effect during the appeal process.

Your records will be maintained in accordance with applicable confidentiality requirements. Please let me know if you have any questions or concerns.

⁷³ The DC Office of Human Rights maintains a list of certified EEO Counselors, which is available at: <https://ohr.dc.gov/publication/certified-eeo-counselor-officer-list>

⁷⁴ Prior to filing a complaint with OHR, an employee must first consult with any agency's certified EEO Counselor for informal mediation within 180 days of the accommodation decision.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

[AGENCY LETTERHEAD]

RE: Request for Reasonable Accommodation – Denial

Dear [EMPLOYEE]:

Under the Americans with Disabilities Act (ADA), qualified employees with disabilities may be entitled to a reasonable accommodation, which is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. [AGENCY] is committed to providing reasonable accommodations to qualified employees with disabilities to ensure equal access for all employment opportunities.

[SUMMARIZE THE REQUEST AND OUTLINE THE STEPS TAKEN DURING THE INTERACTIVE PROCESS]

[AGENCY] has reviewed your reasonable accommodation request dated [DATE], participated in the interactive process, evaluated the essential functions of your position, assessed any issues of undue hardship, fundamental alteration, and direct threat, and considered agency operational needs.

Based on these considerations, [AGENCY] has determined that:

[Note to agency: Include only those reasons that are applicable.]

- You are not considered a qualified employee with a disability for the purposes of the ADA. [DETAIL WHY]
- The requested accommodation, and other reasonable accommodations considered by the agency, will not enable you to perform the essential job functions [DESCRIBE WHY]
- The requested accommodation causes an undue hardship to the agency. [IF IT DOES, DETAIL THIS]
- The requested accommodation poses a direct threat. [IF IT DOES, DETAIL THIS]
- The requested accommodation will alter the essential nature of the position, services, program, or activity [IF IT DOES, DETAIL THIS]

Accordingly, [AGENCY] has denied the following accommodation(s):

[LIST ALL REQUESTED ACCOMMODATIONS THAT WERE DENIED]

If you are unsatisfied with this decision, you may:

- Request reconsideration with [AGENCY]'s ADA Coordinator.
- Request technical guidance from ODR at odr.dc.gov/page/file-complaints.
- Contact any agency's certified EEO Counselor for informal mediation.⁷⁵

⁷⁵ The DC Office of Human Rights maintains a list of certified EEO Counselors, which is available at: <https://ohr.dc.gov/publication/certified-eeo-counselor-officer-list>

- File a complaint with:
 - The DC Office of Human Rights⁷⁶ at ohr.dc.gov/service/file-discrimination-complaint
 - The US Department of Justice at civilrights.justice.gov/report/
 - The US Equal Employment Opportunity Commission at eeoc.gov/filing-charge

You have ten (10) business days from the date of this determination letter to request reconsideration of this denial with [AGENCY's] ADA Coordinator. If you are unable to submit a request in writing, we are available to assist you. You may provide a description and additional information explaining why the agency should reconsider your accommodation request. Absent extenuating circumstances, the ADA Coordinator will provide a final determination on the reconsideration request within five (5) business days.

Your records will be maintained in accordance with applicable confidentiality requirements. Please let me know if you have any questions or concerns.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

⁷⁶ Prior to filing a complaint with OHR, an employee must first consult with any agency's certified EEO Counselor for informal mediation within 180 days of the accommodation decision.

[AGENCY LETTERHEAD]

RE: Request for Reasonable Accommodation – Accommodation Rescinded

Dear [EMPLOYEE]:

Under the Americans with Disabilities Act (ADA), qualified employees with disabilities may be entitled to a reasonable accommodation, which is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. [AGENCY] is committed to providing reasonable accommodations to qualified employees with disabilities to ensure equal access for all employment opportunities.

[OUTLINE THE STEPS TAKEN DURING THE INTERACTIVE PROCESS]

[AGENCY] reviewed your reasonable accommodation request dated [DATE], participated in the interactive process, evaluated the essential functions of your position, assessed any issues of undue hardship, fundamental alteration, and direct threat, and considered agency operational needs.

On [DATE], [AGENCY] granted and provided the following accommodation(s):

[LIST ACCOMMODATION(S) PROVIDED].

Reasonable accommodations are provided to enable an employee with a disability to perform the essential functions of the position. However, [LIST ACCOMMODATION],

[CHOOSE ONE]

has not been effective because [LIST PERFORMANCE ISSUES AND HOW THE ACCOMMODATION HAS NOT ENABLED THE EMPLOYEE TO PERFORM SPECIFIC ESSENTIAL FUNCTIONS].

[OR]

The accommodation poses an undue hardship because [LIST HOW THE ACCOMMODATION POSES AN UNDUE HARDSHIP].

Accordingly, the accommodation of [LIST ACCOMMODATION] is not reasonable as [CHOOSE ONE] it is not enabling you to perform the essential functions of your position [OR] it is posing an undue hardship on the agency. As such, we are rescinding the accommodation and will meet to discuss an alternative effective accommodation.

If you are unsatisfied with this decision, you may:

- Request reconsideration with [AGENCY]'s ADA Coordinator.
- Request technical guidance from ODR at odr.dc.gov/page/file-complaints.

- Contact any agency's certified EEO Counselor for informal mediation.⁷⁷
- File a complaint with:
 - The DC Office of Human Rights⁷⁸ at ohr.dc.gov/service/file-discrimination-complaint
 - The US Department of Justice at civilrights.justice.gov/report/
 - The US Equal Employment Opportunity Commission at eeoc.gov/filing-charge

You have ten (10) business days from the date of this determination letter to request reconsideration of this decision with [AGENCY's] ADA Coordinator. If you are unable to submit a request in writing, we are available to assist you. You may provide a description and additional information explaining why the agency should reconsider this decision. Absent extenuating circumstances, the ADA Coordinator will provide a final determination on the reconsideration request within five (5) business days.

So that we may schedule the meeting to discuss potential alternative, effective accommodations as soon as possible, please let me know if any of these times work for you:

[OFFER AT LEAST TWO DATES/TIMES]

If neither of these times work, please suggest times that do. Your response is requested within three (3) business days.

Your records and information related to this accommodation request will be maintained in accordance with applicable confidentiality requirements. Please let me know if you have any questions or concerns.

Sincerely,

[NAME]
ADA Coordinator for [AGENCY]
[PHONE NUMBER]
[EMAIL]

⁷⁷ The DC Office of Human Rights maintains a list of certified EEO Counselors: <https://ohr.dc.gov/publication/certified-eeo-counselor-officer-list>

⁷⁸ Prior to filing a complaint with OHR, an employee must first consult with any agency's certified EEO Counselor for informal mediation within 180 days of the accommodation decision.

[AGENCY LETTERHEAD]

Name of Employee

Click or tap here to enter text.

Date

Click or tap to enter a date.

Accommodation Requested:

Click or tap here to enter text.

Section 1. Accommodation Determination.

The agency is:

- ☐ Granting the requested accommodation (Skip to Section 4)
- ☐ Granting an alternative accommodation (Complete sections 2 and 4)
- ☐ Denying the accommodation (Complete Sections 3 and 4)

Section 2. Alternative Accommodation Granted.

2a. The requested accommodation was not granted or was rescinded because (check all that apply):

- ☐ Accommodation ineffective/inappropriate
- ☐ Accommodation would require removal of one or more essential functions
- ☐ Accommodation would require lowering of performance or production standard
- ☐ Accommodation would cause an undue hardship
- ☐ Accommodation poses a direct threat that cannot be mitigated
- ☐ An equally effective accommodation has been identified
- ☐ Other/Temporary/Interim Accommodation (Identify) Click or tap here to enter text.

2b. Detailed reason(s) the requested accommodation was not granted or was rescinded (*i.e.*, why accommodation is ineffective, causes undue hardship, etc.):

Click or tap here to enter text.

2c. Description of alternative accommodation being granted (explain how the alternative accommodation addresses the limitation, is equally effective, and preferable to the agency):

Click or tap here to enter text.

2d. The employee ☐ is ☐ is not accepting the alternative accommodation. If not, describe the employee's stated reason for not accepting the alternative accommodation.

Click or tap here to enter text.

(Skip to Section 4)

Section 3. Denying the Accommodation Request.

3a. The agency is denying the accommodation and unable to grant any accommodation because (check all that apply):

- ☐ Supporting documentation was inadequate
- ☐ Employee failed to engage in the interactive process
- ☐ Accommodation ineffective/inappropriate
- ☐ Accommodation would require removal of one or more essential functions
- ☐ Accommodation would require lowering of performance or production standard
- ☐ Accommodation would cause an undue hardship
- ☐ Accommodation poses a direct threat that cannot be mitigated
- ☐ Other (Identify) Click or tap here to enter text.

3b. Detailed reason(s) the requested accommodation was not granted (*i.e.*, why accommodation is ineffective or causes undue hardship):

Click or tap here to enter text.

3c. An alternative accommodation is not being offered because (check all that apply):

- ☐ No equally effective accommodation has been identified
- ☐ The agency does not have a light duty position for which the employee is qualified
- ☐ The agency does not have a vacant position for which the employee is qualified

3d. The agency took the following steps in searching for an effective accommodation:

Click or tap here to enter text.

Move on

Section 4. Notification of EEO Rights.

An employee who believes that an accommodation was unlawfully denied, will not be effective, or experienced an undue delay in processing and granting an accommodation may:

- Request reconsideration with the agency ADA Coordinator
- Request technical guidance from ODR odr@dc.gov
- Contact any agency's certified EEO Counselor for informal mediation⁷⁹
- File a complaint with:
 - The DC Office of Human Rights⁸⁰ at ohr.dc.gov/service/file-discrimination-complaint
 - The US Department of Justice at civilrights.justice.gov/report/
 - The US Equal Employment Opportunity Commission at eeoc.gov/filing-charge

Signature of ADA Coordinator	Date Click or tap to enter a date.
Signature of Employee Acknowledging Receipt of Decision	Date Click or tap to enter a date.

The primary use of the information in this form is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: to medical personnel to meet a *bona fide* medical emergency; to another District agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a District agency when the District is a party to the judicial or administrative proceeding; to a legislative office from the record of an individual in response to an inquiry from the legislative office made at the request of the individual; and to an authorized grievance official, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

Updated May 10, 2024

⁷⁹ The DC Office of Human Rights maintains a list of certified EEO Counselors, which is available at: <https://ohr.dc.gov/publication/certified-eeo-counselor-officer-list>

⁸⁰ Prior to filing a complaint with OHR, an employee must first consult with any agency's certified EEO Counselor for informal mediation within 180 days of the accommodation decision. More information can be found here: <https://ohr.dc.gov/page/EEOcounselors>

K. Checklist for Reasonable Accommodation Determination and Implementation

The reasonable accommodation process, from receipt of the request to accommodation implementation, should be completed within thirty (30) business days, absent extenuating circumstances.

- ☐ 1. Acknowledge the accommodation request by:
 - ☐ Entering it into the ADA Tracker database within three (3) business days of receipt.
 - ☐ Contacting the employee or applicant and providing the individual with the Process and Next Steps letter, Request Form, Verification Letter, and position description. Explain that a verification letter is only needed if the disability or related-need for the accommodation are not obvious.
 - ☐ Scheduling a meeting with the individual to begin the interactive process.
- ☐ 2. Before the individual meeting:
 - ☐ Request that the individual submit the written reasonable accommodation request form and verification letter (if needed). If the individual is unable or unwilling to complete the form, gather the information yourself and enter it as appropriate.
 - ☐ Review the information provided in the request form and verification letter.
 - ☐ Obtain the individual's job description and list of essential and marginal functions (if needed).
 - ☐ Identify the essential and marginal functions of the position (which may include a discussion with the employee's manager).
- ☐ 3. At the individual meeting:
 - ☐ Explain and ensure the individual understands the policy and process.
 - ☐ Identify the barriers to job performance.
 - ☐ Identify the employee's limitations and the resulting impact on the individual's ability to perform essential functions of their job.
 - ☐ Explore options for reasonable accommodations.
 - ☐ Determine if there are deficiencies in the information. If there are deficiencies, request additional clarification from the individual.
- ☐ 4. After the individual meeting:
 - ☐ Send an email to the individual listing additional information or documentation that is needed along with a date by which the information should be provided.
 - ☐ Send a reminder email if the additional information or documentation is not timely received from the individual.

- ☐ Review additional documentation or information received from the individual. If there are still deficiencies, determine whether it is more appropriate to make another request or ask for a HIPAA release and contact the qualified provider.
- ☐ 5. After documentation or information is complete, determine:⁸¹
 - ☐ Eligibility, *i.e.*, whether: (See Worksheets A and B)
 - ☐ The individual is living with a disability (or has a record of a disability).
 - ☐ The disability substantially impacts the ability to perform one or more essential functions of the position.
 - ☐ Whether the impacted job function is essential or marginal. There is no duty to provide an accommodation for a marginal function but removing or reallocating the marginal function can be an accommodation. (See Worksheet B)
 - ☐ Whether the requested accommodation will be effective (*i.e.*, it will enable the employee to perform the essential functions of the position impacted by the symptoms of their disability). (See Worksheet C)
 - ☐ Whether there is an equally effective alternate accommodation that the agency prefers. (See Worksheet C)
 - ☐ If so, confirm that it will be equally effective.
 - ☐ Whether the accommodation causes an undue hardship, direct threat, or fundamental alteration. (See Worksheet D)
 - ☐ If so, whether there are ways to mitigate.
 - ☐ If other ideas for an accommodation are needed:
 - ☐ Consult with ODR
 - ☐ Contact JAN
- ☐ 6. Determine whether to:
 - ☐ Grant the requested accommodation(s).
 - ☐ Grant equally effective alternate accommodation(s).
 - ☐ Deny any accommodation.
- ☐ 7. Complete and send the employee a determination letter and form.
(Optional: ☐ Before sending the letter, ask the agency general counsel to review the completed determination letter and form for legal sufficiency.)
- ☐ 8. If necessary, send the individual's manager with a summary of the accommodation provided. No medical information should be included.
- ☐ 9. Implement the accommodation
 - ☐ If equipment:
 - ☐ Acquire the equipment.
 - ☐ Install the equipment.

⁸¹ Worksheets A-D are helpful in determining whether you have sufficient information for the various elements. Completing them is optional.

- ☐ Train the employee on the equipment's use.
- ☐ If policy modification, inform the individual's direct manager and HR staff (if necessary) of the policy adjustment, oversee implementation.
- ☐ Advise the individual of any implementation delays and provide an interim accommodation if necessary and feasible.
- ☐ 10. Monitor the accommodation
 - ☐ Check in with the individual after 4-6 weeks to determine whether:
 - ☐ The accommodation is still effective.
 - ☐ Any hardships have arisen.
 - ☐ Further periodic check-ins are needed.
 - ☐ Check in with the manager after 4-6 weeks to determine whether:
 - ☐ The accommodation is still effective.
 - ☐ Any hardships have arisen.
 - ☐ Further periodic check-ins are needed.
- ☐ 11. Ensure that all confidential information is stored properly.

ADA Checklist A: Disability Determination⁸²

Definition of Disability: A disability is a physical or mental impairment that substantially limits a major life activity, or a “record” of such a condition.

Does the individual have a current disability or record of a disability?

Does the individual have an impairment? ☐ Yes ☐ No

If yes:

What is the impairment?

Click or tap here to enter text.

What are the symptoms or effects of the impairment?

Click or tap here to enter text.

Discuss evidence of the impairment.

Click or tap here to enter text.

Is a major life activity or major bodily function affected by the impairment? ☐ Yes ☐ No

Does the impairment *substantially limit* the major life activity or major bodily function?

☐ Yes ☐ No

If yes, what is the major life activity or major bodily function?

- Examples of “**major life activities**” include, but are not limited to, walking, lifting, seeing, performing manual tasks, sitting, breathing, eating, speaking, hearing, learning, reading, personal care/grooming, bending, concentrating, communicating, working, and other activities.
- Examples of “**major bodily functions**” include, but are not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Click or tap here to enter text.

Discuss what the individual can and cannot do compared to the average person.

Click or tap here to enter text.

How long is the condition expected to last?

⁸² This checklist has been adapted from materials provided by David Fram of the National Employment Law Institute, <https://www.neli.org/>

Click or tap here to enter text.

If the individual has a current or record of a disability, fill out Checklist B on Qualified Individual. If no, the individual is not entitled to a reasonable accommodation.

ADA Checklist B: Qualified Individual⁸³

Definition of Qualified: An individual with a disability is considered a qualified individual if the employee or applicant satisfies the requisite skill, experience, education, and other qualification-related requirements of the position, and who can perform the essential functions of the position with or without a reasonable accommodation.

Is the employee or applicant qualified to perform the position?

Does the individual have the required skill, education, and experience for the position, and does the individual meet other qualification standards? ☐ Yes ☐ No

If no, the individual is not considered a “qualified individual” and is not entitled to an accommodation.

If the individual does not have the required skill, education, and experience for the position or does not meet other qualification standards, does the individual claim that they are being denied the position because of a qualification standard that screens out individuals with a certain disability? ☐ Yes ☐ No

If yes, what is the qualification standard at issue? [Click or tap here to enter text.](#)

Why does the individual claim the disability keeps the applicant from meeting the qualification standard? [Click or tap here to enter text.](#)

If the qualification standard screens out the applicant because of disability, is it “job-related and consistent with business necessity” (i.e., is it necessary to perform an essential function of the job or to prevent direct threat)? [Click or tap here to enter text.](#)

Can the individual perform the essential functions of the position, with or without a reasonable accommodation? ☐ Yes ☐ No

If no:

(a) What is the essential function that the individual cannot perform with or without reasonable accommodation? [Click or tap here to enter text.](#)

(b) What evidence/documentation supports the determination that the function is essential? [Click or tap here to enter text.](#)

(c) How did the agency determine that the employee cannot perform the essential function even with a reasonable accommodation? [Click or tap here to enter text.](#)

⁸³ This checklist has been adapted from materials provided by David Fram of the National Employment Law Institute, <https://www.neli.org/>

Is the accommodation being requested to perform an essential function of the position? ☐ Yes
☐ No

If yes, what essential function is the accommodation being requested to perform, and what evidence/documentation supports the determination that the function is essential?

[Click or tap here to enter text.](#)

If the individual is a qualified individual with a disability, fill out ADA Checklist C on Accommodation Determination. If no, the individual is not entitled to a reasonable accommodation.

ADA Checklist C: Accommodation Determination⁸⁴

Definition of Reasonable Accommodation: A reasonable accommodation is a workplace modification that enables the individual with a disability to apply for a job, perform the essential functions of the job, and enjoy the job benefits. (See *below* for types of accommodations.) An agency doesn't need to provide a reasonable accommodation that causes an "undue hardship" or "direct threat."

What accommodation is appropriate?

What category of "disability" does the individual claim?

☐ Current ☐ Record of ☐ Regarded as (See Checklist A for Determining Disability)

If "current or record of," continue. If "regarded as," the individual is not entitled to an accommodation.

For which essential function does the individual need a reasonable accommodation?

[Click or tap here to enter text.](#)

What type of accommodation(s) (if anything specific) was requested by the individual? If a specific accommodation was not requested, what type of accommodation(s) was discussed between the individual and agency? (Check all that apply.)

- ☐ Equipment or machinery
- ☐ Reader
- ☐ Interpreter
- ☐ Modification of policy (including leave policy)
- ☐ Accessibility
- ☐ Job restructuring (reallocation of marginal functions)
- ☐ Modification to work schedule
- ☐ Telework
- ☐ Examinations/training materials
- ☐ Reassignment
- ☐ Other [Click or tap here to enter text.](#)

Describe the specific accommodation(s) requested or discussed.

[Click or tap here to enter text.](#)

Will any of the requested or discussed accommodations alleviate the impact of the disability to enable the individual to perform the essential functions of the position? ☐ Yes ☐ No

If yes, describe how it will work: [Click or tap here to enter text.](#)

If no, describe in detail why not: [Click or tap here to enter text.](#)

⁸⁴ This checklist has been adapted from materials provided by David Fram of the National Employment Law Institute, <https://www.neli.org/>

If there are multiple effective accommodations, which accommodation does the individual prefer?
Click or tap here to enter text.

Is there an equally effective alternative accommodation that the agency prefers (instead of the accommodation the employee prefers)? ☐ Yes ☐ No

If yes:

(a) What is the preferred alternative? Click or tap here to enter text.

(b) Why does the agency prefer the alternative? Click or tap here to enter text.

Based on the above, is there any reasonable accommodation the agency can provide that will enable the individual to perform the essential functions of the job? ☐ Yes ☐ No

If the agency can provide a reasonable accommodation, fill out Checklist D to ensure that there is no applicable exception. If no, consult with ODR before proceeding with separation.

ADA Checklist D: Determining Denial Exceptions⁸⁵

Denial Exceptions: Agencies may deny an accommodation that poses an undue hardship or direct threat or would require a fundamental alteration.

Undue Hardship: an action requiring significant difficulty or expense when considered in light of a number of factors, such as the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the agency's operation.

Will the accommodation impose an undue hardship? ☐Yes ☐No

If yes: What evidence exists to support undue hardship? (Check all that apply)

☐Cost of accommodation (taking into account available financial resources of the agency as a whole)

☐Impact of the accommodation on the agency's operation, including the impact on other individuals' ability to perform their duties and the agency's ability to conduct business

☐Terms of a collective bargaining agreement (discuss below how the accommodation would affect the rights of other individuals, and whether you tried to negotiate a change to collective bargaining agreement)

☐ Other [Click or tap here to enter text.](#)

Describe the specific evidence supporting undue hardship: [Click or tap here to enter text.](#)

Direct Threat: The individual with a disability poses a *significant risk of substantial harm* to the individual or others that cannot be mitigated. The following factors should be considered:

What is the specific risk (e.g., contagion, injury, etc.)? [Click or tap here to enter text.](#)

Is the risk significant (i.e., highly probable)? ☐Yes ☐No

What is the duration of the risk? [Click or tap here to enter text.](#)

Is the specific harm identified? ☐Yes ☐No

What is the harm? [Click or tap here to enter text.](#)

Is the harm substantial? ☐Yes ☐No

Is the harm imminent? ☐Yes ☐No

Can the risk or the harm be reduced by providing an accommodation? ☐Yes ☐No

If yes: What accommodation will mitigate the risk? [Click or tap here to enter text.](#)

Will the accommodation pose a direct threat? ☐Yes ☐No

If yes: What objective, current evidence exists to support a direct threat? [Click or tap here to enter text.](#)

Fundamental Alteration: A change so significant that it alters the essential nature of the position, services, program, or activities provided by the District.

⁸⁵ This checklist has been adapted from materials provided by David Fram of the National Employment Law Institute, <https://www.neli.org/>

Will the accommodation cause a fundamental alteration? ☐Yes ☐No

If yes: What evidence exists to support a fundamental alteration? [Click or tap here to enter text.](#)

Does the accommodation pose an undue hardship, direct threat, or fundamental alteration?

☐ Yes ☐ No

If yes, determine whether there is an equally effective alternative. If there is no equally effective alternative, the agency should explore reassignment. If reassignment is not possible given current openings, the agency should consult with ODR before proceeding with separation.