

**STANDARD OPERATING PROCEDURES FOR  
REASONABLE ACCOMMODATION and PERSONAL ASSISTANCE SERVICES**

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**For use by Non-Bargaining Unit Employees Only**

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Effective: September 26, 2019

**RURAL DEVELOPMENT'S  
STANDARD OPERATING PROCEDURES (SOP)  
FOR  
REASONABLE ACCOMMODATION AND  
PERSONAL ASSISTANCE SERVICES**

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### INTRODUCTION:

Rural Development's (RD) policy is to provide reasonable accommodations for employees and applicants with disabilities, enabling them to: 1) achieve success during the hiring process and employment; and 2) enjoy equal access to benefits and privileges of employment (i.e., details, trainings, office-sponsored events).

Reasonable accommodation removes workplace barriers for qualified individuals with disabilities. Accommodations must effectively meet the needs of employees and applicants, and may include, but are not limited to: 1) easily accessible facilities; 2) accessible parking; 3) sign language interpreters; 4) alternative workplace locations (telework); 5) job restructuring; 6) purchasing or modifying equipment, including computer software and hardware; 7) telecommuting; 8) appropriate adjustments or modifications made to examinations, training materials or policies/providing materials in both written and alternative accessible formats (such as American Sign Language, Braille, large print, electronic format compatible with screen reading software, and audio); 9) leave and Leave without Pay; 10) modification of work schedules; 11) captioning of videos and video-streamed presentations, 12) video relay services and video remote interpreting services; 13) reassignment to a vacant position (accommodation of last resort); and 14) providing personal assistants (such as qualified readers, interpreters).

RD's policy also provides for Personal Assistance Services (PAS) consistent with the Final Rule on Affirmative Action for Individuals with Disabilities in Federal Employment as published by the Equal Employment Opportunity Commission on January 3, 2017. Section 501 of the Rehabilitation Act prohibits Federal agencies from discriminating against individuals with disabilities in employment, and requires agencies to engage in affirmative action on behalf of individuals with disabilities in order to promote their hiring, promotion, and retention. The Final Rule clarifies the obligations the Rehabilitation Act of 1973 imposes on Federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability and became effective January 3, 2018.

The final rule requires Federal agencies to provide "personal assistance services" (PAS) as a form of affirmative action.<sup>1</sup> PAS provide employees with *targeted disabilities* "assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom."

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Agency management is committed to ensuring employees and applicants have access to reasonable accommodation and PAS (employees only) procedures in written and alternative accessible formats, including: 1) American Sign Language, 2) Braille, 3) large print, 4) electronic format compatible with screen reading software, 5) a reader (individual who reads the document aloud), 6) and other types of accessible formats.

### **PURPOSE:**

To establish procedures for:

- 1) Reasonably accommodating qualified employees and applicants with disabilities:
  - a. Assisting qualified employees with disabilities to perform essential job functions and enjoy the benefits and privileges enjoyed by non-disabled, similarly-situated employees.
  - b. Providing equal opportunity to applicants during the hiring process.
- 2) Providing PAS as an affirmative action obligation.
- 3) RD to meet its obligations mandated by law for reasonable accommodations **and/or PAS**, except when such would cause undue hardships. This procedure sets forth those legal obligations; however, in some instances, the Agency may provide more than is required by law.

For additional information regarding these procedures: 1) employees may contact the servicing Employee Relations Branch (ERB) Human Resources (HR) Specialists; and 2) applicants may contact Employee Services Division (ESD) Human Resources Human Resources Specialists, decision makers or interviewers.

These procedures and attachments shall be: 1) distributed to all employees upon issuance, 2) posted on HR's SharePoint site; and the Agency's Intranet and Internet sites, 3) included in orientation packets as part of new employee's orientation; 4) Agency's Civil Rights SharePoint and intranet sites; and 5) provided in alternative formats when requested. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact: USDA's TARGET Center

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at 202-720-2600 (voice and TDD); others may also request assistance on an employee's behalf. <https://www.targetcenter.dm.usda.gov/content/my-target-center-experience>

### **REFERENCES:**

- Departmental Manual 4300-002, *Reasonable Accommodation Procedures*, dated July 5, 2002. [https://www.ocio.usda.gov/sites/default/files/docs/2012/DM4300-002\\_0.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/DM4300-002_0.pdf)
- EEOC, 29 CFR Part 1614, Affirmative Action for Individuals with Disabilities in Federal Employment. [Federal Register: Affirmative Action for Individuals With Disabilities in Federal Employment](#)
- EEOC, 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act (ADA). [eCFR — Code of Federal Regulations](#)
- EEOC Notice #915.002, Subject: *Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, dated October 17, 2002. [ENFORCEMENT GUIDANCE: REASONABLE ACCOMMODATION AND UNDUE HARDSHIP UNDER THE AMERICANS WITH DISABILITIES ACT](#)
- EEOC, Subject: *Job Applicants and the Americans with Disabilities Act*, dated March 21, 2005. [Job Applicants and the Americans With Disabilities Act](#)
- Job Accommodation Network, *Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act (ADA)*. [Employers' Guide](#)
- Rehabilitation Act. <http://federal.elaws.us/cfr/title29.part1614.section1614.203>

### **DEFINITIONS:**

- 1) Accommodation Requests – Applicants or employees with disabilities may request specific accommodations, orally or in writing, and at any time. However, the Agency may offer those that differ from the requested ones, providing the accommodations will meet individuals' needs. If more than one (1) accommodation meets their needs, the Agency may choose which to provide. However, applicants or employees' preferences should be considered and granted, if no additional costs are involved or extenuating

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circumstances exist. Individuals with disabilities cannot insist on specific accommodations based solely on personal preference.

- 2) Benefits and Privileges of Employment – Examples include employer-sponsored:
  - a) training; b) services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation, etc.); and c) parties or other social functions (e.g., retirement and birthday celebrates, and company outings). Employers must provide accommodations to ensure employees with disabilities may gain access to, and have an equal opportunity to participate in these types of benefits and privileges, unless it can show undue hardship.
  
- 3) Confidentiality and Handling of Medical Information  
<https://www.eeoc.gov/policy/docs/preemp.html> – The Agency will keep all applicants' and employees' medical information separate from other personnel records, and maintain confidentiality, with the following limited exceptions:
  - a. The following individuals are entitled to know applicants and/or employees' limitations to potentially provide appropriate accommodations. They will not be informed of employees' actual disabilities unless applicants and/or employees voluntarily (without coercion) provide medical information to them.
    - i. Decision makers may be advised of applicants' and/or employees' restrictions/limitations (performing job duties or major life activities) and advised of the necessary/requested accommodations.
    - ii. Individuals who may assist with determining appropriate accommodations may be told the limitations and types of accommodations requested, but not the nature of the disability. For example, JAN staff, TARGET Center staff, Technology staff, etc.
    - iii. Individuals involved in the hiring process (or those implementing an affirmative action program) who need to know the information for appointment and placement/reassignment decisions. For example, in some cases, several people may be involved in evaluating an applicant. Some individuals may simply be responsible for evaluating an applicant's references; these individuals may not have a need to know applicants' medical conditions and should not have access to the medical information.

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- b. The following individuals are entitled to know applicants' and/or employees' disabilities and limitations to effectively render assistance (i.e. reasonable accommodations, emergency services, etc.). These parties are entitled to all information necessary to make decisions regarding accommodations, medical limitations, and medical documentation, etc.
    - i. Employee Relations Branch HR Specialists.
    - ii. Departmental reasonable accommodation program contacts.
    - iii. Health unit, first aid and safety personnel *if* the disability might require emergency treatment.
    - iv. Government officials investigating compliance with the ADA may be provided relevant information on request.
  - c. Medical information includes the fact that someone has a disability, receives an accommodation, and any information concerning an individual's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question.
- 4) Decision Makers – Supervisors or managers at any level in the organization who render decisions regarding reasonable accommodations and Personal Assistance Services (PAS).
- 5) Final Decision Makers – Individuals who render final decisions on reasonable accommodation and PAS requests, including **denials** and **reconsiderations of denials**. (*See Attachments H, I, J, K and L for a listing of officials.*)
- a. Initial Denials Based on Claims of Undue Hardship - Can only be made by the individuals cited in Attachments H, I, J and K.
  - b. Reconsideration of Denials Based on Claims of Undue Hardship - Subject to review for final decisions by the Assistant to the Secretary. Written requests must be submitted through the HR Director for review and recommendations. Reconsideration requests must include the following information: i) medical documentation, ii) justification for claims of undue hardship (*See “Undue Hardship” in the Definitions section for detailed explanation*); and iii) alternative

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accommodations offered. Can only be made by the individual cited in Attachment K.

c. Reconsiderations of all Other Denials

i) Employees may request review from initial decision makers or from the HR Director.

ii) If the initial decision maker is the HR Director, seek review from the Chief Operating Officer (COO).

iii) Can only be made by the individuals cited in Attachment L.

- 6) Disability – Defined as: a) a physical or mental impairment substantially limiting one (1) or more major life activities; b) a record of such an impairment; or c) regarded as having such an impairment.
- 7) Essential Job Functions – Fundamental job duties of the employment position that the individual with a disability holds or desires, and must be able to perform, with or without reasonable accommodations. Some factors to consider in determining if functions are essential: a) do positions exist to perform those functions; b) how many employees perform those functions and whether those functions be redistributed to other employees; c) what expertise or skill is required to perform functions; d) how much time is spent performing functions; and e) what are the consequences of not requiring employees to perform those functions.
- 8) Expedited Processing of a Request – Shortened timeframes for processing reasonable accommodations. For example, it may be necessary to expedite requests to enable: a) applicants with disabilities equal opportunity to apply for positions, depending on hiring processing timelines for receiving applications, conducting interviews, and making hiring decisions; or b) employees to attend training, meetings, or work-sponsored events scheduled on short notice: For example, an employee may need a sign language interpreter for training or a meeting scheduled to take place in five (5) days.
- 9) Forms – See Attachments A-C below for documents; they may also be found electronically on the HR (<https://rdhr.usda.net/SitePages/Home.aspx>) and Civil Rights Offices SharePoint sites ([https://usdagcc.sharepoint.com/sites/rd\\_om/cr/SitePages/Home.aspx](https://usdagcc.sharepoint.com/sites/rd_om/cr/SitePages/Home.aspx)).
- a. AD 1163, *Confirmation of Request for Reasonable Accommodation*

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- b. [AD 1164](#), *Reasonable Accommodation Information Reporting*
- c. [AD 1165](#), *Denial of Reasonable Accommodation Request*
- d. *Attachment D, Confirmation of Request for Personal Assistance Services*
- e. *Attachment E, Personal Assistance Services Information Report Form*
- f. *Attachment F, Denial of Personal Assistance Services Form*

**Accessible formats:** Persons with disabilities who require alternative means for communication of program information and forms (Braille, large print, audiotape, etc.) should contact: USDA's TARGET Center at 202-720-2600 (voice and TDD); others may also request assistance on an employee's behalf.

<https://www.targetcenter.dm.usda.gov/content/my-target-center-experience>

10) Funding - The head of each organizational component (individuals identified on Attachment E below) receives a general support budget. Reasonable accommodation costs should be deducted from these funds. When additional funds are required, supplemental funding requests for reasonable accommodations and Personal Assistance Services (PAS) must be submitted by the head of each organizational component to the Chief Financial Officer (CFO). The request should be submitted to the CFO via email or letter and include the amount needed and the justification for the need. The CFO will coordinate procurement of additional funds required from Departmental resources.

11) Hiring Process – Job advertisement, application submission, interview process, taking employment related examinations/tests, completion of on-boarding documents in connection with positions, making job offers, applicants' acceptance or declination of employment offers, etc.

12) Interactive Process – Comprehensive and flexible discussion process between individuals and Agency officials after a request for accommodation is made to identify: a) the nature of the medical limitation, problem, or barrier prompting the need for an accommodation; b) what, if any, accommodation should be provided; and c) accommodation of choice and/or alternative accommodations that may effectively meet individuals' needs. Requesting individuals and decision makers must work together to identify effective accommodations. Other individuals may need to be consulted: For example, information technology (IT) staff, Job Accommodation Network (JAN), TARGET Center, and Employee Relations Branch (ERB) Human Resources Specialists, etc.

Requesters' failure to engage in the interactive process, when necessary, could result in the Agency: a) unintentionally providing ineffective accommodations; or b) improperly

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denying accommodations because requesters fail to suggest possible effective initial or alternative accommodations, or fail to engage with outside experts, if appropriate. Decision makers should initiate and continue the interactive process and attempt to identify and provide an effective accommodation, consulting outside resources if necessary, even if the requester fails to recommend an accommodation.

- 13) Job Accommodation Network (JAN) – Free consulting services for federal employers; this includes one-on-one consultation services regarding all aspects of job accommodations, compliance assistance with section 501 of the Rehabilitation Act, information about federal initiatives and hiring programs, and referral to federal resources.
- 14) Major Life Activities – Activities include, but are not limited to, bending, bodily functions (bladder, bowel), thinking, breathing, cardiovascular, caring for oneself, circulatory, communicating, concentrating, digestive, eating, endocrine, functions of the immune system, genitourinary, hearing, hemic, interacting with others, learning, lifting, lymphatic, musculoskeletal, neurological, cell growth, performing physical tasks, reaching, reading, reproductive functions, respiratory, running, seeing, sitting, sleeping, speaking, special sense organs and skin, standing, thinking, walking, and working; or the operation of a major bodily function, including individual organs within a body system; etc. The term “major” shall not be interpreted strictly to create a demanding standard for disability.
- 15) Medical Disclosures – Prior to disclosing medical information, contact the servicing ERB Human Resources Specialist for direction. Medical information, whether obtained through the reasonable accommodation process or otherwise, may only be disclosed in limited circumstances (*See number 3 above in this section*). For disclosure purposes, medical information includes: a) the fact that an individual requested and/or receives an accommodation; b) the fact that an individual has a disability; and/or c) any information concerning an individual's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question. (*See EEOC Enforcement Guidance: Pre-employment Disability-Related Inquiries and Medical Examinations (Oct. 10, 1995), available at <https://www.eeoc.gov/policy/docs/preemp.html>.*) Decision makers only needed to know the employee's work-related limitations and need for an accommodation, not the specific medical condition.

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- 16) Medical Information – Requesters are required to provide appropriate medical information related to disabilities and requested accommodations when disabilities and/or need for accommodations is not obvious or otherwise known.

As an alternative to requesting medical documentation, the decision maker may simply discuss with the person the nature of the disability and functional limitations. It is important to explain to the individual why it is requesting information: to verify the existence of an ADA disability and the need for a reasonable accommodation.

The Agency may not request medical information in support of every accommodation request, only when it is reasonably necessary to establish that the requester is an individual with a disability and needs the requested accommodation.

Information is limited to that which identifies: a) nature, severity and duration of the impairment (For example, symptoms, side effects of any treatments, etc.); b) activities the impairment limits; c) extent to which the impairment limits those activities; d) why the individual requires reasonable accommodation or the particular reasonable accommodation requested; and e) how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of employment.

When medical documentation is insufficient to establish the existence of an ADA disability, identify the need for reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace, the Agency ERB Human Resources Specialists, Department's Reasonable Accommodation program contact, or other Agency officials delegated such responsibility) have a right to: a) request relevant supplemental medical information if initial submission(s) is insufficient; and/or b) have medical information reviewed by a medical expert of the Agency's choosing at the Agency's expense. For example, the Agency is unable to determine if the requester is a qualified individual with a disability as set forth by the ADA and/or Rehabilitation Act of 1973 and its amendments.

- 17) Mental Impairment – Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, or specific learning disabilities.” .

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- 18) Mitigating Measures – Medication, medical supplies, equipment, or appliances, low-vision devices (specific devices that magnify, enhance, or otherwise augment visual images), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy, etc.

Mitigating measures, except ordinary eyeglasses or contact lenses intended to fully correct visual acuity or to eliminate refractive error, cannot be considered in making decisions affecting reasonable accommodations.

- 19) National Office – Rural Development virtual and non-virtual employees assigned to St. Louis, Missouri, and Washington, D.C.
- 20) Personal Assistance Service (PAS) Provider – An employee or independent contractor whose primary job functions include provision of personal assistance services.
- 21) Personal Assistance Services (PAS) – Agencies are required to provide an employee with PAS during work hours, to include telework, and for job-related travel if the employee requires such services. PAS are services to employees because of their targeted disabilities, who need 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 to perform the essential functions of their position. For example, assistance with removing and putting on clothing, eating, using the restroom. Such services do not, however, include medical care, and need not be provided by someone who has medical training or qualifications.  
<https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>.

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, cost as an undue hardship is not easily defensible.

- 22) Physical Impairment – Physiological disorders or conditions, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, urinary, hemic and lymphatic, skin or endocrine.

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- 23) Qualified Individual with a Disability – The term “*qualified*,” with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.
- 24) Reasonable Accommodation – Changes to jobs, the work environment, policies, or the way things are routinely accomplished that allow individuals with disabilities to apply for and perform essential job functions, or enjoy equal access to benefits and privileges available to other individuals in the workplace.
- 24) Reassignment – The accommodation of last resort. Only considered if accommodations are unavailable to enable employees to perform essential job functions of their current positions, or if the effective accommodations would cause undue hardship, and the employee agrees to reassignment. Reassignment must be considered prior to any action to separate an employee.
- 25) Recipients of Reasonable Accommodation Requests – Individuals within employees’ chain of command, ERB Human Resources Specialists, ESD HR Specialists, and any other individual designated in writing by the Agency to accept reasonable accommodation requests.
- 26) Regularly Occurring Reasonable Accommodations – Accommodations needed repeatedly (e.g., sign language interpreter, reader, personal assistant) should not require submission of the written form (AD-1163, *Confirmation of Request for Reasonable Accommodation*) each time; initial or subsequent requests should contain language-describing accommodation as “recurring and continuing.” If decision makers are aware that recurring accommodations are needed (sign language interpreter, reader, etc.), they should automatically provide them for all work-sponsored events, such as training, safety talks, discussions on work procedures, policies or assignments, performance and disciplinary actions, and social events, to include required travel to such events, regardless of whether the employee requests the accommodations. To the greatest extent possible, requestors should notify decision makers of such needed assistance, and particularly, for meetings/events decision makers would not know the employee plans to attend (e.g., lunch and learn sessions, wellness events, etc.).

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- 27) Requesters – Applicants, employees, or others (family members, health professionals, decision makers) who request reasonable accommodations on applicants' and/or employees' behalf. When others request accommodations, if possible, decision makers must confirm that the applicants and/or employees want reasonable accommodations before proceeding. If the latter is not possible (e.g., an employee is hospitalized in an acute state), decision makers will process the third-party requests if they appear appropriate (e.g., by granting immediate leave); as soon as practicable, decision makers will consult directly with the individuals needing accommodations.
- 28) Record Storage – All medical information must be kept confidential, and stored in files separate from individuals' personnel files. The ERB Human Resources Specialists maintain reasonable accommodation files for the Agency in totality.
- 29) Substantially Limits – Impairments are disabilities when they substantially limit individuals' ability to perform one (1) or more major life activities as compared to most people. Impairments do not have to prevent, or significantly or severely restrict, individuals from performing major life activities to be substantially limiting. Determinations of whether impairments substantially limit major life activities require individualized assessments. Comparison of an individual with a disability's performance of a major life activity to the performance of the same major life activity by most people usually does not require scientific, medical, or statistical analysis. However, presentation of scientific, medical, or statistical evidence to make such a comparison is allowed, when appropriate. Determinations about whether impairments substantially limit major life activities shall be made without regard to ameliorating effects of mitigating measures, except for ordinary eyeglasses or contact lenses. Impairments that are episodic or in remission are disabilities if they substantially limit one (1) or more major life activities when active. Additionally, the effects of impairments lasting or expected to last fewer than six (6) months may be substantially limiting.
- 30) Targeted Disabilities – Disabilities identified: a) in the Rehabilitation Act of 1973, Section 501, and b) on OPM Form SF-256, Self-Identification of Disability, Targeted Disabilities or Serious Health Conditions. They include: a) developmental disabilities, for example, autism spectrum disorder; b) traumatic brain injuries; c) deafness or serious difficulty hearing, benefiting from, for example, American Sign Language; d) blindness or serious difficulty seeing even when wearing glasses; e) missing extremities (arm, leg, hand and/or foot); f) significant mobility impairments, benefitting from a wheelchair, scooter, walker, leg brace(s) and/or other supports; g) partial or complete paralysis (any cause); h) epilepsy and other seizure disorders; i) intellectual disabilities; j) psychiatric

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disabilities; k) dwarfism; and l) significant disfigurement (for example, disfigurements caused by burns, wounds, accidents, or congenital disorders).

31) Third Party Request – Reasonable accommodation requests submitted on behalf of applicants or employees. Whenever possible, Agency officials should confirm with applicants or employees that they are seeking reasonable accommodations prior to proceeding. If the latter is impossible, requests made by third parties will be processed as appropriate. (For example, an employee is hospitalized in an acute condition, and immediate leave has been requested as an accommodation, it will be granted as appropriate.) The Agency official will consult directly with applicants or employees as soon as practicable.

32) Timeliness – Regardless of the time allotted herein to process reasonable accommodation requests, they must be handled expeditiously and as soon as possible, unless extenuating circumstances exist. Expedited processing may be appropriate (*See number 6 above*). Temporary accommodations may be necessary and provided while: a) a decision on the permanent accommodation is pending medical documentation; and/or (b) until a permanent accommodation can be implemented (i.e., equipment purchase, structural reconfiguration, etc.). Requesters must be notified in writing of: a) the extenuating circumstances for delays in responding to requests for, or providing reasonable accommodations. Only include factors that could not reasonably have been anticipated or avoided; and b) the date(s) the Agency expects to complete the process.

Failure to timely process and implement requests in less than the **30 business** days allowed when a reasonable accommodation is available, may result in “undue delay” in qualified individuals with disabilities receiving accommodations; thereby, violating the Rehabilitation Act of 1973.

33) Undue Hardship – Individualized assessments reflecting that specific reasonable accommodation(s) and/or PAS requests would cause significant difficulty or expense based on several factors, including: a) nature and cost of accommodation(s); b) overall financial resources of the Department of Agriculture; c) the number of persons employed at the facility who perform, or are available to perform the work; f) the type of operation, including structure and functions; and g) the impact of the accommodation(s) on the operation of the facility.

Accommodation costs must be evaluated in terms of the overall available financial resources of the U.S. Department of Agriculture (USDA), not limited to RD. Decision-

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making officials must evaluate all financial resources available to the Agency (RD) and the Department (USDA) before determining that the cost of a requested-accommodation or PAS is an undue hardship. (See "Funding" in the "Definitions" section for procedural requirements.)

The Agency cannot claim undue hardship based on: a) other employees' or customers' fears or prejudices toward individuals with disabilities; and/or b) the requested reasonable accommodation potentially negatively impacting another employees' morale. However, the Agency may be able to show undue hardship when reasonable accommodations would be unduly extensive and/or disruptive to other employees' ability to work; or those that would fundamentally alter the nature or operation of the business.

Initial claims of undue hardship can only be made in writing by the individuals identified in Attachments H, I, J and K.

Claims of undue hardship are subject to review for final decisions by the Assistant to the Secretary. (See i) "Final Decision Maker" above in the Definitions section; and ii) Attachment K.)

34) USDA TARGET Center – Provides workplace assessments and demonstrations of assistive technology and ergonomic solutions. Makes specific recommendations regarding reasonable accommodations. Responsible for collecting data, maintaining records, and reporting results as required. Staff can be reached on-line at [Services | TARGET Center](#). Employees may request services directly from the Target Center; however, depending on the services, their decision makers may be contacted.

## **PROCEDURES AND RESPONSIBILITIES:**

### **I. APPLICANTS' RESPONSIBILITIES:**

- *Applicants for employment are responsible for:*
  1. Requesting reasonable accommodations orally or in writing from Agency officials.
    - a. If applicants' need for accommodations are communicated orally or identified through other means, Employee Services Division (ESD) Human Resources Specialists, decision makers or interviewers, or other designees

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should ask that they document requests on form AD-1163, *Confirmation of Request for Reasonable Accommodation*.

- b. Requests should specify accommodations, if known.
- c. Although applicants may be asked, they are not required to complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*.
  - i) ESD Human Resources Specialists will provide the form to applicants who agree to complete and return them to their attention.
  - ii) If applicants decline, are unable or unavailable, during the *pre-interview* accommodations phase: 1) ESD Human Resources Specialists will complete form AD- 1163, *Confirmation of Request for Reasonable Accommodation*. The form must be completed within **two (2) business days** from receipt of applicants' requests.

**NOTE: If accommodations are requested for *interviews*, decision makers will complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*.**

- d. Applicants do not have to use the words “reasonable accommodation” “disability,” “Rehabilitation Act” or “Americans with Disability Act” when requesting accommodations.
  - i) Valid requests include any communication whereby applicants ask or state that they need the Agency to provide or change something because of their medical conditions. If the initial communication is unclear, applicants should be asked if they are requesting reasonable accommodations.
  - ii) Although the applicants do not say “reasonable accommodation” in the scenarios below, their statements constitute such requests.

Example 1: An interviewing official contacts an applicant to arrange an interview; the applicant shares that he or she is hearing impaired and cannot hear spoken words. This is a reasonable accommodation request (*an interpreter is needed*).

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Example 2: The ESD Human Resources Specialist notifies applicant of his or her selection and schedules a convenient time to complete mandatory documents. The applicant advises the Staffing Specialist that he or she requires a wheelchair for mobility. This is a reasonable accommodation request (*reserving a handicapped parking space, meeting on the first floor in a room close to the parking lot and near the wheelchair ramp, rather than on the fifth floor*).

2. Requesting reasonable accommodations at any time during the hiring process. However, requests should be made as soon as applicants become aware of barriers; this could enhance the Agency's ability to provide the most effective accommodations as soon as possible.
  - a. Agency officials (ESD Human Resources Specialists, decision makers, interviewers, etc.) may need to discuss applicants' request to understand why accommodations are needed; applicants should respond to questions as soon as possible and explain how proposed accommodations would enable them to participate in the application/interview processes.
  - b. If disabilities and need for accommodations are not obvious, Agency officials may ask applicants: i) for reasonable documentation explaining disabilities/limitations; and ii) why accommodations are necessary.
  - c. Applicants with identified disabilities who are contacted for interviews shall be asked if accommodations are needed for interviews. If yes, they will subsequently be asked, "What types of accommodations?" Interviewers or their designees are responsible for providing accommodations for interviews.
  - d. Requests for reasonable accommodations should not be denied based on a belief that they are untimely or should have been submitted earlier during the hiring process.
3. Providing supporting documentation, as appropriate.

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- a. Applicants should not provide medical documentation to ESD Human Resources Specialists or decision makers. If it is required, applicants should submit the documentation to ERB Human Resources Specialists. Applicants should also sign corresponding medical releases.
  - b. Agency officials should, whenever possible, provide interim accommodations while awaiting reasonably requested supporting medical documentation. Officials must continue processing accommodation requests when medical documentation is received, even if the documentation is submitted after the time limit expires. (*See “Timeliness” in the “Definitions” section.*)
4. Accepting or declining accommodations. Applicants cannot insist on specific accommodations based solely on personal preferences. The Agency may offer those that differ from the requested ones, providing the identified accommodations will be effective. If more than one (1) accommodation meets their needs, the Agency may choose which to provide. If applicants believe the Agency's proposed accommodation does not meet their needs, they must explain why so that consideration may be given to offering another option.

For example: “Charles is blind and asks that a written test be read to him as a reasonable accommodation. The employer proposes to provide Charles with a braille version of the test; he explains that he cannot read braille. Thus, a braille version would not be an effective accommodation. The employer then proposes to provide Charles with an audiotape version of the test. While Charles preferred someone read the questions to him, the audiotape version meets his needs and thus is acceptable as a reasonable accommodation.”

5. Determining the best time to advise a prospective employer about the need for reasonable accommodations to perform the duties of the positions, if hired.
- NOTE: Applicants should request accommodations for the hiring process (pre-employment period – application, interviews, etc.) as soon as practical; however, they do not have to tell the Agency during the application process that they might need accommodations, if hired, to perform the job.**
- Applicants are sometimes unaware they need reasonable accommodations until after receiving additional information about job requirements and the work environment. Consequently, some applicants may opt to advise the Agency: a) during the application process; or b) after receiving job offers.

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### II. EMPLOYEE SERVICES DIVISION (ESD) HUMAN RESOURCES SPECIALISTS' RESPONSIBILITIES

Medical information may only be disclosed in limited circumstances. Refer to the following information in the “Definition” section: a) See “Confidentiality and Handling of Medical Information,” and b) “Medical Disclosures” for releasability of information.

- *Applicant Accommodation Requests - ESD Human Resources Specialists are responsible for:*
  1. Including information in vacancy announcements describing:
    - a. Essential job functions. Specific information will attract applicants, including individuals with disabilities, who have the qualifications;
    - b. The EEO Policy. The language must state: “The United States Government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factors. To learn more, please consult the following resources: Equal Employment Opportunity (EEO) office at OPM and/or the EEO Office at Office of Equal Opportunity,” and
    - c. The Reasonable Accommodation Policy. The language must state: “Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should follow the instructions in the job opportunity announcement. For any part of the remaining hiring process, applicants should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis. To learn more, please consult the following resources: Office of Personnel Management <https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations> and/or How to contact an agency.” The individual to contact to initiate a reasonable accommodation request is identified in the “How to Apply” information on individual announcements.

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2. Receiving and acting on applicants' oral or written reasonable accommodation requests, assisting in identifying accommodations needed. Examples of reasonable accommodations that may be necessary during the hiring process include: a) providing written materials in accessible formats, such as large print, braille, or audiotape; b) providing readers or sign language interpreters; c) ensuring that recruitment, interviews, tests, and other components of the application process are held in accessible locations; d) providing or modifying equipment or devices; and/or e) adjusting or modifying application policies and procedures.
  - a. Requests may be oral or written. Written requests are not required to begin processing reasonable accommodation requests.
  - b. However, oral requests must be documented on form AD-1163, *Confirmation of Request for Reasonable Accommodation, for record keeping purposes*. Failure to initiate processing of oral requests may result in undue delay in providing reasonable accommodation in violation of the Rehabilitation Act.
  - c. Applicants may be asked, but are not required to complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*.
    - i) ESD Human Resources Specialists will provide the form to applicants who agree to complete and return them to their attention.
    - ii) If applicants decline, are unable or unavailable, ESD Human Resources Specialists will complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*, and forward it to the selecting official to coordinate *pre-interview* accommodations with the selecting official. The process must be completed within **two (2) business days** from receipt of requests.

**NOTE: If accommodations are requested for *interviews*, decision makers will complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*. (See IV. Decision Makers' Responsibilities)**

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3. Maintaining confidentiality of applicants' medical information relating to the reasonable accommodation process.
  - a. This includes the fact that an accommodation has been requested or approved and information about functional limitations.
  - b. In many cases, it is not necessary for Agency Officials to receive actual medical documentation.
  - c. Applicants should not provide medical documentation to ESD Human Resources Specialists, or decision makers.
4. Notifying applicants to submit medical documentation directly to ERB Human Resources Specialists if it is needed.
  - a. Generally, medical documentation is only required when applicants request high-cost value or extraordinary accommodations.
  - b. Examples of accommodations that typically do not require medical documentation during the hiring process are included in number two (2) above.
5. Collaborating with decision makers to provide reasonable accommodations.
  - a. Applicants with identified disabilities who are contacted for interviews, shall be asked, if accommodations are needed. If yes, they will subsequently be asked, "What types of accommodations?" Interviewers or their designees are responsible for providing accommodations for interviews.
  - b. If disabilities and/or need for accommodations are not obvious, Agency officials may ask applicants: i) for reasonable documentation explaining disabilities/limitations; and ii) why accommodations are necessary. Applicants should explain how proposed accommodations would enable their participation in the application/interviewing processes.
  - c. Agency officials cannot ask the questions below on applications or during interviews:

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- i) “Do you have a heart condition; have asthma or any other difficulties breathing?
  - ii) Do you have a disability which would interfere with your ability to perform the job?
  - iii) How many days were you sick last year?
  - iv) Have you ever filed for workers’ compensation? Have you ever been injured on the job?
  - v) Have you ever been treated for mental health problems?
  - vi) What prescription drugs are you currently taking?”
6. Collaborating with decision makers to notify applicants in writing (form AD-1165, *Denial of Reasonable Accommodation Request*) of accommodation denials within **two (2) business days** from written or oral requests.
- a. Requests may not be denied based on a belief that they are untimely or should have been requested earlier during the hiring process.
  - b. Decision makers shall notify applicants of the reasons for denial and avenues of redress in writing.
  - c. Ensuring job offer letters include information that: a) the Agency supports requests for reasonable accommodations; and b) the decision maker (immediate supervisor) is the contact point for initiating requests during employment.
7. Providing form AD-1163, *Confirmation of Request for Reasonable Accommodation*, to ERB Human Resources Specialists within **two (2) business days of completion of the applicant selection process**.
- *Employee Accommodation Requests – ESD Human Resources Specialists are responsible for:*

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1. Maintaining confidentiality in connection with the reasonable accommodation process. This includes the fact that an accommodation has been requested or approved and information about functional limitations. ESD Human Resources Specialists are entitled to information only to the extent necessary to conduct job searches for purposes of reassignment in connection with a reasonable accommodation. However, it is not necessary that they receive actual medical documentation. Generally, they only need information regarding employees' limitations to conduct an appropriate job search for reassignments.
2. Participating in reassignment searches with decision makers based on employees' resumes and qualifications. Employees with disabilities must qualify for positions and be able to perform the essential functions, with or without, reasonable accommodation. Reassignment as a reasonable accommodation does not require the employee to compete for the position. ESD Human Resources Specialists:
  - a. Receive resumes, college transcripts, and reassignment preferences from employees' decision makers.
  - b. Initiate searches within **10 business days** from decision makers' request for reassignment searches within Rural Development organizations, to include current vacant positions and positions anticipated to become vacant within 60 business days,
  - c. Notifying decision makers of reassignment search results.
3. Providing the ERB Human Resources Specialists with required information (resume, college transcript, and reassignment preferences), for submission to the Departmental Disability Employment Program contact to coordinate a USDA-wide search for vacant positions. (**Note: This occurs after Agency-wide (RD) search yields no qualifying vacancies.**)
4. Securing reasonable accommodation information from ERB staff and incorporating into new employee orientation packets.

### III. EMPLOYEES' RESPONSIBILITIES:

- *Employees are responsible for:*

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1. Requesting reasonable accommodations orally, or in writing, from decision makers (supervisors or managers in the employee's chain of command) and ERB Human Resources staff at any time.
  - a. If employees' need for accommodations are communicated orally or identified through other means, decision makers and ERB Human Resources Specialists should ask that they document requests on form AD-1163, *Confirmation of Request for Reasonable Accommodation*.
  - b. Requests should specify accommodations, if known.
  - c. Decision makers, family members, health professionals, or other representatives may request reasonable accommodations on employees' behalf, using the procedures above (1.a. to c).
  - d. If employees or their representatives decline or fail to complete and submit form AD-1163, *Confirmation of Request for Reasonable Accommodation*, decision makers and ERB Human Resources Specialists shall complete the documents on their behalf. Employees are not required to request reasonable accommodations in writing. However, written records are necessary to document accommodation efforts and for reporting purposes.
  - e. Requesters do not have to use the words "reasonable accommodation," "disability," "Rehabilitation Act" or "Americans with Disability Act" when requesting accommodations.
    - i) Valid requests include any communication whereby employees ask or state that they need the Agency to provide or change something because of their medical conditions. Employees should be queried if they are requesting reasonable accommodations if the initial communication is unclear.
    - ii) Although employees do not say "reasonable accommodation" in the scenarios below, their statements constitute such requests, except for Example 4.

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Example 1: An employee shares with her supervisor that she is having difficulty reporting to duty on time because of medical treatments. This is a reasonable accommodation request.

Example 2: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a reasonable accommodation request.

Example 3: An employee tells her supervisor that her office desk is too low for her wheelchair. This is a reasonable accommodation request.

Example 4: An employee tells his supervisor that his chair is uncomfortable and requests a new one. He did not link his request for a new chair with a medical condition. This is not a reasonable accommodation request.

- d. Engaging with decision makers in the interactive process after a request has been made to discuss limitations and identify potential accommodations.
- e. Providing information and/or documentation in support of requests to ERB Human Resources Specialists as necessary and requested.
  - a. Signing and providing copies of medical release forms, when appropriate. See Attachment "D" below. The form is also accessible on the HR SharePoint site (<https://rdhr.usda.net/SitePages/Home.aspx>).
  - b. Immediately informing the ERB Human Resources Specialist if, and when they submitted medical documentation in connection with a previous request for accommodation.
  - c. Submitting medical documentation, if required, to ERB Human Resources Specialists within **15 calendar days** from request date(s), providing information about impairment, job limitations, and possible accommodations.
  - d. When all the facts and circumstances known to the agency make it reasonably likely that an individual will be entitled to a reasonable accommodation but the accommodation cannot be provided immediately, the agency shall provide an interim accommodation that allows the individual to perform some or all of

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the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency. Officials must continue processing accommodation requests when medical documentation is received, even if the documentation is submitted after the time limit expires. (See "Timeliness" in the "Definitions" section.)

- e. Submitting information (resumes, geographic preference(s)) to Agency officials to determine qualifications for vacant positions for potential reassignments when employees express interest in reassignments as a form of reasonable accommodation; employees should provide the information to decision makers or servicing ESD Human Resources Specialists. **NOTE: Non-competitive reassignment to a vacant position is the accommodation option of last resort. Consequently, efforts must be exhausted to accommodate employees in their current positions prior to pursuing reassignments.**
  
- f. Employees may voluntarily submit requests for reconsideration of written decisions of denials of accommodations as noted in a. through c., or follow the procedures provided for in d. below:
  - a. Ask initial decision maker (See Attachments H, I and J) to reconsider denial and provide additional supporting information, or seek review from the Director, Human Resources Office (HRO).
  
  - b. If the initial decision maker is the Director HRO, seek review from the Chief Operating Officer (COO).
  
  - c. Alternative Dispute Resolution (ADR) is also available. RD-Civil Rights' staff offers ADR. Program information is contained at [www.rd.usda.gov/civilrights](http://www.rd.usda.gov/civilrights). Please contact CR's staff to learn additional information about the ADR Program, and schedule a consult. They may be reached, at 1-800-787-8821 or email, at [RD-CRS@wdc.usda.gov](mailto:RD-CRS@wdc.usda.gov).
  
  - d. Employees are entitled to file an EEO complaint, or may pursue Negotiated or Administrative grievances procedures, or Alternative Dispute Resolution (ADR), if applicable, when a reasonable accommodation is denied; or may have the right to file an appeal with the Merit Systems Protection Board

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(MSPB). Employees must comply, as appropriate, with one of the following procedures:

- i) Contact an EEO counselor within **45 calendar days** from the date of receipt of the written denial (AD-1165) of reasonable accommodation(s) to file complaints pursuant to 29 C.F.R. § 1614. [Facts About Federal Sector Equal Employment Opportunity Complaint Processing Regulations \(29 CFR Part 1614\)](#); OR
- ii) File written grievances in accordance with the provisions of governing Collective Bargaining Agreements available at [http://teamrd.usda.gov/rd/DAOM/AAHR/labor\\_relations.html](http://teamrd.usda.gov/rd/DAOM/AAHR/labor_relations.html), or RD Instruction 2063-L, Administrative Grievance Procedure, <https://www.rd.usda.gov/files/20631.pdf>, as appropriate; OR
- iii) File an appeal to the Merit Systems Protection Board within **30 calendar days** of an appealable action as defined in 5 C.F.R. § 1201.3, [Part 1201 - MSPB Practice & Procedure](#).

#### IV. **DECISION MAKERS' RESPONSIBILITIES:**

Medical information may only be disclosed in limited circumstances. Refer to the following information in the "Definition section: a) "Confidentiality and Handling of Medical Information," and b) "Medical Disclosures" for releasability of information.

- *Applicant Accommodation Requests – Decision Makers are responsible for:*
  1. Maintaining confidentiality of applicants' medical information in connection with the reasonable accommodation process. This includes the fact that an accommodation has been requested or approved, and information about functional limitations.
    - a. Decision makers are only entitled to information necessary to provide reasonable accommodations during the hiring process. It is not necessary that they receive actual medical documentation.

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- b. Following are examples of limited information needed to accommodate individuals and/or to be shared with individuals who do not have a need to know:
    - i) An individual requests assistive technology for his computer as a reasonable accommodation. The information technology expert is consulted. Although the expert may need to know the requester's functional limitations to determine the appropriate technology, they do not need to know the requester's underlying medical condition.
    - ii) An individual requests and receives a special lumbar-support chair as a reasonable accommodation. Other employees ask why their coworker received special treatment. If the decision maker revealed that the individual received the chair as a reasonable accommodation, the admission would violate the Rehabilitation Act. There is no exception to the Rehabilitation Act's requirement of confidentiality that allows disclosure of medical information or the fact that an accommodation was provided in this circumstance.
  - c. Applicants should not provide medical documentation to decision makers or ESD Human Resources Specialists. If it is required and/or, provided to decision makers, they should direct applicants to submit the documentation directly to ERB Human Resources Specialists. Refer to the following information in the "Definition section: a) "Confidentiality and Handling of Medical Information;" and b) "Medical Disclosures" for releasability of information.
2. Providing clearly determined: a) essential job functions to ESD Human Resources Specialists to include in vacancy announcements; and b) reasonable accommodation point of contacts' names telephone numbers, and Teletype (TTY) devices to provide to applicants requesting reasonable accommodations for interviews.
  3. Receiving applicants' oral or written reasonable accommodation requests, identifying accommodations required for interviews.

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- a. Requests may be oral or written. Written requests are not required to begin processing of reasonable accommodation requests.
  - b. However, oral requests must be documented on form AD-1163, *Confirmation of Request for Reasonable Accommodation*, for record keeping purposes.
  - c. Applicants may be asked, but are not required to complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*. If accommodations are requested for *interviews*, decision makers will:
    - i) provide the forms to applicants who agree to complete and return them to their attention prior to scheduled interviews.
    - ii) If applicants decline, are unable or unavailable, decision makers will complete form AD-1163, *Confirmation of Request for Reasonable Accommodation* within **two (2) business days** from receipt of requests, and provide accommodations for scheduled interviews.
4. Engaging in the interactive process with applicants requiring accommodations and referred for interviews within **five (5) business days** of receipt and review of certificate(s) of eligibles, or upon applicants' request for accommodations during interview process.
- a. After requests are made, and as necessary, the interactive process begins to determine appropriate accommodations to provide, if any. Applicants, ESD Human Resources Specialists, decision makers, and/or interviewers must communicate about the specific nature of the issues generating accommodation requests, how disabilities are prompting need for accommodations, and alternative accommodations that may effectively meet applicants' needs.
  - b. Most accommodation requests can be handled between the aforementioned parties. However, the parties may include others in the process when limitations, problems, or barriers are unclear, and effective accommodations are not obvious. The following individuals may be included in the interactive process: family members, rehabilitation counselors, TARGET Center staff, Departmental Medical Officer, Departmental Disability Employment Program

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contact, Agency Disability Employment Program contact, ERB Human Resources Specialists, employees' representatives, Job Accommodation Network staff, etc.

5. Collaborating with ESD Human Resources Specialists to provide reasonable accommodations.
  - a. Ask applicants (with identified disabilities) who are contacted for pre-employment interviews, if accommodations are needed. If yes, subsequently ask, "What types of accommodations?" Interviewers or their designees are responsible for providing accommodations for interviews.
  - b. If disabilities and/or need for accommodations are not obvious, Agency officials may ask applicants: i) for reasonable documentation explaining disabilities/limitations; and ii) why accommodations are necessary. Applicants should explain how proposed accommodations would enable their participation in the application/interviewing process.
  - c. Agency officials cannot ask the questions below during pre-employment (on applications, during interviews, etc.):
    - i. "Do you have a heart condition; have asthma or any other difficulties breathing?"
    - ii. Do you have a disability which would interfere with your ability to perform the job?
    - iii. How many days were you sick last year?
    - iv. Have you ever filed for workers' compensation? Have you ever been injured on the job?
    - v. Have you ever been treated for mental health problems?
    - vi. What prescription drugs are you currently taking?"

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6. Notifying applicants in writing (form AD-1165, *Denial of Reasonable Accommodation Request*) of accommodation denials within **two (2) business days** of decision to deny accommodation.
  - a. Requests for reasonable accommodations may not be denied, based on a belief that they are untimely or should have been requested earlier during the hiring process.
  - b. Decision makers must notify applicants of the reasons for denial and avenues of redress in writing.
  - c. Denials must be signed by the head of the state or organizational component. (*See Attachments H, I, J.*)
7. Providing reasonable accommodation documentation to ERB Human Resources Specialists, including forms (AD 1163, *Confirmation of Request for Reasonable Accommodation*; AD 1164, *Reasonable Accommodation Information Reporting*; AD-1165, *Denial of Reasonable Accommodation Request*); and copies of all related information (requested accommodations; medical documentation; actions taken; etc.) to the following individuals within **two (2) business days** of completion of the applicant selection process:
  - *Employee Accommodation Requests – Decision Makers’ are responsible for:*
    1. Maintaining confidentiality of employees’ medical information in connection with the reasonable accommodation process. This includes the fact that an accommodation has been requested or approved and information about functional limitations. Decision makers are entitled to information necessary to provide reasonable accommodations, including modifications to:
      - a. Employees’ work-related duties (i.e., procedures for how work is performed; and/or
      - b. Accommodate physical limitations (i.e., work-space rearrangement to minimize mobility requirements).

**NOTE: Sometimes employees voluntarily submit medical documentation to decision makers’ attention. In these instances, decision makers should:**

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- 1) only reveal information to authorized officials identified for disclosures; and 2) forward documentation to ERB Human Resources Specialists. Refer to the following information in the “Definition section: a) “Confidentiality and Handling of Medical Information;” and b) “Medical Disclosures” for releasability of information.**
2. Receiving employees’ reasonable accommodation requests and identifying accommodations needed, if known.
- a. Requests may be oral or written. Written requests are not required to begin processing of reasonable accommodation requests.
  - b. Oral requests must be documented on form AD-1163, *Confirmation of Request for Reasonable Accommodation*.
  - c. Employees may be asked, but are not required to complete form AD-1163, *Confirmation of Request for Reasonable Accommodation*. If employees decline, are unable or unavailable, decision makers should complete the form within **two (2) business days** from receipt of reasonable accommodation requests.
3. Rendering **timely** decisions regarding accommodation requests or forwarding them to appropriate decision makers for action. The process shall begin within **five (5) business days** from receipt of requests.
- a. Medical documentation may not be requested when: (1) disabilities are obvious and/or known, or (2) the individual has already provided sufficient information to substantiate that they have a disability and need the accommodation(s) requested. Decision makers must render decisions about accommodations, and implement accommodations as soon as practical, but no later than **30 business days** from receipt of requests.

**(NOTE 1: a) Decision makers must render decisions expeditiously, unless extenuating circumstances exist; b) decisions should be made as soon as decision makers have sufficient information; c) if decision processes are prolonged, decision makers must clearly articulate, in writing to employees, the legitimate reason(s) for extenuating circumstances requiring necessary delays when accommodations cannot be timely**

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**decided or implemented** (*i.e.*, *If equipment must be ordered and tested by the employee, the employee must be kept abreast in writing of the status of their request*); and **d) management must provide interim accommodations that are reasonable and effective, pending a final decisions.**

**(NOTE 2: If more than one (1) decision maker is involved, the business days begin on the date the employee submitted the request. For example, on December 23, 2030, employee Mary Christmas submitted a reasonable accommodation request to first line decision maker: 1. The first line decision maker failed to act, so employee Christmas provided the request to her second-line decision maker on January 2, 2030. The Agency's response time began on December 23, 2030.)**

**(NOTE 3: Provide all accommodations as soon as possible. Pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(O), if a reasonable accommodation can be provided in less time than the maximum authorized under these procedures, failure to respond promptly to the request may result in a violation of the Rehabilitation Act.)**

- b. If disabilities are **not** obvious and/or known, decision makers must render decisions on, and implement accommodations within **30 business days** of receipt of disability determination letter from ERB Human Resources Specialists, in the absence of extenuating circumstances. Pending receipt of medical documentation, decision makers must provide interim accommodations to the extent possible. (*See notes 1-3 above.*)
  - i) Supervisors must submit the following documents to ERB Human Resources Specialists within **three (3) business days** from receipt of requests: 1) form AD-1163, *Confirmation of Reasonable Accommodation Request*; 2) employees' position descriptions; 3) identification of essential functions; and 4) employees' medical documentation (if it was provided and is insufficient), etc.
  - ii) ERB Human Resources Specialists will prepare requests to employees for medical documentation within **five (5) business days** of receipt of all required documents noted above. They are entitled to ask and receive medical information documenting that employees have medical conditions that rise to the level of a disability(ies) requiring accommodations. Only

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these Agency officials can determine whether medical information is needed, and request such from employees and/or the appropriate health professionals.

**(NOTE 1: If medical documentation is submitted at any point in support of an accommodation, information regarding employee's limitations and necessary/recommended accommodation(s) must be provided to, and considered by supervisors/decision makers for timely action.)**

**(NOTES 1 through 3 above are also applicable.)**

4. Engaging in the interactive process with employees within **five (5) business days** of receipt of accommodation requests, or receipt of medical documentation, if required.
  - a. After requests are made, the interactive process begins to determine appropriate accommodations to provide, if any. Employees and supervisors must communicate about the specific nature of the issues generating accommodation requests, how disabilities are prompting need for accommodations, and alternative accommodations that may effectively meet employees' needs.
  - b. Most accommodation requests can be handled between employees and first-line supervisors. However, both parties may include others in the process when limitations, problems, or barriers are unclear, and effective accommodations are not obvious. The following individuals may be included in the interactive process: family members, rehabilitation counselors, "Job Accommodation Network" (JAN) and "Technology Accessible Resources Give Employment Today" (TARGET) Center staff, Departmental Medical Officer, Departmental Disability Employment Program contact, Agency Disability Employment Program contact, ERB Human Resources Specialists, employees' representatives, Job Accommodation Network staff, etc.
5. Notifying employees in writing (on form AD-1164, *Reasonable Accommodation Information Reporting*) of accommodations to be provided within **30 business days** from written or oral requests:

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- a. The thirty **(30) business days** may be extended due to extenuating circumstances (factors that could not reasonably have been anticipated or avoided in advance of accommodation requests), such as: i) if medical documentation is necessary; ii) purchasing equipment; iii) employees need to try out equipment before purchasing; iv) additional staff needs to be hired or contracted for; and/ or v) accommodations involve removal of architectural barriers.
- b. Employees' supervisors shall notify them of: i) the reasons for delays, ii) approximate dates for decisions; iii) the provisions of the reasonable accommodation expected to be implemented, if any; and iv) temporary accommodations, if appropriate.
- c. Supervisors shall determine whether temporary measures can be taken to assist employees.
  - i) Temporary measures should be considered and may be implemented even when delays result from obtaining and evaluating medical documentation to determine if employees have covered disabilities.
  - ii) Temporary measures do not obligate the Agency to continue or offer further accommodations, if it is ultimately determined that employees do not have covered disabilities.

**(NOTE: If a position is not eligible, generally telework should not be provided as a reasonable accommodation. Each case must be assessed individually to determine if telework is an effective option even on an short term basis.**

- 6. Securing employees' resumes and/or related qualifying or other documents in conjunction with reassignment requests. **NOTE: Reassignments can only be considered when all other accommodations are determined ineffective.**
  - a. Submit information (resumes and qualifications) to the servicing ESD Human Resources Specialist

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- b. Follow-up with ESD Human Resources Specialist within **10 business days** regarding reassignment searches within the Agency related to current vacant positions, and positions believed to become vacant within **60 business days** from the dates searches are initiated, and for which employees may qualify, with or without reasonable accommodation.
7. Notifying employees in writing (on form AD-1165, *Denial of Reasonable Accommodation Request*) of accommodation denials at the time a decision to deny the request is made.
- a. Requests for reasonable accommodations may not be denied, based on a belief that they are untimely or should have been requested earlier.
  - b. Decision makers shall notify employees of the reasons for denial and avenues of redress in writing.
8. Adjudicating employees' request for reconsideration of denied accommodations.
- a. Initial Denials Based on Claims of Undue Hardship - Can only be made by the individuals cited in attachment H, I, J and K.
  - b. Reconsideration of Denials Based on Claims of Undue Hardship - Can only be made by the individual cited in Attachment K.
  - c. Reconsiderations of all Other Denials
    - i. Employees may request review from initial decision makers or from the HR Director.
    - ii. If the initial decision maker is the HR Director, seek review from the Chief Operating Officer (COO).
    - iii. Can only be made by the individuals cited in Attachment I.
9. Consulting with ERB Human Resources Specialists if accommodations are requested in conjunction with anticipated or pending performance and/or conduct-based action.

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10. Providing the servicing ERB Human Resources Specialists copies of the following for record keeping purposes: Form AD-1163, *Confirmation of Request for Reasonable Accommodation*; Form AD-1164, *Reasonable Accommodation Information Reporting*; and/or Form AD-1165, *Denial of Reasonable Accommodation Request* form); and copies of all related information (requested accommodations; medical documentation; actions taken; etc.) within **two (2) business days** from completion of the accommodation process. (**Note: Accommodation files must be retained for the duration of employees' tenure, or for five (5) years, whichever is longer.**)

V. **EMPLOYEE RELATIONS BRANCH (ERB) HUMAN RESOURCES SPECIALISTS:**

Medical information may only be disclosed in limited circumstances. See the "Definitions" section: Refer to the following information in the "Definition section: a) See "*Confidentiality and Handling of Medical Information*;" and b) "*Medical Disclosures*" for releasability of information.

- *ERB Human Resources Specialists are responsible for:*
  1. Determining if employees are qualified individuals with disabilities in accordance with the Rehabilitation Act of 1973 and its amendments, when: a) disabilities are unknown; or b) not obvious.
  2. Providing guidance and assistance in the processing of reasonable accommodation requests to decision makers, and employees.
  3. Receiving and maintaining confidentiality of employees' medical information in connection with the reasonable accommodation process.
    - a. Sharing medical information is limited to the employees' functional limitations as necessary to provide reasonable accommodations. For example, medical documentation reflects that an employee has Muscular Dystrophy, which limits the distance the individual can walk. The decision maker only needs to know the limitations (distance employee can walk), and is not entitled to know the nature (Muscular Dystrophy) of the disability.
    - b. Providing information and medical documentation in accordance with limited disclosure provisions based on a need to know. ("Definition section:

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- a) “*Confidentiality and Handling of Medical Information;*” and b) “*Medical Disclosures*” for releasability of information.)
4. Preparing requests for medical when none has been submitted and disabilities are not obvious or known; or the submitted medical documentation is insufficient to make a determination. ERB Human Resources Specialists will:
- a. Obtain the following documents from decision makers to draft requests for medical documentation: i) form AD- 1163, *Confirmation of Reasonable Accommodation Request*, ii) copies of employees’ position descriptions, iii) identification of essential functions, iv) copies of medical documentation (if submitted to them and is insufficient), etc.
  - b. Prepare letters to employees requesting medical documentation within **five (5) business days** of receipt of all of required documents as noted above. If no medical documentation was submitted, all other documents must be submitted by decision makers within **three (3) business days** of receipt of request for accommodation.
    - i) Review medical documentation and determine if employees’ medical conditions/limitations rise to the level of disabilities as determined by the Rehabilitation Act of 1973 and its amendments.
    - ii) Send one (1) reminder within **five (5) business days** of date due to employees if medical documentation is not provided within **15 calendar days** of initial request: 1) asking if they are still interested in reasonable accommodations; 2) advising that failure to provide the information could result in closing request(s) without action; and 3) notifying them they have an additional **seven (7) calendar** days to submit medical documentation.
    - iii) Close cases via written notice to employees if medical documentation is not submitted within established timeframes. However, if medical documentation for the requested accommodation is submitted at any point, the information will be provided to decision makers for action.
    - iv) Send decision makers: 1) written notices stating employees’ medical documentation supports conditions that rise to the level of a disability(ies), include limitations, and the requirement to render timely decisions on

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accommodation(s); or 2) copies of written notice sent to employees advising the requested medical documentation was not submitted and cases are closed without further action.

- v) Notifying decision makers to ensure oral and written requests for accommodation are documented on form AD-1163, *Confirmation of Request for Reasonable Accommodation*. Employees can be asked, but are not required to complete the form. Consequently, forms can be completed by others, including decision makers.
- 5. Recommending options to decision makers and providing information about additional resources for accommodations (leave, technology, policy flexibilities, etc.)
- 6. Maintaining comprehensive reasonable accommodation files on all Agency employees that include: medical documentation, position descriptions, identified essential functions; form AD-1163, *Confirmation of Request for Reasonable Accommodation*; form AD-1164, *Reasonable Accommodation Information Reporting*; and/or form AD-1165, *Denial of Reasonable Accommodation Request*; and all documented efforts for accommodation).
  - a. All medical information must be maintained separately from employees' personnel files.
  - b. Accommodation files must be retained for the duration of the employee's tenure or for **five (5) years**, whichever is longer.
- 7. Compiling and consolidating information to fulfill Agency data requests and forwarding information to requesters, including the RD Civil Rights Office, USDA Offices (Office of Human Resources Management, Office of Civil Rights,) etc.
- 8. Furnishing reasonable accommodation information to Employee Services Division to insert in new employee orientation packets, and presenting the information during new employee orientation.

## VII. PERSONAL ASSISTANCE SERVICES (PAS)

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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. 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 are not otherwise required as a reasonable accommodation. For example, assistance with activities of daily living to include, but not limited to, assistance with removing and putting on clothing, eating, and using the restroom, pushing a wheelchair or assisting someone getting out of a vehicle at the worksite. *PAS are “functional” services not “medical” services nor medical care.*

The new regulations specifically requires federal agencies to provide PAS to individuals with a “targeted” disability if they require such services in addition to those job-related services required as a reasonable accommodation. When an agency's assignment of work-related travel results in an employee's inability to rely on his or her usual source of PAS during both work and off-work hours, agencies are required to provide PAS at all times during the work-related travel, independent of the new regulations, as a reasonable accommodation (absent undue hardship). Additionally, even if an employee's usual PAS provider is available during work-related travel, agencies are required to pay any additional costs related to providing PAS while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation.

PAS can be performed by federal employees, independent contractors, or a combination of employees and contractors. Agencies also have discretion as to how to classify their PAS providers concerning pay grade, benefits, and leave. 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.

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, cost as an undue hardship is not easily defensible.

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Forms, Request for Personal Assistance Services, Personal Assistance Reporting Form, and/or Denial of Personal Assistance Services Request should be used for PAS situations. (see Attachments D, E, and )

### **INFORMATION TRACKING AND REPORTING:**

- 1) **Information Reporting:** To ensure compliance with the procedures herein and the Rehabilitation Act [29 CFR 1614.203(d)(8)].
  - a. ERB Human Resources Specialists will:
    - i. Obtain the following information on **employees** from decision makers: Forms AD-1163, *Confirmation of Request for Reasonable*, AD-1164, *Reasonable Accommodation Information Reporting*; and/or form AD-1165, *Denial of Reasonable Accommodation Request*; they will subsequently enter the information in automated records within **five (5) business days** of receipt.
    - ii. Maintain automated systems containing the following information on each employee's request for reasonable accommodation including, at a minimum –
      - The specific reasonable accommodation requested, if any;
      - The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;
      - Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;
      - Whether the request was granted (which may include an accommodation different from the one requested) or denied;
      - The identity of the deciding official;
      - If denied, the basis for such denial; and

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- The number of days taken to process the request.
- b. ESD Human Resources Specialists will:
- i) Obtain the following information on **applicants** from decision makers: Forms AD-1163, *Confirmation of Request for Reasonable*, AD-1164, *Reasonable Accommodation Information Reporting*; and/or form AD-1165, *Denial of Reasonable Accommodation Request*; they will subsequently enter the information in automated records within **five (5) business days** of receipt.
  - ii) Maintain automated systems containing the following information on **applicants**:
    - Number of applications from individuals with disabilities;
    - Number of individuals with disabilities hired;
    - Number of applications received from individuals with targeted disabilities (*See “Targeted Disabilities” in the Definition section*);
    - Number of individuals with targeted disabilities hired;
    - All rescissions of applicants’ or employees’ conditional job offers, demotions, and terminations resulting from medical examinations or inquiries;
    - Employees with disabilities hired under Schedule A authority, include date of hire, entry grade level, probationary status, and current grade level;
    - Number of employees with disabilities hired under Schedule A authority who were converted to career or career-conditional appointments in the competitive service; and

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- Number of employees with disabilities hired under Schedule A who were terminated before conversion to a career or career-conditional appointment in the competitive service.
  - c. The information will: 1) be furnished to the EEOC upon request; and 2) serve as the basis, in part, for improving Rural Development's reasonable accommodation and affirmative action programs.
- 2) Information Tracking: The status of reasonable accommodation requests may be obtained as follows:
  - a. Employees may contact decision makers and ERB Human Resources Specialists.
  - b. Applicants may contact ESD Human Resources Specialists.

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**ATTACHMENT A – FORM AD-1163**

**CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION**

Applicant or Employee Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Employee Only: Occupational Series: Grade: \_\_\_\_\_

Applicant or Employee E-mail Address: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Employee's Agency: \_\_\_\_\_

1. Accommodation Requested (be as specific as possible): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Reason for Request: \_\_\_\_\_

3. If accommodation is time sensitive, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This request form shall be given to your immediate supervisor or Mission Area/Agency Disability Employment Program Manager. This form is necessary for recordkeeping purposes only and will not delay the processing of your initial request.

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Today's Date: \_\_\_\_\_

AD 1163  
4/2002

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**ATTACHMENT B – FORM AD-1164**

**REASONABLE ACCOMMODATION INFORMATION REPORTING FORM**

Name of Individual Requesting Accommodation: \_\_\_\_\_

Agency and Office of the Requesting Individual: \_\_\_\_\_

1. Reasonable Accommodation (check one)

Approved \_\_\_\_\_ Name & Title of Deciding Official \_\_\_\_\_

Denied \_\_\_\_\_ (Attach form AD-1165 “DENIAL OF REASONABLE ACCOMMODATION REQUEST”)

2. Date accommodation requested and date referred, if applicable: \_\_\_\_\_

3. Name & position of individual to whom request was made: \_\_\_\_\_

4. Date accommodation approved or denied: \_\_\_\_\_

5. Date accommodation provided: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

7. Job held or desired by individual requesting accommodation (include occupational series, grade level and office): \_\_\_\_\_

8. Accommodation required for:

\_\_\_\_\_ application process

\_\_\_\_\_ performing job functions or accessing work environment

\_\_\_\_\_ accessing a benefit or privilege of employment (e.g., attending training, social event)

9. Type(s) of accommodation requested:

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AD-1164  
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**REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (AD-1164  
continued)**

10. Type(s) of accommodation provided: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Was medical information required to process this request? If yes, explain why:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Cost, if any, of accommodation: \_\_\_\_\_

13. Sources of technical assistance, if any, consulted (Job Accommodation Network, family member, rehabilitation counselor, other)

\_\_\_\_\_  
DEPM Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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AD-1164  
4/2002

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**ATTACHMENT C – FORM AD-1165**

**DENIAL OF REASONABLE ACCOMMODATION REQUEST**

Name of Individual Requesting Accommodation: \_\_\_\_\_

1. Type(s) of reasonable accommodation requested: \_\_\_\_\_

2. Request for accommodation denied because (may check more than one):

\_\_\_\_\_ Accommodation ineffective

\_\_\_\_\_ Accommodation would cause undue hardship

\_\_\_\_\_ Medical documentation inadequate

\_\_\_\_\_ Accommodation would require removal of an Essential Function

\_\_\_\_\_ Accommodation would require lowering of performance/production standard

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If the requestor proposed one type of reasonable accommodation and the request is denied, and rejected an offer of an alternative accommodation, explain the reason for denial of the original requested accommodation and how the offered alternative accommodation would be effective.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name & Title of Deciding Official

\_\_\_\_\_  
Signature of Deciding Official

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\_\_\_\_\_  
Date reasonable accommodation denied

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4/2002

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**DENIAL OF REASONABLE ACCOMMODATION REQUEST (continued)**

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

- ask the decision maker to reconsider the denial and provide additional supporting information;
- if the decision maker does not reverse the denial, and the decision maker is the individual's supervisor, the individual may ask the office chief/director to review the request;
- if the decision maker is the office director/chief, the individual can ask the Agency Disability Employment Program Manager to review the request;
- if the decision maker is the Agency Disability Employment Program Manager (DEPM), the individual can ask the Departmental DEPM to review the request.

•••••

If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures if applicable, s/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor **within 45 days from the date of this notice 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 Administrative grievance procedure as appropriate; or
- 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
- Utilize the Alternative Dispute Resolution (ADR) process as outlined in Secretary's Memorandum 4710-1 (3/23/00). **Pursuing the ADR process does not relieve the individual from adhering to the other time frames indicated above.**

AD-1165  
4/2002

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**ATTACHMENT D**

**CONFIRMATION OF REQUEST FOR PERSONAL ASSISTANCE SERVICES (PAS)**

Employee Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Occupational Series: Grade: \_\_\_\_\_

Employee E-mail Address: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Employee's Agency: \_\_\_\_\_

1. Personal Assistance Service(s) Requested (be as specific as possible):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Reason for Request: \_\_\_\_\_

3. If PAS is time sensitive, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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This request form shall be given to your immediate supervisor or Mission Area/Agency Disability Employment Program Manager. This form is necessary for recordkeeping purposes only and will not delay the processing of your initial request.

Today's Date: \_\_\_\_\_

**ATTACHMENT E**

**PERSONAL ASSISTANCE SERVICES (PAS) INFORMATION REPORTING FORM**

Name of Individual Requesting PAS: \_\_\_\_\_

Agency and Office of the Requesting Individual: \_\_\_\_\_

1. PAS was (check one)

Approved \_\_\_\_\_ Name & Title of Deciding Official \_\_\_\_\_

Denied \_\_\_\_\_ (Attach form AD-XXXX "DENIAL OF PERSONAL ASSISTANCE SERVICES REQUEST")

2. Date PAS requested and date referred, if applicable: \_\_\_\_\_

3. Name & position of individual to whom request was made: \_\_\_\_\_

4. Date PAS approved or denied: \_\_\_\_\_

5. Date PAS provided: \_\_\_\_\_

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6. If time frames outlined in the PAS Procedures were not met, please explain why:

\_\_\_\_\_

\_\_\_\_\_

7. Job held or desired by individual requesting PAS (include occupational series, grade level and office): \_\_\_\_\_

9. Type(s) of PAS requested:

\_\_\_\_\_

10. Type of PAS provided: \_\_\_\_\_

\_\_\_\_\_

11. Was medical information required to process this request? If yes, explain why:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PERSONAL ASSISTANCE SERVICES (PAS) INFORMATION REPORTING FORM (cont'd)**

12. Cost, if any, of PAS: \_\_\_\_\_

13. Sources of technical assistance, if any, consulted (Job Accommodation Network, family member, rehabilitation counselor, other)

\_\_\_\_\_  
Name and Title of Deciding Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Determination

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**ATTACHMENT F**

**DENIAL OF PERSONAL ASSISTANCE SERVICES (PAS) REQUEST**

Name of Individual Requesting PAS: \_\_\_\_\_

5. Type(s) of PAS requested: \_\_\_\_\_

6. Request for PAS was denied because (may check more than one):

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- \_\_\_\_\_ PAS would cause undue hardship
- \_\_\_\_\_ Medical documentation inadequate
- \_\_\_\_\_ Other (please specify)

7. Detailed reason(s) for the denial of the PAS (Must be specific, e.g., why PAS is not supported by medical documentation, causes undue hardship):

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8. If the requestor proposed one type of PAS, and the request is denied, and rejected an offer of an alternative PAS, explain the reason for denial of the original requested PAS and how the offered PAS would provide required assistance in accomplishing daily living tasks enabling the employee to remain in the work environment.

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\_\_\_\_\_  
Name and Title of Deciding Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date personal assistance service(s) denied

**DENIAL OF PERSONAL ASSISTANCE SERVICES REQUEST (continued)**

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

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- ask the decision maker to reconsider the denial and provide additional supporting information;
- if the decision maker does not reverse the denial, and the decision maker is the individual's supervisor, the individual may ask the office chief/director to review the request;
- if the decision maker is the office director/chief, the individual can ask the Agency Disability Employment Program Manager to review the request;
- if the decision maker is the Agency Disability Employment Program Manager (DEPM), the individual can ask the Departmental DEPM to review the request.

••••••••

If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures if applicable, s/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor **within 45 days from the date of this notice of denial of request for Personal Assistance Services (PAS)**; or
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or Administrative grievance procedure as appropriate; or
- 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
- Utilize the Alternative Dispute Resolution (ADR) process as outlined in Secretary's Memorandum 4710-1 (3/23/00). **Pursuing the ADR process does not relieve the individual from adhering to the other time frames indicated above.**

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**ATTACHMENT G**

**MEDICAL RELEASE FORM**

**AUTHORIZATION TO RELEASE MEDICAL INFORMATION**

I, \_\_\_\_\_, hereby authorize my health care provider(s) to release to my employer, USDA Rural Development, any requested medical information/documentation that relates to my request for a Reasonable Accommodation and/or Personal Assistance Services.

In granting this permission it is understood that this medical information/documentation will be utilized for official purposes only, treated in a confidential manner, and reviewed only by individuals who will make administrative decisions regarding possible accommodation efforts.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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**ATTACHMENT H**

**ST. LOUIS AND WASHINGTON, DC, INITIAL DECISION MAKERS  
FOR REASONABLE ACCOMMODATIONS  
BASED ON CLAIMS OF UNDUE HARDSHIP**

*(Note: If any individuals designated below exit the position, the decision will be made by the incumbent or designee. Authority may also be redelegated in writing to others.)*

<b>NAME&amp;TITLE</b>	<b>DECIDING OFFICIAL FOR:</b>	<b>TELEPHONE NUMBER</b>	<b>EMAIL</b>
<b>ANGILLA DENTON</b> Chief Operating Officer	Business Center staff	202-692-4109	<a href="mailto:angilla.denton@usda.gov">angilla.denton@usda.gov</a>
<b>TONY BAINBRIDGE</b> Chief Financial Officer	Staff of the Office of the Chief Financial Officer and National Financial and Accounting Operations Center	314-457-4150	<a href="mailto:tony.bainbridge@usda.gov">tony.bainbridge@usda.gov</a>
<b>ERIC DILWORTH</b> Director, Human Resources	HR staff	202-619-8531	<a href="mailto:eric.dilworth@usda.gov">eric.dilworth@usda.gov</a>
<b>MIA JORDAN</b> Chief Information Officer	Staff of the Office of the Chief Information Officer	202-692-0212	<a href="mailto:Mia.Jordan@usda.gov">Mia.Jordan@usda.gov</a>
<b>JACKI PONTI LAZARUK</b> Chief Innovation Officer	Staff of the Chief Innovation Officer	202-720-1172	<a href="mailto:jacki.ponti@usda.gov">jacki.ponti@usda.gov</a>
<b>MORAIMA RIVERA</b>	Staff of the Chief Enterprise Office, and	314-457-4155	<a href="mailto:moraima.rivera@usda.gov">moraima.rivera@usda.gov</a>

**STANDARD OPERATING PROCEDURES FOR  
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Chief, Enterprise Officer	Procurement and Administrative Services (PAS)		
<b>BETTE BRAND</b> Administrator	Rural Business-Cooperative Service staff	202-690-4730	<a href="mailto:bette.brand@usda.gov">bette.brand@usda.gov</a>
<b>BRUCE LAMMERS</b> Administrator	Rural Housing Service staff	202-260-8165	<a href="mailto:Bruce.Lammers@usda.gov">Bruce.Lammers@usda.gov</a>
<b>CHAD RUPE</b> Administrator	Rural Utilities Service staff	202-720-9540	<a href="mailto:Chad.rupe@usda.gov">Chad.rupe@usda.gov</a>
<b>SHARESE PAYLOR</b> Civil Rights Director	Civil Rights Office staff	202-692-0097	<a href="mailto:Sharese.Paylor@usda.gov">Sharese.Paylor@usda.gov</a>

**STANDARD OPERATING PROCEDURES FOR  
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**ATTACHMENT I  
STATE  
INITIAL DECISION MAKERS FOR REASONABLE ACCOMMODATIONS  
BASED ON CLAIMS OF UNDUE HARDSHIP**

*(Note: If any individuals designated below exit the position, the decision will be made by the incumbent or designee. Authority may also be redelegated in writing to others.)*

<b>STATE</b>	<b>DECIDING OFFICIAL</b>	<b>TELEPHONE NUMBER</b>	<b>EMAIL</b>
<b>ALABAMA</b>	State Director Chris Beeker III	334-279-3400	<a href="mailto:Chris.Beeker@usda.gov">Chris.Beeker@usda.gov</a>
<b>ALASKA</b>	State Director Jerry Ward	907-761-7705	<a href="mailto:Jerry.Ward2@usda.gov">Jerry.Ward2@usda.gov</a>
<b>ARIZONA</b>	State Director Jack Smith	602-280-8701	<a href="mailto:jack.smith@usda.gov">jack.smith@usda.gov</a>
<b>ARKANSAS</b>	State Director David Branscum	501-301-3200	<a href="mailto:David.Branscum@usda.gov">David.Branscum@usda.gov</a>
<b>CALIFORNIA</b>	State Director Kim Dolbow Vann	530-792-5800	<a href="mailto:Kim.Vann@usda.gov">Kim.Vann@usda.gov</a>
<b>COLORADO</b>	State Director Sallie Clark	720-544-2903	<a href="mailto:Sallie.Clark@usda.gov">Sallie.Clark@usda.gov</a>
<b>CONNECTICUT</b>	State Director George Krivda	413-253-4300	<a href="mailto:George.Krivda@usda.gov">George.Krivda@usda.gov</a>
<b>DELAWARE</b>	State Director Denise Lovelady	302-857-3580	<a href="mailto:Denise.Lovelady@usda.gov">Denise.Lovelady@usda.gov</a>
<b>FLORIDA   VIRGIN ISLANDS</b>	State Director Phillip Leary	352-338-3400	<a href="mailto:phillip.leary@usda.gov">phillip.leary@usda.gov</a>
<b>GEORGIA</b>	State Director Joyce White	706-546-2162	<a href="mailto:Joyce.White@usda.gov">Joyce.White@usda.gov</a>
<b>HAWAII</b>	Acting State Director	808-933-8305	

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	Brenda Iopeka-Moses		
<b>IDAHO</b>	State Director Layne Bangerter	208-378-5600	<a href="mailto:Layne.Bangerter@usda.gov">Layne.Bangerter@usda.gov</a>
<b>ILLINOIS</b>	State Director Douglas Wilson	217-403-6200	<a href="mailto:Douglas.A.Wilson@usda.gov">Douglas.A.Wilson@usda.gov</a>
<b>INDIANA</b>	State Director Michael Reed Dora	317-290-3100	<a href="mailto:Michael.Dora@usda.gov">Michael.Dora@usda.gov</a>
<b>IOWA</b>	State Director Grant Menke	515-284-4663	<a href="mailto:Grant.Menke@usda.gov">Grant.Menke@usda.gov</a>
<b>KANSAS</b>	State Director Lynne Hinrichsen	785-271-2700	<a href="mailto:Lynne.Hinrichsen@usda.gov">Lynne.Hinrichsen@usda.gov</a>
<b>KENTUCKY</b>	State Director Hilda Legg	859-224-7300	<a href="mailto:Hilda.Legg@usda.gov">Hilda.Legg@usda.gov</a>
<b>LOUISIANA</b>	State Director Lee Jones	318-473-7920	<a href="mailto:lee.jones@usda.gov">lee.jones@usda.gov</a>
<b>MAINE</b>	State Director Tim Hobbs	207-990-9160	<a href="mailto:Timothy.Hobbs@usda.gov">Timothy.Hobbs@usda.gov</a>
<b>MARYLAND</b>	State Director Denise Lovelady	302-857-3580	<a href="mailto:Denise.Lovelady@usda.gov">Denise.Lovelady@usda.gov</a>
<b>MASSACHUSETTS</b>	State Director George Krivda	413-253-4300	<a href="mailto:George.Krivda@usda.gov">George.Krivda@usda.gov</a>
<b>MICHIGAN</b>	State Director Jason Allen	517-324-5190	<a href="mailto:Jason.Allen@usda.gov">Jason.Allen@usda.gov</a>
<b>MINNESOTA</b>	State Director Brad Finstad	651-602-7800	<a href="mailto:Brad.Finstad@usda.gov">Brad.Finstad@usda.gov</a>
<b>MISSISSIPPI</b>	State Director John Rounsaville	601-965-4316	<a href="mailto:John.Rounsaville@usda.gov">John.Rounsaville@usda.gov</a>
<b>MISSOURI</b>	State Director Jeff Case	573-876-0976	<a href="mailto:Jeffrey.Case2@usda.gov">Jeffrey.Case2@usda.gov</a>

**STANDARD OPERATING PROCEDURES FOR  
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<b>MONTANA</b>	State Director Charles Robison	406-585-2580	<a href="mailto:Charles.Robison@usda.gov">Charles.Robison@usda.gov</a>
<b>NEBRASKA</b>	State Director Karl Elmshaeuser	402-437-5551	<a href="mailto:Karl.Elmshaeuser@usda.gov">Karl.Elmshaeuser@usda.gov</a>
<b>NEVADA</b>	State Director Philip Cowee	775-887-1222	<a href="mailto:Philip.Cowee@usda.gov">Philip.Cowee@usda.gov</a>
<b>NEW JERSEY</b>	State Director Michael Thulen	858-787-7700	<a href="mailto:Thulen.michael@usda.gov">Thulen.michael@usda.gov</a>
<b>NEW HAMPSHIRE</b>	State Director Anthony Lindaros	802-828-6080	<a href="mailto:Anthony.Lindaros@usda.gov">Anthony.Lindaros@usda.gov</a>
<b>NEW MEXICO</b>	State Director Arthur A. Garcia	505-761-4950	<a href="mailto:Arthur.garcia@usda.gov">Arthur.garcia@usda.gov</a>
<b>NEW YORK</b>	State Director Richard Mayfield	315-477-6400	<a href="mailto:Richard.mayfield@usda.gov">Richard.mayfield@usda.gov</a>
<b>NORTH CAROLINA</b>	State Director Robert Hosford	919-873-2000	<a href="mailto:robert.hosford@usda.gov">robert.hosford@usda.gov</a>
<b>NORTH DAKOTA</b>	State Director Clare Carlson	701-530-2037	<a href="mailto:Clare.Carlson@usda.gov">Clare.Carlson@usda.gov</a>
<b>OHIO</b>	State Director Dave Hall	614-255-2400	<a href="mailto:David.Hall2@usda.gov">David.Hall2@usda.gov</a>
<b>OKLAHOMA</b>	State Director Lee Denney	405-742-1000	<a href="mailto:Lee.Denney@usda.gov">Lee.Denney@usda.gov</a>
<b>OREGON</b>	State Director John Huffman	503-414-3300	<a href="mailto:John.Huffman@usda.gov">John.Huffman@usda.gov</a>
<b>PENNSYLVANIA</b>	State Director Curt Coccodrilli	717-237-2299	<a href="mailto:Curt.Coccodrilli@usda.gov">Curt.Coccodrilli@usda.gov</a>
<b>PUERTO RICO</b>	State Director Josue E. Rivera	787-766-5481	<a href="mailto:josue.rivera@usda.gov">josue.rivera@usda.gov</a>
<b>RHODE ISLAND</b>	State Director George Krivda	413-253-4300	<a href="mailto:George.Krivda@usda.gov">George.Krivda@usda.gov</a>

**STANDARD OPERATING PROCEDURES FOR  
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<b>SOUTH CAROLINA</b>	State Director Debbie S. Turbeville	803-765-5136	<a href="mailto:Debbie.Turbeville@usda.gov">Debbie.Turbeville@usda.gov</a>
<b>SOUTH DAKOTA</b>	State Director Julie Gross	605-352-1100	<a href="mailto:Julie.Gross@usda.gov">Julie.Gross@usda.gov</a>
<b>TENNESSEE</b>	State Director Jim Tracy	615-783-1300	<a href="mailto:Jim.Tracy@usda.gov">Jim.Tracy@usda.gov</a>
<b>TEXAS</b>	State Director Edd Hargett	254-742-9700	<a href="mailto:Edd.Hargett@usda.gov">Edd.Hargett@usda.gov</a>
<b>UTAH</b>	State Director Randy Parker	801-524-4320	<a href="mailto:Randy.Parker@usda.gov">Randy.Parker@usda.gov</a>
<b>VERMONT</b>	State Director Anthony Linardos	802-828-6080	<a href="mailto:Anthony.linardos@usda.gov">Anthony.linardos@usda.gov</a>
<b>VIRGINIA</b>	State Director Elizabeth Walker Green	804-287-1615	<a href="mailto:Elizabeth.Green@usda.gov">Elizabeth.Green@usda.gov</a>
<b>WASHINGTON</b>	State Director Kirk Pearson	360-704-7740	<a href="mailto:Kirk.Pearson@usda.gov">Kirk.Pearson@usda.gov</a>
<b>WEST VIRGINIA</b>	State Director Kris Warner	304-284-4860	<a href="mailto:Kris.Warner@usda.gov">Kris.Warner@usda.gov</a>
<b>WISCONSIN</b>	State Director Frank Frassetto	715-345-7600	<a href="mailto:Frank.Frassetto@usda.gov">Frank.Frassetto@usda.gov</a>
<b>WYOMING</b>	State Director F.E. Wally Wolski	307-233-6700	<a href="mailto:wally.wolski@usda.gov">wally.wolski@usda.gov</a>

**STANDARD OPERATING PROCEDURES FOR  
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**ATTACHMENT J  
AGENCY FINAL-DECISION MAKER  
(RECONSIDERATION OFFICIAL)  
FOR  
DENIED REASONABLE ACCOMMODATIONS  
BASED ON CLAIMS OF UNDUE HARDSHIP**

<b>NAME&amp;TITLE</b>	<b>DECIDING OFFICIAL FOR:</b>	<b>REQUIRED INFORMATION</b>	<b>EMAIL</b>
<p><b>MISTY GILES</b> Chief of Staff</p> <p><i>(Authority may also be redelegated in writing to others.)</i></p>	<p>Denials of Reasonable Accommodations Based on Claims of Undue Hardship</p>	<p>Submit written requests through the HR Director to the attention of the Chief of Staff. <i>See "Final Decision Makers" in the definition section.</i></p>	<p><b>ERIC DILWORTH</b> Human Resources <a href="mailto:Eric.Dilworth@usda.gov">Eric.Dilworth@usda.gov</a></p>