



**Civil Rights & Diversity
Issuance System**



CRD – 014

Date: March 16, 2022

Office: Office of Civil Rights and Diversity

Subject: Voluntary Modification and Reasonable Accommodation Policy and Procedures

1. **PURPOSE.** This issuance establishes the Department of the Treasury’s policy and procedures for processing requests for reasonable accommodation (RA) and, where appropriate, for providing voluntary job modification or RA to employees and applicants with disabilities.

The policies and procedures under this issuance and associated publication supplement, but do not replace, the Equal Employment Opportunity Commission’s (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002), EEOC’s Policy Guidance on Executive Order 13164, *Establishing Procedures for Providing Reasonable Accommodation for Individuals with Disabilities*, and 29 CFR 1614.203, Rehabilitation Act. All documents are available on EEOC’s internet site at www.eeoc.gov.

2. **SCOPE.** This issuance applies to all bureaus, offices, and organizations in the Department, including the Offices of Inspector General. The provisions of this issuance shall not be construed to interfere with or impede the authorities or independence of the Offices of Inspector General.
3. **POLICY.** It is the policy of the Department of the Treasury to provide RA to employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity (EEO). The Department shall provide reasonable accommodations for the known physical or mental limitations of otherwise qualified employees and applicants with disabilities, unless the Department can demonstrate that a particular accommodation would impose an undue hardship on the operation of its programs. The Department continues to strive to be an employer of choice that values its employees and

applicants. To ensure the Department maintains an effective and efficient workforce, managers are encouraged to provide voluntary modifications, outside of the RA process, when the request is easy and inexpensive to do so.

4. **RESPONSIBILITIES.**

a. The Office of Civil Rights and Diversity shall:

- 1) Develop and issue policy and procedures governing the provision of RA;
- 2) Advise the Department and bureau officials regarding laws, regulations, executive orders, and Departmental policy related to the provision of RA;
- 3) Ensure compliance with the governing laws, regulations, executive orders, and Departmental policy related to the provision of RA;
- 4) Review each bureau's RA policy and forward to EEOC in accordance with Executive Order 13164; and
- 5) Ensure a firewall is maintained between the RA Program Manager and the EEO Director. If the bureau's RA program resides within the EEO Office, the EEO Director cannot be involved in the day-to-day operations of the bureau RA program and cannot make decisions on granting or denying RA requests. If the EEO Director is not involved in the decision-making process of the reasonable accommodation program, then the agency has established a sufficient firewall.

b. Heads of Bureaus will:

- 1) Develop and issue procedures for processing requests for and providing RA, consistent with governing laws, regulations, executive orders, EEOC directives, and Departmental policy;
- 2) Ensure supervisors, managers, human resources, and EEO officials understand their obligations with respect to the provision of RA;
- 3) Ensure that RA is provided to qualified individuals with disabilities in accordance with the bureau's procedures, i.e., processing in a timely, efficient, and fair manner;
- 4) Ensure the confidentiality of medical information, including information regarding functional limitations and RA needs, obtained in connection with a request for RA;
- 5) Ensure requests for information remain compliant with all applicable laws, including the Paperwork Reduction Act of 1995 and the Privacy Act of 1974, as amended.
- 6) Ensure the bureau's RA policy and procedures are readily accessible to all employees and applicants for employment. The policy and procedures shall be posted on the

- bureau's internet and intranet websites and in designated locations such as bureau libraries, EEO Offices, and human resource offices;
- 7) Ensure policy and procedures are accessible in alternative formats, such as large print or Braille, on request;
 - 8) Inform individuals with disabilities about their rights and responsibilities under the Rehabilitation Act;
 - 9) Develop systems to track and report on the provision of RA; and
 - 10) Submit the bureau's policy and procedures (or any modification thereof) for processing RA requests to the Director, Office of Civil Rights and Diversity (OCD), for review and transmittal to EEOC.

5. **AUTHORITIES.**

- a. 29 CFR 1614.203, "Rehabilitation Act."
- b. 42 USC 12101, "Americans with Disabilities Act (ADA) of 1990."
- c. Public Law 110-325, Sept. 25, 2008, "ADA Amendments Act of 2008 (ADAAA)."
- d. 29 CFR 1630, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended."

6. **REFERENCES.**

- a. The Rehabilitation Act of 1973 (29 USC 701), as amended, requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship.
- b. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000), requires that Federal agencies establish effective written procedures for processing requests for reasonable accommodation.
- c. EEOC's Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, No. 915-003 (October 20, 2000), explains EO 13164 in detail.
- d. EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002), clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship.

- e. Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325 ADAAA, effective 2009, which shifted the emphasis from establishing the existence of a disability to identifying reasonable accommodations. Equal Employment Opportunity Commission issued its final regulations on the ADAAA on March 25, 2011, which became effective on May 24, 2011.
 - f. EEOC Final Rule: Affirmative Action for Individuals with Disabilities in Federal Employment.
7. **CANCELLATION**. HCIS, Chapter 900, Transmittal Number: TN-12-002, dated November 15, 2011, Voluntary Modification and Reasonable Accommodation Policy and Procedures.
8. **OFFICE OF PRIMARY INTEREST**. Office of the Assistant Secretary for Management, Office of Civil Rights and Diversity.
9. **POLICY REVIEW**. The provisions of this Issuance are subject to modifications by changes in pertinent statutes and EEOC regulations. The applicable provision or provisions shall be amended or superseded effective on the dates specified in any statutory or regulatory change, and OCRD shall issue interim guidance addressing the change as soon as practicable. This Issuance will be reviewed after five years.

/S/
Snider Page
Acting Director
Office of Civil Rights and Diversity