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NIFA

# Section J

# MD-715 – Part J

## Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

### Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and targeted disabilities in the federal government.

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

a. Cluster GS-1 to GS-10 (PWD) Answer: No

b. Cluster GS-11 to SES (PWD) Answer: No

\* For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

a. Cluster GS-1 to GS-10 (PWTD) Answer: No

b. Cluster GS-11 to SES (PWTD) Answer: No

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

These goals have been communicated through USDA's Disability Employment Manager by NIFA's Disability Employment Manager via emails to all employees of NIFA.

## Section II: Model Disability Program

Pursuant to 29 C.F.R. §1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

### **A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM**

Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

Answer: Yes

Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff by Employment Status			Responsible Official (Name, Title, Office, Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	4	0	0	Human Resources Staff
Answering questions from the public about hiring authorities that take disability into account	2	0	0	Laura Artis, Equal Opportunity Specialist, NIFA, lartis@nifa.usda.gov  Bobbie A. Moore, EEO Director, NIFABobbie.moore@nifa.usda.gov
Processing reasonable accommodation requests from applicants and employees	1	0	0	Tonya Morrison, Reasonable Accommodation Manager, ARS, Tonya.morris@ars.usda.gov
Section 508 Compliance	1	0	0	Derrick Goodman, Information Technology Specialist, NIFA dgoodman@nifa.usda.gov

Architectural Barriers Act Compliance	1	0	0	Sarah Reed, Assistant Section 508 Officer, USDA Sarah.Reed@ocio.usda.gov
Special Emphasis Program for PWD and PWTD	2	0	0	Laura Artis, Equal Opportunity Specialist, NIFA, lartis@nifa.usda.gov  Bobbie A. Moore, EEO Director, NIFA, Bobbie.moore@nifa.usda.gov

Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If "yes", describe the training that disability program staff have received. If "no", describe the training planned for the upcoming year.

Answer: Yes

**PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM**

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If "no", describe the agency's plan to ensure all aspects of the disability program have sufficient *funding* and other *resources*.

Answer: Yes

**Section III: Plan to Recruit and Hire Individuals with Disabilities**  
Pursuant to 29 C.F.R. § 1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD.

**A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES**

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

NiFA utilizes the following resources to identify job applicants with disabilities, including persons with targeted disabilities.  
Schedule A Hiring Authority Designation in all USDA application processes.  
USAJOBS, OPM Federal Job Application Website.  
The Talent Acquisition Portal, known as "Tapability" is automatically uploaded from USAJOBS.  
Pathways Student Intern Program.  
WRP Program.

2. Pursuant to 29 C.F.R. § 1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce.

Human Resources advertises each vacant position under the Schedule A Hiring Authority, which takes disability into account. A schedule A Letter is required to accompany each application which serves as certification that the applicant is an individual with a disability. Disabled Veterans are encouraged to apply for federal positions, with the submission of an SF 15 Form for declaration of veteran preferences, used by Federal Agencies and OPM for veterans claiming various veteran point preference,

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority and (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

This function is centralized in the Human Resources Office at Agricultural Research Service (ARS). Human Resources makes the determination of eligibility based on the employment application, the Schedule A Letter, and/or the Form SF 15 submitted at the time of application. The application packet is forwarded to the hiring manager, for selection of applicants.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer: No

NiFA will conduct a training session with Leadership regarding Schedule A Hiring Authority.

## **B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS**

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

NIFA works with various disability organizations such as the USDA Veterans and Persons with Disabilities Portal (USDA Vet/PwD Portal). USDA also maintains an agreement with The Talent Acquisition Portal (TAP). Under this agreement, USDA job opportunities posted to the USAJOBS website are uploaded to the TAP Web portal where Schedule A eligible applicants with disabilities can view the opportunities posted and apply.

### C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

a. New Hires for Permanent Workforce (PWD)      Answer: No

b. New Hires for Permanent Workforce (PWTD)      Answer: Yes

b. New Hires for PWTD in the permanent workforce is at zero, and does not meet the 2% benchmark.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. New Hires for MCO (PWD)      Answer: No

b. New Hires for MCO (PWTD)      Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified *internal* applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. Qualified Applicants for MCO (PWD)      Answer: No

b. Qualified Applicants for MCO (PWTD)      Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

a. Promotions for MCO (PWD)      Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

## Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

### A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

The Agency provides opportunities for advancement for all employees, including PWD and PWTD. NIFA Institute Directors and Managers regularly work with employees on an individual basis in developing employee plans for career advancement. Examples of programs the agency utilizes to assist employees in career development and advancement include: The Agency's Competency-Centric Learning and Development Framework, Detail Opportunities, Courses available through USDA the AgLearn system, GovLoop Academy, Coursera Courses, along with various online courses and webinars designed to assist employees in their career advancement. Tuition discounts are also available for employees taking courses at Champlain College, to assist employees in career advancement.

### B. CAREER DEVELOPMENT OPPORTUNITIES

1. Please describe the career development opportunities that the agency provides to its employees.

NIFA provides career development opportunities to all employees including PWD and PWTD. Training and Career Development programs offered to NIFA employees include a Mentoring Program, an Executive Coaching Program, Detail Programs offered to agency staff, SES, Office Directors, and Division Directors, Lead 21 Leadership Development Program, and the AgLearn training system. Student interns are offered career development through the Pathways Program.

2. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

- a. Applicants (PWD) Answer: No
- b. Selections (PWD) Answer: No

There is nothing to report at this time.

3. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

- a. Applicants (PWTD) Answer: No
- b. Selections (PWTD) Answer: No

There is nothing to report at this time.

### C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

a. Awards, Bonuses, & Incentives (PWD) Answer: No

b. Awards, Bonuses, & Incentives (PWTD) Answer: No

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If "yes", please describe the trigger(s) in the text box.

a. Pay Increases (PWD) Answer: No

b. Pay Increases (PWTD) Answer: No

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If "yes", describe the employee recognition program and relevant data in the text box.

a. Other Types of Recognition (PWD) Answer: No

b. Other Types of Recognition (PWTD) Answer: No

#### **D. PROMOTIONS**

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. SES

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

b. Grade GS-15

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

c. Grade GS-14

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

d. Grade GS-13

i. Qualified Internal Applicants (PWD) Answer: No

ii. Internal Selections (PWD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

2. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. SES

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

b. Grade GS-15

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

c. Grade GS-14

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

d. Grade GS-13

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

a. New Hires to SES (PWD) Answer: No

b. New Hires to GS-15 (PWD) Answer: No

c. New Hires to GS-14 (PWD) Answer: No

d. New Hires to GS-13 (PWD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

- a. New Hires to SES (PWTD) Answer: No
- b. New Hires to GS-15 (PWTD) Answer: No
- c. New Hires to GS-14 (PWTD) Answer: No
- d. New Hires to GS-13 (PWTD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

- i. Qualified Internal Applicants (PWD) Answer: No
- ii. Internal Selections (PWD) Answer: No

b. Managers

- i. Qualified Internal Applicants (PWD) Answer: No
- ii. Internal Selections (PWD) Answer: No

c. Supervisors

- i. Qualified Internal Applicants (PWD) Answer: No
- ii. Internal Selections (PWD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

b. Managers

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

c. Supervisors

i. Qualified Internal Applicants (PWTD) Answer: No

ii. Internal Selections (PWTD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWD) Answer: No

b. New Hires for Managers (PWD) Answer: No

c. New Hires for Supervisors (PWD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWTD) Answer: No

b. New Hires for Managers (PWTD) Answer: No

c. New Hires for Supervisors (PWTD) Answer: No

No analysis could be made, as qualified applicant pool data was not provided through the Department's data system.

## Section V: Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace personal assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

Answer: No

This information is not yet available for this reporting period. Human Resources did not have a mechanism for tracking Schedule A employees who were hired two years ago. Therefore, conversions were not done for Schedule A employees who had satisfactory service after two years of being hired. Human Resources recently began tracking this information in order to make timely conversions of Schedule A employees recently hired.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWD)

Answer: No

b. Involuntary Separations (PWD)

Answer: No

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWTD)

Answer: No

b. Involuntary Separations (PWTD)

Answer: No

b. There were no separations of PWTD.

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

N/A.

### B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform job applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b)), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151 – 4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

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2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

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3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

N/A. The Agency is located in a leased facility. The facility is accessible to disabled employees and customers.

### **C. REASONABLE ACCOMMODATION PROGRAM**

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

As cited in the Agency's Reasonable Accommodation (RA) Policy & Procedures, deciding officials have 5 days to acknowledge receipt of a RA request and 30 days to provide an accommodation. Ninety percent of accommodation requests were processed within the time frame set forth in the agency procedures for reasonable accommodation.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

The following efforts are ongoing by the REE Reasonable Accommodation Program Manager to ensure program efficiency and effectiveness:

- Participates in REE Agency-wide meetings, trainings, and webinars as the subject-matter expert to promote RA program awareness.
- Developed visual aids to simplify the RA administrative process for persons with disabilities and their deciding officials which includes step-by-step procedures for timely processing of requests.
- Modified policies, hard copy materials, and web site information to ensure persons with disabilities understand their rights and responsibilities.
- Strategizes with supervisors to develop alternative accommodation options that are equally effective when preferred accommodation imposes an undue hardship.
- Provides classroom-style training or webinars to educate the workforce, particularly supervisors who serve as RA deciding officials.
- Issues a quarterly email blast (newsletter) with snippets of RA information.
- Informs both persons with disabilities and their supervisors of proper record keeping of medical documentation to reduce or eliminate HIPPA and Privacy Act violations.
- Partners with HR professionals when program overlaps occur to ensure a collaborative and consistent approach exists when conveying information to employees and their supervisors.
- The REE Reasonable Accommodation Program Manager ensures compliance with the Agency's procedures, including analyzing trends and problems. This includes, but is not limited to providing training to managers and supervisors and developing written materials and disseminating Agency-wide reasonable accommodation policies and procedures.

#### **D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE**

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

Currently the agency's Disability Employment Program Manager refers request requiring Personal Assistance Services (PAS) to the REE Reasonable Accommodation in making employee reasonable accommodation requests requiring

personal assistance services. The PAS policy is contained in the REE Reasonable Accommodation Policies and Procedures.

## Section VI: EEO Complaint and Findings Data

### A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer: N/A

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer: N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

No record of complaints filed by PWD.

### B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer: N/A

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer: N/A

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

No reasonable accommodation complaints were filed in the past year.

## Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer: No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer: N/A

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments.

<b>Trigger</b>		
<b>Barrier(s)</b>		
<b>Objective(s)</b>		
<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>
<b>Sources of Data</b>	<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>
Workforce Data Tables		
Complaint Data (Trends)		
Grievance Data (Trends)		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		
Climate Assessment Survey (e.g., FEVS)		
Exit Interview Data		
Focus Groups		
Interviews		

## **10. REQUESTS FOR MEDICAL DOCUMENTATION**

Once a reasonable accommodation is requested, it is important that the immediate supervisor or the deciding official know if the employee or applicant has a covered disability which entitles the individual to an accommodation, unless doing so would create an undue hardship. In order to do this, a request for medical documentation from the individual will need to be made particularly if the disability is not visible or apparent. Although requests for medical documentation are made by the immediate supervisor or the deciding official, the REE RA Program Manager is the agency's designee for making disability determinations and must therefore be included in the process.

If an individual *does not* have an apparent disability and/or there is no prior record on file of a disability relating to the accommodation being requested, the individual will be required to provide sufficient medical documentation in order for a disability determination to be made by the REE RA Program Manager.

For situations when a disability is visible or apparent; there is a previously documented disability on file; and/or the accommodation request is related to the known disability, the deciding official may immediately consider the request *without the need for further medical documentation*.

Medical documentation must be legible, signed by the preparer, and provided on the letterhead, prescription slip, or equivalent stationary of the preparer. Documentation must include the following information, if not currently on file--

- Describes the claimed disability as it relates to the reasonable accommodation request;
- Explains the precise limitations the disability imposes on the employee's ability to perform the job held;
- Explains the impact of the employee's medical condition both on and off the job;
- Lists any medically recommended accommodations and/or suggestions that would eliminate the limitations described in item (1) above and the expected duration of the accommodation(s);
- Provides the prognosis including plans for future treatment. Include an estimated date of full or partial recovery or indicate if the condition is permanent.

## **11. DISABILITY DETERMINATIONS**

On September 25, 2008, President George W. Bush signed the Americans with Disabilities Amendments Act which simplified the process for determining if an employee had a disability. This made it much easier for employers to make these determinations. The REE RA Program Manager is the agency's designee to review medical documentation to make such determinations on behalf of the deciding official.

The REE RA Program Manager will seek information or documentation about the disability and the functional limitations from the individual and/or ask the individual to obtain such information from an appropriate professional. All information

need not be medical. Appropriate information may be received from a social worker, rehabilitation counselor, etc. The documentation received must be sufficient enough for the REE RA Program Manager to determine if the requestor is an individual with a disability. If the medical documentation provided is insufficient to make a disability determination, further information may be requested by the deciding official and/or the REE RA Program Manager.

The individual may then ask their medical care professional, mental health care professional, or other professional, whichever is applicable, to provide the missing information. The REE RA Program Manager and the individual requesting the accommodation may agree that a signed Limited Medical Release is necessary to authorize the aforementioned professional to remit the necessary information directly to the REE RA Program Manager on behalf of the individual with a disability. This may include submitting a list of specific questions to be addressed or by having the REE RA Program Manager contact them directly to obtain the missing information.

In any event where medical information is requested, submitted, and/or obtained that is unrelated to a reasonable accommodation request, this medical information shall be confidentially discarded immediately.

The failure to provide appropriate documentation and/or not cooperate with the agency's efforts to obtain such documentation would demonstrate an individual's disengagement of the interactive process. This could result in a denial of the reasonable accommodation until the individual chooses to do so.

In the case of a job applicant, relevant medical documentation may need to be requested to determine the nature of the disability or how the accommodation would assist in the application process.

## **12. CONFIDENTIALITY REQUIREMENTS**

Under the Rehabilitation Act of 1973, as amended medical documentation obtained in connection with the reasonable accommodation process must be kept confidential. This means all medical documentation, including information about functional limitations and the reasonable accommodation needs. Any information obtained in connection with a reasonable accommodation request must be kept in files separate from the individual's personnel files, including the Official Personnel Folder.

Confidentiality applies to all aspects of the agency's reasonable accommodations process, whether the accommodation was provided via the formal process or the informal process. It also means that any REE employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The REE RA Program Manager will maintain custody of all medical records obtained or created during the "formal" reasonable accommodation process and will respond to all requests accordingly for disclosure of information found in such records. All records will be maintained in accordance with Privacy Act provisions and any information found in those records may only be disclosed as follows:

- Supervisors and managers needing to know if the individual meets disability criteria; the workplace restrictions/limitations on the individual's job duties; and about any recommended accommodations by the physician. *Copies of medical documentation will only be disclosed by the REE RA Program Manager if absolutely necessary and if it is consistent with business necessity to do so.*
- First Aid and safety personnel may be given specific medical documentation if the disability might require emergency care or treatment.
- Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act of 1974.
- In certain circumstances, medical documentation may be disclosed to certain HR professionals such as Employee Relations Specialists, Worker's Compensation Specialists and/or insurance carriers in accordance with Equal Employment Opportunity Commission guidelines, regulations, and other requirements as cited in the Rehabilitation Act of 1974.

Whenever information is disclosed, the individual disclosing it must inform the recipient of the confidentiality requirements as well as the requirements to comply with applicable Privacy Act provisions.

*For bargaining unit employees--* information may be disclosed to the Union Representative with representation functions related to making reasonable accommodation determinations, however the confidentiality requirements of the Union Representative must be consistent with Equal Employment Opportunity Commission guidelines, regulations, and other requirements as cited in the Rehabilitation Act of 1974.

### **13. TIMEFRAMES FOR PROCESSING REQUESTS**

It is expected that whether a request is made by an individual with a disability or an individual with a transitory medical condition, a reasonable accommodation should be acknowledged and considered as soon as it is reasonably feasible to do so. Special circumstances may influence the overall timing of the process, however most accommodations can be provided immediately or within a few days of the request. When an immediate accommodation is not possible, the timeframes indicated below must be followed specifically for all "formal" reasonable accommodation requests as these requests are those when a disability determination has been made requiring that the individual be accommodated, unless doing so would create an undue burden or hardship to the agency.

- The reasonable accommodation request should be acknowledged and the process of consideration should begin immediately upon receipt by the immediate supervisor or deciding official, but *no more than 5 business days after receipt*. This is for both verbal and written requests.

- If the immediate supervisor or deciding official is awaiting a disability determination by the REE RA Program Manager, the immediate supervisor or deciding official should acknowledge the request and begin the process of consideration immediately upon notification by the REE RA Program Manager of a disability determination, but *no more than 5 business days after being notified.*
- The immediate supervisor or deciding official is responsible for determining if the requested accommodation is effective. If not, they should engage the interactive process by having further discussions with the individual needing the accommodation until both parties can agree on the most effective accommodation. ***An accommodation must be provided no more than 30 business days from the date of the written request, the verbal request or upon notification of a disability determination--whichever is later.*** Extenuating circumstances may require more than 30 days for full implementation, however this practice is generally the exception and not the rule.

In the event of an extenuating circumstance, the immediate supervisor or designated deciding official shall notify the employee of the reason for the delay and the approximate date that a final decision is expected to be made. The immediate supervisor or deciding official should consider whether an interim accommodation can be offered pending a final decision.

#### **14. GRANTING A REASONABLE ACCOMMODATION REQUEST**

As soon as a reasonable accommodation decision has been made to grant the request, the immediate supervisor or deciding official should immediately communicate this to the employee. This includes completing and signing Form REE-172, Reasonable Accommodation Request (*see Section 8, Recordkeeping of "Formal" Reasonable Accommodation Requests*). This may also include outlining and detailing work expectations associated with the accommodation if unknown to the employee.

#### **15. DENYING A REASONABLE ACCOMMODATION REQUEST**

Denials are extremely rare since most reasonable accommodations are approved although adjustments or modifications may have been made to the individual's initial request. However, when an approval isn't possible, the immediate supervisor or deciding official must communicate this to the employee as soon as the decision to deny the request is made. It is also required that the immediate supervisor or designated deciding official complete and sign Form REE-172, Reasonable Accommodation Request **and** Form REE-173, Denial of Reasonable Accommodation Request to document the reason and an explanation for the denial. For example, if granting a particular accommodation would cause an undue hardship, the immediate supervisor or deciding official must select this option on the form and provide an explanation.

The employee should receive the original forms of both the REE-172 and REE-173. The REE-173 in particular informs the individual of his/her appeal rights. This may include filing an EEO complaint or pursuing a grievance under the Merit Systems Protection Board procedures. Form REE-173 also encourages employees to utilize the agency's Alternative Dispute Resolution process. *Electronic signatures and electronic copies of the form(s) are also acceptable*

## **16. REASSIGNMENT AS A REASONABLE ACCOMMODATION**

Reassignment will only be considered if no other accommodation is available that enables the individual to perform his or her essential job functions or if the only effective accommodation would cause an undue hardship. Reassignments are made only to a vacant position for which the employee is qualified. If qualified, the employee could be reassigned without competition. The new position cannot have greater promotion potential than the position currently held.

In considering whether there are positions available for reassignment, the immediate supervisor or deciding official will need to collaborate with the REE RA Program Manager and the REE HR Staff. Communications with the Department's Office of Human Resources Management (OHRM) may also be required for vacancy searches beyond the REE mission area. HR Staff will:

- Identify all vacant positions within the agency for which the employee may be qualified, *with or without a reasonable accommodation.*
- Identify all positions which HR Staff or OHRM has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified.

The immediate supervisor or deciding official will first focus on positions that are equivalent to the employee's current position and will then consider vacant lower level positions for which the individual is qualified. A reassignment may be made to a vacant position outside of the employee's commuting area, but only if the employee is willing to relocate. As with other reassignments not directed by management, REE is not obligated to pay relocation expenses.

## **17. TELEWORK AS A REASONABLE ACCOMMODATION**

Telework may be appropriate and should be considered as a reasonable accommodation for employees with disabilities as long as this type of accommodation will enable the individual with a disability to perform the essential (critical) functions of their position and is an effective option. The determination as to whether an individual may be granted telework as a reasonable accommodation should be made on a case-by-case basis considering not all positions and job duties are portable. It is important to consult with the REE RA Program Manager for guidance since telework as a reasonable accommodation follows a different set of provisions than those of a general telework request.

## 18. SEPARATION DUE TO DISABILITY

When an employee is unable to perform the essential functions of the position due to a disability and cannot be reasonably accommodated, the agency may initiate a disability separation of the employee which is considered an involuntary separation. An employee may also apply for disability retirement as a voluntary separation, if they meet certain eligibility requirements. Whether the disability separation is voluntary or involuntary, neither action is considered a disciplinary action.

## 19. PERSONAL ASSISTANCE SERVICES

Effective January 3, 2018, Section 501 regulations of the Rehabilitation Act of 1973 requires federal agencies to provide Personal Assistance Services (PAS) on the job as part of their affirmative action requirements. The new regulations specifically require Federal agencies to provide PAS to individuals with a “targeted” disability (*see Section 6, Definitions*) if they require such services.

PAS are services that provide assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability and that is not otherwise required as a reasonable accommodation. For example, assistance with activities of daily living to include, but not limited to, removing and putting on clothing, eating, bathing and using the restroom. *PAS are “functional” services not “medical” services nor medical care.*

In addition to job-related services required as a reasonable accommodation, current regulations require agencies to provide an employee with PAS during work hours for job-related travel if the employee requires such services because of a targeted disability. The new regulations now provide PAS for non-working hours to help the individual prepare for their work day. Provisions of such services would, together with any reasonable accommodations needed, enable the employee to perform the essential functions of his or her position, as long as providing the services does not impose an undue hardship on the agency.

PAS must be performed by a PAS provider. Agencies may require PAS providers to provide services to more than one individual. Agencies may also require PAS providers to perform tasks unrelated to personal assistance services, *but only to the extent* that doing so does not result in their failure to provide PAS in a timely manner.

When selecting someone who will provide PAS to a single individual, agencies are required to give primary consideration to the individual's preferences to the extent permitted by law. This may include a family member, a coworker, or an independent contractor. No matter which party is chosen, their *primary function must be to provide PAS.*

Although providing PAS is not a reasonable accommodation, *the procedures for requesting PAS are the same* as outlined in this policy. This includes determining

whether such services are required and the agency's right to deny such requests, if providing such services poses an undue hardship. As with reasonable accommodation requests, costs as an undue hardship is not easily defensible. Forms REE-174, Request for Personal Assistance Services and/or REE-175, Denial of Personal Assistance Services Request should be used instead. (*see Exhibits 3 & 4*)

## **20. PROGRAM TRACKING AND REPORTING REQUIREMENTS**

The REE RA Program Manager is responsible for maintaining accurate reasonable accommodation records, tracking trends and/or complying with various initiatives and reporting requirements as requested or mandated by, but not limited to OHRM, the Office of Personnel Management and/or the Equal Employment Opportunity Commission. These reporting requirements do not disclose a particular medical condition nor do they reveal the name of an employee(s) that is being accommodated. Reporting efforts are intended to demonstrate and highlight the agency's proactive efforts in support of persons with disabilities. Reporting data may include information such as:

- The number of reasonable accommodations cases approved or denied;
- The types of positions for which reasonable accommodations have been requested;
- Trends in the types of reasonable accommodations that are being requested by position type;
- The reasons for a reasonable accommodation denial;
- The average amount of time taken to process a reasonable accommodation request; and/or
- The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

## **21. RESOURCES**

- The Equal Employment Opportunity Commission is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, **disability** or genetic information.

*Equal Employment Opportunity Commission Reasonable Accommodation Enforcement Guidance*

<https://www.eeoc.gov/policy/docs/accommodation.html>

*Equal Employment Opportunity Commission Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act*

<https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>

- The Job Accommodation Network is a service of the Department of Labor, Office of Disability Employment Policy. This agency provides written materials and information to the public solely for educational purposes. Materials are not intended to be legal or medical advice.

*Job Accommodation Network (JAN) Contact Information*

[www.askjan.org](http://www.askjan.org)  
 1-800-526-7234 (Voice)  
 1-877-781-9403 (TTY)

*Employers Practical Guide to Reasonable Accommodation Under the ADA*

<https://askjan.org/Erguide/ErGuide.pdf>

*Personal Assistance Services (PAS) in the Workplace*

<https://askjan.org/media/PAS.html>

- The TARGET Center provides onsite workplace assessments and demonstrations for assistive technology and ergonomic solutions. They also provide recommendations regarding reasonable accommodation requests.

*USDA TARGET Center*

[www.usda.gov/oo/target.html](http://www.usda.gov/oo/target.html)  
 202-720-2600 (Voice/TTY)

- The REE Reasonable Accommodation Program Manager is available to provide additional guidance and resources to help facilitate an effective reasonable accommodation between an individual with a disability and their deciding official. For more information or questions regarding the contents of this policy and procedures, please contact:

*USDA/ARS/Office of Outreach, Diversity, and Equal Opportunity*  
*Tonya B. Morris, REE Reasonable Accommodation Program Manager*  
 Direct Line: 301-504-4339  
 Main Line: 202-720-6161  
 Email: [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov)

## **22. LIST OF EXHIBITS**

- **Exhibit 1**, REE-172, Request for Reasonable Accommodation
- **Exhibit 2**, REE-173, Denial of Reasonable Accommodation Request
- **Exhibit 3**, REE-174, Request for Personal Assistance Services
- **Exhibit 4**, REE-175, Denial of Personal Assistance Services
- **Exhibit 5**, Sample Letter for Requesting Medical Documentation (*for Supervisors*)
- **Exhibit 6**, Limited Release of Medical Documentation
- **Exhibit 7**, Step-by-Step Formal Reasonable Accommodation Process (*Visual Aid*)
- **Exhibit 8**, Informal vs. Formal Reasonable Accommodation Process (*Visual Aid*)

Exhibits found in this P&P are intended as samples only. To obtain electronic or hard copy versions of the Exhibits, please contact the REE RA Program Manager (*see Section 21, Resources.*) Additionally, the aforementioned REE forms may be accessed by visiting Axon's electronic forms web site at:

<https://axon.ars.usda.gov/Employee%20Tools/Pages/Electronic-Forms.aspx>

Signature for Approval:

Casandra V. Butler /s/

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“Acting” Director  
Office of Outreach, Diversity and Equal Opportunity  
Agricultural Research Service

Date of Approval:

January 5, 2018

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Date

# Exhibit 1

United States Department of Agriculture Research, Education, and Economics Agencies			
REQUEST FOR REASONABLE ACCOMMODATION			
<i>This Section to be Completed by Individual Requesting an Accommodation</i>			1. Date of Request
2. Individual's Name	3. Telephone Number	4. Individual's E-mail Address	5. REE Agency and Office
6. Accommodation Requested (attach separate sheet, if further explanations needed)		7. Reason for Request	
8. Applicant or Individual's Signature and Date			
<i>This Section to be Completed by the Immediate Supervisor or Other Deciding Official</i>			
1. Name of Individual Requesting Accommodation		2. REE Agency and Office	
3. Reasonable Accommodation (Check one) <input type="checkbox"/> Approved <input type="checkbox"/> Denied (If denied, attach copy of the "Denial of Accommodation Request" form - Form REE-173)		4. Name of Individual to Whom Request was Made (if not immediate supervisor)	
		5. Position Title	
6. Date Accommodation Requested	7. Date Accommodation Approved or Denied	8. Date Accommodation Provided	
9. If time frames outlined in the Reasonable Accommodation Procedures P&P were not met, please explain. (If met, enter N/A)			
10. Title of Job Held or Desired by Individual Needing the Accommodation (include series and grade level)		11. Accommodation Requested (if different from above)	12. Accommodation Provided (if different from what was requested)
13. Was Medical Documentation Required to Process this Request? If yes, was it provided to RA Program Manager for review?			14. Cost of Accommodation (if any)
15. Supervisor Signature and Date		16. Title	
<p><small>Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/GA/Office of Outreach, Diversity &amp; Equal Opportunity, 6801 Sunnyside Avenue, Mail Stop 6144, Beltsville, MD 20705-6144.</small></p> <p><small>Form REE-172 (Rev. 11/2017) <span style="float: right;">This form was electronically produced by USDA/ARS/OCE/EA/ASB</span></small></p>			

# Exhibit 2

United States Department of Agriculture  
 Research, Education, and Economics Agencies

## DENIAL OF REASONABLE ACCOMMODATION REQUEST

1. Name of Individual Requesting Accommodation	2. Type(s) of Reasonable Accommodation Requested	
3. Reason for the Denial (Check all that apply)		
<input type="checkbox"/> Accommodation Ineffective <input type="checkbox"/> Accommodation would cause undue hardship <input type="checkbox"/> Medical documentation Inadequate	<input type="checkbox"/> Accommodation would require removal of an Essential Function <input type="checkbox"/> Accommodation would require lowering of performance/production standard <input type="checkbox"/> Other (please specify) _____	
4. Give Detailed Reason(s) for the Denial (Must be specific. For example, explain why the accommodation is ineffective or causes undue hardship.)		
5. If the requestor proposed an accommodation that was denied and subsequently rejects an alternative accommodation that is as equally effective, please explain the reason for the denial of the original request and why or how the alternative accommodation would be as effective. (If not applicable, enter N/A)		
6. If an individual wishes to request reconsideration of this decision, he/she may take the following steps:		
(a) Ask the decision maker to reconsider the denial and provide additional supporting information, if applicable; (b) If the decision maker is the immediate supervisor and he/she is unable to reverse the denial, the individual may ask the second level supervisor (i.e., Office Chief, Director, etc.) to review the request for reconsideration; (c) If the decision maker is the second level supervisor (i.e., Office Chief, Director, or equivalent), the individual may elevate the request to the next leadership level. He/she may also ask the REE Reasonable Accommodation Program Manager to review the request. The REE Reasonable Accommodation Program Manager is not the deciding official, however, can work with the deciding official(s) and offer additional guidance to facilitate an effective accommodation.		
7. If an individual wishes to file an EEO complaint, pursue Merit Systems Protection Board procedures, and/or pursue Union Grievance Procedures, they may take the following steps:		
(a) For an EEO complaint pursuant to 29 C.F.R. & 1614, contact an EEO counselor in their Agency's Civil Rights Office within 45 days from the date of this denial notice; or (b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement or the Agency's Administrative Grievance Procedures; or (c) Institute 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; or (d) Utilize the Agency's Alternative Dispute Resolution (ADR) process. Note, pursuing the ADR process does not relieve the individual from adhering to the time frames indicated above.		
8. Deciding Official Name	9. Title	10. Deciding Official Signature and Date

Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/ODA/Office of Outreach, Diversity & Equal Opportunity, 8801 Sunnyside Avenue, Mail Stop 6144, Beltsville, MD 20705-6144.

Form REE-173 (Rev. 11/2017)

This form was electronically produced by USDA/ARS/ODD/EASB.

# Exhibit 3

United States Department of Agriculture Research, Education, and Economics Agencies			
REQUEST FOR PERSONAL ASSISTANCE SERVICES			
<i>This Section to be Completed by Individual Requesting Personal Assistance Services (PAS)</i>			1. Date of Request
2. Individual's Name	3. Telephone Number	4. Individual's E-mail Address	5. REE Agency and Office
6. Type of PAS Requested <i>(attach separate sheet, if further explanations needed)</i>		7. Reason for Request	
8. Applicant or Individual's Signature and Date			
<i>This Section to be Completed by the Immediate Supervisor or Other Deciding Official</i>			
1. Name of Individual Requesting PAS		2. REE Agency and Office	
3. Reasonable Accommodation <i>(check one)</i>  <input type="checkbox"/> Approved  <input type="checkbox"/> Denied <i>(if denied, attach copy of the "Denial of Personal Assistance Services" - Form REE-175)</i>		4. Name of Individual to Whom Request was Made <i>(if not immediate supervisor)</i>	
		5. Position Title	
6. Date PAS Requested	7. Date PAS Approved or Denied	8. Date PAS Provided	
9. If time frames for providing PAS were not met, please explain below. See P&P 122.2v3, Reasonable Accommodation Procedures, Section 13. <i>(if met, enter N/A)</i>			
10. Title of Job Held or Desired by Individual Needing PAS <i>(include series and grade level)</i>		11. Type of PAS Requested <i>(if different from above)</i>	12. Type of PAS Provided <i>(if different from what was requested)</i>
13. Was Medical Documentation Required to Process this Request? If yes, was it provided to RA Program Manager for review?			
14. Cost of PAS	15. Name of PAS Provider		
16. Supervisor Signature and Date		17. Title	
<p><i>Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/OA/Office of Outreach, Diversity &amp; Equal Opportunity, 6801 Sunnyside Avenue, Mail Stop 6144, Beltsville, MD 20706-6144.</i></p> <p>Form REE-174 (Rev. 11/2017) <span style="float: right;">This form was electronically produced by USDA/ARS/OIG/EASB</span></p>			

# Exhibit 4

United States Department of Agriculture  
 Research, Education, and Economics Agencies

## DENIAL OF PERSONAL ASSISTANCE SERVICES (PAS)

1. Name of Individual Requesting PAS	2. Type(s) of PAS Requested
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3. Reason for the Denial (check all that apply)

Providing PAS would cause undue hardship

Medical documentation inadequate

Other (please specify): \_\_\_\_\_

4. Give Detailed Reason(s) for the Denial (Must be specific. For example, explain why providing PAS is ineffective or causes an undue hardship)

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5. If an individual wishes to request reconsideration of this decision, he/she may take the following steps:

- (a) Ask the decision maker to reconsider the denial and provide additional supporting information, if applicable;
- (b) If the decision maker is the immediate supervisor and he/she is unable to reverse the denial, the individual may ask the second level supervisor (i.e., Office Chief, Director, etc.) to review the request for reconsideration;
- (c) If the decision maker is the second level supervisor (i.e., Office Chief, Director, or equivalent), the individual may elevate the request to the next leadership level. He/she may also ask the REE Reasonable Accommodation Program Manager to review the request. The REE Reasonable Accommodation Program Manager is not the deciding official, however, can work with the deciding official(s) and offer additional guidance to facilitate the request.

6. If an individual wishes to file an EEO complaint, pursue Merit Systems Protection Board procedures, and/or pursue Union Grievance Procedures, they may take the following steps:

- (a) For an EEO complaint pursuant to 29 C.F.R. & 1614, contact an EEO counselor in their Agency's Civil Rights Office within 45 days from the date of this denial notice; or
- (b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement or the Agency's Administrative Grievance Procedures; or
- (c) 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; or
- (d) Utilize the Agency's Alternative Dispute Resolution (ADR) process. Note, pursuing the ADR process does not relieve the individual from adhering to the time frames indicated above.

7. Deciding Official Name	8. Title	9. Deciding Official Signature and Date
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Upon completion of this form, please provide the original to the employee or applicant and a copy to the Reasonable Accommodation Program Manager, USDA/ARS/DA/Office of Outreach, Diversity & Equal Opportunity, 8101 Sunnyside Avenue, Mail Stop 6144, Beltsville, MD 20706-6144.

Form REE-175 (REV. 11/2017) This form was electronically produced by USDA/ARS/OIC/D/EAB8.

## Exhibit 5

### DRAFT TEMPLATE FOR SUPERVISORS (REVISED 2/2016)

DATE:

SUBJECT: Reasonable Accommodation Request

TO:

The           (Agency Name)           is concerned with the continuing health and well-being of its employees. Where a medical condition exists which might have on-the-job implications, it is important for management to understand the details of the situation in order to make a determination regarding our ability to provide a reasonable accommodation to you.

I am therefore requesting you provide further medical documentation from your physician. Please note, you are responsible for any costs in connection with obtaining this medical documentation which should address the 5 elements listed below.

- (1) Describe the claimed disability as it relates to the reasonable accommodation request;
- (2) Explains the precise limitations the disability imposes on the employee's ability to perform the job held;
- (3) Explains the impact of the employee's medical condition both on and off the job;
- (4) List any medically recommended accommodations and/or suggestions that would eliminate the limitations described in item (1) above and the expected duration of the accommodation(s);
- (5) Provide the prognosis including plans for future treatment. Include an estimated date of full recovery or partial recovery or if the medical condition is permanent.

**Important Note:** Your physician must also indicate in the medical assessment as to whether your impairment qualifies you as an individual with a disability. As defined by the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 2008, as amended, an individual with a disability is someone who has a physical impairment affecting one or more body systems or intellectual or psychological impairment that substantially limits one or more major life activities.

I am also enclosing a form to be used as authorization to obtain/release medical information to the Agency from your physician. This form is for you to sign and to be provided to your physician(s) if you opt to have him/her submit the medical information to the Agency on your behalf in lieu of providing it directly to you. It also authorizes the Reasonable Accommodation Program Manager to contact your physician in the event the medical information is vague, unclear and/or makes it difficult to make an effective reasonable accommodation determination. This form is *optional*.

The medical documentation should be submitted within 15 days of the date you receive this letter. An extension may be considered on a case-by-case basis. Medical documentation may be submitted to a confidential fax line on (301) 504-3309 or it may be mailed in a sealed envelope as follows:

CONFIDENTIAL – TO BE OPENED BY ADDRESSEE ONLY

USDA/ARS/Office of the Administrator  
Office of Outreach, Diversity & Equal Opportunity  
**Tonya B. Morris, REE Reasonable Accommodation Program Manager**  
5601 Sunnyside Avenue, Mail Stop 5144  
Beltsville, MD 20705-5144

Lastly, enclosed is a copy of your position description and performance standards. These are being provided to you for your physician's information to describe the duties and responsibilities required of your position to assist in determining an appropriate reasonable accommodation.

Should you have any questions regarding this request, please contact Ms. Morris on 301-504-4339 or via email at [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov).

/Supervisor's Signature/

## Exhibit 6

### PATIENT LIMITED RELEASE OF MEDICAL DOCUMENTATION FOR REASONABLE ACCOMMODATION REQUEST EVALUATION BY PHYSICIAN

**Patient:**

I understand and agree that in the course of addressing my request for reasonable accommodation, I have signed a limited release authorizing my health care practitioner(s) to release relevant medical records related to my current claimed disability and request for a reasonable accommodation.

- (1) Describe the claimed disability as it relates to the reasonable accommodation request;
- (2) Explains the precise limitations the disability imposes on the employee's ability to perform the job held;
- (3) Explains the impact of the employee's medical condition both on and off the job;
- (4) List any medically recommended accommodations and/or suggestions that would eliminate the limitations described in item (1) above and the expected duration of the accommodation(s);
- (5) Provide the prognosis including plans for future treatment. Include an estimated date of full recovery or partial recovery or if the medical condition is permanent.

**Important Note:** Your physician must also indicate in the medical assessment as to whether your impairment qualifies you as an individual with a disability.

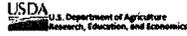
As defined by the Rehabilitation Act of 1973, as amended, and the 2008 Americans with Disabilities Act, as amended, an individual with a disability is someone who has a physical impairment affecting one or more body systems or intellectual or psychological condition that substantially limits one or more major life activities.

\_\_\_\_\_  
PATIENT'S SIGNATURE

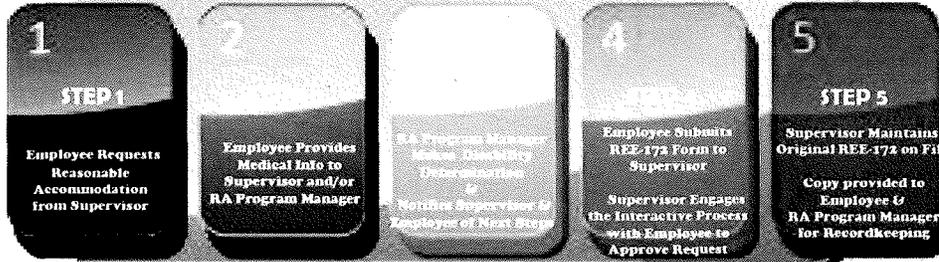
\_\_\_\_\_  
DATE

# Exhibit 7

## Front



### Steps in the "Formal" Reasonable Accommodation (RA) Process



**Reminder**  
The deadline for filing a request for reasonable accommodation is 180 days from the date of the request.

**DISCLAIMER**  
This visual aid is intended as a resource only. Its contents do not replace the Agency's Reasonable Accommodation Program policy nor the laws governing the Reasonable Accommodation Program as enforced by the Equal Employment Opportunity Commission.  
Reasonable accommodation cases are handled on a case-by-case basis. REE employees and their supervisors should contact the REE Reasonable Accommodation Program Manager for further guidance. (see next page).

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, family status, parental status, religion, sexual orientation, gender, information, political beliefs, receipt, or loss of all or part of an individual's income as derived from any public assistance program. (28 CFR 101.42). USDA also prohibits discrimination on the basis of sex in its programs and activities. For more information, contact the Office of Civil Rights, Diversity, and Equal Opportunity (DOE) at 202-720-6161 or 1-800-345-4339 or through the Federal Relay Service at 1-800-877-8329 or 1-800-845-6109 (voice).

For employees seeking alternative means of communication for program information (e.g., braille, large print, multimedia, and/or other reasonable accommodation) please contact the Research, Education and Economic Reasonable Accommodation Program Manager.  
USDA is an equal opportunity provider and employer.

**APPEAL RIGHTS**  
Employees denied a reasonable accommodation as part of the "formal" process, must receive a signed copy of the REE-172, Denial of Reasonable Accommodation Request to include the reason for the denial.  
Refer to Sections 6 and 7 of the REE-173 for more information regarding a reconsideration of the denial and appeal rights.

## Back



**CONTACT:**  
Tonya B. Morris  
REE Reasonable Accommodation Program Manager  
Email: [tonya.b.morris@ars.usda.gov](mailto:tonya.b.morris@ars.usda.gov)

USDA/ARS/Office of the Administrator  
Agricultural Research Service  
Office of Outreach, Diversity & Equal Opportunity  
5601 Stunyside Avenue, Room 2-111B  
Mail Stop 5144  
Beltsville, MD 20705-5144

Desk: 301-504-4339 Main Line: 202-720-6161  
Secured Fax Line: 301-504-3309



**REE Reasonable Accommodation Policy**  
[www.ars.usda.gov/ppweb/pdf/222-2v.2.pdf](http://www.ars.usda.gov/ppweb/pdf/222-2v.2.pdf)

**Job Accommodation Network**  
[www.asian.org](http://www.asian.org)

**Form REE-172, Request for Reasonable Accommodation**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-172.pdf>

**Form REE-173, Denial of Reasonable Accommodation Request**  
<https://axon.ars.usda.gov/Employee%20Tools/Electronic-Forms/REE-173.pdf>

REE employees without access to AXON may obtain PDF copies of RA form(s) by contacting the REE RA Program Manager.

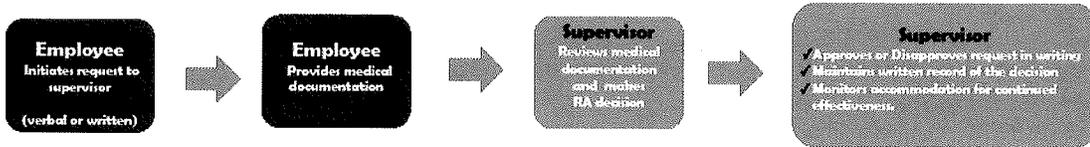
# Exhibit 8

## Front

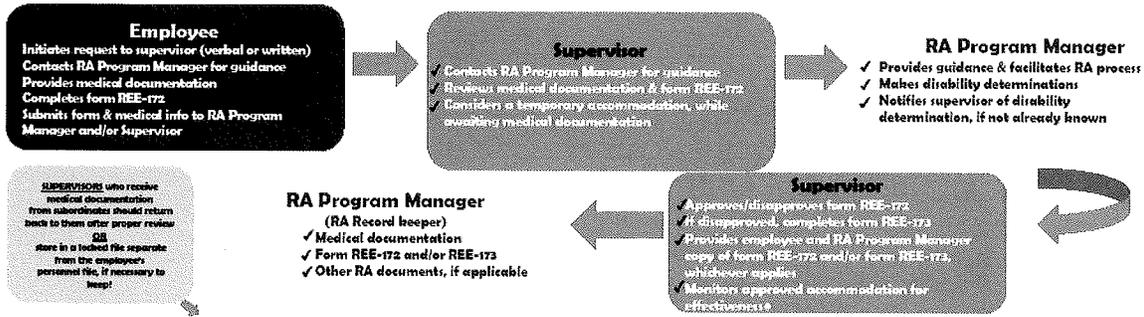


### Informal vs. Formal Reasonable Accommodation Requests

#### "Informal" Process



#### "Formal" Process



*The Rehabilitation Act of 1973 requires that employers keep all medical records and information confidential and in separate medical files.*

## Back



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Desk: 301-504-4339

Main Line: 202-720-6161

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**REE Reasonable Accommodation Policy**  
[www.afm.ars.usda.gov/ppweb/pdf/222-2v.2.pdf](http://www.afm.ars.usda.gov/ppweb/pdf/222-2v.2.pdf)

**Job Accommodation Network**  
[www.askejan.org](http://www.askejan.org)

**Form REE-172, Request for Reasonable Accommodation**  
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**DISCLAIMER**  
 This visual aid is intended as a resource only. Its contents do not replace the Agency's Reasonable Accommodation Program policy nor the laws governing the Reasonable Accommodation Program as enforced by the Equal Employment Opportunity Commission.

Reasonable accommodation cases are handled on a case-by-case basis. REE employees and their supervisors should contact the REE Reasonable Accommodation Program Manager for further guidance. (see above).

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, sex, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, gender identity, genetic information, and/or ancestry, national or because of sex or of an individual's income derived from any public assistance program. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, contact the Office of Outreach, Diversity, and Equal Opportunity (ODEO) on 202-720-6161 or 1-800-343-4289 or through the Federal Relay Service at 1-800-877-8339 or 1-800-845-6138 (TDD).

For employees seeking alternative means of communication for program information (e.g., Braille, large print, audio tape, etc.) or other reasonable accommodations, please contact the Research, Education, and Economics Reasonable Accommodation Program Manager.

USDA is an equal opportunity provider and employer.

#### APPEAL RIGHTS

Employees denied a reasonable accommodation as part of the "formal" process, must receive a signed copy of the REE-172, Denial of Reasonable Accommodation Request to include the reason for the denial.

Refer to Sections 6 and 7 of the REE-172 for more information regarding a reconsideration of the denial and appeal rights.



The Organization of USDA'S NATIONAL INSTITUTE OF FOOD AND AGRICULTURE -- 10.13.17

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DIRECTOR

Sources of Data		Sources Reviewed? (Yes or No)	Identify Information Collected		
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)					
Other (Please Describe)					
Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)	
Fiscal Year	Accomplishments				

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

Records of successful performance of PWD and PWTD were not previously maintained. NIFA follows USDA plans to remove barriers for PWD and PWTD. The department does not have the infrastructure in place to provide agencies applicant flow data for PWD and PWTD.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

N/A.

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A.