

Instruction **256-022-01**: Reasonable Accommodation Program

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FEMA

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OVERVIEW

1 This Instruction provides guidance in the implementation of FEMA Directive 256-22-03,
2 Reasonable Accommodation Program, by further outlining the Federal Emergency
3 Management Agency's (FEMA or the Agency) policy and procedures for reasonable
4 accommodation as it pertains to applicants for employment and employees.

POLICY

5 FEMA must fully comply with the reasonable accommodation requirements of the
6 Rehabilitation Act of 1973, the Americans with Disabilities Act Amendments Act of 2008
7 (ADAAA), Executive Order (EO) 13164: Establishing Procedures to Facilitate the
8 Provision of Reasonable Accommodation, and Executive Order 14035: Diversity,
9 Equity, Inclusion, and Accessibility in the Federal Workforce. FEMA must provide
10 reasonable accommodations for the known physical or mental disabilities of applicants
11 and qualified employees, unless FEMA demonstrates that the accommodation would
12 impose an undue hardship. FEMA provides reasonable accommodations as follows:

- 13 1. Where an applicant for employment with a disability needs an accommodation in
14 order to complete the application process;
- 15 2. Where an employee with a disability needs an accommodation to enable them to
16 perform the essential functions of the job; or
- 17 3. Where an employee with a disability needs an accommodation to enjoy equal
18 benefits and privileges of employment.

19
20 All requests for a reasonable accommodation will be coordinated with the Disability Unit
21 within the Office of Equal Rights (OER). OER will provide guidance, technical
22 assistance, and facilitate the interactive process as needed for all parties involved. All
23 timeframes outlined in this instruction are based on calendar days.

PRINCIPLES

24 FEMA will process requests for reasonable accommodation as outlined in this policy,
25 and as appropriate, provide a reasonable accommodation to the applicant or employee
26 in a way that is consistent with the FEMA core values of compassion, fairness, integrity
27 and respect. Fairness, efficiency, and speed will be emphasized.

28
29 **Fairness:** All requests for reasonable accommodation submitted to the OER Disability
30 Unit will be reviewed in a fair and impartial manner.

31
32 **Timeliness:** All reasonable accommodation requests will be processed in a reasonable
33 and timely manner, in the absence of extenuating circumstances.

34

FORMS PRESCRIBED

- 35 1. FEMA Form 256-0-1, Request for Reasonable Accommodation
- 36 2. FEMA Form 256-0-2, Management Response to Request for Reasonable
37 Accommodation
- 38 3. FEMA Form 145-F21-100, Requisition for Supplies, Equipment, Services,
39 Personnel and/or Teams
- 40

CHAPTER 1: REQUESTS FOR REASONABLE ACCOMMODATION

41 **Overview**

42 An individual with a disability may request a reasonable accommodation whenever they
43 choose, even if they have not previously disclosed the existence of a disability.
44 However, there may be limitations on the agency's ability to provide a requested
45 accommodation at a specific time if insufficient notice is provided. Therefore, agency
46 employees should request accommodations as soon as practicable after the need for
47 such assistance becomes known.

48 **Procedures**

49 The reasonable accommodation process begins when a request for accommodation is
50 made. The following procedures apply to the request:

- 51
52 1. An applicant for employment may request an accommodation orally or in writing
53 from any FEMA employee with whom they have contact throughout the
54 application process. The FEMA employee receiving the request must notify the
55 OER Disability Unit as soon as they become aware of the request. An applicant
56 for employment may also request an accommodation directly to the OER
57 Disability Unit at: FEMA-Reasonable-Accommodation@fema.dhs.gov.
58
- 59 2. An employee may request an accommodation orally or in writing through the
60 [DHS Accessibility Compliance Management System \(ACMS\)](#), to their supervisor
61 of record (SOR), Cadre Coordinator, Temporary Duty Supervisor, or the OER
62 Disability Unit utilizing FEMA Form 256-0-1, Request for Reasonable
63 Accommodation. Regardless of who receives the request, all reasonable
64 accommodation requests are to be coordinated with the OER Disability Unit.
65
- 66 3. If a Deciding Official receives an oral request for accommodation, they will
67 request the employee to submit it through ACMS or complete FEMA Form 256-0-
68 1 Request for Reasonable Accommodation to memorialize the request in writing.
69 However, a request through ACMS or in writing is not mandatory and will not
70 delay its processing. If the employee does not submit the request through ACMS
71 or FEMA Form 256-0-1 within three calendar days of the request, the Deciding
72 Official will submit the request for the employee to the OER Disability Unit for
73 coordination.
74
- 75 4. Upon submission of the request into ACMS or of FEMA Form 256-0-1 to the
76 OER Disability Unit by an official receiving the request or the employee directly,
77 an RA Specialist will be assigned to the request.
78

79 If a request is made to a supervisor who is not the Deciding Official for the
80 employee, that individual must forward the request within three (3) calendar days to

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81 the OER Disability Unit or the appropriate Deciding Official for the employee, if
82 known.

83
84 A family member, health professional, or other representative may request an
85 accommodation in conjunction with or on behalf of an applicant or employee. The
86 request should be directed to the same person(s) to whom the applicant or
87 employee would make the request as outlined above. A request does not have to
88 include any specific words, such as “reasonable accommodation,” “disability,” or
89 “Rehabilitation Act.”

90
91 When an employee needs a specific accommodation on a recurring basis (e.g., the
92 assistance of sign language interpreters or readers), a formal request is only required
93 on the first occasion requested; however, appropriate advance notice must be given to
94 the OER Disability Unit, each subsequent time the accommodation is needed. The RA
95 Specialist will provide the employee specific information on appropriate timeframes for
96 submitting these requests.

97 **Interactive Process**

98 The Deciding Official and the requesting applicant or employee must have a discussion
99 about the request, the process for determining whether an accommodation will be
100 provided, and the accommodation and possible alternatives to the requested
101 accommodation. This discussion must begin within seven calendar days of the request
102 being made. The Deciding Official will take a proactive approach in considering possible
103 accommodations, including consulting with the applicant or employee and other
104 appropriate resources, including those described in Chapter 7.

105
106 Ongoing communication is particularly important when the specific functional limitation
107 is unclear, an effective accommodation is not obvious, or the applicant or employee and
108 the Deciding Official are considering different possible accommodations. In those cases
109 where the disability, the need for accommodation, and the type of accommodation that
110 should be provided are clear, extensive discussions are not necessary. Even so, the
111 Deciding Official and requesting individual must communicate with each other to make
112 sure that there is a full exchange of relevant information.

113
114 The RA Specialists are available throughout the interactive process to provide
115 assistance to the Deciding Official and requesting individual with identifying
116 accommodations.

117 **Requests for Medical Documentation**

118 FEMA is entitled to know that an applicant or employee has a disability that entitles
119 them to a reasonable accommodation. FEMA may require that an applicant or
120 employee provide medical documentation describing their disability and functional
121 limitations where the disability and need for accommodation are not obvious or
122 otherwise already known to the Deciding Official.
123

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124 Requests for medical documentation must be submitted directly to the OER Disability
125 Unit.

126
127 OER will request medical documentation in the following manner:

- 128 1. Applicants: The Disability Program Manager (DPM) may request medical
129 documentation when it is necessary to evaluate an accommodation request. If
130 medical documentation provided is insufficient, the DPM will notify the applicant and
131 request additional medical documentation within three (3) calendar days.
- 132 2. Employees: The Reasonable Accommodation (RA) Specialist may request medical
133 documentation when it is necessary to evaluate an accommodation request. The
134 employee will provide the required medical documentation to the RA Specialist
135 within 14 calendar days of when the request is made.
- 136 3. Medical documentation will be considered sufficient if it meets the following criteria:
 - 137 • Describes the nature, severity, and duration of the individual's condition;
 - 138 • The activity or activities that the condition limits;
 - 139 • The extent to which the condition limits the individual's ability to perform said
140 activity or activities; and
 - 141 • Substantiates why the requested reasonable accommodation is needed.
- 142 4. Medical documentation about the individual's disability and functional limitations
143 must come from a licensed medical professional. Depending on the disability and
144 the type of functional limitation it imposes, qualified professionals could include,
145 among others, doctors, physician assistants, psychiatrists, psychologists, nurses,
146 physical therapists, occupational therapists, speech therapists, and vocational
147 rehabilitation therapist.
- 148 5. If medical documentation provided by an employee is insufficient for the Deciding
149 Official to make a determination on the request, the RA Specialist will notify the
150 employee and the Deciding Official in writing and request additional medical
151 documentation within three (3) calendar days.
- 152 6. The written request for additional medical documentation from the RA Specialist will
153 explain to the employee, in specific terms, why the documentation provided was
154 insufficient, what additional documentation is needed, and why the additional
155 documentation is necessary for the Deciding Official to make a determination on
156 their accommodation request.
- 157 7. If the RA Specialist has sufficient medical documentation, they will provide the
158 Deciding Official with an outline of the employee's workplace limitations and
159 recommended accommodations within eight (8) calendar days of receiving the
160 medical documentation. The Deciding Official will also be notified that processing of
161 the accommodation request must be completed within seven (7) calendar days
162 once they have received this documentation.

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- 163 8. If the RA Specialist determines that submitted medical documentation must be
164 reviewed, it will be sent to the DPM to forward to the Federal Occupational Health
165 Medical Officer or FEMA Chief Medical Officer to review the documentation for
166 sufficiency, if necessary.
- 167 9. An applicant's or employee's failure to participate in the interactive process may
168 result in denial of their request.
- 169 10. All medical records obtained during the accommodation request process are to be
170 shared on a need to know basis and must be kept in files separate from the
171 employee's personnel file.
- 172 11. The OER Disability Unit is the custodian of all medical documentation upon
173 completion of the interactive process following a final decision on an
174 accommodation request. Individuals, managers and supervisors must forward all
175 copies of medical information to OER and destroy any local copies.
- 176 12. In the event of a change in an employee's supervisor, upon request, the OER
177 Disability Unit will provide the new supervisor with an outline of the employee's
178 workplace limitations and approved accommodations. Individuals, managers and
179 supervisors shall not discuss an employee's disability or need for an
180 accommodation with personnel who have no need to know.
- 181 13. A Deciding Official who believes, based on objective evidence, that an
182 accommodation is no longer needed or is no longer supported by the medical
183 documentation upon which it was originally granted, must contact the OER
184 Disability Unit to discuss whether further steps will need to be taken to determine
185 the employee's continuing need for the accommodation.

186 **Processing Timeframes**

187 All FEMA officials are expected to act as quickly as reasonably possible in processing
188 requests and providing accommodations, as failure to respond promptly to a request
189 may result in a violation of the Rehabilitation Act.

190
191 FEMA will attempt to process requests for Reasonable Accommodation and provide
192 accommodations, as appropriate, within 30 calendar days from the date of receipt of the
193 request.

194
195 FEMA recognizes, however, that the time necessary to process a request will depend
196 on the nature of the accommodation requested and whether it is necessary to obtain
197 additional supporting information.

198
199 In general, requests for reasonable accommodation will be processed as follows:

- 200 1. If a request from an employee is received and medical documentation is not
201 needed, the Deciding Official is responsible for ensuring the request is processed
202 and, if granted, the accommodation is provided within 15 calendar days from the
203 date of receipt of the request.

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2. In cases where medical documentation is needed, the accommodation, if granted, will be provided within 25 calendar days from the date the RA Specialist receives sufficient information to know that an employee has a disability and requires a reasonable accommodation absent any extenuating circumstances.
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3. If a request from an applicant is received and medical documentation is not needed, the DPM will make a determination within ten (10) calendar days. If granted, accommodation will be provided as expeditiously as feasible.
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4. Applicants or employees will be notified of a denial of a request for reasonable accommodation within 30 calendar days of receipt of sufficient information to determine whether the employee has a disability and requires a reasonable accommodation. Information about the denial process is described in Chapter 2.
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5. For reasonable accommodation cases where an employee has been unresponsive, after being required to submit sufficient supporting documentation, the accommodation request will be closed due to inactivity 30 days after the last communication has gone unanswered. Employees may submit a new accommodation request at any time.

CHAPTER 2: DECISIONS AND APPEALS

222 **Granting a Request**

223 As soon as the Deciding Official determines that a reasonable accommodation will be
224 granted, the decision must be immediately communicated in writing to the individual
225 through *FEMA Form 256-0-2, Management Response to Request for Reasonable*
226 *Accommodation or Response to Request for Reasonable Accommodation*
227 *Memorandum*. For employee requests, a copy must be sent to the RA Specialist.

- 228
- 229 a. The Deciding Official must take steps to secure the equipment or services
 - 230 that constitute the approved accommodation as soon as feasible; and
 - 231 b. If the accommodation cannot be provided immediately, the Deciding Official
 - 232 must inform the individual of the projected timeframe for providing the
 - 233 accommodation, any interim accommodations that can be provided, and the
 - 234 reason(s) for the delay.

235 **Granting of an Alternative Accommodation**

236 An applicant or employee with a disability is entitled to an *effective* accommodation and
237 not necessarily the accommodation requested. Where the Deciding Official has
238 determined the agency cannot provide the requested accommodation or has identified
239 an effective alternate accommodation, FEMA Form 256-0-2, must be completed
240 identifying why the Deciding Official (and RA specialist for employees) believes the
241 alternative accommodation is more appropriate than the one requested.

242

243 Where the requested accommodation cannot be granted, the Agency will make every
244 effort to identify an alternate accommodation to support the applicant or employee. In
245 those instances where an alternative accommodation for an employee is not identified,
246 the Deciding Official must consult with the RA Specialist to ensure all alternative
247 accommodations are identified and considered.

248 **Denial of a Request**

249 If a request for reasonable accommodation is denied or partially denied, the decision
250 must be in writing and must specifically state the reason for the denial.

251

252 Prior to denying a request for reasonable accommodation for an applicant or employee,
253 the Deciding Official and the RA Specialist (assigned to the employee request) must
254 consult with the OCC embedded attorney in OER to articulate the specific reasons for
255 the denial. The Deciding Official in coordination with the RA Specialist (assigned to the
256 employee request) will draft the denial decision. The OER Director must review and
257 concur with all denial decisions.

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259

260 Upon concurrence by the OER Director, a copy of the decision must be provided to the
261 individual requesting the accommodation. The denial must clearly state the specific
262 reasons for the denial, which may include:

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- 263 a. Why the requested accommodation would not be effective;
264 b. Why the requested accommodation would result in undue hardship to the
265 Agency;
266 c. Medical documentation provided was inadequate to establish that the
267 individual has a disability and/or needs a reasonable accommodation;
268 d. The requested accommodation would require the removal of an essential job
269 function; or
270 e. The requested accommodation would require the lowering of a performance
271 or production standard.

272 **Reconsideration of a Denial**

273 An applicant or employee who has requested a reasonable accommodation may
274 request prompt reconsideration of a denial of reasonable accommodation.

- 275 1. If an applicant is denied their request for reasonable accommodation, they may
276 appeal directly to the OER Director in writing, within ten (10) calendar days of the
277 applicant's receipt of the decision. The applicant may present additional information
278 in support of their request. All additional information in support of their request must
279 also be submitted within ten (10) calendar days of receipt of the decision. The
280 Director will respond to this request within ten (10) calendar days of receipt of the
281 request.
- 282 2. If an employee is denied their request for reasonable accommodation, they may
283 appeal directly to their second level supervisor within ten (10) calendar days of the
284 employee's receipt of the decision. The employee may present additional
285 information in support of their request. The second level supervisor will respond to
286 this request within ten (10) calendar days of receipt of the request. The appeal
287 decision must be reviewed by OER prior to issuance.

288 **Extenuating Circumstances**

289 Extensions based on extenuating circumstances are limited to circumstances where
290 they are strictly necessary. The Agency is expected to act as quickly as possible in
291 processing and providing accommodations. The following are examples of extenuating
292 circumstances:

- 293 a. There is an outstanding initial or follow-up request for medical
294 documentation, or the medical documentation is being evaluated.
295 b. The purchase of equipment may take longer than 15 calendar days.
296 c. There are logistical delays with procuring the equipment such as the
297 equipment is backordered, the vendor is no longer in business, or the vendor
298 cannot promptly supply the needed goods or services and another vendor is
299 not immediately available.
300 d. New staff needs to be hired or contracted for, or an accommodation involves
301 the modification or removal of architectural barriers.
302

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303 Where extenuating circumstances are present, the Deciding Official must notify the
304 individual of the reason for the delay, and the approximate date on which a decision, or
305 provision of the reasonable accommodation, is expected. Any further developments or
306 changes must also be communicated promptly to the individual.

307
308 If there is a delay in providing an accommodation that has been approved, the Deciding
309 Official must determine whether an interim accommodation for the employee is
310 available. In addition, the Deciding Official may provide measures that are not
311 reasonable accommodations within the meaning of the law (e.g., temporary removal of
312 an essential function) if: (1) they do not interfere with the operations of the Agency; and
313 (2) the employee is clearly informed that the measure is only temporary.

314
315 If a delay is attributed to the need to obtain or evaluate medical documentation and
316 FEMA has not yet determined that the individual is entitled to an accommodation, FEMA
317 may provide an interim accommodation. In this case, the Deciding Official will notify the
318 individual in writing that the accommodation is being provided on a temporary basis
319 pending a decision on the request.

320
321 Deciding Officials who approve interim accommodations are responsible for assuring
322 that they do not take the place of the appropriate permanent accommodation and must
323 not last longer than 45 calendar days. Deciding Officials will regularly check in with the
324 employee and consult with RA Specialists to ensure all necessary steps are being taken
325 to secure a permanent accommodation.

326 **Periodic Review of Reasonable Accommodation**

327 The employee and supervisor will review the employee's reasonable accommodations
328 on at least an annual basis to ensure the accommodation is still effective. Employees
329 can share if their workplace limitations have changed and convey whether the
330 accommodation is still effective from their perspective.

331
332 Supervisors can determine if there are any changes to an employee's disability and if a
333 more effective accommodation is needed. Further, this ensures FEMA is doing what is
334 appropriate under federal disability law.

335
336 FEMA employees who have an approved accommodation must have an interactive
337 discussion with their supervisor annually to discuss their accommodation and if any
338 medical documentation needs to be updated. One of the following will apply:

- 339 • If the employee has a permanent disability – and their medical documentation
340 on file currently reflects that – they will not need to provide updated
341 documentation.
- 342 • If the employee has an obvious condition (i.e., a person who is deaf), they will
343 not need to provide medical documentation to support that they are a person
344 with a disability, though they *may* need to do so to support their accommodation
345 request if the workplace limitation is not obvious. Employees should engage
346 with their supervisor and/or the OER Disability Unit to clarify.

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- If the employee has a non-obvious condition and needs a new accommodation or has an accommodation currently, but has never submitted required documentation, the employee must provide documentation to support their request to the OER Disability Unit.
 - If an employee's current documentation meets one of the criteria below, the employee must provide updated medical documentation from a medical professional outlining the current status of their condition to the OER Disability Unit:
 1. Does not provide a specific duration for the requested accommodation;
 2. Indicates their condition or need for accommodation will change; or
 3. Indicates that the need for accommodation is about to expire and the employee still anticipates the continued need for an accommodation.
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CHAPTER 3: REASONABLE ACCOMMODATION FUNDING AND EXAMPLES

360 Funding for Reasonable Accommodation Requests

361 OER will provide and/or coordinate funding for reasonable accommodations for
362 applicants for their request for accommodation. OER will provide and/or coordinate
363 funding for employees for reasonable accommodations and will pay for recurring costs
364 for services such as sign language interpreters (OER does not fund services for public
365 meetings sponsored by program offices. Program offices are responsible for arranging
366 and funding interpreter services for these meetings), and personal assistant services.
367 OER funds the first instance of products or equipment (i.e., an ergonomic chair,
368 keyboard, monitor, or assistive technology software) provided as a reasonable
369 accommodation to an employee. The employee's program office is responsible for
370 funding any subsequent accommodation that provides the same product or equipment
371 to the employee. For example, if OER purchases an ergonomic chair for the first time as
372 a reasonable accommodation for an employee, any replacement of the ergonomic chair
373 for any reason is the responsibility of the employee's program office. If an employee
374 needs a monitor as reasonable accommodation and it is subsequently determined the
375 employee also needs assistive technology software as a reasonable accommodation,
376 OER will fund the first instance of both of these items. If an upgrade to the software is
377 required, that is the responsibility of the employee's office to fund and provide. An
378 employee's program office is responsible for office supplies such as printer ink and
379 paper.

380
381 If an employee's reasonable accommodation is approved for a travel-related reasonable
382 accommodation that falls outside of standard travel regulations and procedures, the
383 SOR is responsible for verifying the travel accommodation is a valid need and effective
384 accommodation based on the employee's reasonable accommodation.

385
386
387 All reasonable accommodations for local hires, reservists, and other employees
388 deployed to a disaster are funded by the applicable disaster through the Disaster Relief
389 Fund.

390 Sign Language Interpreting and Communication Access Realtime 391 Translation (CART) Services

392 FEMA provides sign language interpreting and CART services for applicants and
393 employees who are deaf or hard of hearing. Services are provided on a scheduled
394 basis. Examples of when an interpreter or CART could be used are:

- 395
- 396 • One-on-one meetings between employees
- 397 • Team meetings
- 398 • Office staff meetings
- 399 • Training or workshops, where the employee is an attendee/participant

- Office gatherings of either a social or business nature

Sign Language Interpreting or CART services can be requested via email at: FEMA-SLI-CART@fema.dhs.gov.

Personal Assistance Services (PAS)

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies are required to provide PAS to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on FEMA.

Not everyone with a targeted disability is entitled to PAS; only those individuals with a targeted disability who require assistance with activities of daily living may receive PAS. Medical conditions that are more likely to result in the need for PAS include, for example, missing limbs or paralysis due to spinal cord injury. The process for requesting PAS is the same process as requesting a reasonable accommodation, as provided in Chapter 2.

Service and Emotional Support Animals

A service animal must be individually trained to do work or tasks directly related to the individual's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act but may be permitted as an approved reasonable accommodation. The use of emotional support animals as a reasonable accommodation will be evaluated on a case-by-case basis.

An applicant must notify the DPM at FEMA-Reasonable-Accommodation@fema.dhs.gov that they have a disability and require the use of a service or emotional support animal. Employees must notify their immediate supervisor or the OER Disability Unit that they have a disability and require the use of a service or emotional support animal. This notification can be done through the reasonable accommodation request process.

If an applicant or employee with an animal comes to a FEMA facility where it is not obvious that the animal is a service or emotional support animal, FEMA personnel may ask only two specific questions: (1) is the animal a service or emotional support animal required because of a disability and (2) what work or task has the animal been trained to perform. FEMA personnel and Security staff (if non-FEMA, e.g. contract security or FPS), are not allowed to request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability. Accommodating visitors with service or emotional support animals to FEMA facilities is subject to the requirements of Section 504 of the Rehabilitation Act and procedures in this paragraph must also be used for such visitors.

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442 Unless the disability is obvious, the requesting individual may be required to provide
443 medical documentation to their supervisor or the OER Disability Unit describing the
444 specific work or tasks the animal performs.
445

446 When on-site at a FEMA facility, the service or emotional support animal must be under
447 the handler's control at all times. For instance, the animal must be harnessed, leashed,
448 or tethered. If these devices interfere with the animal's work or the individual's disability
449 prevents using these devices, the animal must be under the handler's control via other
450 means (e.g., voice control). The animal is to accompany its handler while at the facility
451 at all times.
452

453 Recognizing the variety of environments where FEMA employees may deploy,
454 employees are solely responsible for ensuring that the service or emotional support
455 animal stays under the control of the employee at all times; ensuring and maintaining
456 documentation that the animal receives all the vaccinations as medically required by the
457 jurisdiction in which the animal is housed and/or works. The OER Disability Unit is
458 available to provide additional information about the use of a service or emotional
459 support animal at FEMA.
460

461 An individual may be asked to move or remove their service or emotional support
462 animal if:

- 463 1. The animal is out of control (e.g., uncontrolled barking, jumping on other people,
464 running away from the handler) and the handler does not take effective action to
465 control it, and/or;
- 466 2. The animal is not housebroken.
- 467 3. The animal's presence impacts another employee's reasonable accommodation or
468 unduly burdens the general work environment.

469
470 When there is a legitimate reason to move or remove a service or emotional support
471 animal, the OER Disability Unit will coordinate with the applicant, visitor, or employee
472 and their supervisor, to determine alternative reasonable accommodations for the
473 individual to perform the functions of their job and the opportunity to obtain goods or
474 services (e.g., café items, health unit services, etc.) without the animal's presence
475 unless doing so would cause an undue hardship.
476

477 OER will fund hotel and associated pet fees for flights (i.e., carrier fees). OER is not
478 responsible for personal care items or services (i.e., dog food, reimbursement of
479 veterinary care expenses, etc.). Any other expenses that are not listed will be
480 considered on a case-by-case basis, unless doing so would cause an undue hardship.

481 **Reassignment**

482 Reassignment is considered the accommodation of last resort. Only after all other
483 options have been exhausted should reassignment be considered. If an employee can
484 no longer perform the essential functions of their position, with or without an

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485 accommodation – perhaps due to a sudden accident, new diagnosis, or deterioration of
486 a medical condition – and the employee once performed satisfactorily in the position,
487 then reassignment will be considered. Reassignment is available only to employees,
488 not to applicants. In addition, reassignment may be made only to a vacant funded
489 position. FEMA is not required to create new positions or remove other employees from
490 their positions in order to create a vacancy.

491
492 Where an employee's request for a reasonable accommodation has been denied and
493 the employee is eligible for reassignment, the Disability Program Manager (DPM) will
494 work with the Selective Placement Program Coordinator (SPPC) in OCCHCO and the
495 employee requesting the accommodation to identify: (1) if there are any vacant funded
496 positions within FEMA for which the employee is qualified, with or without reasonable
497 accommodation; and (2) positions which OCCHCO has reason to believe will become
498 vacant over the next 30 calendar days and for which the employee is qualified.

499
500 The SPPC will first focus on finding positions that are equivalent to the employee's
501 current job in terms of pay, status, and other relevant factors. If there is no vacant
502 equivalent position, FEMA will consider vacant lower level positions for which the
503 individual is qualified.

504
505 Reassignment may be made to a vacant funded position outside of the employee's
506 commuting area if the employee is willing to relocate. FEMA will not pay for the
507 employee's relocation costs.

508
509 In the event that a vacant funded position is not available, the SPPC will expand its
510 search for vacancies to other DHS components. If a position is not identified within 15
511 calendar days from the receipt of a reassignment job search request, the SPPC will
512 notify the employee, SOR, and the OER Disability Unit of the negative search results.
513 The SOR must then work with OCCHCO to have the employee removed from the
514 agency in accordance with OCCHCO policies and procedures based on their inability to
515 perform the essential functions of their position with or without a reasonable
516 accommodation.

517 Failure by the employee to engage in the reassignment process within five (5) calendar
518 days of contact from OCCHCO, will result in FEMA moving forward with termination of
519 the employee.

520 **Training at FEMA Facilities**

521 Program offices conducting training at FEMA facilities must provide a statement on all
522 training announcements outlining the process to request a reasonable accommodation.
523 The statement must include a program office point of contact (POC) and a timeframe for
524 requesting the reasonable accommodation. Program office POCs will coordinate all
525 requests with the OER Disability Unit. Sample language provided below:
526
527
528

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If you need a reasonable accommodation (sign language interpreters, Braille, CART, etc.), please make your request by [DATE]. Last minute requests will be accepted but may not be possible to fulfill. Send an e-mail to [insert email from program office hosting the event/meeting] or call XXX-XXX-XXXX.

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Employees attending training as a temporary duty assignment who need an accommodation at any FEMA training facility must provide a copy of their approved RA as soon as they register for a class. The approved accommodation must be submitted immediately to the FEMA Qualification System (FQS) training inbox at FEMA-FQS-Training@fema.dhs.gov.

Program offices conducting training will make a sincere effort, barring any extenuating circumstances, to announce the training in advance to allow fair opportunity for accommodations to be requested, reviewed, and coordinated.

CHAPTER 4: REASONABLE ACCOMMODATION FOR DEPLOYMENT

540 **Procedures**

541 Once an employee with an approved accommodation receives a deployment request—
542 and will need the same accommodation while deployed—they must immediately notify
543 their supervisor of record (SOR), prior to accepting the deployment, that their
544 accommodation will need to be implemented at the deployment location. The SOR will
545 communicate the previously approved accommodation to the appropriate Temporary
546 Duty Supervisor (TDS) and the Cadre Coordinator. The SOR will not convey any health
547 or medical background information. If the accommodation cannot be implemented, the
548 employee may decline the deployment without being penalized.

549
550 The employee must have a copy of the approved FEMA Form 256-2 while deployed to
551 substantiate that they have an approved reasonable accommodation and need to
552 implement the accommodation or request equipment at the deployment site.

553
554 Qualified employees with a disability may make requests for reasonable
555 accommodation while not deployed, to ensure that when they receive deployment
556 orders, their request has been evaluated and approved by their SOR before they are
557 deployed.

558
559 If an employee does not already have an approved reasonable accommodation but will
560 need one while deployed, the employee must immediately communicate the
561 accommodation request to their SOR or the OER Disability Unit prior to accepting the
562 deployment request. Requests will be submitted through [ACMS](#) or by submitting FEMA
563 Form 256-1 to FEMA-Reasonable-Accommodation@fema.dhs.gov, including sufficient
564 supporting medical documentation. The SOR will make the decision in coordination with
565 the OER Disability Unit and communicate the approved accommodation to the TDS and
566 the Cadre Coordinator. In the event that an employee has submitted a reasonable
567 accommodation request that is currently in process and an interim accommodation has
568 not been granted, an employee may decline a deployment order without penalty.

569
570 If an employee has an approved accommodation in steady state, but will need a
571 different accommodation when deployed, they must communicate the *new*
572 accommodation request to their SOR or OER Disability Unit through [ACMS](#) or by
573 submitting FEMA Form 256-1, with sufficient supporting medical documentation to
574 FEMA-Reasonable-Accommodation-@fema.dhs.gov. The SOR will make the decision
575 in coordination with the OER Disability Unit and communicate the approved
576 accommodation to the TDS and the Cadre Coordinator.

577
578 Failure for an employee to promptly advise of their need of an accommodation while
579 deployed, or failure to request a reasonable accommodation prior to deployment, may
580 delay and/or result in cancellation of deployment orders. If an employee arrives at their
581 deployment location and the approved reasonable accommodation, because of austere

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582 conditions or due to other unforeseen reasons out of the control of FEMA, cannot be
583 implemented or the needed equipment is unavailable or cannot be procured, and an
584 alternative accommodation cannot be identified to accommodate their needs, the
585 employee may be demobilized without penalty.
586
587
588

CHAPTER 5: CLAIMS AND CONFIDENTIALITY REQUIREMENTS

589 **Statutory and Collective Bargaining Claims**

590 An individual who chooses to pursue statutory or collective bargaining remedies for
591 denial of reasonable accommodation must:

- 592 1. For a complaint to the EEOC pursuant to 29 C.F.R. Part 1614, contact OER within
593 45 calendar days from the date of the denial of reasonable accommodation by
594 emailing FEMA-EqualRights@fema.dhs.gov;
- 595 2. For a collective bargaining claim, if applicable, file a written grievance in accordance
596 with the provisions of the Collective Bargaining Agreement [FEMA-Local4060-](#)
597 [CBA Updated.pdf](#) ; or
- 598 3. For an appeal to the Merit Systems Protection Board, initiate the appeal within 30
599 calendar days of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

600 **Confidentiality Requirements**

601 All requests for reasonable accommodation must be kept confidential in files separate
602 from the individual's personnel file. Any information obtained regarding the medical
603 condition or history of an applicant or employee must be collected and maintained on
604 separate forms and kept in separate, confidential files with the Office of Equal Rights
605 Disability Unit. Any FEMA employee who obtains or receives such information is strictly
606 bound by these confidentiality requirements.
607

608 The OER Disability Unit is the primary point of contact for receipt of confidential medical
609 information and if others, e.g., Deciding Officials, receive that information during the
610 course of the process, they will forward it to the OER Disability Unit for proper storage.
611 The OER Disability Unit will maintain custody of all records obtained or created during
612 the processing of a request for reasonable accommodation, including medical records,
613 and will respond to all requests for disclosure of the records. All records will be
614 maintained in accordance with the Privacy Act, the requirements of 29 C.F.R.
615 §1630.14(c)(1), and this Instruction.

616 This medical information may be disclosed as outlined in the System of Records
617 Notices, [Department of Homeland Security/ALL-033 Reasonable Accommodations](#)
618 [Records System of Records](#), July 13, 2011 76 FR 41274.
619

620 Whenever medical information is disclosed, the recipient of the information must be
621 informed of the confidentiality requirements.
622

CHAPTER 6: TRACKING AND REPORTING

623 Agency reasonable accommodation information and activity is reported through EEOC
624 Form 462 Report, EEOC Management Directive 715 Report, and annual reports by
625 OER to DHS Civil Rights and Civil Liberties (CRCL).
626

627 FEMA is required to identify and report the following information regarding requests for
628 reasonable accommodation annually:

- 629 1. The number and types of reasonable accommodations that have been requested
630 for each job (occupational series, grade level), by agency component;
- 631 2. Whether those requests have been granted or denied;
- 632 3. How many of those requests relate to the benefits or privileges of employment;
- 633 4. The reasons for denial of requests for reasonable accommodation;
- 634 5. The amount of time taken to process each request for reasonable accommodation;
635 and
- 636 6. The sources of technical assistance that have been consulted in trying to identify
637 possible reasonable accommodations. The DPM will retain, for at least three years,
638 information or any cumulative records used to track FEMA's performance with
639 regards to reasonable accommodation.

640
641 In accordance with the information tracking requirements, the Deciding Official must
642 submit the *FEMA Form 256-0-2, Management Response to Request for Reasonable*
643 *Accommodation* to the OER Disability Unit within ten (10) calendar days of the decision.
644 The Deciding Official must attach copies of all information, including medical information
645 they received as part of processing the request.
646

647 The OER Disability Unit will maintain records related to an employee's request for
648 accommodation for the duration of the employee's tenure.
649

ADDITIONAL INFORMATION

650 **Review Cycle**

651 FEMA Instruction 256-022-01, Reasonable Accommodation Program, will be reviewed,
652 reissued, revised, or rescinded within four years of the issue date.

653 **Distribution**

654 These procedures must be distributed to all employees upon issuance. They also must
655 be posted on FEMA's intranet and internet sites. Copies of these procedures will also
656 be available in the OER and OCCHCO.

AUTHORITIES AND REFERENCES

- 657 1. The Americans with Disabilities Act, as amended by the ADA Amendments Act of
658 2008, 42 U.S.C. §§ 12101 et seq.
- 659 2. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 et. seq.
- 660 3. Title 29 C.F.R. Part 1630, Regulations to Implement the Equal Employment
661 provisions of the Americans with Disabilities Act.
- 662 4. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000 et seq.
- 663 5. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to
664 Facilitate the Provision of Reasonable Accommodation, July 2000.
- 665 6. Title 29 C.F.R. Part 1614, Federal Sector Equal Employment Opportunity.
- 666 7. Title 29 C.F.R. §1630.14(c)(1), Privacy Act Regulations.
- 667 8. U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance:
668 Disability-Related Inquiries and Medical Examinations of Employees Under the
669 Americans With Disabilities Act.
- 670 9. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship
671 under the Americans with Disabilities Act.
- 672 10. EEOC Guidance: Work at Home/Telework as a Reasonable Accommodation.
- 673 11. EEOC Questions & Answers: Federal Agencies' Obligation to Provide Personal
674 Assistance Services Under Section 501 of the Rehabilitation Act.
- 675 12. Department of Homeland Security Directive No. 259-01, Providing Reasonable
676 Accommodations for Employees and Applicants with Disabilities.

DEFINITIONS

677 Accessibility Compliance Management System (ACMS): A computer database created
678 and managed by the Department of Homeland Security (DHS) Office of Accessible
679 Systems Technology that tracks accessibility and accommodation requests from
680 applicant and employees.

681
682 Deciding Official: An individual of authority who determines, after consultation with the
683 OER Disability Unit, whether an accommodation request will be approved or denied, or
684 whether an alternative accommodation will be provided. The Deciding Official must be
685 the supervisor of record (SOR) or another designated official as described below.

- 686 1. The OER Disability Program Manager (DPM) is the Deciding Official for
687 accommodation requests for applicants for employment.
- 688 2. For deployed employees, the Deciding Official is the SOR who will communicate the
689 approved accommodation to the appropriate Temporary Duty Supervisor (TDS) and
690 the Cadre Coordinator.
- 691 3. For Surge Capacity Workforce, the TDS is the Deciding Official and must coordinate
692 with the OER Disability Unit.
- 693 4. For all others, the Deciding Official may be the SOR or another designated official
694 within the employee's chain of command.

695
696 Disability:

- 697 1. A physical or mental impairment that substantially limits a major life activity;
698 2. A record of such an impairment; or
699 3. Being regarded as having such an impairment.

700
701 The definition of "disability" should be interpreted broadly. The question of whether an
702 individual's impairment is a disability under the ADA should not demand extensive
703 analysis. Only qualified individuals with a current disability are entitled to a reasonable
704 accommodation. Individuals who have a record of an impairment that is no longer
705 limiting a major life activity are not entitled to an accommodation.

706
707 Emotional Support Animal (ESA): An animal that is prescribed by a licensed mental
708 health professional to a person with a disabling mental illness to relieve the symptoms
709 associated with their mental health disorder. Emotional support animals are not
710 recognized as service animals under the ADA because they are not seen as "working
711 animals." However, FEMA will consider requests for an ESA as a reasonable
712 accommodation on a case-by-case basis.

713

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714 Employees: A Permanent Full-Time Employee (PFT), Temporary Full-Time Employee
715 (TFT), Part-Time Employee, Cadre on On-call Response/Recovery Employee (CORE),
716 Reservist, or Local Hire.

717
718 Essential Functions: Those job duties so fundamental to the position that the individual
719 holds or desires that they cannot do the job without performing them. A function can be
720 “essential” if, among other things, the position exists specifically to perform that function;
721 there are a limited number of other employees who could perform the function; and/or
722 the function is highly specialized, and the individual is hired based on their expertise or
723 ability to perform it. Determination of the essential functions of a position must be done
724 on a case-by-case basis so that it reflects the job as actually performed, and not simply
725 the components of a generic position description.

726
727 Extenuating Circumstances: Factors that could not reasonably have been anticipated or
728 avoided in advance of the request for accommodation or limited situations in which
729 unforeseen or unavoidable events prevent prompt processing of a request and delivery
730 of an approved accommodation.

731
732 Functional Limitation: A restriction or condition that limits a person’s ability to function in
733 a way that falls within the normal range for the activity.

734
735 Interactive Process: A discussion with an applicant or employee who has requested an
736 accommodation (or otherwise indicated a need) in order to clarify the specific nature of
737 the disability and identify the appropriate reasonable accommodation.

738
739 Interim Accommodation: A temporary or short-term solution when an approved
740 accommodation cannot be implemented immediately.

741
742 Major Life Activities: Basic activities that most people in the general population can
743 perform with little or no difficulty. Major life activities include, but are not limited to:
744 caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking,
745 standing, sitting, lifting, bending, speaking, breathing, learning, reading, concentrating,
746 thinking, communicating, interacting with others, working, or the operation of a major
747 bodily function, including functions of the immune system, special sense organs and
748 skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological,
749 brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic,
750 musculoskeletal, and reproductive functions.

751
752 Medical Documentation: Documentation provided by a licensed medical practitioner
753 describing the nature, severity, and duration of the individual’s impairment; the
754 workplace activities the impairment limits; the extent to which the condition limits the
755 individual’s ability to perform said activities; and substantiates why the requested
756 reasonable accommodation is needed.

757
758 Personal Assistant Services (PAS): Assistance with performing activities of daily living
759 that an individual would typically perform if they did not have a targeted disability, and

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760 that is not otherwise required as a reasonable accommodation. PAS must be performed
761 by a personal assistance service provider.

762
763 Physical or mental impairment: Any physiological disorder or condition, cosmetic
764 disfigurement, or anatomical loss affecting one or more body systems, such as:
765 neurological; musculoskeletal; special sense organs; respiratory (including speech
766 organs); cardiovascular; reproductive; digestive; genitourinary; immune; circulatory;
767 hemic; lymphatic; skin; and endocrine; or any mental or psychological disorder, such as
768 intellectual disability, organic brain syndrome, emotional or mental illness, and specific
769 learning disabilities.

770
771 The term physical or mental impairment includes, but is not limited to, such diseases
772 and conditions as orthopedic, visual, speech, and hearing loss, cerebral palsy, epilepsy,
773 muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual
774 disability, emotional illness, drug addiction, and alcoholism.

775
776 Qualified Individual with a Disability: An individual with a disability that:
777 1. Satisfies the requisite skill, experience, education, and other job-related
778 requirements of the position; and

779 2. Can perform the essential functions of the position, with or without reasonable
780 accommodation.

781
782 Reasonable Accommodation:
783 1. Modifications or adjustments to a job application process that enable a qualified
784 applicant with a disability to be considered for the position such qualified applicant
785 desires; or

786 2. Modifications or adjustments to the work environment, or to the manner or
787 circumstances under which the position held or desired is customarily performed,
788 that enable an individual with a disability who is qualified to perform the essential
789 functions of that position; or

790 3. Modifications or adjustments that enable a covered entity's employee with a
791 disability to enjoy equal benefits and privileges of employment as are enjoyed by its
792 other similarly situated employees without disabilities.

793
794 Reassignment: A form of reasonable accommodation that must be provided to an
795 employee, who, because of a disability, can no longer perform the essential functions of
796 the position they hold, with or without reasonable accommodation. Reassignment is
797 considered the accommodation of "last resort."

798
799 Selective Placement Program Coordinator: Assists FEMA management with the
800 reassignment process and conducts the search for vacant funded positions within the
801 Agency and Department.
802

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803 Service Animal: A service animal is any dog that is individually trained to do work or
804 perform tasks for the benefit of an individual with a disability, including physical,
805 sensory, psychiatric, intellectual, or other mental disability. The task or tasks performed
806 by the service animal must be directly related to the individual's disability.
807

808 Substantially Limits: The extent to which an individual's ability to perform a major life
809 activity is impaired due to their condition, compared to most people in the general
810 population.
811

812 Targeted Disability: Designated as a "serious health condition" on the U.S. Office of
813 Personnel Management's [Standard Form 256](#). Some targeted disabilities for which PAS
814 may be needed include:

- 815 • missing extremities;
- 816 • significant mobility impairment benefitting from utilization of supports (such as a
817 wheelchair or walker); and
- 818 • partial or complete paralysis.

819
820 Undue Hardship: An action requiring significant difficulty or expense to the Agency,
821 when considering factors that include the nature and cost of the reasonable
822 accommodation and the impact of the reasonable accommodation on the operations of
823 the Agency, including the impact on the ability of others to perform their duties.
824 Determination of undue hardship is always made on a case-by-case basis.

MONITORING AND EVALUATION

825 The Office of Equal Rights and Office of Policy and Program Analysis (OPPA) will
826 monitor and evaluate implementation of this instruction to inform future revisions.

RESOURCE ASSISTANCE

827 Listed below are resources to assist in providing Reasonable Accommodations:

828 **Office of Equal Rights, FEMA**

830 (202) 212-3535 (Voice)

831 FEMA-Reasonable-Accommodation@fema.dhs.gov

832 FEMA-SLI-CART@fema.dhs.gov

833 <https://usfema.sharepoint.com/sites/OAI/ooer/Pages/RA.aspx>

834 **Computer/Electronic Accommodations Program (CAP)**

835 (833) 227-3272 (Voice); (571) 384-5629

836 www.cap.mil

837 **U.S. Equal Employment Opportunity Commission**

838 (800) 669-4000 (Voice); (800) 669-6820 (TTY)

839 <http://www.eeoc.gov>

840

841

842

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843 **Job Accommodation Network (JAN)**
844 (800) 526-7234 (Voice); (877) 781-9403 (TTY)
845 <http://askjan.org/>

846
847 **ADA Disability and Business Technical Assistance Centers (DBTACs)**
848 (800) 949-4232 (Voice/TTY)
849 <http://www.adata.org/>

850
851 **United States Access Board**
852 (202) 272-0080 (Voice); (202) 272-0082 (TTY)
853 <http://www.access-board.gov/>

INQUIRIES

854 Any person wanting further information concerning these procedures may contact the
855 OER Disability Unit at FEMA-Reasonable-Accommodation@fema.dhs.gov.
856