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COMDTINST 12713.1
MAR 30 2006

COMMANDANT INSTRUCTION 12713.1

Subj: REASONABLE ACCOMMODATIONS FOR APPLICANTS AND EMPLOYEES WITH DISABILITIES

Ref: (a) Executive Order 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation" (July 26, 2000)
(b) Title 29, C.F.R., Part 1630 (Regulations to implement the equal employment provisions of the Americans with Disabilities Act)

1. PURPOSE. This Instruction implements reference (a) by designating responsibilities and providing standard procedures for the timely and accurate processing of request for reasonable accommodation.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Judge Advocate General and special staff elements at Coast Guard Headquarters shall insure compliance with the provisions of this Instruction. Internet release authorized.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND. This Instruction applies to appropriated fund civilian positions in the competitive and excepted service and any applicants for employment. Reference (a) directs all Federal agencies to establish procedures to facilitate the provision of reasonable accommodation to employees and job applicants with disabilities. Pursuant to our obligations under reference (b), the instruction establishes Coast Guard-wide procedures for submitting and responding to requests for reasonable accommodation.
5. DISCUSSION. The Coast Guard endeavors to be a model employer of qualified people with disabilities. Reasonable accommodation is an integral part of this service's continued effort to take action to prevent discrimination against employees and applicants with disabilities. Discrimination may exist in the areas of architectural structure, technology, procedures, communication or transportation. By implementing the

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NON-STANDARD DISTRIBUTION:

Disabilities Procedures (DP) outlined in enclosure (1) of this instruction, the Coast Guard intends to provide reasonable accommodation:

- a. When an applicant with a disability needs an accommodation in order to be considered for a job;
 - b. When an employee needs an accommodation to enable him or her to perform “essential functions” or to gain equal access to the workplace; and
 - c. When an employee needs an accommodation to enjoy equal benefits and privileges of employment.
6. DEFINITIONS. Applicable definitions are found in enclosure (2) of this Instruction.

7. RESPONSIBILITIES.

- a. Commandant (G-CR)
 - (1) Designate a People with Disabilities Program Manager (PWDPM), responsible for administering the reasonable accommodation program throughout the Coast Guard;
 - (2) Develop and issue Coast Guard procedures for processing reasonable accommodation requests;
 - (3) Ensure that managers, supervisors, human resources specialists, and employees understand applicable laws, regulations, policies, and procedures regarding reasonable accommodation;
 - (4) Ensure compliance with the provisions of this instruction;
 - (5) Consult with appropriate Human Resources Specialists and Judge Advocate General representatives on providing reasonable accommodation.
- b. People with Disabilities Program Manager (PWDPM)
 - (1) Administer the reasonable accommodation program Coast Guard-wide;
 - (2) Maintain records on all reasonable accommodation requests;
 - (3) Serve as deciding official on appeal of denial of reasonable accommodation requests;
 - (4) Submit consolidated report on reasonable accommodation requests to the DHS Office of Civil Rights and Civil Liberties.
- c. Field People with Disabilities Program Managers (FPWDPM) (Designed by Field Commanding Officer)
 - (1) Determine, after consulting with appropriate Human Resource Specialists and Judge Advocate General representatives, whether it is necessary to obtain medical documentation, and determine its sufficiency, in order to process a reasonable accommodation request;
 - (2) Consult with full-time Civil Rights Officers, appropriate Human Resources Specialists, and Attorney-Advisor representatives on reasonable accommodation issues;

- (3) Submit completed reasonable accommodation request forms and associated records to the PWDPM.

d. Commandant (CG-1)

- (1) Provide step-by-step advice and guidance to managers and supervisors in identifying and processing reasonable accommodation requests;
- (2) Ensure that all vacancy announcements inform qualified applicants with disabilities that reasonable accommodation may be requested;
- (3) Serve as decision maker on reasonable accommodation requests from job applicants and requests involving undue hardship determinations;
- (4) Provide assistance to all applicable parties (i.e., supervisor, employee, PWDPM) regarding reassignment opportunities to vacant or prospective vacant positions within the Coast Guard.
- (5) Ensure copies of this instruction are made available to all new employees during orientation and to all new supervisory employees.

e. First-Level Supervisor

- (1) Acknowledge and respond within five (5) business days in writing to both oral and written accommodation requests;
- (2) Seek guidance from and consult with full-time Human Resource Specialists/Command Staff Advisors, FPWDPMs, Attorney-Advisors, and other Reasonable Accommodation resources.
- (3) Request the FPWDPM obtain medical documentation to support an accommodation request as needed;
- (4) Determine with appropriate guidance if the requestor is a qualified individual with a disability and that the request is a reasonable accommodation request;
- (5) Communicate with the requestor regarding the type of accommodation needed and whether or not it enables the requestor to effectively perform the essential functions of the position;
- (6) Normally provide written decisions on accommodation requests within fifteen (15) business days.

f. Employees with Disabilities

- (1) Request an accommodation from the decision-maker;
- (2) Provide medical documentation of the disabling condition, upon request;

- (3) Provide a description of the accommodation requested, if known, and an explanation of how it would enable him/her to perform the job.
8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATION. Environmental considerations were examined in the development of this directive and have been determined to be not applicable.
9. FORMS AVAILABILITY. Request for Reasonable Accommodation, CG-6079; Confirmation of Request for Reasonable Accommodation, CG-6080; Denial of Reasonable Accommodation Request, CG-6081 and Information and Reporting Form, CG-6082 are available on the Internet at <http://www.uscg.mil/ccs/cit/cim/forms1/welcome.htm> and the intranet at <http://cgweb2.comdt.uscg.mil/cgforms/>.

J. R. SMITH/s/
Acting Director, Office of Civil Rights

Encl: (1) Processing Procedures for Reasonable Accommodations
(2) Definitions

Processing Procedures for Reasonable Accommodations

1. **REQUESTS FOR REASONABLE ACCOMMODATION:** A request for an accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for accommodation is made. A request does not have to use any special words, such as "reasonable accommodation", "disability," or "Rehabilitation Act." An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability. Any Coast Guard employee or applicant may consult with the full-time CRO's, FPWDPM and/or Human Resources Specialist (HRS) for further information or assistance in connection with requesting or processing a request for reasonable accommodation.
 - A. An employee may request an accommodation in writing from his/her first-level supervisor, full-time CRO's FPWDPM or servicing Human Resources Specialist/Command Staff Advisor (HRS/CSA). If a request is made orally it must be followed up in writing by the employee/applicant using the Reasonable Accommodation Request form as provided in attachment (1) to these procedures.
 - B. An applicant may request an accommodation orally or in writing from the HRS/CSA who is handling the vacancy recruitment process.
 - C. A family member, health professional, or other representative may request an accommodation on behalf of a Coast Guard civilian employee or job applicant. The request should go to one of the same persons to whom the employee would make a request.
2. **WRITTEN REQUESTS FOR RECORD KEEPING PURPOSES:**
 - A. To enable the Coast Guard to keep accurate records regarding requests for accommodation, the person to whom the employee or applicant made the oral request for reasonable accommodation must follow up on the oral request by completing attachment confirmation of request form (attachment (2)), or otherwise confirming the request by e-mail.
 - B. A written confirmation is not required when an individual needs a reasonable accommodation on a repeated basis, e.g., the assistance of sign language interpreters or readers. The written form is required only for the first request, although, of course, appropriate notice must be given each time the accommodation is needed.
3. **DETERMINING WHO WILL HANDLE THE REQUEST:**
 - A. The person who handles the request for accommodation will be referred to as the "decision-maker." There are three possible decision-makers:
 1. An employee's first-level supervisor, or in his or her absence, the next available person above the supervisor in the chain of command, for employment accommodations, or

2. The FPWDPM for benefit and privilege accommodations, or
3. The senior Human Resources manager responsible for servicing the vacancy, for job application accommodation.
 - a. In addition, the FPWDPM, will be available, as needed, to provide guidance and assistance to employees and decision-makers in processing requests. Benefits and privileges of employment involve equal access to programs, which include, but are not limited to, employer-sponsored training, services (e.g., employee assistance programs, credit unions, cafeterias, gymnasiums, transportation), and social functions.
 - b. All decision-makers must have designated backups to continue receiving, processing, and providing reasonable accommodations when the decision-maker is unavailable. Decision-makers should ensure that individuals know who has been designated as backup. In the absence of the first-level supervisor, accommodation requests will be directed to the next available person above the supervisor in the chain of command. The time frames discussed in Section 7, below, will not be suspended or extended because of the unavailability of decision-makers.
4. **THE INTERACTIVE PROCESS:**
 - A. The next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the decision-maker must talk to each other about the request, the process for determining whether an accommodation will be provided, and possible accommodations.
 - B. Communication is a priority throughout the entire process. This involves the decision maker and the requester taking a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee/applicant requesting the accommodation must participate in helping to identify an effective accommodation. As the first step, the decision-maker will:
 1. Explain to the applicant/employee s/he will be making the decision on the request; and
 2. Describe what will happen in the processing of the request. This initial discussion should happen as soon as possible.
 - C. When a third party makes a request for accommodation, the decision-maker should, if possible, confirm with the applicant or employee with a disability that s/he, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the decision-maker will process the third party's request and will consult directly with the individual needing the accommodation as soon as it is practicable. The individual may refuse to accept an accommodation that is not needed.

- D. On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation, which should be provided, are clear, extensive discussions are not necessary. Even so, the decision-maker and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.
- E. The decision-maker, or any other Coast Guard official who receives information in connection with a request for reasonable accommodation, may share information connected with that request with other agency officials only when the agency official(s) need to know the information in order to make determinations on a reasonable accommodation request. (See Section 6 for specific rules governing the confidentiality of medical information.)
- F. There are specific considerations in the interactive process when responding to a request for reassignment:
 - 1. Reassignment will only be considered if no reasonable accommodations are available to enable the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship;
 - 2. In considering whether there are vacant positions available for reassignment, the decision-maker will work with the appropriate servicing HR Specialist/Command Staff Advisor, and the individual requesting the accommodation to identify placement opportunities. Placement opportunities include:
 - a. Vacant Coast Guard civilian positions, for which the employee qualifies, that officials have reason to believe will become vacant over the next 60 calendar days, that are equivalent to the employee's current position in terms of pay, grade, promotion potential, status, benefits, and geographical location.
 - b. Vacant lower-level Coast Guard civilian positions, in the local commuting area, for which the employee qualifies, that officials have reason to believe will become vacant over the next 60 calendar days, if no equivalent positions are available that are within the same commuting area as the employee's current position;
 - c. Vacant (equivalent or lower-level) Coast Guard civilian positions, for which the employee qualifies, outside the employee's current commuting area. As with other reassignments not required by management, the Coast Guard will not pay for the employee's relocation cost.
 - d. In the case of multiple vacancies, while nothing prevents the Coast Guard from offering several reassignment opportunities, the Coast Guard is only obligated to offer one reassignment opportunity as a form of accommodation. An employee must be qualified for the vacant position, with or without reasonable accommodation. Reassignment as a form of reasonable accommodation can only be offered to Coast Guard civilian employees and is not available as an accommodation for job applicants.

5. **REQUESTS FOR MEDICAL DOCUMENTATION:**

- A. The decision-maker is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. In some cases, the disability and the need for accommodation will be obvious, or already known, to the decision-maker. In these cases, the decision-maker will not seek any further medical information. However, when a disability and/or need for reasonable accommodation is not obvious, or otherwise already known to the decision-maker, s/he may require the individual to provide reasonable documentation about the disability and his/her functional limitations.
- B. If the decision-maker believes that medical documentation is necessary in order to evaluate a request for reasonable accommodation, s/he will forward the request, in writing, to the FPWDPM to obtain such information.
- C. The FPWDPM will evaluate the request and make a determination as to whether or not medical documentation is necessary. If it is not necessary, the request for accommodation will be returned promptly to the decision-maker, with a written analysis as to why medical documentation is not necessary, to complete the processing. If it is necessary, the FPWDPM will:
 - 1. Request information sufficient to substantiate that the individual has a covered disability and needs the reasonable accommodation requested, but will not ask for unrelated documentation;
 - 2. Seek documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful information, all requests for documentation should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The FPWDPM will consult with all necessary servicing HR/CSA, legal, civil rights, and job accommodation resource offices in determining its necessity and appropriateness.
- D. If the information provided by the employee's health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the decision-maker to determine whether an accommodation is appropriate, further information may be requested.
- E. First, however, the FPWDPM will explain to the individual seeking accommodation, in specific terms, why the information which has been provided is insufficient, what additional information is needed, and why it is necessary for a determination on the reasonable accommodation request.
- F. The individual may then ask the health care or other appropriate professional to provide the missing information.
- G. Alternatively, the FPWDPM, decision-maker, and the individual requesting the accommodation may agree that the individual will sign a limited release, and that the

FPWDPM may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor.

- H. If, after a reasonable period of time, there is still no sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the FPWDPM and/or decision-maker may request that a Coast Guard physician examine the individual at Coast Guard expense.
- I. The FPWDPM will let the decision-maker know whether the documentation demonstrates that a reasonable accommodation is appropriate and provide, if necessary, any additional information about the individual's functional limitations.
- J. Once an FPWDPM is involved in an individual's reasonable accommodation request, he/she must recuse himself/herself from any subsequent EEO complaint.
- K. In some cases, the individual requesting the accommodation will supply medical documentation directly to the decision-maker without being asked. In these cases, the decision-maker will consider such documentation and if additional documentation is needed, the decision-maker will work with the appropriate officials as set forth in this section.
- L. If the FPWDPM determines that medical documentation submitted must be reviewed by a medical expert, the FPWDPM, working in conjunction with the decision-maker and servicing HRS/CSA, will choose the medical expert. Every effort will be made to choose a Coast Guard physician. If an outside physician is chosen, the cost of the review will be at Coast Guard expense.
- M. The decision-maker must advise the employee or applicant, who is requesting a reasonable accommodation, that his/her failure to provide appropriate documentation or to cooperate in efforts to obtain such documentation can result in a denial of the request.

6. **CONFIDENTIALITY REQUIREMENTS REGARDING MEDICAL DOCUMENTATION OBTAINED IN THE REASONABLE ACCOMMODATION PROCESS:**

Under the Rehabilitation Act, medical documentation obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical documentation, including information about functional limitations and reasonable accommodation needs that the Coast Guard obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. It also means that any Coast Guard employee who obtains or receives such information is strictly bound by these confidentiality requirements.

- A. The DPM will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and the requirements of 29 C.F.R. 1611.

B. This information may be disclosed only as follows:

1. Supervisors and managers who need to know (including the decision-maker who requested that the FPWDPM obtain medical documentation) may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information should only be disclosed if necessary;
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
3. Government officials may be given information necessary to investigate Coast Guard compliance with the Rehabilitation Act.
4. Human Resource Specialists/Command Staff Advisors who may require information in accordance with any pending personnel actions.
5. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that pertain to it.

7. **TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING**

REASONABLE ACCOMMODATIONS: The Coast Guard will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. The Coast Guard recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

- A. Expedited processing: In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 15 business days discussed below. This includes where a reasonable accommodation is needed:
1. To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the decision-maker needs to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.
 2. To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five days. The following should be completed:
 - a. If no supporting medical documentation is required, and no extenuating circumstances apply, a request for reasonable accommodation shall be processed and the accommodation, if granted, provided in no more than 15 business days from the date the decision-maker receives the request, and sooner, if possible. Since decision-makers may need the full 15 business days to engage in the interactive process and collect all relevant information about

possible accommodations, they should not delay beginning this process. Failure to meet this time frame solely because a decision-maker delayed processing the request is not an extenuating circumstance. (See "extenuating circumstances" below under e)

- b. If the decision-maker believes that it is necessary to obtain medical documentation to determine whether the requesting individual has a disability and/or to identify the functional limitations, s/he will make such request to the FPWDPM as soon as possible after receipt of the request for accommodation, but before the expiration of the 15 day period. It is recognized that the need for documentation may not become apparent until after the interactive process has begun.
- c. If the decision-maker requests that the FPWDPM obtain medical documentation, the 15 day period is delayed. If the FPWDPM determines that medical documentation is not needed; the 15 day time period resumes as soon as the FPWDPM notifies the decision-maker that s/he can continue processing the request.
- d. If the FPWDPM determines that medical documentation is needed, the decision shall be made and the accommodation, if granted, will be provided with 15 business days from the date the decision-maker receives the relevant information from the FPWDPM.
- e. Examples of accommodations that can easily be provided within this 15 day time frame include:
 - (1) An employee with diabetes, who sits in an open area, asks for four breaks a day to test her blood sugar levels so that she may do these tests in private;
 - (2) An employee with a learning disability asks that an agenda, which his supervisor distributes at the beginning of each staff meeting, be distributed ahead of time because the disability makes it difficult to read, and he needs more time to prepare.
 - (3) Extenuating Circumstances. These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. The decision-maker must notify the individual, in writing, of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual. Extensions based on extenuating circumstances shall be limited to circumstances where there are strictly necessary. All decision-makers are expected to act as quickly as reasonably possible in processing requests and providing accommodations. The following are examples of extenuating circumstances: (a) There is an outstanding initial or follow-up

request for medical documentation, or the FPWDPM is evaluating medical documentation that has been provided; (b) The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation and DHS acquisition policies and procedures; (c) Equipment must be back-ordered, the vendor typically used by the Coast Guard for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available; (d) The employee with a disability needs to try working with the equipment on a trial basis to ensure that is effective before the Coast Guard purchases it; (e) New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers; and (f) If there is a delay in providing an accommodation that has been approved, the decision-maker must investigate whether temporary measures can be taken to assist the employee.

(4) Accommodation on a Temporary basis. The employee is clearly informed that they are being provided accommodation only on a temporary, interim basis. For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the decision-maker might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives. If a delay is attributable to the need to obtain or evaluate medical documentation and a determination has not been made that the individual is entitled to an accommodation, the Coast Guard may provide an accommodation on a temporary basis. In such a case, the decision-maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request. Decision-makers must ensure that such temporary measures do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

8. **GRANTING A REASONABLE ACCOMMODATION REQUEST:** As soon as the decision-maker determines that a reasonable accommodation will be provided, that decision should be communicated to the individual and the FPWDPM, absent extenuating circumstances, within 15 business days of the request. If the accommodation cannot be provided within that time frame, the decision-maker must inform the individual and the FPWDPM of the projected time frame for providing the accommodation. This notice must be in writing. The response form can be found in attachment (2).
9. **DENIAL OF REASONABLE ACCOMMODATION REQUESTS:** As soon as the decision-maker determines that a request for a reasonable accommodation will be denied, s/he must fill out the "denial of request" form, as provided in attachment (3) and give it to the individual who requested the accommodation, with a copy to the FPWDPM, absent extenuating circumstances, within 15 business days of the request. The explanation for

the denial should be written in plain language clearly stating the specific reasons for the denial. Where the decision-maker has denied a specific requested accommodation, but offered to make a different one in its place that was not agreed upon during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the decision-maker believes that the chosen accommodation will be effective. Reasons for the denial of a request for a reasonable accommodation may include the following (keeping in mind that the actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship):

- A. The requested accommodation would not be effective.
- B. Providing the requested accommodation would result in undue hardship. Before reaching this determination, the decision-maker must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. A determination of undue hardship means that the Coast Guard finds a specific accommodation would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.
- C. Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- D. The requested accommodation would require the removal of an essential job function.
- E. The requested accommodation would require the lowering of a performance or production standard.
- F. The written notice of denial also informs the individual that s/he has the right to file an EEO complaint within 45 days and may have rights to pursue administrative or negotiated grievance procedures. Decision-makers must review applicable negotiated agreements and the administrative grievance procedure to determine if grievance procedures apply. The notice also explains procedures for informal dispute resolution. Inaction on the part of the decision-maker in processing a reasonable accommodation request will be considered a denial of the request.

10. **DISPUTE RESOLUTION PROCESS:**

- A. If an individual wishes reconsideration, s/he should first ask the decision-maker, in writing, to reconsider the decision within five business days of receiving the written notice of denial. The individual may present additional information in support of his/her request. The decision-maker shall respond to the request for reconsideration within five business days.
- B. If the decision-maker does not reverse the decision, the individual may appeal the decision, in writing, within ten business days of receiving the decision. The appeal shall be decided by the PWDPM. A response to the appeal will be issued to the individual within 10 business days.

- C. Pursuing dispute resolution procedures, including seeking reconsideration from the decision-maker and filing an appeal does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any dispute resolution process does not satisfy the requirements for bringing a claim under EEO, administrative or negotiated grievance procedures.

11. **INFORMATION TRACKING AND REPORTING:** The decision-maker will complete the attached "information and reporting" form, as provided in attachment (4), and submit it to the FPWDPM within 10 business days of the decision. The decision-maker should attach to the form copies of all information, including medical information received as part of processing the request.

- A. The PWDPM will maintain these records for the length of the employee's tenure with the Coast Guard, or five years, whichever is greater.
- B. The PWDPM will prepare annually a consolidated Coast Guard-wide report, to be submitted to the DHS Office of Civil rights and Civil Liberties that will be made available to all employees. This report will contain the following information:
 - 1. The number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied;
 - 2. The jobs (occupational series, grade level) for which reasonable accommodations have been requested;
 - 3. The types of reasonable accommodations that have been requested for each of those jobs;
 - 4. The number of reasonable accommodations, by type, for each job that has been approved, and the number of accommodations, by type, that have been denied;
 - 5. The number of requests for reasonable accommodations, by type that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
 - 6. The reasons for denial of requests for reasonable accommodation;
 - 7. The amount of time taken to process each request for reasonable accommodation; and
 - 8. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
 - 9. In addition, the report will provide a qualitative assessment of these policies and procedures, and will include recommendations for improvement.

Attachment 1

<p>U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6079 (Rev. 03-06)</p>	<p>REQUEST FOR REASONABLE ACCOMMODATION</p>	
<p>Applicant/Employee Name</p>	<p>Office Location and Address</p>	
<p>Occupational Series and Grade (e.g., GS-301-11)</p>	<p>Office Telephone Number</p>	
<p>Briefly describe the medical condition requiring accommodation.</p>		
<p>Briefly describe the specific accommodation being requested. <i>(If additional space is needed, attach a separate sheet.)</i></p>		
<p>Explain how the requested accommodation would assist you in: (1) performing the essential duties of your position, (2) using the job application process, or (3) taking advantage of a benefit or privilege offered by the office/bureau.</p>		
<p>Requestor:</p> <p>Date:</p>		

Reset

Attachment 3

<p>U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6081 (Rev. 03-06)</p>	<p>DENIAL OF REASONABLE ACCOMMODATION REQUEST</p>	
<p>Name of Individual Requesting Accommodation:</p>		
<p>1. Type(s) of Reasonable Accommodation Requested:</p>		
<p>2. Request for Accommodation Denied Because <i>(may check more than one)</i>:</p> <p><input type="checkbox"/> Accommodation ineffective</p> <p><input type="checkbox"/> Accommodation would cause undue hardship</p> <p><input type="checkbox"/> Medical documentation inadequate</p> <p><input type="checkbox"/> Accommodation would require removal of an essential function</p> <p><input type="checkbox"/> Accommodation would require lowering of performance/production standard</p> <p><input type="checkbox"/> Other (please specify)</p>		
<p>3. Detailed reason(s) for the denial of the accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):</p>		
<p>4. If the requestor proposed one type of reasonable accommodation and the request is denied, and rejected an offer of an alternative accommodation, explain the reason for denial of the original requested accommodation and how the offered alternative accommodation would be effective.</p>		
<p>Name & Title of Decision Maker:</p>		
<p>Signature of Decision Maker:</p>	<p>Date Reasonable Accommodation Denied:</p>	
<p>If an individual wishes to request reconsideration of this decision, s/he may take the following steps:</p> <ul style="list-style-type: none"> • ask the decision maker, in writing within five (5) business days of receiving the decision to deny, to reconsider the denial and provide additional supporting information; • if the decision maker does not reverse the decision, the individual may appeal the decision, in writing, to the PWDPM within ten (10) business days of receiving the decision. The appeal shall be decided by the PWDPM. A response to the appeal will be issued to the individual within ten (10) business days. <p>If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures if applicable, s/he must take the following steps:</p> <ul style="list-style-type: none"> • For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor within 45 days from the date of this notice of denial of reasonable accommodation; or • For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or Administrative grievance procedure as appropriate; or • Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3; or • Utilize the Alternative Dispute Resolution (ADR) process. 		
<p>U.S. DEPT. OF HOMELAND SECURITY, USCG, CG-6081 (Rev. 03-06)</p>		<p>Reset</p>

Attachment 4

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6082 (Rev. 03-06)	INFORMATION AND REPORTING FORM
Name of Individual Requesting Accommodation:	
Command and Duty Location of the Requesting Individual:	
Name & Title of Decision-Maker:	
1. Reasonable Accommodation (<i>check one</i>): <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
2. Date Accommodation Requested and Date Referred, <i>if applicable</i> :	
3. Name & Position of Individual to Whom Request was Made:	
4. Date Accommodation Approved or Denied:	5. Date Accommodation Provided:
6. If time frames outlined in the Reasonable Accommodation Procedures were not met, <i>please explain why</i> :	
7. Job held or desired by individual requesting accommodation (<i>include occupational series, grade level and office</i>):	
8. Accommodation Required for: <input type="checkbox"/> Application process <input type="checkbox"/> Performing job functions or accessing work environment <input type="checkbox"/> Accessing a benefit or privilege of employment (e.g., attending training, social event)	
9. Type(s) of Accommodation Requested:	
10. Type(s) of Accommodation Provided:	
11. Was medical information required to process this request? <i>If yes, explain why</i> :	
12. Cost, if any, of accommodation:	
13. Sources of technical assistance, if any, consulted (Job Accommodation Network, family member, rehabilitation counselor, other):	
Field People With Disability Program Manager (FPWDPM) Name and Title:	
FPWDPM Signature:	Date:

Reset

DEFINITIONS

1. **Decision-Maker**. The Coast Guard official responsible for accepting, processing, and determining whether to grant or deny requests for an accommodation. Depending on the type of request, the decision-maker will be:
2. **Dispute Resolution Process**. Any voluntary mechanism through which an individual can request reconsideration of a denial of reasonable accommodation, regardless of whether the person has started the EEO complaint process.
3. **Essential Functions**. Those job duties that are so fundamental to the position that the individual holds or desires that s/he cannot do the job without performing them. A function can be "essential" if, among other things: (1) the position exists specifically to perform that function; (2) there are a limited number of other employees who could perform the function; or (3) the function is specialized and the individual is hired based upon his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.
4. **Major Life Activity**. Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, speaking, hearing, breathing, learning and working.
5. **Qualified Individual with a Disability**. An individual with a covered disability is qualified if (1) s/he satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) s/he can perform the essential functions of the position, with or without reasonable accommodation.
6. **Reasonable Accommodation**. Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.
7. **Reassignment**. A form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, s/he will be reassigned to the job and not have to compete for it. A reassignment is a reasonable accommodation of last resort and should not be considered until after all accommodations have been considered and deemed not appropriate.
8. **Receiving Officials**. The officials designated to officially receive a request for reasonable accommodation for an employee or applicant (or an individual acting on his/her behalf), determine who will handle the request (the Decision-maker), and monitor the request until it is closed out.
9. **Undue Hardship**. A specific type of accommodation that, if granted, will cause significant difficulty or expense. A determination of undue hardship is made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, and the impact of the accommodation on the operation of the agency. If an undue hardship determination is made on an accommodation request, it does not have to be granted.