

Chapter 3: Section 300 - Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures (Reviewed September 2019/Updated September 2019)

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Part I – General Provisions

1. Purpose

This section establishes the Federal Trade Commission's (FTC) policy and procedures for the employment of persons with disabilities. The primary objectives of this policy are to ensure equal employment opportunity (EEO) for employees and applicants for employment without regard to disability, define the roles and responsibilities regarding the employment of persons with disabilities, and provide procedures for processing requests for reasonable accommodation.

2. Policy

The FTC's policy is to ensure that applicants for employment and employees alike will not be discriminated or retaliated against on the basis of any disability. Accordingly, the FTC takes effective action to recruit, hire, develop and advance employees with disabilities, including targeted disabilities, to the fullest extent possible and ensures that all individuals with disabilities are accorded equal employment opportunities. Further, the FTC is fully committed to making agency facilities accessible, and reasonably accommodating the known physical or mental limitations of individuals by providing an accommodation that does not impose an undue hardship on FTC operations.

3. Authority

Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.);

Rehabilitation Act of 1973, as amended, (29 U.S.C. § 791);

Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000);

Equal Employment Opportunity Commission's Federal Sector Regulations (29 C.F.R. Parts 1614 and 1630); EEOC's Management Directive 715 (October 2003);

Architectural Barriers Act of 1968, as amended, (42 U.S.C. §§ 4151-4157);

EEOC's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000); and

EEOC's Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the ADA (October 17, 2002).

4. Coverage

This policy applies to an employee or a job applicant with a disability. Agency employees include all employees, regardless of appointment type (competitive or excepted), career status (temporary, career-conditional, or career), occupation, or work schedule (full-time, part-time, or temporary).

5. Responsibilities

A. The Chairman. The Chairman is responsible for EEO programs at the FTC to include:

- (1) Ensuring that all FTC management officials are held accountable for achieving the objectives of this policy and fulfilling EEO requirements to prevent discrimination against employees or applicants based on disability.
- (2) Ensuring that agency operations adhere to EEO principles in its human capital policies and practices relating to the employment, development, advancement, and treatment of FTC employees or applicants regardless of disability.

B. Director of EEO. The Director of EEO is responsible for the development and implementation of the FTC's disability anti-discrimination program consistent with the requirements of 29 C.F.R. § 1614.102(c) and other relevant statutory and regulatory provisions. Specific responsibilities include:

- (1) Advising and reporting findings to the Chairman on disability discrimination cases and other matters arising from this policy's implementation.
- (2) Providing guidance and advice concerning equality of opportunity for persons with disabilities in all aspects of employment, including information about new requirements and changes in disability laws.
- (3) Proposing, developing, and reviewing FTC policies and procedures to promote equality of opportunity for individuals with disabilities, including examining agency efforts to provide reasonable accommodations and making facilities accessible, and generating reports to track the agency's compliance with disability laws and regulatory requirements.
- (4) Managing the EEO discrimination complaint process, including claims involving denials of requests for reasonable accommodation.
- (5) Collaborating with the Human Capital Management Office (HCMO) to ensure regular and appropriate guidance and training is provided to employees and management officials concerning the agency's reasonable accommodation process and the various hiring programs and other resources available for recruiting, promoting, and retaining persons with disabilities.
- (6) Collaborating with HCMO to address barriers that affect recruitment, hiring, retention, and promotion of individuals with disabilities and recommending specific remedies to remove such barriers.

C. The Chief Human Capital Officer (CHCO). The CHCO is responsible for supervising the administration of the agency's reasonable accommodation procedures, coordinating the employment of persons with disabilities, and providing human capital advice as it relates to disability employment. Specific responsibilities include:

- (1) Reviewing and updating the agency's plan for increasing employment and retention of individuals with disabilities and monitoring implementation of the plan.
- (2) Taking affirmative employment actions to promote equality of opportunity for individuals with disabilities and targeted disabilities in all stages of employment including recruitment, hiring, placement, training, and career development (e.g., providing written material in an accessible format).
- (3) Collaborating with the Director of EEO to ensure that guidance and training are provided to agency personnel regarding all matters under this policy.
- (4) Delegating responsibilities for the operation of the agency's reasonable accommodation procedures and activities to enhance the affirmative employment of individuals with disabilities to a designated Disability Program Manager within HCMO, see below.

D. Disability Program Manager (DPM). The DPM is responsible for providing assistance and guidance on the requirements of this policy and ensuring that management officials and employees are informed of any new requirements and changes in disability laws. Specific responsibilities include:

- (1) Implementing the FTC's reasonable accommodation procedures consistent with this policy, governing laws and regulations, executive orders, and EEOC directives.
- (2) Providing guidance and delivering training to employees and management officials concerning the agency's reasonable accommodation procedures and disability hiring matters, and serving as a resource for information on disability issues that affect the agency.
- (3) Establishing effective tracking systems to monitor the processing of reasonable accommodation requests and affirmative employment initiatives for individuals with disabilities to include complying with all reporting and record retention requirements as provided for in [Part IV](#) of this policy.
- (4) Regularly reviewing and analyzing the FTC's reasonable accommodation process and progress in the recruitment and retention of individuals with disabilities and reporting such results through the CHCO to the Director of EEO on an annual basis.
- (5) Regularly reviewing agency procedures to ensure that vacancy announcements and hiring and promotion procedures include information describing how applicants may submit reasonable accommodation requests.
- (6) Managing the FTC's reasonable accommodation procedures, to include providing necessary guidance and technical assistance to managers, supervisors, employees, and applicants regarding requests for reasonable accommodation, and consulting with other agency offices and officials (i.e., the CHCO, EEO Director, and General Counsel) as necessary.
- (7) Assisting FTC management officials in evaluating accommodations that have been provided to ensure their continued effectiveness.
- (8) Requesting and reviewing medical information if an impairment or need for accommodation is not obvious to include having medical information reviewed by an external Medical Review Official (MRO) of the agency's choosing and at the agency's request and expense.
- (9) Serving as the deciding official for reasonable accommodation requests from applicants.
- (10) Participating in annual training relating to disability laws and regulations, to include training related to the provision of reasonable accommodation.
- (11) Providing information to employees and applicants on how to access additional information on reasonable accommodation, including EEOC guidance and technical assistance documents, and other relevant resources.

E. Managers and Supervisors. All managers and supervisors are responsible for ensuring equality of opportunity in the workplace for individuals with disabilities. Specific responsibilities relating to reasonable accommodation and nondiscrimination based on disability include:

- (1) Consulting with the DPM in connection with all requests for reasonable accommodation.
- (2) Consulting with the DPM in assessing reasonable accommodation options for an employee whose limitations or need for accommodation is obvious, even when the employee has not requested an accommodation.
- (3) Receiving and promptly responding to employee requests for accommodation, including contacting the DPM when a request for accommodation is initially received, engaging in the interactive process, identifying essential job functions and potential accommodations, and maintaining the confidentiality of accommodation information.
- (4) Serving as the deciding official for reasonable accommodation requests from employees.
- (5) Providing approved accommodations and regularly evaluating the effectiveness of such accommodations in consultation with the DPM.

(6) Ensuring there is no retaliation against any employee who requests a reasonable accommodation.

F. Employees. Employees are responsible for:

(1) Keeping informed of their rights and obligations as outlined in this policy.

(2) Informing FTC management officials of the need for reasonable accommodation when an employee's limitations or need for accommodation is not obvious.

(3) Providing FTC management officials with specific information, including appropriate medical information, when requested, related to limitations resulting from a disability and identifying accommodations when the limitations or need for accommodations is not obvious.

(4) Cooperating with FTC management officials throughout the reasonable accommodation process, including communicating during the interactive process.

G. The General Counsel ("OGC"). OGC is responsible for providing legal advice to the DPM and other agency management officials regarding reasonable accommodation requests, policies, and procedures. OGC also serves as the agency's legal representative in disability discrimination complaints involving the FTC.

H. Office of the Chief Information Officer (OCIO). OCIO is responsible for coordinating with the DPM, management officials, employees, and applicants to identify and help provide appropriate assistive technology and services in connection with accommodation requests.

J. Office of the Chief Administrative Services Officer (OCASO). OCASO is responsible for coordinating with the DPM, management officials, employees, and applicants to identify and help provide office needs and services in connection with accommodation requests.

6. Definitions

A. Disability. The term "disability" means, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment

A person must satisfy at least one of these three parts of the definition to be considered a person with a disability. Note: A person regarded as having a disability, but who in fact does not have an actual disability, is not entitled to a reasonable accommodation.

B. Essential Functions. Those job duties that are so fundamental to a position that the employee or applicant holds or seeks to hold that he or she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or if the function is specialized and the person is hired based on his or 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.

C. Impairment. A physiological disorder affecting one or more of a number of body systems or a mental or psychological disorder. The following conditions are not impairments: environmental, cultural and economic disadvantages; homosexuality and bisexuality; pregnancy; physical characteristics; common personality traits; or normal deviations in height, weight, eyesight, or strength.

D. Interactive Process. The procedure in which the supervisor, manager, or DPM works collaboratively with the person requesting an accommodation to determine the disability at issue and whether there is an effective accommodation.

E. Major Life Activities. Activities that are of central importance to daily life. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, and the operation of a major bodily function.

F. **Qualified Employee/Applicant with a Disability.** An individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

G. **Reasonable Accommodations.** Any changes in the work environment or in the way things are customarily done that would enable a person with a disability to enjoy equal employment opportunities. Common types of reasonable accommodations include:

- moving to different office space
- modifying work schedules
- granting breaks or providing leave
- removing or substituting a marginal function
- altering how or when job duties are performed
- providing telework
- removing an architectural barrier, including reconfiguring work space
- providing a reader or sign language interpreter, or other assistant
- providing accessible parking
- providing materials in alternative format (i.e., Braille, large print)

H. **Targeted Disabilities.** A subset of disabilities that includes deafness, blindness, missing extremities, partial paralysis, complete paralysis, compulsive disorders, intellectual disabilities, developmental disabilities, significant psychiatric disorders, traumatic brain injuries, dwarfism, and significant disfigurement.

I. **Undue Hardship.** A determination made on a case-by-case basis that a specific accommodation would cause significant difficulty or expense for the agency to provide. In such instances, the agency does not have to provide the accommodation. The factors considered in assessing undue hardship include but are not limited to: the nature and cost of the accommodation needed; the overall financial resources of the agency making the accommodation; and the effect of the accommodation on the operation of the agency. Note: The potential cost of a reasonable accommodation is normally an insufficient basis to deny a request for reasonable accommodation. All resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation must be considered when determining whether a denial of reasonable accommodation based on cost is lawful.

Part II – Reasonable Accommodation Procedures

1. Requests for Reasonable Accommodation

A. A requester is an employee, applicant, or someone acting on the requester's behalf, who is seeking a reasonable accommodation based on a disability. The following procedures are applicable to reasonable accommodation requests from employees. The procedures for handling reasonable accommodation requests from applicants for employment are in Part III of this policy.

(1) An employee must advise a management official, the DPM, or any agency employee connected with the reasonable accommodation application process that he or she needs an adjustment or change at work for a reason related to an impairment or medical condition, unless the employee's limitations or need for accommodation is obvious. A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" and does not have to specify a particular type of accommodation that may be needed.

(2) An employee may request a reasonable accommodation at any time, orally, or in writing. The employee should also complete [FTC Form 641, "Request for Reasonable Accommodation,"](#) and submit it to his or her supervisor, manager, or the DPM, confirming the request. A request submitted directly to the DPM will be forwarded to the employee's supervisor.

(3) A family member, health professional, or other representative may, with proper authorization, request an accommodation on behalf of an employee. For example, submission of a doctor's note outlining medical restrictions for an employee may constitute a request for reasonable accommodation.

(4) An employee needing a reasonable accommodation on an irregular but recurring basis, such as the assistance of a sign language interpreter should submit [FTC Form 641, "Request for Reasonable Accommodation,"](#) only for the first request. However, the employee must give appropriate and sufficient advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the employee's supervisor or manager should ensure that the appropriate arrangements are made without requiring a request for each occasion.

2. Processing a Request for Reasonable Accommodation

A. When an employee (or a third party on the employee's behalf) requests a reasonable accommodation, the supervisor or manager must contact the DPM to ensure that the request is processed swiftly and appropriately in accordance with this policy.

B. The reasonable accommodation process begins as soon as the employee makes an oral or written request for accommodation to an appropriate management official or the DPM. If an employee makes an oral request for accommodation, the official receiving the accommodation request must inform the employee to complete [FTC Form 641](#).

3. The Interactive Process

A. Generally. After an employee requests an accommodation, the manager or supervisor responsible for making the decision regarding the request must discuss the request with the employee. Specifically, they must discuss the employee's current job to determine its essential functions, the job-related limitations imposed by the individual's impairment, how those limitations could be overcome with an accommodation, potential accommodations, including the accommodation the employee prefers, and implementation of the accommodation that is effective and does not create an undue hardship for the agency. An employee does not have to submit [FTC Form 641](#) in order for the interactive process to begin.

(1) The manager or supervisor must begin this discussion by contacting the employee within three (3) business days after the request is first received.

(2) If a third party requests an accommodation on behalf of an employee, the appropriate agency official must confirm with the employee that he or she wants the requested accommodation before proceeding. The employee must provide written documentation to designate the third party to act on his or her behalf.

(3) Early and ongoing communication via the interactive process is particularly critical when the disability, need for accommodation, or type of accommodation needed, is not obvious or management is considering alternatives to the requested accommodation. However, even cases where such information is clear and the need obvious, the management official and the requesting employee should still engage in a full exchange of relevant information.

(4) Managers and supervisors should consider the employee's requested or healthcare provider's recommended accommodation. Managers and supervisors should consult with the DPM regarding processing the accommodation and, if appropriate OGC, or other resources (e.g., EEOC, the Computer/Electronic Accommodations Program (CAP), or the Job Accommodation Network) for guidance.

(5) As part of the interactive process, managers and supervisors may offer alternative accommodations and discuss their effectiveness with the employee. The FTC does not have to provide the exact accommodation the employee requests. If more than one accommodation would be effective in allowing the employee to perform the essential functions of the position, the agency may offer an alternative accommodation than the one requested.

B. Reassignment to a Vacant Position. The following procedures apply when an employee requests reassignment as a reasonable accommodation:

(1) Reassignment must be considered if no other accommodations are available to enable the employee to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship. Reassignment is the accommodation of last resort. The FTC is not required to create a new position as a reasonable accommodation for an employee.

(2) In considering whether there are positions available for reassignment, the manager or supervisor must work with the employee requesting reassignment, the DPM, and a designated HCMO Specialist to identify: (a) vacant funded positions within the agency for which the employee is qualified to be reassigned, with or without reasonable accommodation; and (b) positions which HCMO has reason to believe will become vacant within 60 days from the date the search is initiated and for which the employee may be qualified.

(3) The focus of the reassignment search should be positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If the agency does not know whether the employee is qualified for a specific position, the agency can discuss with the employee his or her qualifications. If there is no vacant equivalent position, the FTC may consider vacant lower level positions for which the employee is qualified.

(4) If the employee requests reassignment to a vacant position outside of his or her commuting area and the employee can be accommodated within the local commuting area, the FTC may, but is not required to grant the request.

(5) Although an employee should assist the FTC in identifying appropriate vacancies to the extent that the employee has access to information about them, it is the agency's responsibility to proceed as expeditiously as possible in determining whether there are appropriate vacancies. When the FTC has completed its search, identified whether there are any vacancies (including any positions that will become vacant in a reasonable amount of time), notified the employee of the results, and either offered an appropriate vacancy to the employee or informed him or her that no appropriate vacancies are available, the FTC would have fulfilled its obligation.

4. Medical Documentation

A. If an employee's disability or need for accommodation is not obvious or already known, the FTC may ask for sufficient medical documentation to establish that the requester has a disability and needs an accommodation.

B. The DPM is the only FTC official authorized to request medical documentation in relation to reasonable accommodation requests. In determining whether medical documentation is necessary, the DPM should be guided by the principles set forth in the ADA, as amended, the Rehabilitation Act, the EEOC's associated rules and guidance, and relevant legal precedent and seek advice from OGC.

C. The DPM may only request medical documentation related to the impairment at issue in the accommodation request and may not ask for unrelated or general medical information (e.g., access to the requester's medical record). Typically, medical documentation sought will include information regarding: the nature, severity, and duration of the employee's medical impairment; the activity or activities that the impairment limits; the extent to which the impairment limits the employee's ability to perform the essential job function(s); how the reasonable accommodation requested will assist the employee in performing the essential functions of the job or enjoying a benefit of the workplace; and whether there are alternative accommodations that would be effective.

D. Pursuant to the Genetic Information Nondiscrimination Act of 2008 (GINA), the FTC may not request or require genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, employees and applicants for employment may not be asked to provide genetic information in response to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services or participated in genetic research, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

E. In most instances, the employee or applicant will be able to furnish medical information sufficient to substantiate the existence of a disability or need for accommodation as part of the interactive process. If the information furnished by the employee or applicant is insufficient to make a determination, the DPM may require additional information from a healthcare provider. When necessary, the DPM may also prepare a list of questions for the healthcare provider to answer, or ask the employee or applicant to sign a limited release permitting the DPM to contact the healthcare provider directly. In some cases, the DPM may arrange for a Medical Review Officer (MRO), a medical professional outside of the agency, who is designated to review medical documentation and provide a medical opinion related to a reasonable accommodation request. If the employee has signed a limited release as described above, the DPM may authorize the MRO to contact the employee's healthcare provider directly for any required information.

F. Upon receipt, the DPM will review the requested medical documentation. The documentation may also be evaluated by the MRO and reviewed by OGC and other appropriate agency officials as necessary, subject to the confidentiality requirements below.

G. If the employee does not want to share their medical documentation with their manager or supervisor, the DPM will advise the supervisor or manager whether the medical documentation received demonstrates that the employee has a disability and whether a reasonable accommodation is appropriate. The DPM will provide any relevant information about the employee's functional limitations to permit further processing of the accommodation request.

H. The ultimate responsibility for providing medical documentation rests with the employee. If the employee requesting an accommodation fails to provide sufficient medical documentation or cooperate in the FTC's efforts to

obtain such documentation, the agency may deny the request.

I. In cases where an employee has been provided reasonable accommodation, the agency may periodically require additional medical documentation for purposes of ensuring that the accommodation remains effective or is still needed.

J. In cases where the disability is obvious or otherwise already known to the manager or supervisor, and the need for that particular accommodation continues, the FTC will not seek any further medical documentation with regard to that specific accommodation.

5. Confidentiality Requirements

A. Medical documentation must be kept confidential.

(1) All medical documentation related to the accommodation process must be kept confidential and in a file separate from the employee's official personnel file.

(2) The confidentiality requirement extends to the fact that an employee requested an accommodation, that an accommodation was approved or denied, and information about functional limitations.

(3) Any FTC employee who obtains or receives medical information associated with an accommodation request is strictly bound by these confidentiality requirements.

B. The DPM will maintain custody of records obtained or created during the processing of a request for reasonable accommodation, including medical records, in accordance with the Privacy Act, 5 U.S.C. § 552a, et. seq., and 29 C.F.R. §§ 1611 and 1630.14.

C. Certain information may be shared with appropriate officials on a "need to know" basis to make a determination concerning a reasonable accommodation request. The only information that will be disclosed is the amount of information necessary to process the request. These officials will be informed about the confidentiality requirements in the reasonable accommodation process.

6. Time Limits

A. A manager or supervisor must make a final decision on a reasonable accommodation request and provide the accommodation, if granted, within 20 business days after the initial request is made.

(1) If the disability is obvious or already known to the supervisor or manager, if it is clear the reasonable accommodation requested is needed and will enable the employee to complete their essential job functions, if medical documentation is not required to evaluate a request, or if an accommodation can be provided quickly, the manager or supervisor must grant the request within 10 business days after the initial request is made. Note: Failure to provide the accommodation within this 10 business day period may result in a violation of the Rehabilitation Act.

(2) If medical documentation is requested, the 20-day period will be extended by the amount of time necessary to request, receive, and evaluate such documentation. Note: If the individual's health professional fails to provide needed documentation in a timely manner, the agency will not be expected to adhere to its usual time limits for processing a reasonable accommodation request.

(3) If, after an appropriate amount of time has passed without the reasonable accommodation being provided, the employee may contact the management official to whom he or she submitted the request to inquire about its status. The same process applies if the employee submitted the request for reasonable accommodation to the DPM.

B. Expedited Processing. In certain situations, the processing of a request must be expedited. This may be necessary, for example, to allow an employee who needs a sign language interpreter to attend a recently scheduled meeting.

C. Extenuating Circumstances. These are circumstances that could not reasonably have been anticipated or avoided or that are beyond FTC's ability to control. Extenuating circumstances include, but are not limited to, the need to obtain and evaluate medical information, the purchase of equipment, and the removal of architectural barriers. When extenuating circumstances are present, the time for processing a request will be extended as necessary. The manager or supervisor must consult with the DPM prior to taking any of the actions described in this section.

(1) The supervisor or manager should notify the employee in writing of the reason for any delay and the approximate timeframe in which a decision or provision of the reasonable accommodation should be expected.

(2) If there is a delay in deciding or providing an approved accommodation, the supervisor or manager should consider whether there are any interim measures that can be taken. This may include providing interim measures that are not reasonable accommodations within the meaning of the law if: (1) they do not impose an undue hardship on the operations of the FTC; and (2) the employee is informed that they are being provided only on a temporary basis, to allow the individual to perform some or all of the essential functions of his or her job. The agency may not offer an interim accommodation as an alternative to a permanent accommodation when the individual with a disability requires a permanent accommodation.

7. Resolution of Request for Reasonable Accommodation

A. Approving a Request

(1) All decisions regarding requests for reasonable accommodation will be communicated to the employee in writing. A decision to approve a reasonable accommodation request will be communicated to an employee using [FTC Form 641, "Request for Reasonable Accommodation,"](#) in an accessible format, if requested. The manager or supervisor will complete this form, return it to the employee, and discuss implementation of the approved accommodation. A copy of this completed form must be provided to the DPM.

(2) Managers and supervisors should follow-up with the employee after the accommodation has been provided to ensure that it meets the employee's needs and periodically evaluate the accommodation, in consultation with the DPM, to ensure that it continues to be effective and necessary.

(3) A decision to provide an accommodation other than the one specifically requested must be made in consultation with the DPM and based on legal advice provided by OGC. [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) will explain the specific reason(s) for declining the requested accommodation and the reason(s) the management official selected the chosen accommodation as an effective alternative.

B. Denying a Request

(1) A decision to deny an accommodation is a final action and must be made in consultation with the DPM and based on legal advice provided by OGC.

(2) The manager or supervisor will complete [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) notifying the employee of the specific reason(s) for any denial and applicable appeal rights. A copy of this completed form must be provided to the DPM.

(3) Common bases for denial are that the requested accommodation would not be effective, the medical documentation is inadequate to establish that the individual has a disability or needs a reasonable accommodation, the requested accommodation would require removal of an essential function or require the lowering of a performance standard, or that the accommodation would result in an undue hardship.

(4) If the manager or supervisor offers an accommodation other than the one requested and the employee refuses to accept it, the FTC will record the refusal using [FTC Form 642, "Denial of Request for Reasonable Accommodation,"](#) and the decision will be recorded as a denial of the accommodation request and will explain why the chosen accommodation would have been effective.

(5) In the case where a request for reasonable accommodation has been denied, the FTC encourages voluntary informal dispute resolution processes that individuals may use to obtain prompt reconsideration. Individuals should contact the Office of EEOI to request voluntary informal dispute resolution.

(6) If a request for reasonable accommodation has been denied, the FTC encourages the use of voluntary, informal dispute resolution processes to obtain prompt reconsideration. Individuals should contact the Office of EEOI to request voluntary, informal dispute resolution.

(7) If the employee wants to file an EEO complaint based on the agency's denial of his or her request for reasonable accommodation, he or she must contact the Office of EEOI within 45 calendar days of the denial, regardless of whether the employee participates in an informal dispute resolution process.

Part III – Reasonable Accommodations for Applicants for Employment

A. The procedures governing the provision of reasonable accommodations to applicants for employment with the FTC are generally the same as those that apply to FTC employees, with the following exceptions:

(1) Applicants requesting reasonable accommodations must submit requests to the DPM. Information regarding how to contact the DPM will be included in FTC vacancy announcements.

(2) The DPM will contact the applicant within 2 business days after the request for reasonable accommodation is received to request that the applicant complete and submit [FTC Form 641](#), “[Request for Reasonable Accommodation](#),” explain the agency’s procedures for processing the request, and obtain any additional information from the requester that may be necessary to process the requested accommodation.

(3) The DPM will grant or deny the requested accommodation. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite the request to ensure the applicant has an equal opportunity to apply for a job. Absent extenuating circumstances, the DPM will make a determination and grant or deny the accommodation swiftly, within a matter of days after the request is initially made or before the situation necessitating the provision of the accommodation (i.e., the interview) takes place.

B. An applicant for employment can contact the DPM to track the processing of his or her request for reasonable accommodation.

C. The DPM should complete [FTC Form 641](#) or [642](#) to communicate his or her decision on the request to the applicant and discuss with the applicant implementation of the accommodation, if approved.

D. If a request for reasonable accommodation has been denied, the FTC encourages voluntary informal dispute resolution processes that applicants may use to obtain prompt reconsideration. Applicants should contact the Office of EEOWI to request voluntary informal dispute resolution. Note: The denial of a request for reasonable accommodation must also inform the applicant of his or her right to file an EEO complaint pursuant to 29 C.F.R. § 1614.106.

E. If the applicant for employment wants to file an EEO complaint based on the agency’s denial of his or her request for reasonable accommodation, he or she must contact the Office of EEOWI within 45 calendar days of the denial, regardless of whether he or she participates in an informal dispute resolution process.

Part IV – Reporting Requirements, Information Tracking, and Recordkeeping Systems

A. To ensure compliance with this policy and its procedures as well as the Rehabilitation Act and EEOC policy guidance, the DPM will collect and maintain the following information:

(1) The number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied;

(2) The jobs (occupational series, grade level, and agency component) 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 and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied;

(5) The number and types of requests for reasonable accommodations 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.

B. The DPM will provide copies of all FTC Forms involving reasonable accommodation (i.e., FTC Forms 641 and 642) to the CHCO and the Director of EEO on a quarterly basis. The DPM, upon request, will also provide other relevant materials to the Director of EEO through the CHCO.

C. The DPM, through the CHCO, will provide a written assessment of the agency's reasonable accommodation process to the Director of EEO on a quarterly basis, which includes the number and types of accommodations requested and approved, the amount of time taken to process such requests, reasons for denials, and other relevant tracking information. This report should also include any recommendations for improving the agency's reasonable accommodation policy and procedures.

D. Because it is imperative that the FTC evaluate the effectiveness of its reasonable accommodation program, the Director of EEO, in consultation and collaboration with the CHCO and the DPM, will periodically review the program and issue written reports regarding the status of the agency's reasonable accommodation procedures, including recommendations for improvement. The EEO Director will disseminate all written reports to the agency Chairman, the CHCO, the DPM, and other appropriate agency officials. The reports may not contain confidential information about specific requests for reasonable accommodation, but will include general information sufficient to provide a qualitative assessment of the agency's disability program.

E. The DPM will keep appropriate records and documentation to substantiate an employee's disability in the event that there is a new manager or supervisor, and will take the necessary steps to apprise the new manager or supervisor of existing accommodations.

F. Recordkeeping Systems

(1) The DPM will keep records related to a particular employee who has requested a reasonable accommodation for the duration of his or her employment. These records include any documentation of the employee's disability or need for reasonable accommodation, as well as information about the disposition of the employee's accommodation request.

(2) The DPM will keep any information or cumulative records used to track the FTC's performance with regard to reasonable accommodation for at least three years. The DPM will use this tracking information to evaluate whether and where the FTC needs to improve its handling of reasonable accommodation requests. Upon request or in the fulfillment of EEOC requirements, the EEO Director will assess the FTC's disability program.

Part V – Ensuring Disability Access to Electronic or Information Technology for FTC Employees and Applicants for Employment

A. **Accessibility.** In accordance with Section 508 of the Rehabilitation Act, as amended, the FTC, when developing, procuring, maintaining, or using electronic and information technology (e.g., computers, databases, software, telephones or other telecommunications systems, photocopiers, agency web sites), is committed to ensuring that such technology allows persons with disabilities to have access to and use of information and data. Section 508 requires that alternative means of access be provided to persons with disabilities. Section 508 applies to agency technology used by employees as well as technology that may be used by members of the public to obtain information or services from the agency.

B. **Complaint Procedures.** A person with a disability who alleges that the agency has failed to comply with Section 508 in providing electronic and information technology may file an administrative complaint with the agency within 45 calendar days of the alleged discriminatory incident. (See 29 U.S.C. § 794d(f)).

An employee or applicant for employment with a disability who alleges that the agency has failed to provide accessible electronic or information technology may file a complaint under the procedures outlined in the FTC's Administrative Manual, Chapter 5-400 (Equal Employment Opportunity) for filing a complaint of disability discrimination. Complaints by members of the public who are disabled must be raised under the procedures outlined in 16 C.F.R. Part 6. (See also, 29 U.S.C. § 794d(f)(2)).

Appendix – Reasonable Accommodation Forms and Resources

FTC Form 641 – [Request for Reasonable Accommodation*](#)

FTC Form 642 – [Denial of Request for Reasonable Accommodation*](#)

EEOC Enforcement Guidance – <https://www.eeoc.gov/policy/docs/accommodation.html>

* Forms are available in alternative formats that are accessible to people with disabilities