



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: HRD/PDB

NUMBER: 3720.03

DATE: December 13, 2016

Reasonable Accommodation Program

/s/

Approved: Thomas R. Kane

Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To provide procedures for all Bureau of Prisons (Bureau) staff members and applicants for employment in requesting and responding to requests for reasonable accommodation made under the Rehabilitation Act and the Americans with Disabilities Act (ADA) Amendments Act of 2008; applicable regulations of the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management; the Master Agreement; and policies of the Department of Justice. Under the law, the Bureau must provide reasonable accommodation to qualified employees or applicants with disabilities unless to do so would cause undue hardship.

a. **Program Objectives.** The intent of this Program Statement is to ensure that:

- Staff members and applicants for employment are informed of the procedures and requirements in order to make a reasonable accommodation request.
- Staff members are informed of the avenues to appeal decisions related to reasonable accommodations.
- Supervisory staff are informed of the procedures and requirements to respond appropriately and timely to requests for reasonable accommodation.
- The Bureau will meet legal requirements concerning reasonable accommodation requests, and obtain the benefits that arise from maintaining a diverse and inclusive workplace.

b. **Institution Supplement.** No institution supplement is required for this policy. Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. DEFINITIONS

Reasonable Accommodation – In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodations: 1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires. 2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position. 3) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges or employment as are enjoyed by its other similarly situated employees without disabilities.

Undue Hardship – A specific accommodation would require significant difficulty or significant expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed, the impact of the accommodation on the operations of the Bureau, and available resources of the Department of Justice as a whole.

Essential Functions – Those job duties that are so fundamental to the position that the individual cannot do the job effectively without being able to perform them with or without a reasonable accommodation.

Healthcare Provider – Any licensed healthcare providers as long as they are practicing within the scope of their licenses.

Reasonable Accommodation Coordinators – The Human Resource Manager of each Bureau location will serve as the Reasonable Accommodation Coordinator for institutions or facilities he/she serves.

National Reasonable Accommodation Coordinator (NRAC) – facilitates the Bureau's Reasonable Accommodation Program and is located within the Human Resource Management Division (HRMD).

3. RESPONSIBILITIES

- a. The **Assistant Director, Human Resource Management Division (HRMD)**, is responsible for establishing and maintaining procedures for processing reasonable accommodation requests under Section 501 of the Rehabilitation Act of 1973. The purpose of such procedures is to provide employees, as well as supervisors and managers, with an easy-to-understand, step-by-step explanation of the Reasonable Accommodation process.
- b. The **Personnel Director, HRMD**, is responsible for implementing the Bureau's Reasonable Accommodation Program.
- c. The **National Reasonable Accommodation Coordinator (NRAC)** is responsible for:
- Administering the Bureau's Reasonable Accommodation Program.
 - Working with supervisors, managers, and Human Resource Offices (HRO) throughout the interactive process by providing technical resource information on processing requests for reasonable accommodation.
 - Serving as a resource for employees and conducting research on possible interim and long-term accommodations or assessments if needed.
 - Identifying training needs, and monitoring progress to ensure employees' needs are met as required by applicable law, rules, regulations, and Department of Justice and Bureau guidance. If there is difficulty doing so at the local level, the NRAC will serve as a contact person for making workspace accessible to individuals with disabilities and procuring furniture, equipment, and services, such as assistive technology, at the local level.
 - Collecting and maintaining any information obtained regarding the medical condition or history of an applicant or employee.
 - Maintaining relevant accommodation-related materials and compiling cumulative data for tracking and reporting purposes.
 - Identifying vacancies for which an employee may be qualified when reassignment has been identified as an appropriate accommodation.
 - Analyzing reasonable accommodation activities to measure the performance of the Bureau's Reasonable Accommodation Program and bringing trends or areas of identified concern to the attention of the Assistant Director, HRMD, to ensure accountability of the program.
- d. **Local Human Resource Offices (HRO)** are responsible for:
- Serving as the Reasonable Accommodation Coordinator (RAC).
 - Notifying the NRAC of any request for reasonable accommodation made by an employee or applicant for employment.
 - Assisting applicants, employees, and supervisors in processing requests for reasonable accommodation.

e. **Decision makers** are responsible for:

- Ensuring reasonable accommodation requests are processed expeditiously and in accordance with the procedures outlined in this policy.
- Engaging in interactive communication with the employee.
- Processing the accommodation request in coordination with the HRO and/or the NRAC.
- Identifying possible accommodations.
- Determining whether a reasonable accommodation will be provided.

f. **Employees and applicants** are responsible for:

- Raising the need for a reasonable accommodation.
- When necessary, providing appropriate medical information related to the functional limitations and requested accommodation.

g. The **Office of General Counsel (OGC)** is responsible for advising on and interpreting the law as it relates to reasonable accommodation.

4. **RELATION TO OTHER AUTHORITIES**

This policy determines the procedures for staff members to request and supervisors to respond appropriately to requests for reasonable accommodation. Substantive determinations (e.g., whether an individual is a qualified person with a disability, the type of accommodations provided, etc.) will be determined in each individual case in accordance with the relevant statutes, case law, administrative decisions (e.g., EEOC, MSPB, arbitration decisions), regulations, and this policy.

Further, in any conflict between this policy and Government-wide regulations, the Government-wide regulations will be followed until this policy can be updated in accordance with the Master Agreement.

This policy applies to all physical and mental impairments as defined by the Rehabilitation Act, regardless of how/where the impairment was acquired. An off-duty injury or illness can be a temporary disability and may require a reasonable accommodation, which will be determined by all applicable laws and regulations. For all on-duty injuries or illnesses staff should reference this policy and the Program Statement **Workers' Compensation Program**.

5. **REQUESTS FOR ACCOMMODATION**

a. **Reasonable Accommodation Interactive Process.** In most circumstances, it is the obligation of the employee to initiate the reasonable accommodation process orally or in

writing. However, there may be situations where the known disability of the employee impairs that employee's ability to effectively communicate a need for an accommodation that is obvious to the supervisor. In either circumstance, the need for an accommodation should begin an interactive and flexible process between the employee and supervisor in order to identify an effective accommodation.

The interactive process will include:

- An analysis of the particular job to determine its purpose and essential functions.
- A consultation with the employee to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
- An identification of potential accommodations and, in conjunction with the employee, an assessment of the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job.
- Consideration of the preference of the employee and selection and implementation of the accommodation that is appropriate to meet the needs of the employee and the Bureau.

Depending on individual circumstances, reasonable accommodations may include, but are not limited to, modifications to the application of Bureau policies, modifications to the work environment, providing equipment and assistive devices, and reassignments.

The accommodation need not be the most expensive, nor must it be exactly what the individual requests, but it must be effective in assisting an individual in performing the essential functions of the position.

A reasonable accommodation request shall not be the basis for a lower performance appraisal. If a supervisor is aware that a staff member's performance is impacted because of his/her mental or physical impairment, the supervisor must initiate the interactive process.

Institutions or facilities are advised to refrain from ordering a fitness for duty examination upon initial receipt of an accommodation request; they must first engage in the interactive process as described in this section.

Employees experiencing performance or conduct problems may be entitled to reasonable accommodations.

It is the responsibility of both the supervisor and the employee to engage in the interactive process. Effective communication between the parties is critical to this process, particularly in cases where the need for accommodation is not readily apparent.

Employees who request a reasonable accommodation shall not be placed on enforced leave pending review of the accommodation request unless their presence poses a danger to self, others or the orderly operation of the workplace. However, if the employee is on leave and not medically cleared to return to work when the request is made, the employee will remain on leave until the accommodation is decided upon.

b. The Request Process

(1) **Job Applicants.** Job applicants may make requests for reasonable accommodation to the individual identified in the appropriate vacancy announcement as the point of contact for reasonable accommodations. All vacancy announcements will include contact information for reasonable accommodation requests. Processing of a request should begin immediately and can be made by an applicant to any agency employee with whom the applicant has contact. Upon receipt, the request should be forwarded to the HRO who will forward to the NRAC.

(2) **Current Staff Members.** Employees may initiate the reasonable accommodation process either orally or in writing at any time, as the agency's duty to accommodate is an ongoing one. There is no exact language that needs to be used in making such a request. Words or phrases such as "reasonable accommodation" and/or "disability" are not required for an accommodation request to be considered. It is sufficient for the employee to indicate that he/she needs an adjustment or change at work for a reason related to a medical or mental health condition or impairment. Upon receipt of the request, the supervisor or the HRO must begin the interactive process using the DOJ Form 100A (if one is not provided) attached to this policy and available at the link in the References section, below.

Upon receipt of either an oral or a written reasonable accommodation request, consultation will occur between the supervisor and the HRO. Additional resources are also identified in the Reasonable Accommodation BOP Sallyport Website. Processing of the request should begin immediately, and the agency official must begin processing the request as soon as it is received, and not wait for a written request or a record-keeping form. An individual's request begins when the individual makes that request to any of the following: his/her supervisor; a supervisor or manager in his/her immediate chain of command; the EEO office; the NRAC; or their local HRO.

A request for accommodation also may be made by a family member, health professional, or other representative who is acting on the individual's behalf.

The HRO may only request medical documentation from the employee when the need for accommodation is not apparent, and there is no other medical information already on record for the employee that demonstrates the current need. The request should be limited to only the documentation that is needed to establish that a person has a disability, that the disability necessitates a reasonable accommodation, and the restrictions of the employee.

(3) **Approvals (Decision maker).** Approvals of accommodation requests are normally made by an employee's first-line supervisor. Consultation may be made with the NRAC and/or the local HRO, regarding possible accommodation options. Upon approval, the supervisor will notify the staff member in writing. Approvals of applicant requests are made on a case-by-case basis at the appropriate level after consultation with the NRAC.

(4) **Denials/Reconsiderations (Decision maker).** Prior to denying a reasonable accommodation request, the NRAC should be consulted. Denials made for institution/Training Centers positions will be made by the Chief Executive Officer. Denials made for Regional Office staff will be made by their Regional Administrator. Denials made for Central Office/Grand Prairie Office Complex positions will be made by the appropriate Branch Chief. If a request for reasonable accommodation is denied, it must be in writing and outline the reasons for the denial by using DOJ Form 100C (attached to this policy and available at the link in the References section, below).

In situations where the requested accommodation is denied, but an alternative accommodation has been provided, the agency will explain, in writing, the reasons for the denial, and the reason that the chosen accommodation will be effective.

In conjunction with the denial of a request for reasonable accommodation, the HRO, in issuing the DOJ Form 100 C, will inform the staff member of the right to request reconsideration as indicated below, file an EEO complaint, file a grievance under the Master Agreement, or, if there is an adverse action, file an appeal with the Merit Systems Protection Board. Finally, the HRO should identify any available informal dispute resolution avenues, such as contacting the Ombudsman or using the procedures of the Program Statement **Conflict Resolution Policy**.

A staff member may request that a denial made at the institution/regional office be reviewed by the Deputy Regional Director for institution/regional decisions. The appropriate Senior Deputy Assistant Director will reconsider denials of Central Office/Grand Prairie Office Complex/ Training Centers decisions. The NRAC and the Office of General Counsel will be consulted on these matters.

Using either of these procedures does **not** delay applicable time frames, as outlined in Section 8.

c. **Medical Documentation/Information and Confidentiality.** Requests for medical documentation will be made by the HRO in accordance with Section 4 (b) (2), above, and the following requirements.

The Bureau is entitled to know that an employee or applicant has a disability that requires a reasonable accommodation. In some cases the disability and need for accommodation will be

obvious or otherwise already known to the decision maker. In these cases, the Bureau will not ordinarily seek any further medical information without consultation with the NRAC.

The request will be only for relevant information from a healthcare provider through the employee (i.e., should be limited to only the documentation that is needed to establish that a person has a disability, that the disability necessitates a reasonable accommodation, and the restrictions of the employee.)

It is not appropriate to request medical information/documentation that is unrelated to the individual's request for accommodation. Under the Rehabilitation Act, Privacy Act, and other relevant authorities, the disability and any medical information obtained in the accommodation process or via other channels must be kept confidential. This confidentiality obligation applies to any agency personnel who are provided with the information *whether or not the accommodation was approved*. This obligation applies to applicants as well as employees.

Additional clarifying information may only be requested if the information submitted does not clearly explain the nature of the disability or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the position. Such a request for supplemental documentation must be made expeditiously and be specific so that the employee will know what to provide.

Information provided to the supervisor, HRO, or any management official will be considered confidential, and only shared with other staff on a need-to-know basis.

Employees should understand, however, that it may become necessary to disclose information on the employee's restrictions and approved accommodation to other supervisory staff in order to facilitate any and/or all of the provision(s) of the reasonable accommodation.

The information from the employee's healthcare provider may be reviewed by medical expert(s) of the Bureau's choosing (e.g., an outside healthcare provider or a supervisory Medical Officer) and at the Bureau's request and expense.

Medical information provided to the Bureau on an employee may not be provided to a requestor on behalf of the employee without the employee's written consent.

All requests for reasonable accommodation, along with any medical or other documentation provided, will be collected and maintained by the HRO, and securely kept in files separate from the employee's personnel and medical file. These records will be kept for the duration of an employee's tenure and in accordance with record retention authorities and obligations. Access to this information is strictly limited to those employees with an identifiable need to review the information. Upon an employee's or his/her representative's written request, medical

documentation of the employee will be provided. Should an employee transfer to another institution, the HRO will forward the reasonable accommodation file to the NRAC.

Nothing in this policy affects the record keeping requirements of the Workers' Compensation Program or the Occupational Safety and Health Administration (OSHA).

d. **Timelines.** Bureau officials who receive requests for accommodation should respond to them expeditiously. Officials should not delay in engaging in the interactive process while determining whether to request medical documentation or in discussing the requested accommodation, including possible alternative accommodations, with the employee.

Employees should make best efforts to provide information when needed as part of the interactive process. A delay in providing information may result in the delay of the interactive process. A refusal to provide information may result in the denial of the request.

The failure to provide information in cases where it is needed within a reasonable amount of time, taking into consideration the information requested and the complexity of the matter, may in some cases result in a denial of the request.

A final disposition ordinarily should be made within seven business days of the request or receipt of medical documentation, in cases where medical documentation is required, absent extenuating circumstances. "Extenuating circumstances" are "factors that could not reasonably be anticipated in advance of the accommodation request." Examples include, but are not limited to: a back-order on equipment or not providing requested medical documentation. If there is a delay in processing or providing a request, the agency must inform the employee of the reason for the delay. Further, the agency must consider whether there are any temporary measures to provide until the delay is resolved.

When a request is approved, if applicable, the HRO and/or the NRAC must procure the equipment, furniture, and services on an expedited basis. Whenever possible, the request should be fulfilled, as soon as practicable, and normally within 15 business days after approval.

On occasions where there is a time-sensitive request (e.g., need for assistance in applying for a job vacancy or assistance with an upcoming event), the agency must expeditiously process the request and accelerate the timeframes to respond to the employee or applicant.

A reasonable accommodation will continue to be provided to the employee once granted, unless circumstances concerning the disability, the requirements of the individual's current position, or other relevant factors change. It is incumbent on the employee to make new supervisors aware of the continued need for accommodation.

6. REASSIGNMENTS AS A REASONABLE ACCOMMODATION

Reassignments are a form of reasonable accommodation and should be used as follows:

- If an individual can no longer perform the essential functions of his/her current job.
- If another vacant position in the Bureau exists, or will exist within a reasonable amount of time, for which the employee is qualified.
- The Bureau and the Department of Justice are not required to create jobs for individuals.
- Reassignment will only be considered if no other reasonable accommodation is available and is only available to employees, not applicants.
- When it appears that reassignment outside of the current institution/facility is appropriate, the HRO will contact the NRAC to identify jobs to which an individual can be reassigned.
- When a staff member is reassigned for a reasonable accommodation, the action is an exception to competitive merit promotion procedures.
- The staff member may be asked to submit a resume or other materials to assist in identifying positions for which he/she would qualify.
- Failure of the staff member to provide such information within a reasonable time may result in the denial of the request.
- The NRAC will first focus on Bureau positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the NRAC may consider vacant lower-level positions for which the individual is qualified. The Bureau is not required to consider higher graded positions (e.g., positions that would constitute a promotion) for reassignment.
- If no Bureau positions can be located, the NRAC will then contact other Department of Justice components that may have an appropriate position.
- Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. The employee will specify all locations to be considered. The Bureau is not required to pay for the employee's relocation costs.

7. TRACKING AND REPORTING

Once it is determined whether a request for accommodation will be granted or denied, the HRO must complete DOJ Form 100B (attached to this policy and available at the link in the References section, below).

If denied, DOJ Form 100C (attached to this policy and available at the link in the References section, below) must be completed by the HRO and a copy given expeditiously to the individual who requested the accommodation.

The HRO will forward all forms, including DOJ Form 100A and attachments, if any, to the NRAC.

The NRAC will develop cumulative records, without individual identifiers, based on these forms, so that the Department of Justice may track performance relating to the provision of reasonable accommodation. These records will include: (1) the number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied; (2) the jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested; (3) the types of reasonable accommodations that have been requested for each of those jobs; (4) the number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied; (5) the number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied; (6) the reasons for denial of requests for reasonable accommodation; (7) the amount of time taken to process each request for reasonable accommodation; and (8) the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations. These cumulative records will be kept for at least 3 years and in accordance with other record retention authorities and obligations. Upon request, annually, the cumulative records will be provided to the national Council of Prison Locals.

8. RELATION OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS

Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, are not changed by this policy.

For an EEO complaint: Employees must contact an EEO counselor within 45 days from the date they became aware of the denial of accommodation or other alleged discrimination.

For a grievance: For bargaining unit staff, a grievance must be filed and arbitration invoked in accordance with Articles 31 and 32 of the Master Agreement.

Merit Systems Protection Board: Where the denial of a request results in an adverse action, initiate an appeal to the Merit Systems Protection Board within 30 days of when the employee became aware of an appealable adverse action as defined in 5 C.F.R. § 1201.3

REFERENCES

Statutes

Rehabilitation Act, 29 U.S.C. §§ 706, 794

Americans with Disabilities Act, 42 U.S.C. §§12101, et seq., as amended by ADA Amendments Act of 2008

Privacy Act, 5 U.S.C., 552a

Executive Orders

Executive Order 13164, July 26, 2000, located at:

<http://www.dol.gov/oasam/programs/crc/EO13164.pdf>

Regulations

5 CFR Part 339, Medical Qualification Determinations

29 CFR § 1614.203, Federal Sector Equal Employment Opportunity, Rehabilitation Act 29 CFR Part 1630, Regulations To Implement The Equal Employment Provisions Of The Americans with Disabilities Act (As Amended)

Master Agreement

Department of Justice Policies

Manual and Procedures for Providing Reasonable Accommodation, U.S. Department of Justice, Justice Management Division, located at: <https://www.justice.gov/jmd/eeos/manual-and-procedures-providing-reasonable-accommodation>

Agency ACA Accreditation Provisions

(see the Program Statement **Directives Management Manual**, sections 2.5 and 10.3)

None.

Program Statements

1210.24 Internal Affairs, Office of (5/20/03)

1240.05 Records and Information Management Program (9/21/00)

1601.05 Workers' Compensation Program (3/25/16)

3000.03 Human Resource Management Manual (12/19/07)

3300.02	Employment (3/25/16)
3330.02	Pre-employment (7/25/16)
3420.11	Standards of Employee Conduct (12/6/13)
3713.24	Discrimination and Retaliation Complaints Processing (6/16/14)
3713.25	Bureau of Prisons Anti-Discrimination Policy (06/16/2014)
3713.28	Conflict Resolution Policy (2/23/15)
3713.30	Diversity Management and Affirmative Employment Programs (3/25/16)
3906.19	Physical and Medical Standards for Newly Hired Correctional Employees (09/25/2003)

DOJ Forms

DOJ Form 100A Request for Reasonable Accommodation:

<https://www.justice.gov/sites/default/files/jmd/legacy/2014/01/27/dojform100a.pdf>

DOJ Form 100B Reasonable Accommodation Information Reporting Form:

<https://www.justice.gov/sites/default/files/jmd/legacy/2014/08/16/dojform100b.pdf>

DOJ Form 100C Denial of Reasonable Accommodation:

<https://www.justice.gov/sites/default/files/jmd/legacy/2013/09/24/dojform100c.pdf>

Records Retention Requirements

Records should be retained for duration of individual's employment with the Bureau and in accordance with other record retention authorities. Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.



The U.S. Department of Justice

DOJ Form 100A Request for Reasonable Accommodation

(To be maintained separate and apart from personnel files and for the duration of the individual's employment.)

1.

Employee's Name

Employee's Telephone No.

Title/Series/Grade

E-mail Address

Date of Request

Employee's Office

2. **Accommodation Requested.** *(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)*

3. **Reason for Request.**

If accommodation is time sensitive, please explain:

(Submit this Form to Decision Maker)

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** DOJ Form 100A /Request for Reasonable Accommodation/ October 17, 2002; DOJ Form 100B/Reasonable Accommodation Information Reporting Form/ October 17, 2002; or DOJ Form 100C/Denial of Reasonable Accommodation/October 17, 2002.
2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the letting of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Form 100A is voluntary; however, if you do not provide this information, the Department may not provide you with an accommodation, and you may not receive important information. Forms 100B and 100C are mandatory for Decision Makers.

The U.S. Department of Justice



DOJ Form 100B Request for Reasonable Accommodation Reporting Form

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. A copy must be provided by the Decision Maker to the appropriate Accommodation Coordinator.)

Name of employee requesting reasonable accommodation: _____

Office of employee: _____

1. Reasonable accommodation: (Check one)

- Approved (If approved, attach copy of DOJ Form 100A.
- Denied (If denied, attach copy of DOJ Form 100A, Form 100C and any related written denial letter/memo.)

2. Date reasonable accommodation requested: _____
Who received request: _____

3. Name of Decision Maker if different from person identified directly above: _____

4. Date reasonable accommodation approved or denied: _____

5. Date reasonable accommodation provided (if different from date approved): _____

6. Interim measures provided, if any:

7. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why.

8. Job held by individual requesting reasonable accommodation (including title, occupational series, grade level, and office):

9. **Reasonable accommodation needed for:** (check one)

- Performing Job Functions or Accessing the Work Environment
- Accessing a Benefit or Privilege of Employment
- Attending a training program or social event

10. **Type(s) of reasonable accommodation provided** (*Circle one: Personnel Action, Adaptive Equipment (including Information Technology and Communications Equipment); Specially Designed Furniture; Removal of an Architectural Barrier(s) (including reconfigured work spaces); Accessible Parking; Materials in Alternative Formats (e.g., Braille, large Print); Job Restructuring; Retraining; Adjusting Schedules; Flexible Leave Policies; Alternate Work Schedule; Alternate Work Site; Reassignment To Another Job; Reader, Sign Language Interpreter, or other Staff Assistant; or explain other: _____.*)

11. **Type(s) of reasonable accommodation provided** (*if different from what was requested*):

12. **Was medical or other appropriate supporting information required to process this request? If yes, explain why.**

13. **Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations** (e.g., Job Accommodation Network, disability organization, Personnel, Disability Program manager):

14. **Comments:**

Submitted by: _____

Phone: _____

Title: _____

Attach DOJ Form 100A, DOJ Form 100C (if required) and copies of all documents obtained or developed in processing this request.

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2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the letting of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Form 100A is voluntary; however, if you do not provide this information, the Department may not provide you with an accommodation, and you may not receive important information. Forms 100B and 100C are mandatory for Decision Makers.



DOJ FORM 100C Denial of Reasonable Accommodation

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. Decision Maker must complete number 1-4 and complete number 5, if applicable.)

1. Name of employee requesting reasonable accommodation:

2. Type(s) of reasonable accommodation requested.

3. Request for reasonable accommodation denied because: (may check more than one box)
 - Accommodation Ineffective
 - Accommodation Would Cause Undue Hardship
 - Medical Documentation Inadequate
 - Accommodation Would Require Removal of an Essential Job Function
 - Accommodation Would Require Lowering of Performance or Production Standard
 - Other (Please identify) _____

4. **Detailed reason(s) for the denial of reasonable accommodation** (Must be specific, e.g., why Accommodation is ineffective or causes undue hardship):

5. **If the individual proposed one type of reasonable accommodation which was denied, but rejected an offer of an alternative type of accommodation, explain both the reasons for denial of the requested accommodation and why the offered accommodation would be effective.**

NOTICE TO INDIVIDUAL:

6. If you wish to request reconsideration of this decision, you may take the following steps:

- First, ask the Decision Maker to reconsider his/her denial. Additional information may be presented to support your request.
- Utilize existing procedures for informal dispute resolution that can include any of the following processes: review by a second line supervisor or review by another neutral party.

RECONSIDERATION, REVIEW, AND USE OF ALTERNATIVE RESOURCES DO NOT AFFECT THE TIME LIMITS FOR INITIATING STATUTORY AND COLLECTIVE BARGAINING CLAIMS. AN INDIVIDUAL'S PARTICIPATION IN INFORMAL DISPUTE RESOLUTION PROCESSES WILL NEITHER SATISFY NOR DELAY TIME RESTRICTIONS OF THE FORMAL PROCESSES INDICATED BELOW.

7. If you wish to file an EEO complaint, or pursue MSPB and union grievance procedures, you must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. §§ 1614, contact an EEO counselor in the appropriate Equal Employment Opportunity office *within 45 days from the date of denial of reasonable accommodation; or*
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
- Where the denial of a request results in an adverse action, initiate an appeal to the Merit Systems Protection Board *within 30 days of an appealable adverse action* as defined in 5 C.F.R. §§ 1201.3.

Print/Type: Name/Title of Decision Maker

Signature of Decision Maker

Date reasonable accommodation denied: _____

I acknowledge that I have read the above information with regard to my request for accommodation.

Signature of Requester

Date

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** DOJ Form 100A /Request for Reasonable Accommodation/ October 17, 2002; DOJ Form 100B/Reasonable Accommodation Information Reporting Form/ October 17, 2002; or DOJ Form 100C/Denial of Reasonable Accommodation/October 17, 2002.

2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.

3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.

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