

New York National Guard Instruction

Always Ready, Always There



December 2018

**NEW YORK NATIONAL GUARD REASONABLE ACCOMMODATION PROGRAM
FOR FEDERAL TECHNICIANS AND TITLE 5 NYNG EMPLOYEES**

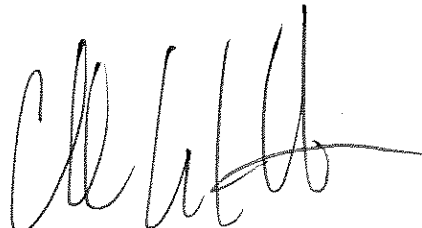
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MEMORANDUM FOR All New York National Guard Managers, Supervisors, and Technicians and Title 5 (T5) National Guard Employees

SUBJECT: Standard Operating Procedure (SOP) for Processing Requests for Reasonable Accommodation (RA)

1. This SOP further defines and establishes the RA procedure for current Federal Technicians (Title 32) and Civilians (Title 5) NYNG employees.
2. This SOP is in compliance with the *Affirmative Action for Individuals with Disabilities Federal Employment, Rehabilitation Act*, 29 C.F.R. § 1614.203, January 3, 2017 (The Rule). The Rule codifies a variety of obligations currently placed on federal agencies by management directives and Executive Orders. It also adds substantive affirmative action requirements, mandating that federal agencies: (1) adopt employment goals for individuals with disabilities, with sub-goals for individuals with targeted disabilities; (2) provide personal assistance services to certain employees who need them because of a targeted disability; and (3) meet a number of other requirements designed to improve the recruitment, hiring, retention, and advancement of individuals with disabilities in the federal workforce.
3. Further questions you may have concerning RA, pertinent laws or regulations may be referred to the NYNG HRO Employee/Human Resource Specialist at (518) 786-4727, or the State Equal Employment Manager at (518) 786-4733.

FOR THE ADJUTANT GENERAL:



CHARLES H. HUTSON
Colonel, NYANG
Director, Federal Human Resources Office

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FOR FEDERAL TECHNICIANS AND TITLE 5 NYNG EMPLOYEES**

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1. PURPOSE. This standard operating procedure (SOP) establishes the New York National Guard (NYNG) Reasonable Accommodation (RA) procedure for current federal technicians and Title 5 NG employees. The RA SOP is focused on, but not limited to, establishing a procedure that will support the prompt, fair, and efficient processing of requests for RA; and ensuring that managers and supervisors of these employees comply with the mandates of the Rehabilitation Act of 1973, as amended.

2. REFERENCES.

2.1. The Rehabilitation Act of 1973, September 26, 1973, as amended.

2.2. ADA Amendments Act of 2008, September 25, 2008.

2.3. U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act, October 17, 2002.

2.4. EEOC Policy Guidance on Executive Order 13164 (Establishing Procedures to Facilitate the Provision of Reasonable Accommodation), October 20, 2000.

2.5. 29 C.F.R. § 1614.203–Rehabilitation Act.

3. RESPONSIBILITIES.

3.1. Director for Human Resources. The Director for Human Resources is responsible for implementation and administration of this RA SOP.

3.2. Employee/Human Resource Specialist (EHRS). The EHRS is responsible for assisting and advising managers and supervisors in reviewing requests for RA.

3.3. EEO Office. The EEO Office is responsible for the following:

3.3.1. Conducting supervisor and manager RA training programs on an annual basis, as well as making such training a part of newly-appointed supervisor and manager orientation.

3.3.2. Assisting employees with RA requests.

3.3.3. Developing and disseminating information on available RA resources.

3.3.4. As the proponent for the program for Individuals with Disabilities (IWD), coordinating RA requests as needed.

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3.3.5. Tracking and reporting on RA requests in the annual individuals with Disabilities Affirmative Action Program Plan.

3.3.6. Submitting RA data for NYNG employees to the National Guard Bureau EEO Office each year for inclusion in the MD715.

3.3.7. Ensuring that copies of this RA SOP and its applicable procedures are readily available to all NYNG personnel. This should be accomplished by maintaining copies in the EEO Office, as well as in designated locations such as personnel offices, the NYNG intranet, and employee handbooks. This SOP must be accessible to individuals with disabilities, when necessary, through alternative formats.

3.4. Commanders and Directors. Commanders and Directors at all levels are responsible for providing the necessary resources to support the availability of the RA process, as well as ensuring that all Management and Supervisors subject to their authority receive training on the RA process.

3.5. Management and Supervisors. Management and Supervisors are responsible for the following:

3.5.1. Assuring that employees are aware that the RA process is available to individuals with disabilities.

3.5.2. Receiving and reviewing RA requests from employees.

3.5.3. Consulting with the EHRS and RA Committee ultimately determining whether it is appropriate to approve an employee's RA request, whether to offer an alternative RA, or whether circumstances require the RA request to be denied.

3.5.4. Communicating the status and ultimate disposition of employee RA requests to the requesting employee.

3.5.5. Receiving and considering requests for reconsideration from employees whose RA requests have been previously denied by a subordinate supervisor.

4. DEFINITIONS.

4.1. 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.

4.2. Essential functions. Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function is "essential" if, among other things; the position exists specifically to perform that function, there are a

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limited number of employees who could perform the function if it were assigned to them, or the function is specialized, so the incumbent is hired based on his/her ability to perform it.

4.3. Extenuating circumstances. Factors that could not reasonably have been anticipated or avoided in advance of the request for RA, such as back order of necessary equipment or failure of employee's health care professional to timely provide necessary documentation.

4.4. Individual with a disability (IWD). Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

4.5. Major life activities. Activities which include; caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily function including, but not limited to; functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Furthermore, episodic impairments or medical conditions that are in remission are nonetheless disabilities if they would substantially limit a major life activity when active.

4.6. Qualified individual. An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

4.7. Reasonable accommodation. A change in the work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities. This SOP's "undue hardship" standard is different from that applied by courts under Title VII of the Civil Rights Act of 1964 for religious accommodation. There are three categories of RA:

4.7.1. Modifications or adjustments to a job application process to permit an IWD to be considered for a job.

4.7.2. Modifications or adjustments necessary to enable a qualified IWD to perform the essential functions of the job.

4.7.3. Modifications or adjustments that enable IWDs to enjoy equal benefits and privileges of employment.

4.8. Reasonable Accommodation Committee. The RA Committee will consist of the following personnel; Human Resource Officer or their Designee, IWD's Supervisor,

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Occupational Health Nurse, State Equal Employment Manager, EHRM, State Safety Officer (when required).

5. GENERAL POLICY GUIDANCE ON INDIVIDUALS WITH DISABILITIES.

5.1. The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) require employers to provide RA to qualified employees or applicants with disabilities unless doing so would cause undue hardship. This SOP assists with implementation of the requirement of the Rehabilitation Act, as well as the underlying principles of the ADA, that agencies provide RA to qualified employees and applicants with disabilities.

5.2. Reasonable accommodations serve two fundamental purposes; RAs remove barriers that prevent IWDs from (1) applying for, and/or (2) performing, jobs for which they are qualified. This SOP is to be interpreted and applied in accordance with those two stated purposes, as well as the spirit of the Rehabilitation Act and the ADA.

6. REASONABLE ACCOMMODATION INTERACTIVE PROCESS.

6.1. Requesting Reasonable Accommodation.

6.1.1. The RA process is initiated when an IWD indicates need for an adjustment (or change at work) or in the application process for a reason related to a medical condition. The requestor does not have to use any particular words, cite the Rehabilitation Act, this SOP, or even use the term "reasonable accommodation". For example, it is sufficient for a vision impaired person to ask for assistance with certain work related materials. This is a request for reasonable accommodation.

6.1.2. An IWD may initiate a request for RA orally or in writing at any time. This interactive process can be made by the individual with a disability as well as by a family member, health professional, or other representative who is acting on the individual's behalf. This initial request starts the RA process. The IWD will be asked to complete an RA request form for documentation and processing purposes if not used in the initial request. The Reasonable Accommodation Request Form, which is attached to this SOP as Appendix D, has been developed for this purpose

6.1.3. Requests for RA should ordinarily be addressed to the individual's direct supervisor so that the request can be properly tracked and acted upon. At the individual's discretion however, the RA request can be made to any of the following; (1) the individual's supervisor, (2) a supervisor or manager in the individual's immediate chain of command, (3) the EEO office, (4) in the case of an applicant involved in the application process, any agency employee with whom an applicant has contact. Requests for RA made to individuals or offices other than those listed cannot be properly tracked and will not be processed.

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6.1.4. Where an IWD has requested a type of reasonable accommodation that he/she is likely to need on a repeated basis, for example, the assistance of sign language interpreters or readers, the IWD will not be required to submit a written request for recordkeeping purposes each time the RA is needed. In such cases, the IWD may obtain the RA by notice to his/her supervisor once the RA is approved the first time.

6.2. Processing Requests for Reasonable Accommodation.

6.2.1. While an employee may request a change due to a medical condition, this request does not necessarily mean that the employer is required to provide the change. A request for RA is the first step in an informal, interactive process between the employee, the supervisor and the Human Resource office. The process is always begun by the employee. Supervisors should not unilaterally ask employees if they have a disability or if they need an accommodation.

6.2.2. Upon receipt of a request for RA, supervisors will direct the requesting employee to complete and submit a Reasonable Accommodation Request Form. As stated in Section 6.1.2 however, supervisors will not delay the interactive process while waiting for the form. The supervisor will then engage in the interactive process by discussing the following with the requesting employee:

- (a) The underlying disability or medical issue.
- (b) The specific functional limitations resulting from the disability or medical issue and how they relate to or affect the employee's job functions.
- (c) Any suggestions the employee may have for a reasonable accommodation.
- (d) Refer the employee to the Computer/Electronic Accommodation Program (CAP) for assessment and possible accommodation options.

6.2.3. The supervisor will document the conversation in writing and should take detailed notes. Supervisors are encouraged to seek guidance from the EHRS and the Human Resource office at any time during the process. Information obtained from the employee regarding the medical issue and related facts, documents, etc. will be kept confidential to the extent required by applicable law, but will be shared with those individuals in the NYNG involved in determining whether to grant a request for RA. In situations where the employee's disability and need for an RA are reasonably obvious, the supervisor should assure the employee that he/she will determine whether to provide the requested accommodation or deny the request within thirty (30) calendar days, absent extenuating circumstances. Where the employee has not requested a specific accommodation, the supervisor will inform the employee that he/she will determine

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whether to provide or deny an RA within thirty (30) calendar days of a request from the IWD. At the close of the meeting the supervisor should inform the employee of his/her right to obtain information and assistance from the EEO office. The supervisor should collect the Reasonable Accommodation Request Form from the employee before the end of this meeting.

6.2.4. Decisions on RAs will be expedited where; (1) the RA is needed to enable an applicant to apply for a job, (2) the RA is needed for a specific NYNG activity that is scheduled to occur shortly.

6.2.5. The NYNG is entitled to know that an employee has a covered disability that requires an RA. Thus, when a disability and/or need for an RA is not obvious, the NYNG can require that the employee provide reasonable documentation about the disability and functional limitations. The requested documentation must come from an appropriate professional, depending upon the type of claimed disability, such as doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. The documentation must contain the following information:

- (a) The nature, severity, and duration of the employee's impairment.
- (b) The activity or activities that the impairment limits.
- (c) The extent to which the impairment limits the employee's ability to perform the activity or activities.
- (d) Why the employee requires an RA or the particular RA requested, as well as how the RA will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

6.2.6. Supervisors will not request medical documentation where; (1) both the disability and need for RA are obvious; (2) the employee has already provided the NYNG with sufficient information to document the existence of the disability and his/her functional limitations. Supervisors will require only the documentation that is needed to establish that the employee has a disability, and that the disability necessitates an RA. Thus, supervisors will not ask for information that is unrelated to determining the existence of a disability and need for an RA.

6.2.7. Supporting medical documentation must be provided to the requesting official within ten (10) calendar days after the individual is informed that it is required, absent extenuating circumstances. Failure to provide necessary documentation where it has been properly requested could result in a denial of RA as per 29 C.F.R. § 1614.203(d)(3)(i)(N). Medical information will be kept confidential to the extent required by applicable law and will be shared only with those "other agency officials" in the NYNG

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involved in determining whether to grant a request for RA. These officials include; (1) supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodation(s), (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, (5) agency EEO officials may be given the information to maintain records.

6.2.8. Additionally, the NYNG may request supplemental documentation when the information already submitted is insufficient to document the disability and/or functional limitations it causes, as well as need for the RA. In such cases supervisors or requesting officials should describe for the employee, in writing, why the submitted documentation is insufficient and identify the information that is needed. This supplemental medical documentation must be received by the requesting official within seven (7) calendar days of its request. Failure to provide necessary documentation where it has been properly requested could result in a denial of RA.

6.2.9. If the employee requesting an RA still fails to provide sufficient information and supporting documentation, the NYNG may, at its discretion, take the following actions:

(a) have the individual requesting an RA examined by a physician from the NYNG. If the individual does not consent to the examination, deny the request for RA IAW Section 6.3.2 below.

(b) have a physician from the NYNG review all of the documentation that the individual requesting an RA submitted to ensure that it is, in fact, insufficient. If the NYNG physician concurs that the documentation is insufficient, deny the request for RA IAW Section 6.3.2 below.

6.2.10. The IWD does not need to have a particular accommodation in mind before making a request as per 29 C.F.R. § 1614.203(d)(3)(i)(D). Once it is determined that the employee requesting an RA has a qualifying disability, and is therefore an IWD, the supervisor will consult with the EHRS or RA Committee to determine whether the requested RA is appropriate under the circumstances. If the supervisor does not have authority to grant a particular RA, such as the authority to allow the employee to change shifts or adjust work hours, the supervisor and EHRS will consult with the lowest-level supervisor that has such authority. RAs will only be provided to individuals with actual disabilities. Supervisors are not obligated to provide RAs to employees who have been merely "regarded as" having a disability.

6.2.11. In considering whether an RA can be provided, supervisors and the EHRS should identify the essential job functions, as defined above, of the IWD's position, the IWD's functional limitations to completing the essential job functions, and

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whether there are any reasonable alternative approaches to meet essential job functions. Appendix B contains a list of possible accommodations. Appendix C contains a list of resources to help supervisors and EHRs in considering possible RAs.

6.2.12. A modification or adjustment is "reasonable" if it is feasible or plausible under the circumstances. An accommodation must also be effective in meeting the needs of the IWD. This means that an RA enables an IWD to perform the essential functions of his/her position. Finally, an RA allows an IWD an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

6.2.13. The NYNG has the authority to choose among possible RAs as long as the chosen RA is effective. Thus, as part of the interactive process, supervisors may offer IWDs alternative suggestions for RA and discuss their effectiveness in removing the workplace barrier that is impeding the IWD. If there are two possible RAs, and one costs more or is more burdensome than the other, supervisors may choose the less expensive or burdensome accommodation as long as it is effective. Similarly, when there are two or more effective accommodations, the RA Committee may choose the one that is easier to provide. In either situation, the supervisor is not required to show that it is an undue hardship to provide the more expensive or more difficult accommodation. The preference of the IWD should be given primary consideration, but the RA Committee has the ultimate discretion to choose between effective accommodations. Appendix B contains a list of possible accommodations to consider. Appendix C contains a list of resources to help supervisors and EHRs in considering possible RAs.

6.2.14. There are several modifications or adjustments to which supervisors do not have the authority to agree. First, supervisors may not agree to eliminate an essential function, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential functions, with or without reasonable accommodation, is not a "qualified" individual with a disability within the meaning of this SOP. A supervisor is also prohibited from agreeing to lower production standards as an accommodation whether qualitative or quantitative that are applied uniformly to other employees with and without disabilities.

6.2.15. The NYNG will not provide as reasonable accommodations personal use items needed in accomplishing daily activities both on and off the job. Thus, the NYNG will not provide an employee with a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job. Furthermore, the NYNG will not provide personal use amenities, such as a hot pot or refrigerator, if those items are not provided to employees without disabilities. However, items that might otherwise be considered personal may be considered as reasonable accommodations in appropriate cases where they are specifically designed or required to meet job-related rather than personal needs.

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6.2.16. RA requests will be denied where the requested RA would cause "undue hardship" to the NYNG. Undue hardship, which generally involves significant difficulty or expense, is to be determined on a case-by-case basis. The analysis focuses on the resources and circumstances of the NYNG in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. The supervisor and Human Resource office must assess on a case-by-case basis whether a particular accommodation would cause undue hardship.

6.2.17. The reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a reasonable accommodation and the agency must consider providing reassignment to a vacant position as a reasonable accommodation when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his/her current position as per 29 C.F.R. § 1614.203(d)(3)(i)(B). NYNG HRO must notify supervisors and EHRS that they are to conduct searches for available vacancies when considering reassignment as a RA as per 29 C.F.R. § 1614.203(d)(3)(i)(C).

6.3. Approval and/or Denial of Requests for Reasonable Accommodation.

6.3.1. When the RA Committee, with input from the supervisor, makes the determination that he/she will approve a requested RA, the NYNG Human Resources Office and IWD's supervisor will notify the IWD in writing and document the date and circumstances of the notification. The supervisor will implement the approved RA at the earliest possible moment. Failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act as per 29 C.F.R. § 1614.203(d)(3)(i)(O). A copy of the Human Resource office's written notification will go into a separate file for the employee, as discussed below.

6.3.2. When the RA Committee, with input from the supervisor, makes the determination that he/she will deny a requested RA, or that he/she will offer an alternative RA, the supervisor will notify the IWD in writing and will document the circumstances of the notification. The written notification to the IWD must contain; (1) the name of the supervisor who made the decision, (2) the reasons for the denial, (3) a notice that if the IWD wants to file an EEO complaint, the IWD must contact the NYNG EEO office within 45 days of receiving this letter, (4) that the IWD can engage in the Informal Resolution Process by appealing the decision to the next supervisor in the employee's chain of command, but that utilizing the Informal Resolution Process does not extend the 45 days that the employee has to contact the EEO office. The written notice of a denied accommodation will be available in an accessible format when requested.

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6.3.3. If there is any delay in either processing a request for or providing a reasonable accommodation, the NYNG Human Resources Office must notify the individual in writing of the reason for the delay, including any extenuating circumstances that justify the delay as per 29 C.F.R. § 1614.203(d)(3)(i)(S). If the agency cannot provide the accommodation immediately, the agency must provide an interim accommodation that allows the individual to perform some, or all essential functions of his/her job, if it is possible to do so without imposing undue hardship on the agency. As per 29 C.F.R. § 1614.203(d)(3)(i)(Q).

7. INFORMAL RESOLUTION AND EEO COMPLAINTS.

7.1. Informal Resolution Process.

7.1.1. An IWD can appeal the decision of his/her supervisor to the next supervisor in the IWD's chain of command within seven (7) calendar days of receipt of the original supervisor's decision. The appeal should be in writing and should contain any additional information or documentation that the employee would like the higher supervisor to consider. There is no requirement that the IWD utilize the Informal Resolution Process before contacting the EEO office or before filing an EEO complaint.

7.1.2. The higher supervisor who receives the appeal will consult with the EHRS and render a decision on the appeal within fourteen (14) calendar days of receiving the appeal from the employee. The appeal should involve simply reviewing the original supervisor's notes and any documentation submitted by the employee. There is no requirement that the higher supervisor meet with the employee unless the higher supervisor believes it is necessary in the interests of fairness. Notice of the supervisor's decision will be IAW Section 6.3.2 above, except that the notice will remind the employee that he/she must contact the NYNG EEO office within 45 days of receipt of the original supervisor's decision if the employee wishes to file an EEO complaint.

7.2. EEO Process. Regardless of whether or not the employee has utilized the Informal Resolution Process above, the individual must contact the NYNG EEO office within 45 days of receiving the initial denial of the request for RA (not the decision on reconsideration) if he/she desires to file an EEO complaint. The EEO office will guide the employee through the EEO complaint process.

8. RECORDKEEPING REQUIREMENTS:

8.1. Tracking Requirements. The proponent for reasonable accommodation complaint process is the NYNG Human Resource Office (HRO). As a result, at the operational level, the servicing Human Resource Office is responsible for tracking the following information:

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8.1.1. NYNG HRO will assign a Tracking Number to the RA request form. Example: NYNG-RA-FYXX (fiscal year)-XX (number). NYNG HRO will notify in writing to the individual his/her tracking number within five (5) calendar days of the RA request. The individual can track his/her request process through his/her tracking number by calling NYNG HRO.

8.1.2. The number and types of RA requested in the application for employment process and whether those requests were granted or denied.

8.1.3. The jobs (occupational series, grade level, and organization) for which RAs have been requested.

8.1.4. The types of RAs that have been requested for each of those jobs.

8.1.5. By organization, the number and types of RAs for each job that have been approved and denied.

8.1.6. The number and types of requests for RAs that relate to benefits or privileges of employment, and whether those requests have been granted or denied.

8.1.7. The identity of the deciding official.

8.1.8. The reasons for denial of RA requests.

8.1.9. The amount of time taken to process each RA request.

8.1.10. The source of technical assistance consulted in trying to identify possible RAs.

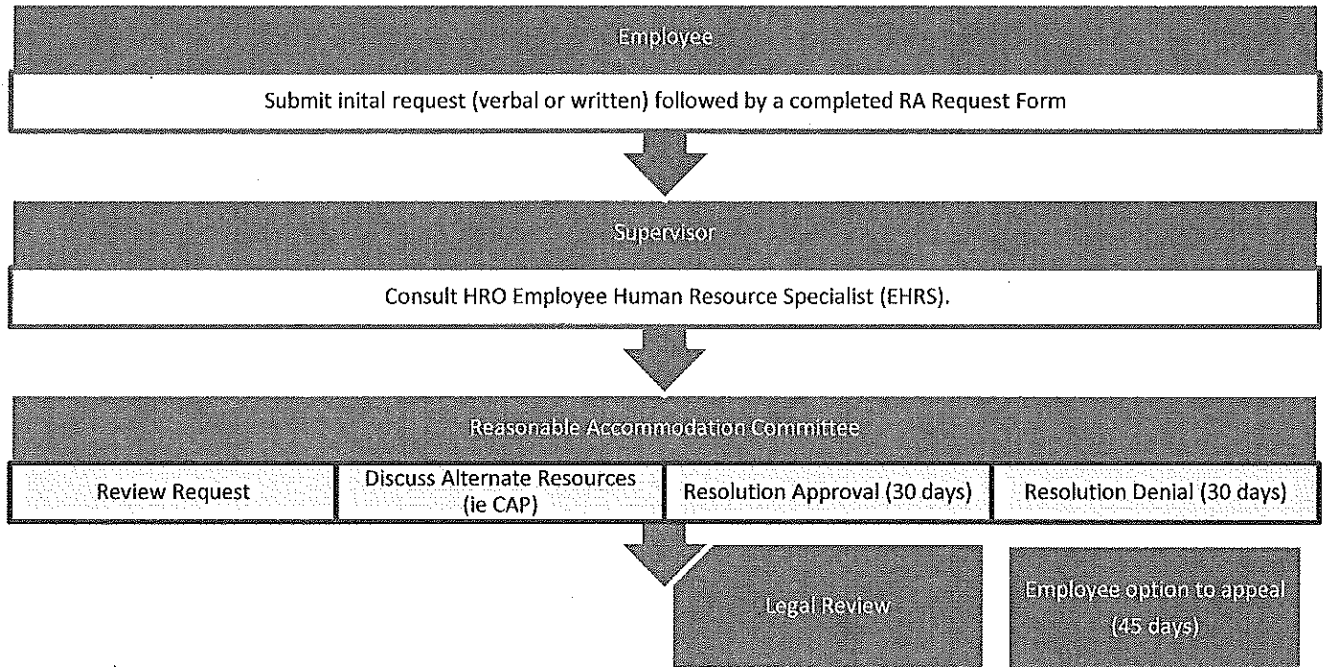
8.2. Dispositions of Reasonable Accommodation Request Data, Including Medical Information.

8.2.1. Documentation related to a particular individual who has requested an RA is to be filed apart from other personnel records, safeguarded regarding confidential requirements, and maintained for the duration of that employee's employment. Records concerning requests, approval, and disapproval are maintained by the Joint Force Headquarters EEO office.

8.2.2. The tracking information data should be maintained for a period of five (5) years. This data will assist an organization in evaluating its performance regarding the adequate, timely processing of RA requests and their corrective action, if required.

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APPENDIX A INTERACTIVE PROCESS FLOWCHART



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APPENDIX B EXAMPLES OF REASONABLE ACCOMMODATIONS

B.1. Job restructuring involves modifications such as reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability, as well as altering when and or how a function, essential or marginal, is performed. Supervisors will not, however, reallocate essential functions as a reasonable accommodation.

B.2. Leave, whether accrued paid leave or unpaid leave, is a form of RA when necessitated by an employee's disability. Supervisors are not required to provide paid leave beyond that which is provided to similarly situated employees. When leave is used as an RA, employees will use accrued paid leave before beginning any allotted unpaid leave. Supervisors should remember that there may be FMLA implications when considering leave as an RA.

B.3. For certain positions, the time during which an essential function is performed may be critical and a modification may disrupt operations and lead to undue hardship. This could affect whether a supervisor can grant a request to modify an employee's schedule or if reassignment is more appropriate.

B.4. Modified Workplace Policies constitute an RA when necessitated by an employee's disability-related limitations, absent undue hardship. Modification under these circumstances only applies to the IWD and not to other employees in the supervisor's section or working unit.

B.5. Specific to individuals who are deaf or hard of hearing, supervisors should consider amplification devices, closed caption decoders and captioning for training tapes, signaling devices, teletypewriters (TTYs), sign language interpreters, and TTY modems.

B.6. Specific to individuals with visual impairments, supervisors should consider Braille displays, Braille embossers, portable note-takers, print enlargers, scanner/readers, and screen readers.

B.7. Specific to individuals with impaired dexterity, supervisors should consider alternative input systems, alternative keyboards, alternative pointing devices, keyboard enhancement programs, and voice recognition systems.

B.8. Reassignment to a vacant position must be provided to an employee (not an applicant) who, because of a disability, can no longer perform the essential functions of his/her current position, with or without an RA, unless the supervisor can show that reassignment would be an undue hardship. The employee must be qualified for the position, which means that he/she has the requisite skill, experience, education, and

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other job-related requirements of the position (not necessarily best qualified). The employee must also be able to perform the essential functions of the new position, with or without an RA. The NYNG is not obligated to assist the employee to become qualified for the new position, unless the NYNG would normally provide such training to an individual transitioning into the position. Reassignment is the RA of last resort and is only required if; (1) there are no effective accommodations that will enable the employee to perform the essential functions of his/her current position, (2) all other RAs would impose an undue hardship. "Vacant" means that the position is available when the employee asks for reasonable accommodation, or that the employer knows that it will become available within a reasonable amount of time. The employer does not have to bump another employee from a job in order to create a vacancy; nor does it have to create a new position.

B.6. Of the above-cited examples of RA, only Reassignment is mandatory and only under the circumstances stated. The other examples should be considered on a case-by-case basis and may not always be appropriate.

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APPENDIX C SELECTED REASONABLE ACCOMMODATION RESOURCES

- C.1. U.S. Equal Employment Opportunity Commission
Phoenix District Office
3300 N. Central Avenue, Suite 690
Phoenix, Arizona 85012-2504
1-800-669-4000
602-640-5071 (fax)
1-800-669-6820 (TTY)
www.eeoc.gov

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA and the Rehabilitation Act. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship.

- C.2. Job Accommodation Network (JAN)
1-800-232-9675 (Voice/TT)
<http://janweb.icdi.wvu.edu>

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

- C.3. ADA Disability and Business Technical Assistance Centers (DBTACs)
1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

- C.4. Registry of Interpreters for the Deaf
1-301-608-0050 (Voice/TT)
<http://www.rid.org>

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

- C.5. Computer/Electronic Accommodation Program
1-703-681-8811 (Voice/TT)
<http://www.tricare.osd.mil/cap>

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The Computer/Electronic-Accommodation Program (CAP) was established by DOD to help provide RA to individuals with disabilities. The purpose of the CAP is to ensure that all disabled DOD employees get equipment which best meets their needs at no charge to the employer. The Defense Medical Information Management Office is the executive agent for the CAP. The CPA is available to advice on ways to provide RA. The CAP serves the DOD community by:

- Buying accommodations to make computer and telecommunications systems accessible to individuals with disabilities, as required by law.
- Providing funds for sign-language interpreters, readers, and personal assistants for employees attending long-term training (two days or more).
- Providing expertise in solving accessibility problems through the use of software, hardware, and other assistive technology.
- Providing training and educational support.

APPENDIX D REASONABLE ACCOMMODATION REQUEST FORM

Name:	_____				
Cell Phone:	_____	Work Phone:	_____		
E-mail:	_____				
Position:	_____	Grade:	_____	Date:	_____
Supervisor:	_____	Work Phone:	_____		
E-mail:	_____				

- I. What specific accommodation are you requesting?
- II. Please explain how that specific accommodation will assist you.
- III. If you are not sure what accommodation is needed, please list any suggestions regarding options we can consider.
- IV. If your accommodation request is time-sensitive, initial here: _____ and explain.
- V. What, if any, job functions are you having difficulty completing?
- VI. What, if any, employment benefit are you having difficulty accessing?
- VII. What limitation is interfering with your ability to perform your job or access an employment benefit?
- VIII. If you have had any accommodations in the past for this same limitation, initial here: _____ and explain.
- IX. Have you contacted Computer/Electronic Accommodation Program (CAP) for an assessment?
- X. Please provide any additional information that might be useful in considering your request:

Printed Name of Individual Making Request

Signature of Individual Making Request

Date

Name of Person Receiving Request/Position

Work Phone #