



AmeriCorps Policies and Procedures

Policy Number: 201

Effective Date: April 8, 2024

Title: Reasonable Accommodation

Purpose: To provide guidance on the procedures for processing requests for reasonable accommodation by employees and job applicants with qualified disabilities, sincerely held religious beliefs, and/or limitations caused by pregnancies.

Who is Covered: All AmeriCorps employees and job applicants. The Office of Inspector General Staff are not covered by this policy.

Policy Replaced: Policy No. 201, including all addendums.

Originating Office: Office of Diversity Equity Inclusion and Accessibility, Civil Rights and Employment Branch

Approved By:

A handwritten signature in black ink, appearing to read 'Nathaniel H. Benjamin'.

Nathaniel H. Benjamin
Chief Diversity and Inclusion Officer &
EEO Officer

A. Overview

1) Purpose

This policy provides technical guidance on the process, procedures, and roles and responsibilities of the AmeriCorps Reasonable Accommodation program for agency employees and applicants. This policy does not address the provision of reasonable accommodations for volunteers or members of AmeriCorps' national service programs, or recipients from any services, programs, or benefits from AmeriCorps.

2) Scope

This policy covers all AmeriCorps employees and applicants.

3) Legal Authorities

- (a) Title VII, Civil Rights Act of 1964 (Title VII), [42 U.S.C. §§ 2000e et seq.](#) (religious accommodations)
- (b) Title I, Americans with Disabilities Act of 1990 (ADA), [42 U.S.C. §§ 12101 et seq.](#) (disability accommodations)
- (c) Section 501 of the Rehabilitation Act of 1973 (Rehab Act), [29 U.S.C. §§ 791 et seq.](#) (disability accommodations)
- (d) Section 103 of the Pregnant Workers Fairness Act (PWFA), [42 U.S.C. §§ 2000gg et seq.](#) (pregnancy accommodations)
- (e) [Executive Order 13164, July 26, 2000](#) (requiring federal agencies to establish effective written procedures for processing requests for reasonable accommodation)
- (f) [29 C.F.R. Part 1630 et seq.](#) (regulations implementing the reasonable accommodation provisions of the ADA)
- (g) [29 C.F.R. Part 1605 et seq.](#) (regulations implementing the reasonable accommodation provisions of Title VII)
- (h) [88 Fed. Reg. 54714, to be promulgated at 29 C.F.R. Part 1636 et seq.](#) (proposed regulations implementing the reasonable accommodation provisions of the PWFA)

4) Definitions

- (a) Essential functions: Those job duties that are so fundamental to the position that the individual holds or desires that they 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 the function is specialized, and the individual is hired based on their 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.

- (b) Individual with a disability: An individual must satisfy at least one of three conditions in order to be considered an individual with a disability. An individual is considered to have a "disability" if that individual either (1) has a physical or mental impairment which substantially limits one or more of that person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. To understand the meaning of the term "disability," it is necessary to understand, as a preliminary matter, what is meant by the terms "physical or mental impairment," "major life activity," and "substantially limits." Each of these terms is discussed below. An individual currently engaging in the illegal use of drugs is not considered an individual with a disability and is not protected by the Rehabilitation Act.
- (c) Major life activities: Those basic activities that the average person in the general population can perform with little or no difficulty. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, lifting, reaching, learning, and/or working. This list is not exhaustive.
- (d) Physical or mental impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of several body systems, or any mental or psychological disorder.
- (e) Qualified Individual with a disability: An individual with a disability is qualified if (1) they satisfy the requisite skill, experience, education, and other job-related requirements of the position; and (2) they can perform the essential functions of the position, with or without reasonable accommodation.
- (f) 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.
- (g) Reassignment: Reassignment is a form of reasonable accommodation that, absent undue hardship, may be provided to an employee (not an applicant) who, because of a disability, can no longer perform the essential functions of his or her job, with or without reasonable accommodation. AmeriCorps will only make a reassignment to a vacant position and only for an employee who is qualified for the new position. If the employee is qualified for the position, AmeriCorps may reassign him or her and the employee will not have to compete for it.
- (h) Regarded as substantially limited in a major life activity: Although an individual may have an impairment that does not in fact substantially limit a major life activity, the reaction of others may prove just as disabling.
- (i) Substantially limits: This term relates to restrictions that result from an impairment. The determination of whether an individual has a disability is not necessarily based on the name or diagnosis of the individual's impairment, but rather on the effect that impairment has on the individual's life. Some impairments may be disabling for some individuals but not for others, depending on the state of the disease or disorder, the presence of other impairments, or any number of other factors. In determining whether an impairment is substantially limiting, one should consider (1) the nature and severity of the impairment; (2) the duration of the impairment; and (3) the permanent or long-term impact of, or resulting from, the impairment. This determination must be made on a case-by-case basis. However, the definition of "substantially limited" should be

construed broadly to the maximum extent allowable under the ADA.

- (j) Undue hardship: If a specific type of reasonable accommodation causes significant difficulty or expense or substantially increased costs, then AmeriCorps does not have to provide that particular accommodation. Determination of undue hardship is always made by the decision maker on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the agency.

***NOTE: These definitions and underlying concepts are authoritatively explained in the U.S. Equal Employment Opportunity Commission's (EEOC) Interpretive Guidance on Title I of the ADA (also known as the "[Appendix" to 29 C.F.R. Part 1630](#)).*

5) Purpose of Reasonable Accommodation

- (a) AmeriCorps fully complies with the reasonable accommodation requirements of Title VII, the ADA and Rehab Act, the PWFA, and all other applicable laws and regulations. Under the law, federal agencies must provide accommodation to employees or applicants with qualified disabilities, sincerely held religious beliefs, and/or limitations caused by pregnancies, unless to do so would cause *undue hardship*. AmeriCorps is committed to providing reasonable accommodations to its employees and applicants to ensure that individuals enjoy full access to equal employment opportunity at AmeriCorps. AmeriCorps provides reasonable accommodations:
 - 1. when an applicant with a qualified disability, sincerely held religious belief, and/or limitation caused by a pregnancy needs an accommodation in order to be considered for a job;
 - 2. when an employee with a qualified disability, sincerely held religious belief, and/or limitation caused by a pregnancy needs an accommodation to enable them to perform the essential functions of the job or to gain access to the workplace; and
 - 3. when an employee with a qualified disability, sincerely held religious belief, and/or limitation caused by a pregnancy needs an accommodation to enjoy equal benefits and privileges of employment.

6) Types of Reasonable Accommodations

(a) Disability Related

- 1. A disability related reasonable accommodation is a change involving the workplace that enables an individual with a qualified disability to enjoy equal employment opportunities. Many individuals with disabilities can apply for and perform jobs without the need for an accommodation. However, where workplace barriers exist, such as physical obstacles or rules about how a job is to be performed, reasonable accommodation serves two fundamental purposes.
 - i. First, reasonable accommodations remove barriers that prevent individuals with disabilities from applying for, and performing jobs for which they are qualified.
 - ii. Second, reasonable accommodations enable AmeriCorps to expand the

pool of qualified workers, thus allowing the agency to benefit from the talents of individuals who might otherwise be arbitrarily barred from employment.

(b) Religion Related

1. A religion related reasonable accommodation is a change to the work environment or the way things are usually done at work that enables an individual to follow their religious beliefs or practices. Common religious accommodations include schedule changes or leave for religious observances, as well as exceptions to dress or grooming standards.

(c) Pregnancy Related

1. A pregnancy related reasonable accommodation is a change to the work environment or the way things are usually done at work that enables an individual affected by a pregnancy, childbirth, or related medical condition to enjoy equal employment opportunities. Ensuring that individuals affected by a pregnancy, childbirth, or related medical condition have access to reasonable accommodations promotes the economic well-being of employees and applicants and their families and promotes healthy pregnancies.

(d) Examples of potential accommodations for reference, but not an exhaustive list:

1. Making existing facilities used by employees and applicants accessible to and usable by individuals with disabilities or limitations caused by pregnancies;
2. Restructuring a job, for example, by changing when or how an essential function is performed;
3. Allowing employees to work modified work schedules or to telework;
4. Reassigning an employee to a vacant position;
5. Modifying equipment and other devices used by employees and applicants;
6. Providing qualified readers or interpreters or otherwise providing assistive technologies to employees and applicants;
7. Allowing schedule modifications or breaks to accommodate religious practices; and/or
8. Providing leave to employees.

7) Undue Hardship

- (a) The “undue hardship” standard is similar for all three types of accommodation (disability, religious, and pregnancy). For disability and pregnancy accommodations, an undue hardship generally exists when the burden of granting a particular accommodation would result in *significant* difficulty or expense for the agency. For religious accommodations, an undue hardship generally exists when the burden of granting a particular accommodation would result in *substantial* increased costs in relation to the conduct of agency business. For each type, the undue hardship determination is made on a case-by-case basis.

8) Administration of Reasonable Accommodation Program

- (a) Process

1. An employee may request reasonable accommodation from their immediate supervisor; another supervisor or manager in the immediate chain of command; or the Disability Program Manager.
2. An applicant can request reasonable accommodation from a designated Office of Human Capital staff person as the point of contact in connection with the application process.
3. For record keeping purposes, individuals must follow up an oral request by the request in writing (including by e-mail) to the supervisor and/or Disability Program Manager. The confirmation request form is not a requirement of the request itself.

(b) Roles and Responsibilities

1. An employee, family member, health professional, or other representative may request a reasonable accommodation orally or in writing from their supervisor.
2. The supervisor is responsible for receiving and providing approval or disapproval for an employee's request after completion of the interactive process.
3. The Disability Program Manager is responsible for providing technical advice and authoritative guidance to AmeriCorps employees, supervisors, managers, and applicants as appropriate. Examples include but are not limited to the following:
 - i. the need for medical information;
 - ii. whether an individual has sufficiently demonstrated a disability; and
 - iii. the appropriateness of a particular accommodation.

The Disability Program Manager also maintains all medical records relating to requests for reasonable accommodation and prepares annual reports on AmeriCorps' reasonable accommodation program.

4. AmeriCorps's Equal Employment Opportunity Officer serves as the agency's deciding official if a reasonable accommodation is denied and an applicant/employee appeals the decision.
5. An applicant may request a reasonable accommodation orally or in writing from any AmeriCorps employee with whom the applicant has contact in connection with the application process (i.e., the hiring manager or interviewer, or any staff supporting the interview process).
6. The designated Office of Human Capital staff member receiving the request must determine who will be responsible for handling it and forward it, if necessary, to that person as quickly as possible for applicants.

(c) Procedures

1. If a request can be processed by the employee's supervisor based upon a visible disability, no supporting medical information is required. If no extenuating circumstances apply, the request shall be processed.
2. If a request is received that requires medical documentation and there are no extenuating circumstances, the request shall be processed.
3. As the first step, the AmeriCorps decision maker will:
 - i. explain to the applicant or employee that they will be making the decision on the request; and

- ii. describe what will happen in the processing of the request. This initial discussion should happen as soon as possible.
4. When a request for accommodation is made by a third party, the decision maker should, if possible, confirm with the applicant or employee that they, in fact, want 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 agency will process the third party's request and will consult directly with the individual needing the accommodation as soon as it is practicable.
5. The accommodation, if approved, shall be provided within 30 business days from the date the supervisor receives the request.
6. Denial of reasonable accommodation must be recorded by the supervisor in writing. The decision must explain the basis for the denial, the individual's rights, and the appeal process.

9) Confidentiality of Medical Documentation

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

The Disability Program Manager will maintain all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act. The supervisor is required to forward all medical documentation to the Disability Program Manager, if any documentation was obtained or held during the reasonable accommodation process. The requesting staff member is responsible for ensuring that their documentation is up-to-date and current and is available to any supervisor who asks for it regarding their accommodation.

(a) Disclosures

1. Medical information may be disclosed only as follows:
 - i. The Disability Program Manager in the Civil Rights and Employment Branch in the Office of Diversity, Equity, Inclusion, and Accessibility.
 - ii. Supervisors and managers who need to know 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 strictly necessary.
 - iii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
 - iv. Government officials may be given information necessary to investigate AmeriCorps's compliance with the Rehabilitation Act.

- v. The information may in certain circumstances be disclosed to workers' compensation offices or insurance carriers.

(b) Safeguards

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it. This includes the staff member, the decision maker, any supervisor or director in the requesting staff member's chain of command, or any staff supporting the decision maker.

10) Additional Resources

(a) [U.S. Equal Employment Opportunity Commission \(EEOC\)](#)

[EEOC Contact Information](#): 1-800-669-4000 (Voice); 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only); 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).

The EEOC's [Publication Center](#) has many free documents that address the laws and other authorities that govern reasonable accommodations.

The EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. Such sources include:

1. [Interpretive Guidance on Title I of the ADA, "Appendix" to 29 C.F.R. Part 1630](#);
2. [Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the ADA \(Oct. 17, 2002\)](#);
3. [Disability Discrimination and Reasonable Accommodation: Medical Inquiries, Leave, and Telework](#);
4. [Disability Accommodations Tips](#);
5. [What You Should Know: Workplace Religious Accommodation \(Mar. 6, 2014\)](#);
6. [Religious Accommodations Tips](#);
7. [Religious Discrimination](#);
8. [Pregnancy Discrimination and Pregnancy-Related Disability Discrimination](#); and
9. [What You Should Know About the Pregnant Workers Fairness Act](#).

(b) [Job Accommodation Network \(JAN\)](#)

1-800-526-7234 (Voice); 1-877-781-9403 (TTY)

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

(c) [Registry of Interpreters for the Deaf](#)

1-703-838-0030 (Voice); 1-703-838-0459 (TTY)

The Registry offers information on locating and using interpreters and transliteration services.

(d) [Rehabilitation Engineering and Assistive Technology Society of North America \(RESNA\)](#)

1-703-524-6686 (Voice); 1-703-524-6639 (TTY)

RESNA can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities.

Services may include information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products), centers where individuals can try out devices and equipment, assistance in obtaining funding for and repairing devices, and equipment exchange and recycling programs.

If you have questions regarding reasonable accommodations at AmeriCorps, you should send an email to ReasonableAccommodation@americorps.gov.

Nathaniel H. Benjamin
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EEO Officer
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