



Department of Energy

Washington, DC 20585

July 17, 2024

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM:

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CHIEF HUMAN CAPITAL OFFICER

SUBJECT:

Policy Memorandum #100C, *Reasonable Accommodation and Personal Assistance Services*

This policy memorandum (PM) establishes the Department of Energy's (DOE) procedures for responding to requests for reasonable accommodations (RA) based on a [disability](#) as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA).

This updated PM modifies the reasonable accommodation of last resort procedures, removes the COVID-19 specific attachments, and removes the religious accommodation request procedures. [PM #134](#), *Religious Accommodations*, dated July 17, 2024, was established as a separate PM for requesting a Religious Accommodation. The issuance of this PM and PM #134, rescinds PM #100B, *Reasonable Accommodation*, dated February 14, 2022.

An electronic version, capable of being downloaded for printing, is available on [energy.gov](#) and [HCnet](#). For additional accessible formats including all attachments, please contact ReasonableAccommodationOPLER@hq.doe.gov.

Questions concerning this PM should be directed to the Reasonable Accommodation Program Manager at ReasonableAccommodationOPLER@hq.doe.gov.

Copy to: Directors of Servicing Human Resources Offices and Shared Service Centers





OFFICE OF THE CHIEF
Human Capital
OFFICER

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POLICY MEMORANDUM #100C

REASONABLE ACCOMMODATION AND PERSONAL ASSISTANCE SERVICES



U.S. DEPARTMENT OF
ENERGY

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PURPOSE

This policy memorandum (PM) establishes the Department of Energy's (DOE) procedures for processing requests for [reasonable accommodations](#) (RA), including [personal assistance services](#) (PAS), based on a [disability](#) as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA).

This PM modifies the reasonable accommodation of last resort procedures, removes the COVID-19 specific attachments, and removes the religious accommodation request procedures. [PM #134, Religious Accommodations](#), dated July 17, 2024, was established as a separate PM for requesting Religious Accommodation.

CANCELLATIONS

This PM replaces the following:

- 1) PM #100B, Reasonable Accommodation, dated February 14, 2022

APPLICABILITY

- 1) With the exception of the Exemptions/Equivalencies listed below, this PM applies to all DOE employees and applicants for employment with DOE. Contract workers should contact their employing company to initiate an RA request.
- 2) The Administrator of the National Nuclear Security Administration (NNSA) must ensure that NNSA employees comply with their responsibilities under this policy memorandum. Nothing in this policy memorandum will be construed to interfere with the NNSA Administrator's authority under section [3212\(d\) of Public Law \(P.L.\) 106 65](#) to establish Administration specific policies, unless disapproved by the Secretary.

EQUIVALENCIES/EXEMPTIONS

- 1) Equivalency: In accordance with the responsibilities and authorities assigned by [Executive Order \(EO\) 12344](#), codified at [50 U.S.C. § 2406](#) and [50 U.S.C. § 2511](#), and to ensure consistency through the joint Navy/DOE Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this policy memorandum for activities under the Director's cognizance, as deemed appropriate.

LABOR RELATIONS OBLIGATIONS

- 1) Departmental Elements (DE) with employees covered by a collective bargaining agreement (CBA) must meet their labor obligations under the Federal Service Labor-Management Relations Statute if implementation of the policy impacts the conditions of employment of bargaining unit employees.
- 2) Nothing in this PM shall change any CBA in effect on the date of this PM unless the change is necessary to implement new Federal statute. In the event any provisions of this PM conflict with the terms of any CBA in effect on the date of this PM, the terms of the CBA shall prevail.
- 3) Consult your Servicing Labor Relations Office to determine if collective bargaining obligations are required to be met prior to implementation.

BACKGROUND

It is DOE's policy to give qualified employees and applicants with disabilities enhanced opportunities to access the employment process and to enjoy the benefits and privileges of meaningful work that all DOE employees share. In carrying out its goal to be a model employer of persons with disabilities, the Department promotes full access, consideration, integration, promotion, and retention of persons with disabilities, across the broad range of its workforce. DOE's commitment to providing RAs and PAS to qualified individuals with disabilities is consistent with applicable laws, Executive Orders (EO), regulations, and Equal Employment Opportunity Commission (EEOC) guidance. The timeframes established in this PM are consistent with EEOC requirements to ensure an employer responds expeditiously to RA requests.

REQUIREMENTS

A. GENERAL REQUIREMENTS

- 1) DOE is required to provide an RA to enable DOE employees with disabilities to perform the [essential functions](#) of their jobs, unless doing so would cause the Department [undue hardship](#).
- 2) DOE is required to provide Personal Assistance Services (PAS) to both current and new DOE employees with certain [targeted disabilities](#). DOE is responsible for providing PAS even if an existing employee has arranged for their own PAS in the past (please see [Attachment 2, Personal Assistance Services](#) for additional information related to PAS).
- 3) DOE is required to provide RA to enable applicants with disabilities to be considered for job openings unless doing so would cause the Department undue hardship (please see [Attachment 3, RA Process for Applicants](#)).
- 4) DOE is required to provide an RA to known limitations related to pregnancy, childbirth, or related medical conditions unless doing so would cause the Department undue hardship.
- 5) DOE is required to post and make available an electronic version of this PM to all DOE employees and applicants in written and [accessible formats](#). An electronic version, capable of being downloaded for printing is available on [energy.gov](#) and [HCnet](#). For additional accessible formats including all attachments, please contact ReasonableAccommodationOPLER@hq.doe.gov.
- 6) RA requests require an individual analysis and determination by the [Designated Management Official](#) (DMO). Advice and assistance are provided by the assigned [Local Reasonable Accommodation Coordinator](#) (LRAC) in this process.
- 7) The LRAC will lead the interactive process. The [interactive process](#) is an informal and flexible collaboration between the employee and DOE to identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations. The LRAC will track the process and the timelines and communicate, in writing with both the requestor and the DMO as to the status of the RA process. Any questions related to the process should be directed to the LRAC.
 - a. Additional resource materials for supervisors and managers are 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).

- b. [Click here](#) for contact information for DOE's LRACs.
- 8) Generally, the DMO is normally the first-level Supervisor, and the second-level Supervisor is normally the Reconsideration Deciding Management Official. However, there may be circumstances that require the appointment of DMOs and/or Reconsideration DMOs who are not the first-level or second-level Supervisor. The decision to appoint a DMO or Reconsideration DMO is at the discretion of the LRAC, in consultation with the Office of General Counsel (GC).
- 9) The applicable GC should be consulted throughout the RA process; in certain circumstances, GC consultation is mandatory as outlined in this PM.
- 10) Administratively acceptable documentation must include the following at a minimum, identification of the disability, description of the impact the disability has on performing the essential functions of their position, and specifics related to the requested accommodation(s). Supporting documentation and/or additional information may be required based on the individual circumstances.
- 11) When required, supporting documentation must be submitted in a timely manner and in accordance with this PM, otherwise the RA request may be administratively closed for failure to pursue.
- 12) The timeline for approving or denying requests starts as soon as it is received. Absent any extenuating circumstances, all requests for RA will be processed expeditiously. Failure to process the request in a timely manner may result in a violation of the Rehabilitation Act.

B. REQUESTING AN REASONABLE ACCOMMODATION

- 1) An applicant or DOE employee (herein referred to as "Requestor") may initiate an oral or written request with the Supervisor, Hiring Manager, Human Resources Specialist (designated on the vacancy announcement), or assigned LRAC at any time. A request for support or administrative services (e.g., information technology services) must be initiated through either the Requestor's Supervisor or their assigned LRAC, not directly with the office providing the services.
 - a. The initial request does not have to be made in any specific format, or even include the words [reasonable accommodation](#). The Requestor must only put the supervisor or Hiring Manager or Human Resources Specialist (designated on the vacancy announcement) on notice of the need for assistance based on a disability. Once the RA evaluation process begins, the Requestor must use DOE's RA templates to help ensure expediency of processing (please see [Template A – Request for Reasonable Accommodation](#)).
 - b. The Requestor does not need to have a particular accommodation in mind before making a request for an accommodation. It is through the interactive process that the accommodations will be identified.
 - c. Requests for PAS do not need to explicitly use the term "[personal assistance services](#)" or "PAS" to trigger the Supervisor's obligation to consider this type of request.
- 2) The RA process allows an applicant access to the application and hiring process; therefore, it is expected the accommodation shall be provided as soon as reasonably possible.

- 3) A designated representative or third party, such as a family member, health professional, or other, may request an RA on behalf of an applicant or DOE employee with a disability if the individual is unable to do so for themselves. For example, if the Requestor has cognitive issues and is unable to communicate on their own behalf, a properly designated representative may initiate and participate in the RA process. A written designation form is preferred (please see [Template K – Designation of Representative](#)), but the LRAC will consult with GC to determine the necessary requirements based on the specific situation.
- 4) If the Supervisor or DMO is the initial recipient of the RA request they must forward the RA request to the LRAC within **2 business days** of receipt, absent unusual circumstances.
- 5) The LRAC will confirm receipt of the RA request in writing to the Requestor and the DMO normally within **5 business days** of receipt, absent unusual circumstances thereby initiating or continuing the [interactive process](#) in Section C.
- 6) If a Requestor directly requests an RA from an office providing administrative services (e.g., Office of Management (MA), Office of the Chief Information Officer [IM]) rather than through their chain of command, the receiving administrative office must contact the Requestor's Supervisor/Hiring Manager or LRAC within **2 business days** to initiate the RA process.
- 7) If a request is submitted during the pendency of an administrative action (e.g., conduct or performance-based action), management must evaluate the RA request in conjunction with the administrative action on a case-by-case basis in consultation with their servicing Employee Relations (ER) Specialist.
 - a. While not required, a decision to temporarily suspend an administrative action until the RA process is complete is at the discretion of management and evaluated on a case-by-case basis in consultation with their servicing ER Specialist and GC.
 - b. Submitting a reasonable accommodation request does not require management to tolerate or excuse poor performance or misconduct, withhold disciplinary action (including termination or removal) warranted by poor performance or misconduct, or raise a performance rating.
- 8) Accommodations needed on a repeated basis do not require the Requestor to submit a written request each time the accommodation is needed. For example, an employee who needs a sign language interpreter for All Hands meetings does not need to submit a new RA request each time. The RA will state sign language interpreting is required for All Hands meetings and how the employee can order the service (e.g., via email to their supervisor with appropriate advanced notice). If the RA is needed on a routine basis (e.g., for weekly staff meetings), appropriate arrangements need to be made without requiring the Requestor to submit repeated requests in advance of the occasion.

C. INTERACTIVE PROCESS

- 1) DOE has an obligation to provide reasonable accommodations that afford employees with disabilities an equal employment opportunity. If more than one equally [effective accommodation](#) is identified, the DMO will select the accommodation determined to best fit the needs of the employee and the work environment.
- 2) The interactive process requires DOE to fully explore the RA request to ensure sufficient administratively acceptable supporting documentation is provided, review the essential

functions of the position and the possible accommodations as well as their impacts, and the overall feasibility of the request.

- a. The interactive process will be led by the LRAC and will include the Requestor and DMO. The LRAC will engage GC as appropriate or necessary.
 - b. The LRAC and DMO will communicate frequently with the Requestor throughout the interactive process ensuring they are aware of the timelines and status. The DMO will provide the final decision of the RA request to the DOE employee and the staffing official assigned to the job announcement will provide the decision to the applicant.
 - c. Contact information for DOE's LRAC can be found at <https://www.energy.gov/hc/reasonable-accommodation-contacts>.
 - d. Contact information for the DMO will be provided during the initial meeting with the Requestor.
 - e. The interactive process requires full participation, open communication, and ongoing dialogue between the Requestor, DMO, LRAC, and other appropriate parties.
 - f. The LRAC will engage the Requestor and DMO separately or jointly, and possibly repeatedly, to develop a complete record including, but not limited to:
 - i. Identifying and/or obtaining administratively acceptable supporting documentation identifying Requestor's functional limitations;
 - ii. Essential functions of the Requestor's position of record; and
 - iii. Requested RA and/or other possible options that will enable the Requestor to perform the essential functions of the position or access the [benefits and privileges of employment](#).
- 3) The LRAC will issue [Template E – Essential Functions](#) to the DMO after receipt of administratively acceptable medical documentation, which must be completed and returned to the LRAC within **5 business days** from receipt. The first-level Supervisor may be required to complete the Essential Functions Worksheet even if they are not serving as the DMO.
 - 4) If the Requestor does not respond to the LRAC's request to engage in the interactive process including failing to provide administratively acceptable documentation within the timelines, the RA case will be administratively closed (please see [Template H – Administrative Closure of Reasonable Accommodation](#)).
 - 5) The LRAC will provide guidance to assist the DMO in deciding on the request, drafting a response for the DMO to issue to the Requestor, and obtaining GC's concurrence on the response, as required.

D. SUPPORTING MEDICAL DOCUMENTATION

- 1) If the LRAC requests medical documentation (please see [Attachment 4, Medical Documentation](#)), the Requestor has **45 calendar days** to submit the administratively acceptable medical documentation to the LRAC (please see [Template B – Initial Request for Medical Documentation](#)). Medical documents will be kept confidential and shared only with those who have need to know.

- 2) If the Requestor fails to provide sufficient medical documentation within **45 calendar days** of the LRAC's request, the LRAC may administratively close the RA request (please see [Template H – Administrative Closure of Reasonable Accommodation](#)).
 - a. If [sufficient medical documentation](#) is provided to the LRAC after administrative closure, but within a reasonable period of time (as determined by the LRAC, in consultation with GC), then the request will be reopened, and processing will continue.
 - b. If the LRAC asks the Requestor to submit additional medical documentation from an appropriate health care professional, the processing period will be paused for a reasonable period (but no longer than **30 calendar days**) for the Requestor to acquire and submit it (please see [Template C – Request for Supplemental Medical Documentation](#)).
 - c. The DMO, in consultation with the LRAC, may provide an interim accommodation while waiting on the requested medical documentation.

E. RESOLVING RA REQUESTS

- 1) All decisions regarding RA requests (i.e., to provide the RA request or to deny the RA request) will be communicated to the Requestor in writing within 30 calendar days of the initial request if medical documentation was not required. However, if medical documentation is requested, a decision will be communicated within 30 calendar days of receipt of the administratively acceptable medical documentation (please see [Template F – Reasonable Accommodation Determination](#)).
 - a. When extenuating circumstances are present (e.g., events that are not reasonably foreseeable or avoidable, or are beyond the Requestor's or DOE's ability to control), the time for processing the request and providing the accommodation will be extended by the LRAC as reasonably necessary. The Requestor will be notified, in writing, of any changes to the timeline.
 - b. If the Requestor's health professional fails to provide the documentation in a timely manner, the 30-day timeframe may be paused, at the LRAC's discretion.
 - c. The LRAC must notify the Requestor in writing of the reason for any delay in processing the request, as well as the conditions needed to move forward and the anticipated date to move forward.
- 2) It is expected the DMO will issue a decision and provide an effective accommodation in a much shorter timeframe with a simple or less complex request, or a request that requires prompt action. Such examples may include providing an accommodation to enable an applicant to apply for a position or for an accommodation that is needed for a specific workplace activity scheduled to occur shortly.
 - a. If the request contains both a simple item and a complex item, the simple part of the request may be fulfilled prior to fulfilling the more complicated part.
 - b. For example, an employee with limited dexterity may need both a simple trackball and a complex computer-related accommodation, such as speech-recognition software. In this example, the trackball should be provided as soon as reasonably feasible, while the speech-recognition software is being obtained.
- 3) If the DMO grants the request, the LRAC will discuss implementation of the accommodation with the Requestor.

- a. The DMO has the discretion to choose the accommodation when more than one effective accommodation is identified. The DMO's granting of an alternative accommodation will be considered a decision to grant the accommodation.
 - b. If the Requestor believes an alternate accommodation is not effective, the Requestor may request reconsideration under Section F, [Reconsideration and Appeals Process](#).
- 4) In certain circumstances, the DMO may provide an accommodation on an expedited, temporary, or provisional basis (i.e., an interim accommodation). The DMO may grant an interim accommodation while considering a request for accommodation, while waiting to implement an approved accommodation (please see [Template I – Interim Accommodation](#)).
 - a. When providing an interim accommodation, the DMO, with assistance from the LRAC, must:
 - i. Advise the Requestor in writing the accommodation is temporary and provisional; and
 - ii. Specify the interim accommodation will expire and, to the greatest extent possible, when it will expire (e.g., on a specific date, after the installation of appropriate assistive technology).
 - b. Providing an interim accommodation while awaiting medical documentation is not presumption of a disability. A final determination will be made once sufficient administrative acceptable medical documentation has been received.
- 5) When all facts and circumstances are known to DOE that makes it reasonably likely the Requestor's RA will be granted but the accommodation cannot be provided immediately, DOE will endeavor to provide the Requestor with an interim accommodation to allow the person to perform some or all of the essential functions of the job, absent undue hardship.
- 6) If the DMO denies a request for accommodation, the written decision will clearly state the specific reason(s) for the denial and provide notice of appeal rights as outlined below in Section F, [Reconsideration and Appeals Process](#), including the right to file an Equal Employment Opportunity (EEO) complaint and invoke other statutory processes, as appropriate (please see [Template G – Denial of Requested Accommodation](#)). Request for the denial in an alternative format should be directed to the LRAC assigned to the case who will provide the form or document in an accessible format.
- 7) Reasons a request may be denied include, but are not limited to:
 - a. The Requestor is not a [qualified individual with a disability](#).
 - b. The requested accommodation will:
 - i. Remove an essential function of the job;
 - ii. Not be effective; or
 - iii. Result in undue hardship or [direct threat](#).
- 8) Initial undue hardship determinations must be made by the LRAC, based on input from the DMO and possibly the Requestor's chain of command. A variety of factors are considered in making an undue hardship determination, and the following factors are some that must be considered in assessing an undue hardship:
 - a. The nature and net cost of the accommodation;

- b. DOE's overall size and financial resources. Costs to be considered include not only direct monetary costs but also the burden on the conduct of the Department's business and mission;
 - c. The Department's ability to conduct business;
 - d. The type of operation and the impact of the accommodation upon the operation; and
 - e. The impact on other employees' ability to perform their duties and the agency's ability to conduct business.
- 9) Factors that the DMO must consider in assessing a direct threat include:
- a. The duration of the risk;
 - b. The nature and severity of the potential harm;
 - c. The likelihood that the potential harm will occur; and
 - d. The imminence of the potential harm.
- 10) Before the DMO can officially issue a denial for an accommodation request, the LRAC must consult with and obtain GC concurrence for any denial of an RA request.

F. RECONSIDERATION AND APPEALS PROCESS

- 1) If a request is denied, or the Requestor believes an alternate accommodation is not effective, the Requestor may submit a request for reconsideration.
- 2) The Requestor must submit their request for reconsideration to the LRAC within **5 business days** of the Requestor's receipt of the RA determination. Requestors have the right to request reconsideration of a denial of the requested accommodation or an alternative accommodation offered by the DMO.
- 3) The Reconsideration DMO decision is the final step in the formal RA process and procedure.
- 4) Within **2 business days** of receiving the request for reconsideration, the LRAC will contact the second-line Supervisor of the employee, or other management official if applicable, to serve as the [Reconsideration DMO](#) and provide a reconsideration decision. There may be circumstances that require the appointment of decision makers outside of the chain of command. It is at the discretion of the LRAC, with consultation from GC, to appoint an independent Reconsideration DMO.
- 5) The LRAC will provide the following documents to the Reconsideration DMO:
 - a. Reconsideration request;
 - b. Original request;
 - c. Essential Functions Worksheet;
 - d. Relevant determination documentation; and
 - e. Performance Plan and Position Description.
- 6) Within **3 business days** of receiving the request for reconsideration, the LRAC will schedule a meeting with the Requestor, the DMO, and the Reconsideration DMO to discuss the basis for the reconsideration request and review the documents to be considered.

- 7) The Reconsideration DMO has **10 business days** from receipt of the reconsideration request to issue a decision to the Requestor.
 - a. The Reconsideration DMO will review the documents and any new information, in consultation with the LRAC, and obtain GC's concurrence prior to issuing the reconsideration decision.
 - b. The LRAC will draft the written decision for the Reconsideration DMO to issue to the Requestor.
 - c. Reconsideration decisions that partially modify the original determination must thoroughly address the overall final determination.
- 8) To file an EEO complaint for disability discrimination based on a denial of a requested RA, or based on any of the other protected classes, an employee or applicant must contact the EEO office within **45 calendar days** of receipt of the initial denial or the Reconsideration decision, if requested.
- 9) Depending on the applicable CBA, bargaining unit employees may be able to file a negotiated grievance.

G. REASSIGNMENT AS REASONABLE ACCOMMODATION OF LAST RESORT (RALR)

- 1) When a Requestor cannot perform the essential duties of their positions and no accommodation can be provided in their position, the search for a reassignment must be done prior to discussing the options (e.g., resignation, retirement (regular or disability), or removal from Federal service due to medical inability to perform their duties) for the next steps. This is referred to as a Reasonable Accommodation of Last Resort (RALR). The Requestor must be able to perform minimum qualifications with or without an accommodation for the position identified for the reassignment.
- 2) During the RALR search period, the Requestor's first-level Supervisor will determine, with assistance from the LRAC, if it is appropriate to provide an interim accommodation including, but not limited to light duty. Administrative leave is not an interim accommodation and should only be used in unusual circumstances, and in consultation with the LRAC and GC.
- 3) RALR is only considered when the DMO determines:
 - a. A qualified employee with a disability who has requested or has a reasonable accommodation can no longer perform the essential functions of their current job with or without a reasonable accommodation; or
 - b. An effective accommodation that would enable the employee to perform the essential functions of their job would cause undue hardship to the Department.
- 4) A Requestor's rejection of an accommodation does not make them eligible for RALR.
- 5) RALR is not considered in the following scenarios:
 - a. The medical provider indicates the employee is no longer able to work due to their disability. Therefore, reassignment is not an option. In such a case, the Requestor may be able to separate by voluntarily retiring (if eligible), resigning, or DOE may begin the separation process in coordination with GC and Employee Relations.

- b. The employee is a probationary employee but was never able to perform the essential functions of the position, with or without reasonable accommodation, before the need for reassignment arose.
 - c. If the Requestor is qualified only for the occupational series which is the current position of record, and the employee can no longer perform that position with or without a reasonable accommodation.
 - d. RALR would cause an [undue hardship](#) to the Department.
- 6) RALR requires the Department to review [vacant funded positions](#) for a possible reassignment of the Requestor. A position is eligible for a RALR if it is funded and vacant (or is anticipated to become vacant) within **60 calendar days** of the start of the RALR search.
- a. A position is considered vacant even if DOE has not posted a vacancy announcement seeking applications for that position.
 - b. A position is not considered vacant if a tentative selection has been made by the Hiring Manager. If DOE has not issued a Tentative Job Offer (TJO), the Hiring Manager must have formally communicated their tentative selection decision to their SHRO/SSC.
- 7) A reassignment is made only to a vacant funded position if the Requestor is determined to be minimally qualified for the identified position based on the U.S. Office of Personnel Management's (OPM) qualification standards.
- a. The Requestor is minimally qualified for a position if they:
 - i. Satisfy the requisite skill, experience, education, and other job-related requirements of the position; and
 - ii. Can perform the essential functions of the new position, with or without an accommodation.
 - b. The Department does not have an obligation to assist the Requestor to become qualified for a position. Therefore, DOE is not required to provide training to a Requestor to help them acquire the necessary skills to take a job. However, DOE must provide a Requestor with training normally provided to an employee hired for, or transferred into, a similar position.
- 8) The LRAC will work with the Requestor to document their preferences and limitations for reassignment to include whether they want only a Local RALR Search or if they are willing to expand to a DOE-wide RALR Search (please see [Template J – Employee Limitations on Reassignment of Last Resort](#)).
- a. At this time, the LRAC may request other documentation as needed (e.g., an updated resume and transcripts).
 - b. If the Requestor fails to provide the requested documentation within **3 business days** of the LRAC's request, the RALR search will be based on the Requestor's current PD, last resume, and/or application on file in their eOPF.
- 9) The [Local RALR search](#) will occur for **30 calendar days** within the Requestor's Departmental Element, including its field sites, before expanding to a [DOE-wide RALR search](#) if it was requested. The Local RALR Search for an equivalent vacant funded position is **30 calendar days**. The Department will perform a search for vacant funded positions for a total of **45 calendar days**.

- 10) The LRAC will contact the applicable Servicing Human Resources Office/Shared Service Center (SHRO/SSC) to initiate a Local RALR Search (within the Requestor's Departmental Element and its field sites) for equivalent vacant funded positions under the RALR process.
- a. The applicable SHRO/SSC will identify the series and appropriate grade level(s) of positions the Requestor is qualified to perform and will conduct the minimum qualifications review for applicable vacant funded positions.
 - b. If an equivalent vacant funded position for which the Requestor is minimally qualified is found, management will be notified, and the position will be placed on hold until the final determination is made.
 - i. The LRAC will contact the Hiring Manager to identify the Essential Functions for the position.
 - ii. If the Hiring Manager questions the qualifications of the Requestor, the RA Program Manager will request a second level review from Director of the SHRO/SSC. The RALR search timeline will be paused for **5 business days** for this review. Once the review has been completed, the SHRO/SSC staffing specialist will be notified accordingly.
 - c. SHRO/SSCs must consult HC's Policy Division for help determining whether the Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to any identified vacant funded position.
- 11) If there are no equivalent vacant funded positions for which the Requestor is minimally qualified for during the 30-day Local RALR Search (within their Departmental Element and field sites) and the Requestor is willing to proceed with the DOE-wide RALR Search, the LRAC will contact the DOE RA Program Manager within the Office of Policy, Labor and Employee Relations (OPLER) to initiate the expanded DOE-wide RALR search.
- 12) The DOE-wide RALR Search will be performed for **15 calendar days** for a total search time of 45 calendar days.
- a. During the 15-calendar day DOE-wide Search, equivalent vacant funded positions, and lower graded positions will be considered.
 - b. The order of consideration for placement in a vacant funded position is:
 - i. Vacant funded positions at the same grade for which the Requestor is minimally qualified.
 - ii. Vacant funded positions at a lower grade for which the Requestor is minimally qualified.
 - iii. A lower graded position within the Requestor's Departmental Element will be offered before any other lower graded positions.
 - iv. If at any time during the DOE-wide RALR search process, an equivalent vacant funded position for which the Requestor is minimally qualified becomes available within the Requestor's Departmental Element, including field sites, the Requestor will be offered placement into that position.
- 13) If a position is identified and accepted that requires a medical clearance, the Requestor must provide the LRAC with sufficient administratively acceptable medical information confirming their clearance to return to duty in the new position.

- 14) If a position is identified and accepted in a different commuting area, the Requestor will pay for their own relocation expenses, unless Permanent Change of Station (PCS) expenses are routinely paid when granting voluntary reassignments to other employees or payment of PCS expenses was advertised in the vacancy announcement.
- 15) If a lower graded position is identified during the RALR process, pay retention applies. OPM has determined RALR reassignments are not considered an “action” at the employee’s request; therefore, pay retention applies. Pay will be set in accordance with DOE’s pay setting policy and each pay setting case may be different based upon the specific circumstances of the situation.
- 16) If a vacant funded position has been identified and approved for the reassignment of the Requestor, the applicable SHRO/SSC, working with the LRAC, prepares a formal, written offer of reassignment to the Requestor. The Requestor has **10 business days** to accept or decline the offer.
 - a. If the response is not received within the deadline in the SHRO/SSC, it will be considered a declination, and the Department will proceed accordingly.
 - b. Extenuating circumstances for delays past the 10-business day deadline will be considered on a case-by-case basis by the LRAC.
- 17) If the Requestor declines a reassignment offer under the Local RALR Search or DOE-wide RALR Search process, the declination signifies the Department has met its RA obligation, the RA process has ended, and no further action on the request is needed.
 - a. The LRAC will draft the denial determination for the DMO to issue to the employee.
 - b. Once the DMO has issued the denial, the LRAC will work with the Requestor’s Supervisor to coordinate the next steps with the servicing Employee Relations Specialist. Next steps may include a proposal to remove the Requestor from Federal service.
- 18) If by the end of the RALR search process (both the Local RALR Search and DOE-wide RALR Search), there are no vacant funded positions identified for which the Requestor is minimally qualified with or without an accommodation, the RA Program Manager will inform the LRAC that no vacant funded positions have been identified and the RALR process is closed.
 - a. The LRAC will draft the denial determination for the DMO to issue to the employee.
 - b. Once the DMO has issued the denial, the LRAC will work with the Requestor’s Supervisor to coordinate the next steps with the servicing Employee Relations Specialist. Next steps may include a proposal to remove the Requestor from Federal service.

H. DISABILITY RETIREMENT

- 1) An employee may qualify for Federal disability retirement benefits if DOE certifies it is unable to accommodate the employee’s disability in their present job and has considered the employee for other vacant jobs within the Department for which the employee is qualified for reassignment.
- 2) OPM—not DOE—makes decisions regarding disability retirement applications.

I. FUNDING

- 1) Most accommodations are provided at no cost and involve only a modification of a policy or procedure. Some accommodations may incur a single cost, such as hardware, while others may incur a recurring fee, such as sign language interpreters or PAS.
- 2) Funding for RAs is provided by the applicable Departmental Element.
 - a. Each Departmental Element should set aside funds on a yearly basis to cover the costs of any equipment, services, or training needed for reasonable accommodations.
 - b. The LRAC can assist with estimating yearly budgets based on previous requests for recurring costs or single purchases. However, prior year expenses do not necessarily determine future needs and it is the responsibility of each Departmental Element to determine how much funding should be set aside for the provision of reasonable accommodations.
- 3) For individual requests, the DMO should work with the LRAC to address funding questions.
- 4) Hardware, software, devices, furniture, and other items purchased by DOE as an accommodation are the property of DOE. The Requestor may not use the items for a purpose or in a manner not originally intended without DOE's approval.

J. CONFIDENTIALITY AND TRACKING REQUIREMENTS

- 1) All aspects of the RA process must be kept confidential. This includes the initial request, the decision, the disability, and any medical information obtained during the process. The act of requesting an accommodation is considered a protected activity and should not be disclosed except to those with a need to know.
- 2) Under limited circumstances, confidential medical information may be disclosed to:
 - a. Supervisors and Managers who need to know the necessary work restrictions and about the necessary accommodation(s);
 - b. Safety and Emergency personnel if the disability may require emergency treatment;
 - c. Government officials who investigate the RA Program for compliance with the Rehabilitation Act;
 - d. Workers' Compensation offices or insurance carriers; and
 - e. EEO Officials to maintain records.
- 3) DOE will keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to EEOC upon their request.
- 4) Documents will be collected and maintained under the relevant Privacy Act System of Records. Documents associated with RA are stored in a confidential RA file. The LRAC will maintain the information received/obtained regarding a reasonable accommodation.
- 5) Supervisors are specifically prohibited from storing RA related documents in any employee file.
- 6) Those who obtain or receive such information as part of the accommodation process are strictly bound by confidentiality requirements.

- 7) LRACs are responsible for tracking and retaining records related to anyone who has requested an accommodation.
 - a. LRACs will create and track all RA cases in the designated system of record: the Labor Management Employee Relation Case Management System (LMER CMS) or the Human Resources Management Information System (HRMIS), or successor systems.
 - b. These records must include details about each request for RA, including, at a minimum:
 - i. Requestor's name and position related information such as, DE, office, position title (official and working title), occupational series, grade level, etc.
 - ii. The specific RA requested;
 - iii. The position (occupational series, grade level, and agency component) sought by the Requestor;
 - iv. 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;
 - v. Whether the request was granted (which may include an accommodation different from the one requested) or denied;
 - vi. If denied, the basis for such denial;
 - vii. The names of the DMO and Reconsideration DMO, if applicable; and
 - viii. The number of days taken to process the request.
- 8) Medical documentation and other information related to accommodation requests should be destroyed:
 - a. Upon the Requestor's departure from the Department;
 - b. In accordance with timeframes established by the General Records Schedule, whichever is shorter or longer; or
 - c. In accordance with litigation-hold timelines if there is a pending third-party case.

ROLES AND RESPONSIBILITIES

A. REQUESTORS WILL:

- 1) Submit requests for RA to their LRAC or their first-level Supervisor or the Staffing Specialist or Hiring Manager if the Requestor is an applicant;
- 2) Adhere to the timelines outlined in this PM to the extent practicable absent extenuating circumstances;
- 3) Provide sufficient administratively acceptable medical documentation to the LRAC, as needed, in a timely manner to support the request for accommodation; and
- 4) Actively participate in the interactive process with the DMO or Reconsideration DMO and LRAC to determine an appropriate accommodation and identify available resources.

B. LOCAL REASONABLE ACCOMMODATION COORDINATORS WILL:

- 1) Advise and guide applicants (please see [Attachment 3, RA Process for Applicants](#)), Requestors, DMOs, Reconsideration DMOs, Supervisors/Managers, and other employees on their responsibilities under this PM;
- 2) Consult with the applicable GC for guidance and concurrence, when necessary;
- 3) Ensure timely processing and tracking of RA requests;
- 4) Adhere to the timeframes outlined in the PM to the extent practicable, absent extenuating circumstances;
- 5) Accurately document the timeline of cases, including when processing is paused and reasons for any extended delays in processing the request;
- 6) Identify whether medical documentation is needed and request such information as necessary;
- 7) Provide administrative support, including drafting responses, to DMOs and Reconsideration DMOs;
- 8) Process and facilitate reconsideration requests;
- 9) Collaborate with the appropriate SHRO/SSC to conduct a Local Search and the Reasonable Accommodation Program Manager to conduct a DOE-wide Search to administer the RALR process;
- 10) Train and brief Supervisors/Managers and employees on the RA process and procedures, as requested or needed;
- 11) Maintain RA cases in the LMER CMS or HRMIS, or successor systems, in accordance with the requirements of this PM; and
- 12) Maintain tracking data for reporting requirements.

C. REASONABLE ACCOMMODATION PROGRAM MANAGER WILL:

- 1) Maintain this PM in accordance with applicable regulations and best practices and ensure the proper implementation of this PM;
- 2) Respond to technical questions regarding this PM and serve as the DOE subject matter expert on Reasonable Accommodation;
- 3) Review and consult on proposed RA denials;
- 4) Cooperate with EJE in their audit of the RA Program;
- 5) Collect and interpret RA data;
- 6) Disseminate RA information online to applicants, employees, and supervisors;
- 7) Design and deliver RA training and training products for employees and supervisors;
- 8) Maintain a current [list of LRACs](#) on energy.gov;
- 9) Facilitate training for LRACs to deliver to their servicing area;
- 10) Respond to RA related data calls;

- 11) Work with the LRACs to obtain the necessary information to initiate the DOE-wide Search for a vacant funded position;
- 12) Provide annual notice to supervisors and managers of DOE's reasonable accommodation process, including the interactive process, and ensure they 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); and
- 13) Work with DOE's SHRO/SSC to review positions, Department-wide, to determine reassignment opportunities for RALR.

D. FIRST-LEVEL SUPERVISORS/MANAGERS/HIRING MANAGERS WILL:

- 1) Typically, serve as the DMO for RA requests;
- 2) Forward all RA requests to the LRAC within **2 business days** of receipt;
- 3) Complete Essential Functions Worksheet within **5 five business days**;
- 4) Actively and promptly participate in the interactive process, along with the LRAC and the Requestor, to determine the appropriate accommodation;
- 5) Adhere to the timeframes outlined in the PM to the extent practicable absent extenuating circumstances;
- 6) Be informed of the RA process, in particular EEOC Enforcement Guidance listed in the References Section;
- 7) Issue the RA decision to the Requestor after consultation with the LRAC and GC, if applicable; and
- 8) Receive the Requestor's response and forward it to the LRAC.

E. SECOND-LEVEL SUPERVISORS/MANAGERS WILL:

- 1) Typically, serve as the Reconsideration DMO for denials of requests for RA;
- 2) Review all RA case documentation in accordance with this PM; and
- 3) Actively and promptly participate in the interactive process, along with the LRAC and the Requestor, to determine the appropriate accommodation;
- 4) Adhere to the timeframes outlined in the PM to the extent practicable absent extenuating circumstances;
- 5) Issue a reconsideration decision, after consultation with the LRAC and GC, within **10 business days**; and
- 6) Be informed of the RA process, in particular EEOC Enforcement Guidance listed in the References Section.

F. SERVICING HUMAN RESOURCES OFFICE/SHARED SERVICE CENTER WILL:

- 1) Coordinate with the LRAC when a Local Search is necessary as part of the RALR process;

- 2) Coordinate with the Reasonable Accommodation Program Manager when a DOE-wide Search is necessary as part of the RALR process;
- 3) Review vacant funded positions within their servicing population to determine reassignment opportunities for RALR requests;
- 4) Notify the LRAC when a position has been identified;
- 5) Reassign the Requestor to an appropriate vacant funded position should they accept the offer;
- 6) Address next steps with the First-Level Supervisor if the RALR process does not result in placement of the Requestor;
- 7) Adhere to the timeframes outlined in the PM to the extent practicable absent extenuating circumstances;
- 8) Contact the LRAC immediately when an applicant requests a change or adjustment to the application or interview process due to a disability in accordance with [Attachment 3, RA Process for Applicants](#);
- 9) Maintain appropriate records management in accordance with timeframes established by the General Records Schedule, or in accordance with legal hold timelines if there is a pending third-party case;
- 10) When there are objections to minimum qualification determinations during the Local Search, the Director will conduct a second level review and determination; and
- 11) Provide the LRAC or RA Program Manager with necessary records of the RALR search in a timely manner.

G. OFFICE OF THE GENERAL COUNSEL WILL:

- 1) Provide legal advice and guidance on the RA process, including on RA denials, to the LRAC, DMO and Reconsideration DMO, as required by this PM, and as needed based on the specific circumstances of the request; and
- 2) Provide legal analysis for undue hardship cases and direct threat cases to ensure the proposed decision is legally compliant.

H. OFFICE OF POLICY, LABOR AND EMPLOYEE RELATIONS POLICY DIVISION WILL:

- 1) Provide consultation to SHRO/SSC POCs regarding USERRA application to the RALR process, as needed.

I. OFFICE OF ENERGY JUSTICE AND EQUITY WILL:

- 1) Conduct audits of the RA Program and recommend changes accordingly;
- 2) Independently prepare and respond to EEOC RA reporting requirements, such as the MD-715 Report, data calls, based on data provided by RA Program Manager; and
- 3) Request and gather data from the RA Program Manager for miscellaneous data calls and reports as necessary.

ADDITIONAL INFORMATION

Questions concerning this PM should be directed to the Reasonable Accommodation Program Manager at ReasonableAccommodationOPLER@hq.doe.gov.

REFERENCES

- 1) [29 CFR Part 1614](#), Federal Sector Equal Employment Opportunity
- 2) [29 CFR Part 1630](#), Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
- 3) [Administrative Leave Act of 2016](#) (5 U.S.C. § 6329a)
- 4) [Americans with Disabilities Act of 1990](#) (PL 101-336)
- 5) [Americans with Disabilities Act Amendments Act of 2008](#) (PL 110-325)
- 6) [EEOC Management Directive 715 \(EEO MD-715\)](#), dated October 2003
- 7) EEOC Enforcement Guidance: [Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act](#) (July 27, 2000).
- 8) [Executive Order 13164](#), Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation, dated July 2000
- 9) [Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)
- 10) [Pregnant Workers Fairness Act](#) (H.R. 1065)
- 11) [Privacy Act of 1974](#)
- 12) [Rehabilitation Act of 1973](#) (PL 93-112, 29 U.S.C. § 701 et. seq.)

LIST OF TEMPLATES

All templates listed below are available on the [PM #100C](#) page on HCnet.

- 1) Template A - Request for Reasonable Accommodation
- 2) Template B - Initial Request for Medical Documentation
- 3) Template C - Request for Supplemental Medical Documentation
- 4) Template D - Authorization for Limited Release of Medical Information
- 5) Template E - Essential Functions
- 6) Template F - Reasonable Accommodation Determination
- 7) Template G - Denial of Requested Accommodation
- 8) Template H - Administrative Closure of Reasonable Accommodation
- 9) Template I - Interim Accommodation
- 10) Template J - Employee Limitations on Reassignment of Last Resort
- 11) Template K - Designation of Representative

LIST OF ATTACHMENTS

- 1) [Key Terms and Definitions](#)
- 2) [Personal Assistance Services \(PAS\)](#)
- 3) [RA Process for Applicants](#)
- 4) [Medical Documentation](#)

ATTACHMENT 1: KEY TERMS AND DEFINITIONS

ACCESSIBLE FORMATS

Ways of presenting printed, written, or visual materials so that people who do not read print can access it. Examples could be large print, Braille, computer files and accessible web content or audio recording.

BENEFITS AND PRIVILEGES OF EMPLOYMENT:

Include, but are not limited to, employer-sponsored training, services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and parties or other social functions.

DOE-WIDE (RALR) SEARCH

The second phase of the RALR process. Specifically, if a vacant funded position is not found within the Local RALR Search, the Requestor has the right to request the Department conduct a DOE-wide Search for a vacant funded position. If the Requestor chooses, the Department must expand its search for a vacant funded position from the Requestor's Departmental Element and its field sites to the entire Department of Energy, including the National Nuclear Security Administration.

DESIGNATED MANAGEMENT OFFICIAL (DMO):

The person or designee who has the authority to decide whether the requested RA will be provided, and if so, the nature of the accommodation. The DMO is normally the employee's first level Supervisor (or Manager); however, another management official with an understanding of the essential functions of the position may also serve in this capacity. The LRAC, with concurrence from GC, will decide on the need to appoint an alternate official. If the first-level Supervisor is not the DMO, the first level supervisor must still complete the Essential Functions Worksheet within **5 business days**.

DIRECT THREAT:

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

DISABILITY:

A physical or mental impairment substantially limiting a major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment.

EFFECTIVE ACCOMMODATION:

An accommodation that removes a workplace barrier and provides an individual with an equal opportunity to apply for a position, the ability to perform the essential functions of a position or gain equal access to a benefit or privilege of employment.

ESSENTIAL FUNCTIONS:

The fundamental job duties of the position the individual holds or wants to hold, which do not include marginal functions. The individual must be able to perform the essential functions, with or without reasonable accommodation, to be considered qualified for the position.

INDIVIDUAL WITH A DISABILITY:

A person who has a physical or mental impairment substantially limiting a major life activity, has a record of such impairment, or is regarded as having such impairment. An impairment can be physical or mental and does not need to be permanent to qualify as a disability. An impairment that lasts, or is expected to last fewer than six months, and has a minor effect on the individual's major life activities, does not qualify as a disability.

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 an oral or written request for reasonable accommodation.

LOCAL REASONABLE ACCOMMODATION COORDINATOR (LRAC):

The principal advisor to management and employees within their assigned organization. The LRAC assists applicants, Requestors, DMOs, and Reconsideration DMOs with RA processing requests, interpreting regulations and statutes, reviewing existing policies and procedures, having interactive discussions, recommending appropriate decisions, drafting responses, and coordinating required reviews in accordance with the requirements of this PM.

LOCAL RALR SEARCH

The initial phase of the RALR process where a search for vacant funded positions occurs within the Requestor's Departmental Element only including its headquarters and field sites.

MAJOR LIFE ACTIVITIES:

Major life activities include, but are not limited to 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, working, and the operation of a major bodily function.

MINIMUM QUALIFICATIONS:

Qualification Standards of the minimum requirements necessary to perform work of a particular occupation successfully and safely. Requirements may include specific job-related work experience, education, medical or physical standards, training, security, and/or licensure.

PERSONAL ASSISTANCE SERVICES (PAS):

PAS help those with targeted disabilities perform daily living activities that an individual would typically perform if they did not have a disability and that are not otherwise required as an RA (e.g., assistance with removing and putting on clothing, eating, and using the restroom). PAS do not include medical services, such as performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). PAS do not include helping individuals with disabilities perform their specific job functions.

QUALIFIED INDIVIDUAL WITH A DISABILITY:

An individual who satisfies the requisite skill, experience, education, and other job-related requirements of a position who can, with or without reasonable accommodation, perform the essential functions of that position.

REASONABLE ACCOMMODATION (RA):

Any change in the work environment (or the way activities are usually performed) to help a person with a disability apply for a position, perform the duties of a position, or enjoy the benefits and privileges of employment.

REASONABLE ACCOMMODATION PROGRAM MANAGER

Serves as the Department's primary advisor, subject matter expert, and program manager for the Reasonable Accommodation process. This position is located within the Office of the Chief Human Capital Officer's Office of Policy, Labor and Employee Relations.

REASSIGNMENT AS A REASONABLE ACCOMMODATION OF LAST RESORT (RALR):

A two-phased process where the Department is required to search for an appropriate vacant funded position for the Requestor to be reassigned to when they are not able to be accommodated in their current position. Reassignment as an RALR will only be considered when the DMO determines no other accommodations will permit the employee with a disability to perform the essential functions of their current position, or if the only other accommodation would cause undue hardship or a direct threat. The Requestor must be minimally qualified for the new position. Reassignment as an RALR is not available to applicants.

RECONSIDERATION DMO:

Typically, the second-line Supervisor of the Requestor, or a higher-level management official within the DE or department, who provides a reconsideration decision of accommodation denials. There may be circumstances that require the appointment of Reconsideration DMO outside of the chain of command. It is at the discretion of the LRAC, with consultation from GC, to appoint an independent Reconsideration DMO.

SUFFICIENT MEDICAL DOCUMENTATION:

Medical documentation that:

- 1) Is administratively acceptable and describes the nature, severity, and duration of the employee's impairment; the activity or activities the impairment limits; and the extent to which the impairments limit the employee's ability to perform the activity or activities; and
- 2) Substantiates why the requested reasonable accommodation is needed.

TARGETED DISABILITIES:

Targeted disabilities are a subset of conditions considered as disabilities under the Rehabilitation Act. A list of targeted disabilities can be found by going to the [OPM website](#).

TEMPORARY IMPAIRMENT:

An impairment lasting, or expected to last, for a brief period (e.g., shorter than six months). It may qualify as a disability if it limits a major life activity (e.g., broken bone).

UNDUE HARDSHIP:

An action requiring significant difficulty or expense when the following factors are considered: nature and cost of the accommodation in relation to the size, resources, nature, operation, and structure of DOE in its entirety.

VACANT FUNDED POSITION:

A position is eligible if it is funded and vacant (or is anticipated to become vacant) within **60 calendar days** of the start of the RALR search. A position is considered vacant even if DOE has not posted a vacancy announcement seeking applications for that position.

A position is **not** considered vacant if a tentative selection has been made by the Hiring Manager. If DOE has not issued a Tentative Job Offer (TJO), the Hiring Manager must have formally communicated their tentative selection decision to their SHRO/SSC (e.g., selection made on the certificate in USA Staffing, email documenting tentative selection, ERB document in coordination).

WORKPLACE BARRIERS:

Physical obstacles (such as inaccessible facilities or equipment), or procedures or rules (such as when work is performed, how breaks are taken, or how essential or marginal functions are performed) preventing individuals with disabilities from performing jobs they could perform with an accommodation.

ATTACHMENT 2: PERSONAL ASSISTANCE SERVICES (PAS)

- 1) DOE employees are eligible for PAS during work hours and when on work-related travel, if the following conditions apply:
 - a. The individual is an employee of the Department;
 - b. The individual has a targeted disability and requires PAS because of their targeted disability;
 - c. The individual will be able to perform the essential functions of the job without posing a direct threat to safety once PAS and any other accommodations have been provided; and
 - d. Providing PAS will not impose an undue hardship on DOE.
- 2) DOE will provide PAS for eligible employees on official or local travel, as needed and requested. PAS requests for official travel will be handled in a manner like all other reasonable accommodation requests. DOE can provide PAS on official travel in several different ways, including:
 - a. Authorizing official travel for any DOE employee who regularly provides PAS as part of their official duties;
 - b. Travel by a contract PAS provider, consistent with the contract terms and scope of work;
 - c. A temporary appointment or issuance of invitational travel orders to an individual personally associated with the requesting employee; or
 - d. Any combination of the above.
- 3) DOE may provide PAS via contractors or Federal employees, depending on the employee's needs and the operational resources required to establish and provide PAS.
- 4) DOE may employ personal assistants for eligible employees with targeted disabilities. PAS providers hired as employees may also perform non-PAS duties as assigned, but only to the extent that doing so does not result in failure to provide required PAS in a timely manner.
- 5) DOE will select a PAS provider who will be assigned to a single individual, giving primary consideration to the employee's choice of PAS to the extent permitted by law. It may not be possible to honor the individual's preferences in all cases.
- 6) An individual may request permission to bring their own PAS provider as a reasonable accommodation if the individual covers the cost of those services. However, if DOE is assuming the cost of providing those services, DOE may exercise its right to choose a different provider.
- 7) DOE is not required to provide PAS to help the Requestor commute to and from their worksite. However, DOE is required to provide PAS during telework if the individual is eligible for PAS and is authorized to telework under the organization's telework policy or as a reasonable accommodation. The determination of whether PAS can be provided to a Requestor while teleworking will be made by DMOs on a case-by-case basis. If a Requestor requests PAS at their telework location, the LRAC will consider the request as they would other PAS requests.

ATTACHMENT 3: RA PROCESS FOR APPLICANTS

- 1) An applicant with a disability, like all other applicants, must be able to meet DOE's requirements for the position, such as education, training, employment experience, skills, or licenses. In addition, an applicant with a disability must be able to perform the essential functions of the job, with or without an accommodation. DOE cannot refuse to consider an applicant because the individual requires an RA to compete for or perform a job.
- 2) DOE's public website, energy.gov, provides applicants the RA procedures and applicable templates.
- 3) Applicants requiring a reasonable accommodation for any part of the application process should contact the SHRO/SSC point of contact (POC) listed in the Job Opportunity Announcement (JOA) and inform the POC that a change or adjustment to the application/interview process is being requested due to a disability. The request can be made verbally or in writing by the applicant or another person, such as a family member or healthcare professional.
- 4) The SHRO/SSC POC must immediately contact the LRAC who will work with them to ensure the services and support requested are assessed and provided, as appropriate, in a timely manner.
- 5) Applicant requests for RA should be processed promptly, no later than 10 calendar days from the date of the initial request.
- 6) The LRAC will also provide guidance and assistance to Hiring Managers who have applicants needing accommodation to participate in the interview process.
- 7) Examples of accommodations during the hiring process include, but are not limited to:
 - a. Providing written materials in accessible formats, such as large print, braille, or audio format;
 - b. Providing readers or sign language interpreters;
 - c. Ensuring that recruitment, interviews, tests, and other components of the application process are held in accessible locations;
 - d. Providing or modifying equipment or devices; and
 - e. Adjusting or modifying application policies and procedures.
- 8) If a written test is part of the interview process, an applicant may request a modification or adjustment to the test as an accommodation, unless the test is designed to measure a required skill.
- 9) Each reasonable accommodation request receives an individual analysis/determination by the Hiring Manager and LRAC.
- 10) Reassignment is not available to applicants as a reasonable accommodation.

ATTACHMENT 4: MEDICAL DOCUMENTATION

- 1) Medical documentation may not be necessary to support every accommodation request. When a disability or need for an accommodation is not readily apparent or otherwise known to DOE, the LRAC may ask the Requestor to submit administratively acceptable medical documentation substantiating the disability.
 - a. The LRAC will provide the Requestor with the relevant form for completion by the appropriate medical provider. Determining the appropriate medical provider will depend on the disability and the functional limitation it imposes and is at the Requestor's discretion.
 - b. Appropriate professionals include, but are not limited to, doctors, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.
- 2) Medical documentation, when necessary, is limited to establishing:
 - a. The individual has a disability under the Rehabilitation Act;
 - b. The disability necessitates an accommodation; and
 - c. The accommodation requested will enable the Requestor to perform the essential functions of the position.
- 3) The LRAC may request the following types of information or documentation regarding the impairment:
 - a. The nature, severity, and duration of the individual's impairment;
 - b. The activities the impairment limits;
 - c. The extent to which the impairment limits the individual's ability to perform the activities;
 - d. Why the Requestor requires an accommodation or, if the Requestor identifies a specific accommodation, why it will be effective; and
 - e. How the requested accommodation will enable the Requestor to apply for a job, perform the essential functions of a job, or access the privileges of employment.
- 4) The Requestor is responsible for obtaining requested information from the appropriate provider within the timeframes established by this PM.
- 5) If the Requestor prefers the LRAC discuss their medical issues with their medical provider, a release of information must be completed.
- 6) The LRAC will evaluate the medical documentation and determine if it is sufficient and administratively acceptable in establishing that the Requestor has a disability and needs an accommodation.
 - a. If the medical documentation is insufficient in establishing the existence of a disability or need for an accommodation, then the LRAC will explain to the Requestor what additional information is needed.
 - b. The LRAC may attach the Requestor's Position Description (PD) to the request for supplemental medical documentation.

- 7) Medical documentation must be submitted to the LRAC and will not be shared with anyone else without a need to know. However, the LRAC will share the impacts of the disability on the essential functions of the position with the DMO, so they can make an informed decision on a requested or alternate accommodation.
- 8) As necessary, the LRAC may obtain a medical professional's review of medical information to determine whether a disability exists, whether an accommodation is needed, and appropriate accommodations. Such review will be performed by a medical professional of DOE's choosing at DOE's expense.