



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MN 55101-1638

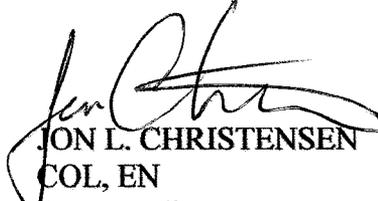
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11 JUL 2007

MEMORANDUM FOR All Employees

SUBJECT: Policy Letter No. 04-01, St. Paul District Accommodation Policy

1. The attached policy outlines the rules governing the rights of employees and job applicants to reasonable accommodation, and the procedures employees, supervisors, and job applicants must follow when making and responding to reasonable accommodation requests.
2. It is the goal of the St. Paul District that individuals with disabilities be fully integrated into the District workforce. In order to realize the MVD strategic goal of becoming an "employer of choice," it is necessary that all employees be given the opportunity to realize their full potential. For employees with disabilities, the provision of reasonable accommodation will serve as the vehicle for accomplishing this. Title 29 of the Code of Federal Regulations states that the government shall be a model employer for individuals with disabilities. In addition, the Rehabilitation Act of 1973 requires Federal employees to provide reasonable accommodation to qualified employees and applicants with disabilities. The command recognizes their responsibility as outlined in these statutes and will make every effort to ensure that not only the requirements are met, but that their spirit and intent is also fulfilled.
3. This policy shall be made available to all St. Paul District employees and job applicants.


JON L. CHRISTENSEN
COL, EN
Commanding

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This Policy Letter supersedes Policy Letter No. 04-01 dated 30 July 2004.

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Reasonable Accommodation Policy

I. Statement of Purpose:

It is the goal of the St. Paul District that individuals with disabilities be fully integrated into the District workforce. In order to meet the MVD strategic vision goal of being the "employer of choice", it is necessary that all employees be given the opportunity to realize their full potential. For employees with disabilities, the provision of reasonable accommodation will serve as the vehicle for accomplishing this. Title 29 of the Code of Federal Regulations states that the Federal Government shall be a model employer of individuals with disabilities. Further, Section 501 of the Rehabilitation Act of 1973 requires Federal employers to provide reasonable accommodation to qualified applicants and employees with disabilities. Therefore, it is the policy of the St. Paul District to provide reasonable accommodations whenever possible to qualified individuals with disabilities, so that they may enjoy the benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities.

Executive Order 13164, issued July 26, 2000, requires Federal agencies to develop written procedures for providing reasonable accommodation. This document satisfies that directive, in addition to ensuring that the District meets its obligations under the Rehabilitation Act.

II. Effective Date: 1 February 2004

III. Posting Requirement: This policy shall be posted in a format accessible to employees, applicants, and other individuals, as applicable. The EEO Office will be assigned oversight of this policy and shall ensure that all employees are made aware of the policy.

IV. Applicable Laws and Regulations:

- a. AR 690-200: General Personnel Provisions.
- b. Titles I and V of the Americans with Disabilities Act of 1990 (Public Law 101-336) (ADA), as amended.
- c. Americans with Disabilities Act of 1990.
- d. The Civil Rights Act of 1991 (Public Law 102-166) (CRA).
- e. The Privacy Act of 1974.
- f. Title 29, Code of Federal Regulations.
- g. Sections 501, 504, 505, and 508 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended.
- h. EEOC Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act. Updated October 2002.
- i. Executive Orders 13078, 13145, and 13164.
- j. AR 690-600, Equal Employment Opportunity Discrimination Complaints.
- k. AR 690-12, Equal Employment Opportunity and Affirmative Action.
- l. AR 600-7, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army.

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- m. The Vietnam Era Veterans' Readjustment Act of 1974, as amended.
- n. The Architectural Barriers Act.
- o. The Civil Rights Act of 1964, as amended.
- p. The Family and Medical Leave Act of 1993.

V. Disclaimer:

This policy applies to the St. Paul District, Corps of Engineers, an organization under the purview of the United States Department of the Army. Nothing in this policy shall be construed to apply a lesser standard or invalidate the standards applied in the above laws and regulations. This policy is subject to the restrictions of, and any changes to, the above references and Department of the Army policies and procedures.

VI. Definitions:

The term "qualified individual with a disability" means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires, without endangering the health and safety of the individual or others. The individual must have the skills, experience, education, and other requirements of the employment position. The District's judgment as to what functions of a job are essential should be well documented and these essential functions should be included in any job description or advertisement for the job. A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs. The term "reasonable accommodation" means any accommodation that does not impose undue hardship on the agency in the operation of its program; "undue hardship" takes into account the agency's size, type of operation, and cost of accommodation. An undue hardship is an action that requires "significant difficulty or expense". See Appendix D for more in depth definitions of the terms and terminology used in this policy.

VII. Background:

The Americans with Disabilities Act of 1990 states that no organization shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, or privileges of employment. Discrimination is present when the organization does not make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the organization.

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VIII. Oversight:

The St. Paul District EEO Office shall oversee the reasonable accommodation process and shall provide assistance and information to all District managers and employees involved in the process. This office shall also maintain all files regarding requests/denials/approvals for reasonable accommodation.

IX. Record Keeping:

The EEO Office is responsible for tracking information that will enable the St. Paul District to evaluate its performance in considering and granting requests for reasonable accommodation. While Executive Order 13164 does not impose any specific record-keeping requirements, it is St. Paul District policy that requests for reasonable accommodation shall be documented on Appendix A, and B (if applicable). The EEO Office shall maintain these records for one year for a non-employee and employee, or for an employee, the duration of the employee's employment. Records used to monitor and track the District's performance shall be maintained for a minimum of three years.

Restrictions: Information obtained regarding the medical condition or medical history of any employee or applicant will be collected on separate forms and be treated as a confidential medical record. Except for the reasons stated below, this information will be: (1) for employees, maintained in the appropriate file retained by the CPAC/CPOC; or (2) for non-employees, returned to that individual unless the information is required for an ongoing investigation or as part of a grievance, complaint, or personnel action. Exceptions: the release of medical information may be necessary (1) to inform supervisors and managers regarding necessary restrictions on the work of the employee and necessary accommodations; (2) to inform first aid and safety personnel for the purposes of emergency treatment; or (3) as necessary for government officials investigating compliance.

The Privacy Act of 1974, 5 U.S.C 552a applies to this policy. All requests for reasonable accommodation shall be kept confidential and secured in a locked cabinet.

Rights and Responsibilities: In response to requests, employees or applicants with disabilities may refuse to disclose their medical records directly, and instead may choose to transmit them to a physician of their choice. However, it will be the individual's responsibility to ensure that the District is provided with sufficient necessary medical documentation upon which to make a decision on any reasonable accommodation request. Inquiries of an employee or applicant as to whether that individual has a disability or as to the nature or severity of any disability shall not be made unless such inquiry is shown to be job-related and consistent with business necessity. An example of this is when the organization needs to inquire into the ability of an employee to

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perform job-related functions and/or whether accommodations are necessary if the employee is being hired under a special appointing authority for persons with disabilities.

X. Reporting Requirements:

The EEO Office shall ensure that requests for reasonable accommodation are tracked and progress reported annually as part of the District's affirmative employment program plan for hiring, placement, and advancement of individuals with disabilities.

XI. Procedures:

A. **Requesting an Accommodation:** A qualified individual with a disability should initiate the request for reasonable accommodation, Appendix A. A family member, friend, health professional, or other representative on behalf of an individual with a disability may also make a request for reasonable accommodation. The request may be made orally or in writing to any of the following:

- The individual's supervisor;
- A supervisor or manager in his/her immediate chain of command;
- The EEO Office; or
- In connection with the employment and/or application process, a member of the servicing personnel activity.

The individual with a disability should:

- Be familiar with the job description or essential job duties.
- Be able to discuss how their disabilities will affect the essential job duties.
- If possible, have some suggestions on what accommodations would enable them to more easily perform the essential job duties.
- Be aware that they must be able to perform the essential job duties with or without reasonable accommodation.
- Be aware that eliminating essential job duties is not a reasonable accommodation.
- Be aware that if their disability is not obvious, the supervisor may ask for reasonable documentation of the disability.
- Be aware that it is the employer who will determine whether or not an accommodation is "reasonable".
- Be aware of their right to privacy in making the request for accommodation and in handling of medical records.
- Be aware that they do not have to accept the offered accommodation.

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- Be aware that the agency may not require people with disabilities to use particular words in their requests.

Certain repetitive accommodations, such as the provision of sign-language interpreters, will be documented by the EEO office under a blanket request, and will not need individual requests each time an accommodation is needed. Check with the EEO office to see if the needed accommodation is or can be covered under a blanket accommodation request.

B. Responding to Requests for Current Employees:

First-line supervisors are authorized to consider and approve requests for reasonable accommodations from current employees, wherever possible. Requests for accommodation will be documented on Appendix A, and B (if applicable). While the supervisor or other responding official may ask the requesting employee to fill out the form, it is the supervisor's or other responding official's responsibility to see that the form is completed, and that the request for reasonable accommodation is processed in a timely manner. Supervisors or other responding officials may not ignore verbal requests or wait to begin processing a request until a written form is submitted.

When a qualified individual with a disability requests a reasonable accommodation to assist in the performance of a job, the supervisor or responding official should:

1. Analyze the particular job involved and determine its purpose and essential job functions.
2. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation. It may be appropriate to request reasonable medical documentation for non-obvious conditions. Be aware that the employee may request that medical information be released only to a qualified medical professional. However, sufficient information to substantiate the disability and need for accommodation must be provided in order for supervisors to make a determination on reasonable accommodation. The supervisor or responding official cannot ask for further documentation if both the disability and the need for accommodation are obvious, or if the individual has already provided the District with sufficient information to substantiate the disability and the need for accommodation.
3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. The supervisor or reviewing official will consult with the District Safety Office, if they think that the requested accommodation would affect the health or safety of the individual, the individual's co-workers, or the public. As is the case for non-disabled employees, a safety and health risk assessment should be completed.

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4. Consider the preferences of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the District. Consideration should be given to the individual's preference, if more than one of these accommodations would work, or if the individual prefers to provide his/her own accommodations.
5. Discuss the recommended reasonable accommodation with the individual, and give them the opportunity to accept or reject the recommendation. Note: The District has the ultimate discretion in choosing between effective accommodations, and may choose the less expensive or more easily implemented accommodation, as long as that accommodation is effective.
6. Implement the accommodation, or request assistance in implementing the accommodation by coordinating with the EEO Office.
7. Treat as confidential all requests for accommodation and any supporting information.
8. Forward requests/approvals/denials for reasonable accommodation to the EEO Office.

C. Responding to Requests From Job Applicants:

The CPAC is responsible for and is authorized to provide reasonable accommodation for job applicants. Job announcements will contain the telephone number of a person to contact for assistance. The CPAC will work with the CPOC to handle requests for accommodation during the application and selection process.

Applicants are responsible for following appropriate application procedures; that is, applying for an open internal (Resumix) or external (Delegated Examining Unit) vacancy announcement, or submitting an application through a vocational rehabilitation counselor for consideration under a special appointing authority for persons with disabilities. Applicants or their counselors will identify needed accommodations and provide appropriate documentation to the CPAC or CPOC.

Reasonable accommodations may be requested at any stage of the hiring process, including obtaining vacancy announcements, applying for the position, and interviewing. If selected, requests for accommodations needed in order to perform the job duties will be coordinated with the selecting supervisor.

D. Identifying the Appropriate Reasonable Accommodation:

Reasonable accommodation may include, but is not limited to:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

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2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The following is a list of resources for helping identify reasonable accommodations.

- U.S. Equal Employment Opportunity Commission – <http://www.eeoc.gov>
- Job Accommodation Network – <http://www.jan.wvu.edu>
- Searchable Online Accessibility Resource (SOAR) – <http://www.jan.wvu.edu.soar.disabilities/html> (you can reach it through JAN)
- ADA Disability and Business Technical Assistance Centers – 1-800-949-4232
- RESNA Technical Assistance Project – <http://www.resna.org>
- Computer/Electronic Accommodation Program – <http://www.tricare.osd.mil/cap>
- The Office of Disability Employment Policy – <http://www.dol.gov/odep>
- The Office of Personnel Management – <http://www.opm.gov/disability>
- Diversity Inc. – www.diversityinc.com
- Comprehensive Federal website of disability-related government resources – www.disabilityinfo.gov

XII. Denying Request for Accommodations:

1. A request for accommodation may be denied if it imposes undue hardship on the employer. Factors to be considered in determining whether an accommodation would impose an undue hardship include:

- The nature and cost of the accommodation;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;
- The overall financial resources of the employer; and
- The type of operation or operations of the organization, including the composition, structure and functions of the workforce, the geographic separateness, administrative, or fiscal relationship of the facilities in question to the employer.

2. Reasonable accommodations must be considered for and, if appropriate, provided to qualified employees regardless of whether they work part-time or full-time, or are considered “probationary”.

3. Reasonable accommodation can include making changes to property owned by someone else, such as leased workspace.

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4. Reasonable accommodation does not include:

- Eliminating essential job functions;
- Lowering qualitative or quantitative production standards; or
- Providing personal-use items needed in accomplishing daily activities both on and off the job.

5. All denials of reasonable accommodation requests must be coordinated with the EEO Office. If a request for reasonable accommodation is denied, the District must notify the individual that he/she has the right to file an EEO complaint and to engage in any informal dispute resolution procedures the District makes available for this purpose. An EEO Counselor must be contacted within 45 days of the date of the challenged action.

XIII. Timeliness:

Supervisors or responding officials should respond expeditiously to a request for accommodation and should act promptly to provide the reasonable accommodation. The supervisor or responding official will avoid unnecessary delays. Wherein it will necessitate a longer consideration/decision-making process, the requesting individual will be provided an interim response, outlining the status of their request no later than 15 calendar-days after it is initially received by the supervisor or responding official.

XIV. Disputes:

Nothing in this policy shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit, which the individual chooses not to accept. The powers, remedies, and procedures set forth in the Civil Rights Act of 1964 shall be the powers, remedies, and procedures applicable to any person alleging discrimination on the basis of disability. The preferred method of alternative dispute resolution will be mediation, and is encouraged to resolve disputes arising under this procedure.

ST. PAUL DISTRICT - REQUEST FOR ACCOMMODATION

(to be completed by requester, supervisor or responding official)

1. (a). Name of person requiring accommodation: _____
(b). Occupational Series _____
(c). Grade: _____
(d). Organizational element: _____
(e). Preferred contact address: _____
(f) Telephone number: (work) _____ (other) _____
2. (a) Name of person requesting accommodation (if different): _____
(b). Address: _____
(c) Daytime telephone number: _____
(d) Relationship to person requiring accommodation: _____
3. Date of request: _____ (send email notifying EEO office of date of request).
4. The date that the approval or denial action or interim response is due (add 15 calendar days to date of request for a current employee, ASAP for job applicant): _____
5. Check here when the person requesting accommodation has been given the attached Privacy Act Statement and EEO complaint process ____.
6. The person requiring accommodation is:
 an employee
 a job applicant
 other (describe): _____
7. Accommodation requested: _____
8. Accommodation is for:
 essential job duty (describe: _____)
 benefit or privilege of employment (describe: _____)
 application process (describe: _____)
 other (describe: _____)
9. Date of supervisor's/action officer's consultation with person requiring or requesting accommodation: _____ (consult with CPAC to determine if bargaining unit representative should be invited).

10. Reasonable documentation for the condition requiring accommodation:

- is attached (may use attached forms or other documentation, as appropriate).
- has been requested but not provided (request must be processed in a timely manner. Lack of documentation may result in denial of request).
- is not needed (condition is obvious, has already been documented)

11. Description of accommodation or alternatives investigated (a safety and health risk assessment should be completed; attach additional sheets as necessary):

12. Accommodation is: ____ approved, ____ denied

13. Reason for denial:

14. Description of accommodation offered: _____

15. Cost of accommodation (if applicable): _____

16. Date of offer/denial: _____ (send email notice to EEO office).

17. Calendar days from date of request: _____

18. The Employee/Applicant

- concurs with offered accommodation

Comments, if any: _____

Employee signature: _____

- does not concur with offered accommodation; employee initials: _____

make note as to any following action required: _____

19. Date accommodation was put into place: _____

20. Resources used in providing accommodation (i.e. District funds, Computer/Electronic Accommodation Program, etc). _____

Signature of Supervisor or responding official: _____
(Make one copy of this document and give it to the employee/applicant. Route the completed document through EEO and CPAC using a privacy envelope).

EEO: Note action taken and extract statistics for upward reporting. Retain in files as per District policy.

CPAC: Retain medical records in separate files (if applicable).

Appendix B:

MEMORANDUM FOR: St. Paul District Corps of Engineers Disability Employment
Program Coordinator

SUBJECT: Medical Certification of Disability for _____
(employee)

I certify that item numbers _____, and have so initialed on
(insert #'s employee has checked on attached SF-256)

the attached Standard Form 256, Self-Identification of Reportable Handicap, accurately
reflect my patient's current condition.

(Date)

(Doctor's Signature)

Name and Title (please type or print)

Attached
SF-256

SELF-IDENTIFICATION OF HANDICAP

(See instructions and Privacy Act information on reverse)

Last Name, First Name, Middle Initial	Birth Date (Mo./Yr.)	Social Security Number	ENTER CODE HERE →
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DEFINITION OF A HANDICAP: A person is handicapped if he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. Those handicaps that

are to be reported are listed below (codes in bold numbers 13 through 94). In the case of multiple impairments, choose the code which describes the impairment that would result in the most substantial limitation.

TO THE EMPLOYEE: Self-identification of handicap status is essential for effective data collection and analysis. The information you provide will be used for statistical purposes only and will not in any way affect you individually. While self-identification is voluntary, your cooperation in providing accurate information is critical.

01 I do not wish to identify my handicap status. (Please read the employee note above and the reverse side of this form before using this code.) (Note: Your personnel officer may use this code if, in his or her judgment, you used an incorrect code.)

05 I do not have a handicap.

06 I have a handicap but it is not listed below.

SPEECH IMPAIRMENTS

13 Severe speech malfunction or inability to speak; hearing is normal (Examples: defects of articulation [unclear language sounds]; stuttering; aphasia [impaired language function]; laryngectomy [removal of the "voice box"])

HEARING IMPAIRMENTS

- 15** Hard of hearing (Total deafness in one ear or inability to hear ordinary conversation, correctable with a hearing aid)
16 Total deafness in both ears, with understandable speech
17 Total deafness in both ears, and unable to speak clearly

VISION IMPAIRMENTS

- 22** Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision (Restriction of the visual field to the extent that mobility is affected—"Tunnel vision")
23 Inability to read ordinary size print, not correctable by glasses (Can read oversized print or use assisting devices such as glass or projector modifier)
24 Blind in one eye
25 Blind in both eyes (No usable vision, but may have some light perception)

MISSING EXTREMITIES

- 27** One hand
28 One arm
29 One foot
32 One leg
33 Both hands or arms
34 Both feet or legs
35 One hand or arm and one foot or leg
36 One hand or arm and both feet or legs
37 Both hands or arms and one foot or leg
38 Both hands or arms and both feet or legs

NONPARALYTIC ORTHOPEDIC IMPAIRMENTS

(Because of chronic pain, stiffness, or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body.)

- 47** One or both hands
48 Hip or pelvis
49 Back
Any combination of two or more parts of the body

PARTIAL PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

- 61** One hand
62 One arm, any part
63 One leg, any part
64 Both hands
65 Both legs, any part
66 Both arms, any part
67 One side of body, including one arm and one leg
68 Three or more major parts of the body (arms and legs)

COMPLETE PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is a complete loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

- 70** One hand
71 Both hands
72 One arm
73 Both arms
74 One leg
75 Both legs
76 Lower half of body, including legs
77 One side of body, including one arm and one leg
78 Three or more major parts of the body (arms and legs)

OTHER IMPAIRMENTS

- 80** Heart disease with no restriction or limitation of activity (History of heart problems with complete recovery)
81 Heart disease with restriction or limitation of activity
82 Convulsive disorder (e.g., epilepsy)
83 Blood diseases (e.g., sickle cell anemia, leukemia, hemophilia)
84 Diabetes
86 Pulmonary or respiratory disorders (e.g., tuberculosis, emphysema, asthma)
87 Kidney dysfunctioning (e.g., if dialysis [Use of an artificial kidney machine] is required)
88 Cancer—a history of cancer with complete recovery
89 Cancer—undergoing surgical and/or medical treatment
90 Mental retardation (A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment as certified by a State Vocational Rehabilitation agency under section 213.3102(f) of Schedule A)
91 Mental or emotional illness (A history of treatment for mental or emotional problems)
92 Severe distortion of limbs and/or spine (e.g., dwarfism, kyphosis [severe distortion of back])
93 Disfigurement of face, hands, or feet (e.g., distortion of features on skin, such as those caused by burns, gunshot injuries, and birth defects [gross facial birthmarks, club feet, etc.])
94 Learning disability (A disorder in one or more of the processes involved in understanding, perceiving, or using language or concepts [spoken or written]; e.g., dyslexia)

The Rehabilitation Act of 1973 (P.L. 93-112) requires each agency in the Executive branch of the Federal Government to establish definite programs that will facilitate the hiring, placement, and advancement of handicapped individuals. The best means of determining agency progress in this respect is through the production of reports at certain intervals showing such things as the number of handicapped employees hired, promoted, trained, or reassigned over a given time period; the percentage of handicapped employees in the work force and in various grades and occupations; etc. Such reports bring to the attention of agency top management, the Office of Personnel Management (OPM), and the Congress deficiencies within specific agencies or the Federal Government as a whole in the hiring, placement, and advancement of handicapped individuals and, therefore, are the essential first step in improving these conditions and consequently meeting the requirements of the Rehabilitation Act.

The handicap data collected on employees will be used only in the production of reports such as those previously mentioned and not for any purpose that will affect them individually. The only exception to this rule is that the records may be used for selective placement purposes and selecting special populations for mailing of voluntary personnel research surveys. In addition, every precaution will be taken to ensure that the information provided by each employee is kept in the strictest confidence and is known only to the one or two individuals in the agency Personnel Office who obtain and record the information for entry into the agency's and OPM's personnel systems. You should also be aware that participation in the handicap reporting system is entirely voluntary, **with the exception of employees appointed under Schedule A, section 213.3102(t) (Mental Retardation); Schedule A, section 213.3102(u) (Severely Physically Handicapped); and Schedule B, section 213.3202(k) (Mentally Restored).** These employees will be requested to identify their handicap status and if they decline to do so, their correct handicap code will be obtained from medical documentation used to support their appointment. No other employees will be required to identify their handicap status if they feel for any reason it is not in their best interest to have this information officially recorded outside of medical records. We request only that anyone not wishing to have this information entered in the agency's and OPM's personnel systems indicate this to their Personnel Office, rather than intentionally miscoding themselves, since false responses will seriously damage the statistical value of the reporting system.

[In those instances where the employee is or was hired under Schedule A, section 213.3102(t) (Mental Retardation), the Personnel Director or his/her designee (a Vocational Rehabilitation Counselor may also be helpful) will assist the individual in completing this form and ensure that the employee fully understands the meaning of the form and the options available to him/her, as noted above.]

Employees will be given every opportunity to ensure that the handicap code carried in their agency's and OPM's personnel systems is accurate and is kept current. They may exercise this opportunity by asking their Personnel Officer to see a printout of the code and definition from their record, by notifying Personnel any time their handicap status changes, and by initiating action in either of these cases to have the necessary changes made to their records. The code carried on employees in their agency's system will be identical to that carried in OPM's system, and any change to the agency records will result in the same change being made to OPM's records.

Your cooperation and assistance in establishing and maintaining an accurate and up-to-date handicap report system is sincerely appreciated.

PRIVACY ACT STATEMENT

Collection of the requested information is authorized by the Rehabilitation Act of 1973 (P.L. 93-112). The information you furnish will be used for the purpose of producing statistical reports to show agency progress in hiring, placement, and advancement of handicapped individuals and to locate individuals for voluntary participation in surveys. The reports will be used to inform agency top management, the Office of Personnel Management (OPM), the Congress, and the public of the status of programs for employment of the handicapped. All such reports will be in the form of aggregate totals and will not identify you in any way as an individual.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which requires agencies to use the SSN as the means for identifying individuals in personnel information systems. Your SSN will only be used to ensure that your correct handicap code is recorded along with the other employee information that your agency and OPM maintain on you. Furnishing your SSN or any other of the requested data for this collection effort is voluntary and failure to do so will have no effect on you. It should be noted, however, that where individuals decline to furnish their SSN, the SSN will be obtained from other records in order to ensure accurate and complete data.

Employees appointed under Schedule A, section 213.3102(t) (Mental Retardation), Schedule A, section 213.3102(u) (Severely Physically Handicapped), or Schedule B, section 213.3202(k) (Mentally Restored) are requested to furnish an accurate handicap code, but failure to do so will have no effect on them. Where employees hired under one of these appointments fail to disclose their handicap, however, the appropriate code will be determined from the employee's existing records or medical documentation submitted to justify the appointment.

PRIVACY ACT

Requests for Accommodation:

The Privacy Act of 1974, 5 U.S.C. 552a requires that Federal agencies: limit disclosure of personal information except as prescribed by law; be accountable for disclosure of personal information; and allow individuals access to their records. The Privacy Act requires that each agency: maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by Executive order of the President; collect information to the greatest extent practicable directly from the subject individual, even when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs; and inform each individual whom it asks to supply information the Authority which authorizes solicitation of the information, the principal purpose for which the information is intended to be used, the routine uses which may be made of the information, and the effects to the individual of not providing all or any part of the requested information.

The Army is authorized to collect the information requested in the attached Request for Accommodation form by Section 501 of the Rehabilitation Act, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request for reasonable accommodation. This information will be kept confidential, except as made necessary by the following conditions: the release of medical information may be necessary (1) to inform supervisors and managers regarding necessary restriction on the work or the employee and necessary accommodations; (2) to inform first aid and safety personnel for the purposes of emergency treatment; or (3) as necessary for government officials investigating compliance.

Additional uses of the information may be to disclose information to: appropriate Federal, state or local agencies when relevant to civil, criminal or regulatory investigations or prosecutions, when necessary to adjudicate a claim for benefits or to comply with a law governing the reporting of communicable diseases; to a Federal agency in connection with a decision in hiring, retention or the granting of a security clearance; and to a Federal agency, court or party in litigation when the Army is a part to the proceeding or served with a subpoena.

Furnishing of the requested information and documentation is voluntary; however, failure to fully complete this form or provide the necessary information may result in either the delay of the needed accommodation or the outright denial. An employer is not required to provide an accommodation if it is unaware of the need.

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Reasonable Accommodation Policy

Appendix D:

Definitions

Terms & Terminology

1. **Qualified individual with a disability** refers to an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires, **without endangering the health and safety of the individual or others**. The individual must have the skills, experience, education, and other requirements of the employment position.

2. **Individual with a disability** means any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment, except as follows. *The term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs when a covered entity acts on the basis of such use (see ADA Section 12114 [Sec 104] for further clarification).

3. **Reasonable accommodation** means any action/decision that does not impose undue hardship on the agency in the operation of its program. Reasonable accommodations include modifications or adjustments to a job application process or the work environment, or that enable a disabled employee to enjoy equal benefits and privileges of employment. Examples of reasonable accommodations can/may include the following:

- Making existing facilities accessible;
- Job restructuring;
- Part-time or modified work schedules;
- Permitting use of paid or unpaid leave;
- Acquiring or modifying equipment;
- Changing tests, training materials, or policies;
- Providing qualified readers or interpreters;
- Providing travel assistants; and
- Reassignment to a vacant position for which the employee is qualified.

4. **Undue hardship** is an action that requires "significant difficulty or expense".

5. **Essential job functions** are based on the organization's judgment and should be well documented as well as included in any job description or advertisement for the job.

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6. **Impairment** includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory, genitourinary, hemic and lymphatic, skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

7. The term **impairment** does not include homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

8. An impairment is considered **substantially limiting** if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the average person in the general population. The determination of whether an individual is substantially limited in a major life activity must be made on a case-by-case basis.

9. The term **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

10. **Terms, conditions, or privileges of employment** may include any of the following:

- Recruitment, advertising, and job application procedures;
- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- Rates of pay or any other form of compensation and changes in compensation;
- Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- Leaves of absence, sick leave, or any other leave;
- Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- Activities sponsored by a covered entity including social and recreational programs; and
- Any other term, condition, or privilege of employment.

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11. **Discrimination** includes any of the following:

- Limiting, segregating, or classifying a job applicant or employee in such a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
- Participating in contractual arrangements with the above effect;
- Utilizing standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability; or that perpetuate the discrimination of others who are subject to common administrative control;
- Excluding or otherwise denying equal jobs or benefits to a qualified individual because of the relationship of that individual to a person with a disability;
- Denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of the organization to make reasonable accommodation to the physical or mental impairments of the employee or applicant;
- Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of disabilities, unless the standard or test is shown to be job-related for the position in question and is consistent with business necessity;
- Failing to select and administer tests concerning employment in the most effective manner to ensure that such tests administered to a person with a disability accurately reflect the skills, aptitude, or other factors that the tests purport to measure, rather than reflecting the person's impaired sensory, manual, or speaking skills, except where such skills are the factors that the test purports to measure.

12. CPAC: Civilian Personnel Agency Centre is the onsite personnel office located at the Corps of Engineer's office in downtown St. Paul, MN.

13. CPOC: Civilian Personnel Operations Centre is the servicing personnel office for the Corps of Engineer's office in downtown St. Paul, however, it is located at the following address: Southwest Civilian Personnel Operations Centre, 301 Marshall Avenue, Fort Riley, KS 66442.