

JAPAN U.S. FRIENDSHIP COMMISSION

Reasonable Accommodation Policies and Procedures

The Japan-U.S. Friendship Commission (JUSFC) is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities and that individuals with sincerely held religious beliefs, practices, or observances can comply with their religious obligations.

Section 501 of the Rehabilitation Act of 1973 requires federal agencies to provide reasonable accommodation for qualified employees or applicants with disabilities, unless doing so would cause undue hardship. Title VII of the Civil Rights Act of 1964 requires employers to make reasonable accommodations for an applicant or employee whose sincerely held religious belief, practice, or observance conflicts with a work requirement, unless providing the accommodation would create an undue hardship for the employer.

This policy, and the accompanying procedures, fully comply with the Rehabilitation Act of 1973, Executive Order 13164 (requiring federal agencies to establish procedures to facilitate the provision of reasonable accommodation), and EEOC regulations pursuant to 29 C.F.R. §1614.203(d)(3).

Religious Accommodation

JUSFC provides reasonable accommodations for sincerely held religious beliefs, practices, or observances that conflict with work requirements, unless doing so would create an undue hardship. Religious accommodations may include schedule changes to accommodate religious observances, flexible work and break schedules for daily prayers or Sabbath observance, exceptions to dress and grooming policies to allow religious attire or grooming practices, and permission for religious expression in the workplace. Employees seeking a religious accommodation should inform the Executive Director of their need for accommodation. The request need not be in writing. JUSFC will engage in an interactive process to determine what accommodation can be provided without undue hardship, considering factors such as increased costs, reduced productivity, or substantial impacts on workplace safety or other employees' job rights.

JUSFC will make available to job applicants and employees a copy of these policies and procedures in written and accessible formats pursuant to 29 C.F.R. § 1614.203(d)(3)(i). Accessible format is a format that meets an individual's particular need, including braille, large print, and audio files.

JUSFC will ensure the agency's supervisory and managerial employees are aware of the resource materials available on EEOC's public website, including EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000), and EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (revised October 17, 2002). 29 C.F.R. § 1614.203(d)(3)(i)(W)

SCOPE: The policies and procedures herein apply to all JUSFC employees and applicants for employment.

DEFINITIONS:

Disability: To be eligible for a reasonable accommodation, an individual must either have a physical or mental impairment that substantially limits a major life activity, or must have a record (a history) of a physical or mental impairment that substantially limited a major life activity. Under the ADAAA, disability means, with respect to an individual: (i) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) a record of such an impairment; or (iii) being regarded as having such an impairment as described in subsection (i). This means that the individual has been subjected to an action prohibited by the ADA when the actual or perceived impairment is not both “transitory and minor.”

Essential Functions: Essential functions are those job duties that are fundamental to the position that the individual holds or desires. The term “essential functions” does not include marginal functions of the position. “Marginal functions” are those job duties that are less important or critical to the success or failure of the specific position. A function can be “essential” if, among other things: the position exists to perform the function; a limited number of other employees are available to perform the function; or the function is highly specialized, and the individual is hired based on her having those specialized skills. Evidence of whether a particular function is essential includes:

- the agency’s judgment (generally a supervisor’s, manager’s and/or office director’s judgment)
- a written position description developed before a job is advertised
- the amount of time spent performing the function
- the consequences of not requiring the person in the position to perform the function
- the terms of a collective bargaining agreement
- the work experience of past incumbents in the job or current incumbents in similar jobs.

Determination of whether a particular function is essential must be done on a case-by-case basis because the duties of a specific job may deviate from what is indicated in a position description or from the duties of employees holding a similar job.

Extenuating Circumstances: Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. (e.g., identified software such as a Screen Reader is not compatible with existing equipment).

Health Care or Rehabilitation Professional: A person who has completed a course of study and is licensed to practice in a field of health care, which includes the diagnosis and assessment of the particular disability or disabilities in question.

Interactive Process: The interactive process refers to an information-gathering approach used by an employer with the employee to evaluate a request for accommodation. It is intended to be a flexible approach that centers on the communication between an employer and the individual requesting reasonable accommodation, but may (and often does) involve obtaining relevant information from a supervisor and an individual’s health care provider. This process begins upon receipt of a written request for reasonable accommodation.

The person who will decide whether to grant or deny a reasonable accommodation (at JUSFC it is the Executive Director) engages in a discussion with the requestor and other relevant individuals (e.g., a supervisor, GSA OHRM, a requestor's health care provider) to collect the information that is necessary to make an informed decision about whether the requestor is covered as an individual with a disability and, if so, what reasonable accommodation(s) will effectively eliminate the barrier identified by the requestor and permit an equal opportunity to apply for a job, to perform a job or to gain access to the workplace, or to enjoy access to the benefits and privileges of employment.

Interim Accommodation: Any temporary or short-term measure put in place until a granted accommodation is available.

Invisible/Hidden Impairments: Disabilities or conditions that are not obviously apparent or visible, such as asthma, arthritis, chronic fatigue syndrome, epilepsy, kidney disease, diabetes, cancer, HIV infection, chronic depression, learning disabilities, autism spectrum disorder, and mild intellectual disability.

Major Life Activities: Major life activities include activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activities also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

Mental Impairment: Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness (major depression, bipolar disorder, anxiety disorders), schizophrenia, and specific learning disabilities.

Physical Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems such as: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, immune systems, respiratory, genitourinary, hemic, circulatory, and lymphatic, skin, normal cell growth, and endocrine system.

Qualified: An individual with a disability is qualified for the position that such individual holds or desires if the individual (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable Accommodation: This means (i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or (ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or (iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

For religious accommodations, reasonable accommodation means an adjustment to a work requirement that will allow the employee to comply with their religious beliefs, practices, or observances.

JUSFC provides reasonable accommodation:

- when an individual with a disability needs an accommodation to have an equal employment opportunity in the application process;
- when an employee with a disability needs an accommodation to perform the essential functions of the job held or desired or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).
- When an employee needs an accommodation for sincerely held religious beliefs, practices, or observances that conflict with work requirements, unless doing so would create an undue hardship.

Reassignment: Reassignment is a form of reasonable accommodation. It may be provided to an employee (not an applicant) who, because of a disability, can no longer perform the essential functions of her current job, with or without reasonable accommodation. A reassignment is made only to a vacant position that has authorized to be filled at the time of the accommodation request and intends to fill.

Where possible, reassignment is to an equivalent position, but if no equivalent position is available, may be to a lower-level position that is as close as possible to the employee's current position. If the employee is qualified for such a position and the agency chooses to offer it as an accommodation, the employee will be reassigned to the new job and will not have to compete for it.

Undue Hardship: An undue hardship arises when the burden of granting an accommodation would be substantial in the overall context of an employer's business. An undue hardship could include increased costs; reduced productivity; or infringements on other employees' job rights, such as accommodations that reasonably threaten to create a hostile work environment or create a substantial risk to workplace safety, health, or security. However, coworker objections based on hostility to religion or customer fears or prejudices are not an undue hardship. Whether an accommodation creates an undue hardship depends on the particular facts. While JUSFC can refuse to provide a particular accommodation if it would pose an undue hardship, management and employees should confer fully and promptly to explore other available accommodation options.

JUSFC must consider the resources of the agency, not simply the budget, when determining whether an accommodation imposes significant cost; however, JUSFC does not have to include any funding designated for a specific mission purpose that does not include provision of reasonable accommodation). JUSFC also must consider money available through a centralized fund it has created to pay for many forms of reasonable accommodation.

ROLES AND RESPONSIBILITIES:

Executive Director/EEO Director

- Administers the reasonable accommodation program by reviewing requests for employees and applicants for completeness; assessing requests to determine whether the individual meets the definition of an individual with a disability and needs the accommodation requested; initiating the interactive process with the requesting employee and appropriate officials; issuing timely decisions granting or denying accommodation requests; and, implementing granted accommodations.
- Obtains and evaluates documentation supporting an accommodation request (such as medical information) when the disability and/or need for accommodation is not obvious;
- Works with the employee to ensure that any accommodation, if appropriate, meets the individual's disability-related needs, does not entail eliminating essential functions of the position, is feasible, and does not pose an undue hardship;
- Works with applicants with disabilities who need accommodation to apply for or be interviewed for a job;
- Makes the final decision on each request; and,
- Administers the agency-wide budget to cover all costs associated with providing reasonable accommodation, including sign language interpreters, furniture, technology, and other significant purchases.
- Reviews requests for reconsideration.
- Issues final decisions within 15 business days from the date the request for reconsideration is received; and, designates another staff member as a back-up for with the Executive Director is unavailable for any length of time.

Deputy Executive Director

- Immediately forwards requests for reasonable accommodation to the Executive Director (as soon as practicable, preferably within 2 business days);
- Clarifies with the individual whether reasonable accommodation is requested if the nature of the initial communication is unclear;
- Participates in the interactive process to ensure that any accommodation meets the individual's accommodation needs and enables the individual to perform the essential functions of the position; and,
- Is familiar with these procedures as well as other programs and resources available to employees.

Reasonable Accommodation Process

Pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(D), JUSFC allows employees or job applicants to initiate a request for reasonable accommodation orally or in writing at any time.

A. Requesting Reasonable Accommodation

Generally, an applicant or employee must inform JUSFC of a need for an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An individual need not have a particular accommodation in mind before making a request. An applicant or employee may request reasonable accommodation at any time, orally or in writing. There is no specific form for submitting the written request.

A request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” A request is any communication in which an individual asks or states a need for the JUSFC to provide or to change something because of a medical condition. A person does not have to specify a particular accommodation although it is helpful if they can suggest one. It is sufficient for the individual requesting accommodation to state that some sort of change or assistance is required.

When an individual makes a request for an accommodation that will be needed on a repeated basis (e.g., the assistance of sign language interpreters, CART Services, or readers), the agency will not require the individual to submit a written request each time the accommodation is needed.

The Deputy Executive Director is designated by JUSFC to receive reasonable accommodation requests. This individual has the responsibility for forwarding the requests for reasonable accommodation to the Executive Director within two business days if practicable. Upon receipt of a request, the Deputy Executive Director will acknowledge receipt within 7 business days and begin the interactive process to determine what accommodation, if any, can be provided. If the Executive Director is unavailable, the Deputy Executive Director is responsible for continuing the process. The Executive Director or the Deputy Executive Director, with assistance from GSA OHRM as needed, will engage in an interactive process with the requestor to identify the precise limitations resulting from the disability or religious practice and how those limitations could be overcome with a reasonable accommodation.

A family member, health professional, or other representative may request an accommodation on behalf of a JUSFC employee or applicant. For example, a doctor’s note outlining medical restrictions for an employee may constitute a request for reasonable accommodation.

Applicants may request reasonable accommodation from any JUSFC employee connected with the application process. An individual may request reasonable accommodation regardless of whether they have previously received or been denied accommodation. In some situations, a new request may indicate that circumstances have changed (e.g., the disability worsens, or an employee has been assigned new duties that require additional or different reasonable accommodation).

While there are some things that are not considered reasonable accommodations (e.g. removal of an essential job function or provision of personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits including office common areas, parking lots, and office events.

Common types of accommodations include:

- modifying work schedules or supervisory methods
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing telework beyond that provided by the collective bargaining agreement or the relevant MOU
- making changes in workplace policies (e.g., concerning granting breaks or providing leave)
- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing a reader or other staff assistant to enable employees to perform their job functions, where accommodation cannot be provided by current staff
- removing an architectural barrier, including reconfiguring work spaces
- providing accessible parking if the agency provides on-site parking to all employees
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job

JUSFC will consult GSA OHRM as well as EEOC guidance and technical assistance documents. 29 C.F.R. § 1614.203(d)(3)(i)(W); process requests for reasonable accommodation and will provide reasonable accommodation where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in the procedures.

Sometimes JUSFC may be able to address an employee's disability-related or religious needs outside the reasonable accommodation process. It also *may* take steps, solely at its discretion, beyond those required by either the non-discrimination or model employer provisions of section 501 of the Rehabilitation Act of 1973. JUSFC's Deputy Executive Director jusfc@jusfc.gov will issue a final decision regarding reasonable accommodation.

The Interactive Process

Generally, after a request for accommodation has been made, the Executive Director along with GSA OHRM will begin the interactive process to determine what, if any, accommodation should be provided. During the interactive process, the Executive Director may need to obtain information about: (1) the nature of the individual's disability or religious belief, practice, or observance; (2) the functional limitations; (3) how the requested accommodation will assist the employee; and (4) whether another accommodation could effectively meet the individual's needs. JUSFC will only seek information that is necessary to establish that an individual has a covered disability or religious need and to determine effective accommodation options. This means that the individual requesting the accommodation and the Executive Director must communicate with each other about the precise nature of the problem that is generating the request.

Upon notification of the request, the Executive Director will contact the applicant or employee as soon as practicable, preferably within seven business days after the request is made, to begin discussing the accommodation request. When the disability and/or the need for accommodation is not obvious, the Executive Director may ask the individual for reasonable medical documentation about his/her disability and functional limitations.

The Executive Director is entitled to know that the individual has a covered disability for which they need reasonable accommodation. However, communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the Executive Director should work together to identify effective accommodation.

The time frame for processing a request, notifying the requester of the outcome, and providing accommodation, if the request is granted, is as soon as possible but no later than 30 business days from the date the request is made, absent extenuating circumstances. JUSFC will provide expedited processing when the accommodation is needed to enable an individual to apply for a job or for a specific agency activity scheduled to occur shortly.

Reassignment as a Reasonable Accommodation

There are specific considerations in the interactive process when an employee may need or seek reassignment. JUSFC is a nano-sized agency of only four FTE's, including one SES, two GS-15 and one GS-11. Reassignment is not feasible within the agency. JUSFC may refer the employee to GSA OHRM for assistance with reassignment to a vacant position for which the employee is qualified, however GSA is not typically able to provide reassignment as reasonable accommodation.

Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, the Executive Director and GSA OHRM may require medical information showing that the requestor has a covered disability that requires accommodation.

Specifically, JUSFC may seek only medical information that is sufficient to explain the nature of the disability, the individual's need for reasonable accommodation, and how the requested accommodation will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace. All medical information obtained in connection with the reasonable accommodation process will be kept confidential in accordance with 29 C.F.R. § 1614.203(d)(3)(i)(L). Medical information may only be shared with: (1) supervisors and managers who need to know about necessary restrictions and accommodations; (2) first aid and safety personnel if the disability might require emergency treatment; (3) government officials investigating compliance; (4) workers' compensation offices or insurance carriers; and (5) EEO officials to maintain records.

A disability is obvious or already known when it is clearly visible or where the JUSFC already has information from the individual, showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by the Executive Director where the disability and/or need for accommodation are not obvious or already known.

The Executive Director may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional (for example, a doctor, psychologist, clinical social worker, physical therapist, or rehabilitation counselor). JUSFC may not request medical information where (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided the agency with sufficient information to document the existence of the disability and their functional limitations.

If the initial information provided by the health professional or volunteered by the requestor is insufficient for the Executive Director to determine whether the individual has a “disability” and/or that an accommodation is needed, the Executive Director with guidance from GSA OHRM will explain what additional information is needed and why. If necessary, the individual should then ask their health care provider or other appropriate professionals to provide the missing information.

The Executive Director may also give the individual a list of questions for the healthcare provider or another appropriate professional to answer. If sufficient medical information is not provided by the individual, the Executive Director may ask the requester to sign a limited release permitting the Executive Director to contact the provider for additional information.

The Executive Director may have medical information provided by an individual or their healthcare professional reviewed by a doctor of JUSFC’s choosing, at the agency’s expense. If an individual refuses to provide information requested by the Executive Director, that may result in a decision not to provide reasonable accommodation.

The requester is obligated to keep the Executive Director and Deputy Executive Director apprised of any changes in medical condition that may warrant a change in accommodation needs. Additionally, if the medical limitations, as accommodated, significantly impact the requester’s ability to perform the designated job, the Executive Director may reconsider any accommodation in place due to lack of effectiveness.

An individual’s reasonable accommodation may be re-evaluated within one-year with a request for updated medical information to assess the current effects of symptoms and limitations on the employee’s performance capacity and accommodation needs.

Confidentiality Requirements

Under the Rehabilitation Act, information obtained in connection with the reasonable accommodation process must be kept confidential. This means that the existence of an accommodation request, details of the request, whether it has been approved, and information about functional limitations, all must remain confidential. This includes all medical information that the JUSFC obtains in connection with a request for reasonable accommodation, which must be kept in files separate from the individual’s personnel file. Whether this information is kept in a file drawer or in a computer file, it must be stored so that only the Executive Director and Deputy Executive Director or a designated back-up has access to it.

Any JUSFC employee who obtains or receives such information is strictly bound by these confidentiality requirements. The Executive Director may share certain information with other agency staff as necessary to make appropriate determinations on a reasonable accommodation request.

Any medical documentation that someone other than the Executive Director receives as part of the reasonable accommodation process (for example, a letter from a healthcare provider), must be sent to GSA OHRM to become part of the file on this request. Only the Executive Director should retain copies of this documentation, and it should be placed in the confidential medical files, not in the employee's personnel file.

Pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(L) JUSFC may disclose confidential medical information under the following limited circumstances: (1) supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodations; (2) first aid and safety personnel may be told, if the disability might require emergency treatment; (3) government officials to investigate the agency's compliance with the Rehabilitation Act; (4) workers' compensation offices or insurance carriers may be told; and (5) agency EEO officials may be given the information to maintain records. When medical information is disclosed, JUSFC will inform those individuals about the confidentiality requirements that attach to such information.

Time Frames for Processing Requests and Providing Reasonable Accommodations

Generally, the time frame for processing a request, notifying the requester of the outcome, and providing accommodation, if the request is granted is as soon as possible but no later than 30 business days from the date the request is made, absent extenuating circumstances (e.g., lack of awareness by Executive Director, delayed receipt of documents). This 30-business day period includes the 7-business daytime frame in which the Executive Director must contact the requestor after a request for reasonable accommodation is made.

The 30-business day period for processing of the request begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the Deputy Executive Director and sent to the Executive Director.

When a particular reasonable accommodation can be provided in less than the maximum amount of time permitted under paragraph, JUSFC's will attempt to provide the accommodation in a prompt manner. JUSFC will not be expected to adhere to its usual timelines if an individual's health professional fails to provide needed documentation in a timely manner.

Failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act. 29 C.F.R. § 1614.203(d)(3)(i)(O)."

JUSFC will provide expedited processing for reasonable accommodation requests if the accommodation is needed, for example: (1) to enable an individual with a disability to apply for a job; or (2) for a specific agency activity that is scheduled to occur shortly.

Where there is a delay in either processing a request for or providing reasonable accommodation, JUSFC will notify the individual of the reason for the delay, including any extenuating circumstances that justify the delay. JUSFC will also keep the individual informed of the date on which the agency expects to complete the process.

Reasonable accommodation will be provided when all the facts and circumstances known to JUSFC make it likely that the individual will be entitled to accommodation. However, accommodation cannot be provided immediately, JUSFC will provide the individual with interim accommodation that allows the individual to perform some or all the essential functions of the job, absent undue hardship.

Medical Information

At the time of the reasonable accommodation request, the agency may require an individual who requests a reasonable accommodation to provide medical information that is sufficient to explain the following:

- the nature of the individual's disability
- their need for reasonable accommodation
- and how the requested accommodation, if any, will assist the individual in applying for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace.

Pursuant to 29 C.F.R. § 1614.203(d)(3)(i)(J) JUSFC has the right to request relevant supplemental medical information if the first submission was insufficient. JUSFC reserves the right to have medical information reviewed by a medical expert of its choosing at the agency's expense.

Resolution of the Reasonable Accommodation Request

If JUSFC grants a request for accommodation, the Executive Director will inform the requestor in writing. If the Executive Director denies accommodation, they must provide the applicant or employee with a written notice at the time of denial, in an accessible format when requested. The written notice must explain the specific reasons for the denial and notify the individual of any available internal appeal or informal dispute resolution processes. Denial notices must include instructions on how to file an EEO complaint. The notices must explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process. 29 C.F.R. § 1614.203(d)(3)(iii)(C) & (D).

Reconsideration Request

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Executive Director to reconsider that decision. An individual must request reconsideration within 10 business days of receiving the written decision from the Executive Director. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. The Executive Director has 15 business days to reconsider the requested accommodation and issue a final decision.

Voluntary Informal Dispute Resolution

Former and current JUSFC employees and internal applicants also have the option discussion with the Executive Director. Again, the time limits for initiating administrative, statutory, or collective bargaining claims are not extended.

Information Tracking and Reporting

For JUSFC to ensure compliance with these Procedures and the Rehabilitation Act, the Deputy Executive Director will complete the “Reasonable Accommodation Information Reporting” Form within five business days of issuing the decision. Employees and applicants can track reasonable accommodation requests by contacting JUSFC’s Executive Director at jusfc@jusfc.gov

JUSFC will keep records to determine whether the agency is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 of 29 C.F.R. § 1614.203(d)(8). and make such records available to EEOC upon EEOC’s request. The procedures require JUSFC to record the specific reasonable accommodation; the job (occupational series, grade level, and agency component) sought by requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request.

Informal Dispute Resolution and EEO Complaints

An individual dissatisfied with the outcome of a reasonable accommodation request can ask the Executive Director or their designee to reconsider the request. An individual must request reconsideration in writing within 10 business days of receiving written notification of the outcome of the accommodation request. A request for reconsideration will not extend the time limits for initiating administrative or statutory claims. In addition, if an applicant or employee is not satisfied with the outcome, they can file an EEO discrimination complaint for failure to provide accommodation. To initiate the process the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process. The individual may contact the agency’s Executive Director or Deputy Executive Director.

JUSFC is a nano-sized agency of four FTEs. The Executive Director is the EEO director for the agency. Additionally, the individual may contact Ms. Octavia Johnson at GSA OHRM’s Reasonable Accommodations desk at (202)-357-9599 as a starting point to the EEO complaint process.

Additional Considerations

Procedures will be written in clear, plain language to be understood by those not familiar with the law. If and when legal terms are used, (i.e. essential functions, undue hardship, etc.) they will be explained. Please contact Paige Cottingham-Streater, EEO Director and Executive Director of JUSFC at (202) 653-9800 for additional information or any questions on the above.