

## CHAPTER 5 ACCOMMODATIONS

### A. Introduction.

1. This chapter addresses Coast Guard policies, procedures, and parties responsible for meeting accommodation needs for civilian employees and applicants for employment. It provides guidance on the requirements to provide reasonable accommodations for qualified employees and applicants with disabilities, Personal Assistance Services (PAS) for employees with targeted disabilities, and to qualified employees with known limitations from pregnancy, childbirth, or related medical conditions. This chapter also addresses the Coast Guard policy for providing religious accommodations for civilian employees.
2. Forms and more information on the reasonable accommodation process can be found on the Coast Guard's website. [Welcome New USCG Employee](#) and [Frequently Asked Questions \(uscg.mil\)](#)

### B. Accommodations for Military Personnel.

1. Medical, Disability, and Pregnancy. Coast Guard Medical Officers (MO) provide health care for military personnel, in accordance with the Coast Guard Medical Manual, COMDTINST M6000.1(series). Military members should consult with their MO. The servicing MO directs or prescribes accommodations for military members with a medical, disability, pregnancy, childbirth, or related condition.
2. Religious. Policy and guidance for the accommodation of religious practices by military members are outlined in Military Religious Accommodations, COMDTINST 1000.15(series).

### C. Reasonable Accommodation Policy.

1. Definition. Reasonable accommodation is a change or adjustment to a work environment that permits a qualified applicant or employee with a disability, pregnancy, childbirth, or related medical conditions to participate in the job application process, to perform the essential functions of a job, and/or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodation may include acquiring or modifying equipment or devices; job restructuring; part-time or modified work schedules; adjusting or modifying examinations, training materials, or policies; providing readers and interpreters; making the workplace readily accessible to and usable by persons with disabilities; and, as a last resort, reassignment to a vacant position. Unlike reasonable accommodations under the Rehabilitation Act (Rehab Act), reasonable accommodations under the Pregnant Workers Fairness Act (PWFA) can also include temporary suspension of essential functions.
2. Legal Authority and Application of Policies. The statutory obligation for the Coast Guard to provide reasonable accommodations is contained in Executive Order 13164 (July 2000), the Rehabilitation Act of 1973, as amended; Title 29 of the Code of Federal

Regulations (C.F.R.) § 1614.203(d); and 29 C.F.R. § 1630 and the Pregnant Worker's Fairness Act. Under the PWFA, the rights of workers affected by pregnancy, childbirth, or related medical conditions may receive reasonable accommodations, absent undue hardship. Although many persons with disabilities, pregnancy, childbirth, or related medical conditions can apply for and perform jobs without the provision of any reasonable accommodation, there are workplace barriers that keep others from performing jobs that they could perform given some form of reasonable accommodation. These barriers may be physical obstacles, such as inaccessible facilities or equipment, or they may be procedures or rules, such as rules concerning when work is performed, when breaks are taken, or how essential or marginal job functions are performed. The reasonable accommodation process attempts to remove workplace barriers for persons with disabilities.

3. Reasonable Accommodation Policies Applicable to Civilian Employees. It is the policy of the Coast Guard to provide reasonable accommodation to all civilians with a qualified disability or pregnancy-related medical condition within the defined scope and limitations of the law. Reasonable accommodation should be provided to qualified persons with disabilities or pregnancy-related medical conditions, unless doing so poses a direct threat to the requester or other employees or poses an undue hardship to the Agency.
4. Coast Guard Programs for Persons with Disabilities. An affirmative employment plan for the hiring, placement, and advancement of persons with disabilities has been developed and maintained by the Coast Guard, consistent with its obligations under the Rehabilitation Act of 1973, as amended.
  - a. In keeping with 5 C.F.R. § 720(c), the Coast Guard developed a plan to promote employment and advancement opportunities for qualified disabled veterans within the Federal Government.
  - b. The Coast Guard maintains a Persons with Disabilities Program (PWDP), which is designed to promote the hiring, placement, and advancement of employees with disabilities and to ensure they are employed within a broad range of grade levels and occupations commensurate with their qualifications. The Coast Guard, as all federal agencies, is tasked with assuring that its policies do not unnecessarily exclude or limit persons with disabilities because of working conditions. The PWDP enables the Coast Guard to take a positive and directive role in fully complying with Section 501 of the Rehabilitation Act of 1973, as amended, and the provisions of 29 C.F.R. § 1614.203(b) and the Pregnant Workers Fairness Act.

D. Roles and Responsibilities. Commanding Officers/Officers-in-Charge (CO/OIC) or their equivalent at all levels of the Service are personally responsible and accountable for ensuring that civil rights laws, regulations, policies, and program standards are proactively applied and rigorously enforced within their commands. It is incumbent on those in leadership positions to create a workplace built on the Coast Guard Core Values of Honor, Respect, and Devotion to Duty and to ensure that the workplace is free of discrimination or harassment on any prohibited basis. Likewise, it is incumbent on every member of the Coast Guard to promptly inform their chain of command or a servicing Civil Rights Service Provider (CRSP) of any

civil rights concerns or issues when they arise. The specific roles and administrative responsibilities of Coast Guard personnel in the Reasonable Accommodation process are addressed below.

1. Specific Administrative Responsibilities.

- a. Director, Civil Rights Directorate, Commandant (CG-00H). The Director, Civil Rights Directorate is responsible for implementing the PWDP. The Director is specifically responsible for ensuring that:
  - (1) A nationwide Coast Guard PWDP is established.
  - (2) A national PWDP Manager from within the Civil Rights Directorate is designated to be responsible for administering the reasonable accommodation program throughout the Coast Guard.
  - (3) Coast Guard procedures for processing reasonable accommodation requests are developed and issued.
  - (4) Managers, supervisors, human resources (HR) specialists, CRSPs, and employees understand applicable laws, regulations, policies, and procedures regarding reasonable accommodation.
  - (5) The PWDP is in compliance with the provisions of this Policy.
  - (6) Appropriate HR specialists and Office of General Law Representatives, if applicable, are consulted regarding their role in the reasonable accommodation process.
- b. Persons With Disabilities Program Manager. The PWDP Manager is specifically responsible for:
  - (1) Administering the reasonable accommodation program throughout the Coast Guard.
  - (2) Serving as the deciding official on appeal of denial of reasonable accommodation requests.
  - (3) Submitting a consolidated report on accommodation requests and activities to the Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL).
  - (4) Engaging and informing the workforce regarding the PWDP.
- c. Civil Rights Service Provider (CRSP). The servicing CRSPs will advise personnel on the reasonable accommodation process and submit monthly reports on accommodation requests or denials to the PWDP Manager.

d. Civilian Human Resources, Diversity and Leadership Directorate. The Civilian Human Resources, Diversity and Leadership Directorate is responsible for:

- (1) Ensuring that all vacancy announcements inform qualified applicants with disabilities that reasonable accommodation may be requested through their HR Specialist.
- (2) Serving as decision maker on reasonable accommodation requests from job applicants and providing advice for requests involving undue hardship determinations.
- (3) Providing assistance to all applicable parties, e.g., the supervisor, employee, and PWDP Manager, regarding reassignment opportunities to vacant or prospectively vacant positions within the Coast Guard and the Department of Homeland Security.
- (4) Ensuring that copies of this Policy are made available to all new employees during orientation and to all supervisory employees.
- (5) Ensuring that reasonable accommodation information and a link to the CG website and SharePoint sites are made available to new employees and supervisors.
- (6) Providing the reasonable accommodation decision-maker with any personnel documentation or HR policy guidance that may assist in providing a reasonable accommodation.

e. Commanding Officer/Officer in Charge (CO/OIC). The CO/OIC is specifically responsible for:

- (1) Consulting with appropriate agency representatives for assistance on accommodation issues: servicing CRSPs, HR specialists, medical officers, and/or attorney-advisors.
- (2) Submitting completed accommodation request forms and associated records to the servicing CRSP within 5 business days subsequent to the disposition of an accommodation request.

f. First Level Supervisor. The First Level Supervisor is specifically responsible for:

- (1) Serving as the decision maker on the accommodation requests of subordinate employees.
- (2) Determining that the request is in fact an accommodation request.
- (3) Acknowledging and responding, in writing, to oral or written requests for reasonable accommodation within five business days, using Acknowledgment of Reasonable Accommodation or Personal Assistance

Service Request, Form CG-6080. Consider temporary or interim accommodations and document on the form. Supervisors must provide a copy of the form to their servicing CRSP at the time of acknowledgement.

- (4) Seeking guidance, as necessary, from their servicing CRSP, CO/OIC, HR specialists, medical officers, attorney-advisors, or other external resources outlined in 5.E.3 below.
- (5) Determining the necessity of obtaining appropriate medical documentation and determining its sufficiency for the processing of reasonable accommodation requests.
- (6) Pausing the time if the decision maker requests medical documentation. The processing time is paused from the time the requestor is informed that medical documentation is required and resumes when the medical documentation is provided to the decision maker.
- (7) Determining, with appropriate guidance, if the requestor is a qualified individual with a disability.
- (8) Identifying the essential functions of the position of the requestor.
- (9) Engaging in the interactive process with the requestor during the processing of the reasonable accommodation request. The Agency must consider granting temporary or interim accommodations, where possible, during the interactive process while assessing effective long-term accommodations.
- (10) Communicating with the requestor regarding the type of reasonable accommodation needed and whether or not it would enable the requestor to perform the essential functions of the position or enjoy a benefit or privilege of employment as are enjoyed by similarly situated employees without disabilities.
- (11) Updating the requestor for any decision not made within fifteen (15) business days with an annotated reason as to why the request is not approved/modified or denied. If a decision is delayed beyond thirty (30) business days, the reason(s) for the delay and the approximate timeframe for the response will be provided to the employee in writing.
- (12) Completing Reasonable Accommodation Decision and Reporting Form, CG-6081, to document the accommodation decision in writing and any reason for delays beyond fifteen (15) business days. If the request is denied, the reason(s) for the denial will be provided to the employee in writing. Denials will not be made for arbitrary reasons.
- (13) Transmitting the written decision, the CG-6081, to the requestor within fifteen (15) business days of the request, with a maximum of thirty (30) business days. Provide the servicing CRSP with a copy of the form.

- (14) Informing employees of their right to request a reconsideration, make determinations regarding reconsiderations within five (5) business days and alert the employee and CRSP of the final determination.
- (15) Informing employees of their right to request an appeal of the reconsideration decision with the CRD.
- (16) Providing the approved accommodation as soon as possible, ideally within 30 days or less, once the decision has been made. If the accommodation cannot be provided within a reasonable time period due to circumstances beyond the decision-maker's control, ensure the requester and the servicing CRSP are made aware of the delay, in writing, with an anticipated provision date, if possible.
- (17) Maintaining confidentiality to the extent practicable.

g. Employees requesting an accommodation are specifically responsible to:

- (1) Requesting a reasonable accommodation from their first level supervisor, either orally or in writing, describing, their functional limitations due to their disability, pregnancy, childbirth, or related medical conditions, and if known, how the accommodation would enable them to perform the essential functions of the position, or enjoy a benefit or privilege of employment as are enjoyed by similarly situated employees without disabilities, or, in the case of a PWFA request, if any essential functions should be temporarily suspended.
- (2) Providing medical documentation of the medical condition being accommodated, upon request.
- (3) Engaging in the interactive process with the decision-maker during the processing of the reasonable accommodation request.
- (4) If desired, requesting a reconsideration if there is a denial of the reasonable accommodation request with their first line supervisor.
- (5) If desired, appealing the denial of a reasonable accommodation request to the national PWDP Manager, if applicable.

E. Accessibility and Resources.

1. Accessibility of Reasonable Accommodation Procedures. These procedures are available for employees and applicants for employment in written and accessible formats. Requests for accessible formats may be made with the individual's applicable decision maker.
2. Form Availability. The following forms are available on the USCG electronic forms database at <https://www.dcms.uscg.mil/forms/> or by contacting a servicing CRSP:

- a. Request for Reasonable Accommodation or Personal Assistance Service, Form CG-6079.
  - b. Acknowledgment of Reasonable Accommodation or Personal Assistance Service Request, Form CG-6080.
  - c. Reasonable Accommodation or Personal Assistance Service Decision and Reporting Form, CG-6081.
3. Resources. The following resources are available to assist employees and supervisors with reasonable accommodation and PWFA related requests:
- a. Servicing CRSPs are available to answer general questions about the reasonable accommodation process. Individuals can also review frequently asked questions about the process at <https://www.uscg.mil/Family/Civil-Rights/faq/>
  - b. Job Accommodation Network (JAN) provides free, expert, and confidential guidance on workplace accommodations and disability employment issues. Information is available on their website at [www.askjan.org](http://www.askjan.org)
  - c. Employer Assistance and Resource Network on Disability Inclusion provides guidance and a range of free resources to help employers of all sizes tap the benefits of disability diversity. Information is available on their website at [www.askearn.org](http://www.askearn.org).
  - d. Computer/Electronic Accommodations Program can conduct assessments, provide information, referrals, and assist agencies in determining the appropriate assistive technology and assistive devices to purchase by their agency. Contact a servicing CRSP for assistance.
  - e. The Equal Employment Opportunity Commission's public website includes EEOC enforcement guidance on disability related inquiries and reasonable accommodation and undue hardship. Information is available at [www.eeoc.gov](http://www.eeoc.gov)

F. Processing Reasonable Accommodation Requests.

1. Requests for Reasonable Accommodation. A request for a reasonable accommodation or PWFA related request is a statement from an employee or applicant for employment that, as a result of a medical condition, pregnancy or childbirth, individual needs an adjustment or change in the application process, in their job functions, or to allow the enjoyment of a benefit or privilege of employment. Requests for reasonable accommodation for a disability and those made under the PWFA are processed in essentially the same manner. Additionally, reasonable accommodations made under PWFA are temporary in nature.
  - a. Who May Request a Reasonable Accommodation. There are two categories of individuals who can request a reasonable accommodation. Reasonable accommodations may be requested by employees regardless of whether they work part-time, full-time, or probationary.

- (1) Qualified individual with a disability. Qualified individuals with disabilities who are employees or applicants for employment may request a reasonable accommodation.
- (a) An applicant may request an accommodation orally or in writing from the human resources specialist/command staff advisor (HRS/CSA) who is handling the vacancy recruitment process.
- (b) A family member, health professional, or other representative acting on a requestor's behalf may request a reasonable accommodation for a Coast Guard civilian employee or job applicant. See Third Party Request in this section for more information.
- (2) Under the PWFA, employees are covered for physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability.

b. How to Submit a Request.

- (1) The accommodation process begins as soon as the request for accommodation is made either orally or in writing by the requestor, and management must immediately begin processing the request.
- (2) An individual does not need to have a particular accommodation in mind before making a request nor must they complete a specific form in order to begin the interactive process, which will be covered in greater detail below.
- (3) As will be discussed below in further detail, a reasonable accommodation request may be made to a supervisor or manager in the employees' chain of command, through the Civil Rights Directorate, or through human resources during the application process.
- (4) While management must engage in the interactive process with a requestor, there is no need to acknowledge or confirm the request before beginning to act. A request for reasonable accommodation because of a disability does not have to use any special words, such as *reasonable accommodation*, *disability*, or *Rehabilitation Act*. A request is any communication in which an individual asks or states that their needs CG to provide or to change something because of a medical condition, pregnancy, childbirth, or related medical condition. The supervisor or HR Specialist should ask an individual whether there is requesting a reasonable accommodation if the nature of the initial communication is unclear. Persons with disabilities or employees eligible under PWFA may request an accommodation whenever they choose, even if they have not disclosed the existence of a medical condition and need not have a particular reasonable accommodation in mind before making the request. For further information or assistance with a request for reasonable



accommodation, any Coast Guard employee or applicant may consult with a HR specialist or servicing CRSP.

## 2. Acknowledging Requests for Record Keeping Purposes.

- a. Acknowledging Requests. To enable the CG to maintain accurate records regarding requests for reasonable accommodation, the person to whom the employee or applicant made the request for accommodation must follow up on the request by completing the Acknowledgment of Request for Reasonable Accommodation or Personal Assistance Service, Form CG-6080, or otherwise confirming the request by email. The same forms can be used for PWFA related requests.
- b. Recurring Requests. A written acknowledgment is not required when an individual needs a reasonable accommodation on a recurring basis, for example, the assistance of sign language interpreters or readers. It is only required for the initial request. However, the employee must give adequate notice to their supervisor each time the reasonable accommodation is needed unless prior arrangements are made with the deciding official. Adequate notice can be defined if the disability is obvious and therefore, the supervisor should ensure accommodations are arranged, such as interpreters or readers, without waiting for the employee to make the request each time a meeting or office event occurs. Where a disability is not obvious, the employee should request an accommodation upon first receipt of notification for a meeting or work event and note in the request that the accommodation will be recurring. Early notice of a recurring accommodation helps ensure the supervisor can obtain the accommodation in time for the office event or meeting. Medical documentation is not needed for each recurring need.
- c. Ceremonies and Events. Common accessibility accommodations should be planned for events prior to specific requests to ensure an inclusive environment for the attendees. Accommodations such as American Sign Language interpreters, captioning services, mobility devices, etc., should be considered and available at the time of the event. Project Officers or their designees are responsible for arranging accessibility and accommodations for events. A POC should be identified to receive requests prior to the event for accommodations beyond those being provided.

## 3. Determining Who Will Process the Request.

- a. Decision Maker. The person who processes the request for accommodation will be referred to as the decision maker. For employees, this role is fulfilled by the employee's first level supervisor. For applicants, the role can be fulfilled either by the CO/OIC or the senior HR manager responsible for servicing the job vacancy. In addition, the servicing CRSP will be available as needed to provide guidance and assistance to employees and the decision maker. However, the CRSP is NOT the decision maker and does not advise the decision maker on what action or determination to make.

- b. Backup Personnel. In the first level supervisor's absence, as a backup, the next available person above the supervisor in the chain of command would be responsible for continuing to receive, process, and/or serve as the decision maker on accommodation requests. The decision maker must ensure that requestors are informed about who has been designated as their backup. The time frames discussed below must not be suspended or extended because of the unavailability of a decision maker.

4. The Interactive Process.

- a. Initial Discussion. Once the decision maker receives a request for an accommodation, the 15-business daytime frame to make a decision begins. During this time, the requestor and decision maker engage in the interactive process. In the interactive process, the requestor and the decision maker interact to determine what, if any, accommodation should be provided, or to explore alternatives. This is also an opportunity for management to consider the essential functions of the position (the fundamental job duties of the position) and how they relate to the requested accommodation. If additional information is needed in order to make a decision, the decision maker must engage with the requestor.
- b. Communication. Communication is a priority throughout the entire process. This involves the decision maker and the requestor taking a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee or applicant requesting the reasonable accommodation must participate in the process of identifying an effective reasonable accommodation.
  - (1) As a first step in the process the decision maker will:
    - (a) Inform the requestor that they are the decision maker for the accommodation process.
    - (b) Describe the details of the reasonable accommodation or PWFA request process. This initial discussion should happen as soon as possible.
  - (2) In those cases where the medical condition, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. However, the decision maker and requestor should maintain communication to ensure that there is a full and complete exchange of relevant information.
  - (3) Ongoing communication is particularly important, especially in the event that the specific limitation or barrier is unclear; an effective reasonable accommodation is not obvious; or the parties are considering different solutions for providing reasonable accommodation.
- c. Third-Party Request. When a third party makes a request for accommodation, the decision maker should, if possible, confirm with the applicant or employee with a

medical condition that a reasonable accommodation has been requested before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the decision maker will process the third-party request and will consult directly with the individual needing the reasonable accommodation as soon as it is practicable. The individual may refuse to accept an accommodation that is not needed.

- d. Confidentiality. The decision maker or any other CG official who receives information associated with a request for reasonable accommodation may share information regarding that request with other agency officials (such as Legal and/or HR) only when the agency officials need to know the information in order to make determinations about the reasonable accommodation request. The decision maker and other CG officials are required to notify and expected to consult with their servicing CRSP on all reasonable accommodation requests.
- e. Request for Reassignment. This applies to reasonable accommodation requests under the Rehab Act. Reassignment should only be considered if no reasonable accommodation is available to enable the individual with a disability to perform the essential function of his or her current position or if the only effective accommodation would cause undue hardship. Reassignment must be considered as an accommodation prior to being removed. There are specific considerations in the interactive process when responding to a request for reassignment:
  - (1) Reassignment is to a vacant position for which an employee is qualified, and not just permission for the employee to compete for such position. Reassignment as a form of reasonable accommodation can only be offered to CG civilian employees and is not available as an accommodation for job applicants. An employee must be qualified for the vacant position being considered for reassignment, with or without reasonable accommodation.
  - (2) Reasonable efforts should be made in considering whether there are vacant positions available for reassignment; the decision maker should work with the appropriate servicing HR Specialist and the employee requesting the accommodation to identify placement opportunities. Placement opportunities include:
    - (a) CG civilian positions for which the employee qualifies, which officials have reason to believe will become vacant over the following 60 calendar days and that are equivalent in terms of pay, grade, promotion potential, status, benefits, and geographic location to the employee's current position.
    - (b) Lower graded CG civilian positions within the local commuting area for which the employee qualifies, which officials have reason to believe will become vacant over the following 60 calendar days, if no equivalent positions are available that are within the same commuting area as the employee's current position.

(c) CG civilian positions, either equivalent or lower level, for which the employee qualifies, outside the employee's current commuting area. As with other reassignments not required by management, the CG, will not pay for relocation costs incurred by the employee, unless the position is normally recruitment with relocation cost reimbursement.

(3) In the case of multiple vacancies, while nothing prevents the CG from offering several reassignment opportunities, the CG is only obligated to offer one reassignment opportunity as a form of reasonable accommodation. If there are no vacant positions within the CG, a department-wide search within the Department of Homeland Security is to be conducted as a reasonable accommodation of last resort.

(a) When no vacant positions are located within CG, the decision maker must contact the Office of Civilian Workforce Management (CG-122) to initiate the process of locating vacancies in other DHS Components. (Ref: DHS Directive 259-01-001 of March 2021).

#### 5. Request for Medical Documentation.

a. When a Disability is Not Obvious. The decision maker is entitled to know that an employee or applicant has a covered disability that requires an accommodation when the individual requests an accommodation. In some cases, the disability, pregnancy, childbirth, or related medical conditions and the need for an accommodation will be obvious, or already known, to the decision maker. In these cases, the decision maker will not seek any further medical information. However, when a disability, pregnancy, childbirth, or related medical conditions and/or need for reasonable accommodation is not obvious, or otherwise already known to the decision maker, the individual may be required to provide reasonable medical documentation explaining the existence of the disability and the individual's functional limitations.

b. Determination of Necessary Medical Documentation. The decision maker will evaluate the request and make a determination as to whether medical documentation is necessary. If it is necessary, the decision maker will:

(1) Request information sufficient to substantiate that the individual has a covered disability and needs the reasonable accommodation requested but will not request unrelated documentation. The medical information should include the following:

(a) describe the nature, severity, and duration of the individual's disability,

(b) the activity or activities the impairment limits,

(c) their need for reasonable accommodation, and

- (d) how the requested accommodation, if any, will assist the individual in applying for the job, performing the essential functions of the job, or enjoying the benefits and privileges of the workplace.
  - (2) Seek documentation about the medical condition and/or functional limitations from the individual and/or ask the individual to obtain such information from an appropriate professional such as a doctor. In order to obtain the most helpful information, all requests for documentation should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The decision maker may consult with legal, and job accommodation resource offices, as needed, in determining its necessity and appropriateness.
- c. Information Must Be Sufficient. If the information provided by the employee's health professional or volunteered by the individual requesting the accommodation is insufficient to enable the decision maker to determine whether an accommodation is appropriate, the agency has a right to request relevant supplemental medical information to respond to the sufficiency requirements listed in section F(5)(b)(1) above.
  - (1) First, however, the decision maker will explain to the individual seeking reasonable accommodation, in specific terms: (i) why the information, which has been provided, is insufficient; (ii) what additional information is needed; and (iii) why the additional information is necessary for a determination on the reasonable accommodation request.
  - (2) The individual may then ask their health care professional or other appropriate knowledgeable professional to provide the additional information.
- d. Release for Consultation with Health Care Provider. The CG may ask the requestor to sign a release form allowing the CG to submit a list of questions to the individual's health care provider or otherwise contact the individual's health care provider to obtain additional information needed to process the request for reasonable accommodation.
- e. Determination of Sufficiency of Documentation. If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a covered medical condition and needs an accommodation, the decision maker reserves the right to obtain a second opinion to verify physician diagnoses and/or opinions. When determining whether a reasonable period of time has passed, the decision maker should consider factors such as the availability of the individual's medical provider, communications between the individual and the agency, or other factors that may contribute to a delay in obtaining the requested information.
- f. Unsolicited Medical Documentation. In some cases, the individual requesting the reasonable accommodation will supply medical documentation directly to the decision

maker without being asked. In these cases, the decision maker will consider such documentation, and if additional documentation is needed, the decision maker will work with the appropriate officials as set forth in this Section.

- g. Choice of Reviewing Medical Expert. If the decision maker is unable to evaluate the necessity of an accommodation based on the submitted medical documentation, they, working in conjunction with the CO/OIC and servicing HR specialist, will choose the medical expert to review the submitted medical documentation. Every effort will be made to choose a CG physician as the medical expert. If an outside physician is chosen, the cost of the review will be at CG's expense. The assessment by the medical expert may be used as a factor that helps determine the individual's medical condition and the effectiveness of possible accommodations. However, the medical expert's assessment is not to be construed as determinative and the individual's health care provider should be recognized as being more authoritative.
- h. Failure to Provide Necessary Medical Documentation. The decision maker must advise the employee or applicant who is requesting an accommodation that his or her failure to provide appropriate documentation or to cooperate in efforts to obtain such documentation can result in a denial of the reasonable accommodation request.

6. Confidentiality Requirements Regarding Medical Documentation Obtained in the Reasonable Accommodation Process.

- a. Confidentiality of Medical Documentation. Under the Rehabilitation Act and the PWFA, medical documentation obtained in connection with the reasonable accommodation process must be kept confidential regardless of whether the information was provided voluntarily or in response to a disability related inquiry. This means that all medical documentation, including information about functional limitations and reasonable accommodation needs that the CG obtains in connection with a request for reasonable accommodation, must be kept in locked files separate from the individual's personnel file. It also means that any CG employee who obtains or receives such information is strictly bound by these confidentiality requirements.
- b. Custody of Records. All records obtained by any individual over the course of the reasonable accommodation process will be maintained in accordance with the Privacy Act and the requirements of 29 C.F.R. § 1611. These records shall be destroyed once their purpose, which includes substantiating the need for a reasonable accommodation, has been fulfilled. Records shall be destroyed in accordance with agency policy.
- c. Disclosure of Records. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that pertain to it. This confidential medical information may be disclosed only as follows:
  - (1) A decision maker and any new supervisor of the employee may be told about necessary restrictions on the work or duties of the employee and about the

necessity of providing the reasonable accommodation, but medical information should only be disclosed if necessary.

- (2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- (3) Government officials may be given information necessary to investigate Coast Guard compliance with the Rehabilitation Act or the PWFA.
- (4) HR Specialists may require information in accordance with any pending personnel actions.
- (5) Agency EEO officials may be given the information to maintain records.

#### 7. Time Frame for Processing Requests and Providing Reasonable Accommodation.

- a. Time Frame Depends on Nature of Request. The time limit for providing or denying a reasonable accommodation starts as soon as the accommodation is first requested. The Coast Guard will process a request for reasonable accommodation and provide an accommodation, where appropriate, in as short a time frame as reasonably possible.
- b. Acknowledgement. The decision maker must send an acknowledgement of the request within five (5) business days of receipt to the employee and servicing CRSP in writing using the form CG-6080.
- c. Issuing a Decision. The maximum time permitted is 15 business days or 30 business days with a written notification to the servicing CRSP by the decision maker. If a decision is delayed beyond thirty (30) business days in making a determination, the reason(s) for the delay and the approximate timeframe for the response will be provided to the employee and servicing CRSP in writing.
- d. Providing the Reasonable Accommodation. Thereafter, the actual accommodation **should be provided as soon as possible, preferably within 45 days or less of the initial request**, unless there are extenuating circumstances. If additional time is needed to provide the reasonable accommodation, as required for issuing a decision on the request, the decision maker must also keep the employee and their servicing CRSP aware of the delay and provide the reason for the delay and an estimated timeframe for when the accommodation will be provided, if possible. Decision makers should not interpret the time frame to provide an accommodation as open-ended. When a particular reasonable accommodation can be provided quickly, failure to provide the reasonable accommodation in a prompt manner may result in a violation of the Rehabilitation Act or the PWFA. The Coast Guard recognizes, however, that the time necessary to process a request and provide a reasonable accommodation will depend on the nature of the reasonable accommodation requested and whether it is necessary to obtain supporting information.
  - (1) Tolling the Time. It is recognized that the need for medical documentation, to determine whether the requesting individual has a disability and/or to identify

the individual's functional limitations, may not become apparent until after the interactive process has begun. If the decision maker requests medical documentation, the timeline is paused from the time the requestor is informed that medical documentation is required. The decision-maker will not be expected to adhere to its usual timelines if an individual's health professional fails to provide needed documentation in a timely manner. The processing timeframe resumes when the medical documentation is provided to the decision maker. The timeline is not paused while the decision maker determines if medical documentation is needed.

- (2) If, before the medical documentation is provided, the decision maker determines that medical documentation is no longer needed, the decision maker must continue processing the request. If the medical documentation submitted is insufficient, the 15-30 business day period is paused again, and resumes when the additional medical documentation is provided.
- (3) Examples of reasonable accommodations that can easily be provided within this 15-30 business daytime frame include:
  - (a) An employee with diabetes works in an area where employees are prohibited from having food at their desks. The employee requires food or drink to adjust their blood sugar. An exception to accommodate the employee may be made immediately.
  - (b) An employee with a learning disability asks that an agenda, which his supervisor distributes at the beginning of each staff meeting, be distributed ahead of time because his learning disability makes it difficult to read and the employee needs more time to prepare.

e. Expedited Processing. In certain circumstances, including the examples listed below, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than 15-business days.

- (1) To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job. Therefore, the decision maker needs to move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.
- (2) To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five business days. In these instances, the following should be completed:
  - (a) If no supporting medical documentation is required and no extenuating circumstances apply, a request for reasonable accommodation must be



processed and the reasonable accommodation, if granted, provided in no more than five business days from the date the decision maker receives the request, but sooner, if possible. Failure to meet this time frame solely because a decision maker delayed processing the request is not an extenuating circumstance.

- f. Extenuating Circumstances. These are factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. The decision maker must notify the servicing CRSP, in writing of the reason for the delay and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. The decision maker must also notify the individual of the need for more time and expected date of decision or provision of the reasonable accommodation. Any further developments or changes should also be communicated promptly to the requester and servicing CRSP. Extensions based on extenuating circumstances must be limited to circumstances where they are strictly necessary. All decision makers are expected to act as quickly as reasonably possible in processing requests and providing reasonable accommodation. If there is a delay in providing a reasonable accommodation that has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee until the approved reasonable accommodation can be provided. The following are examples of extenuating circumstances:

- (1) There is an outstanding initial or follow-up request for medical documentation or the CO/OIC is evaluating medical documentation that has been provided;
- (2) The accommodation requires new staff to be hired or contracted or an accommodation involves the removal of architectural barriers; and
- (3) Acquisitions must be made as soon as reasonably possible. If the acquisition authority believes that there is a policy or law against providing a reasonable accommodation, they must raise the matter with an appropriate authority immediately. Failure to provide a reasonable accommodation due to a mistaken understanding of law could result in a violation of the Rehabilitation Act or PWFA. These are some examples of extenuating circumstances involving acquisitions:
  - (a) The purchase of equipment may take longer than 30 business days because of requirements under Federal Acquisition Regulations and/or DHS acquisition policies and procedures.
  - (b) Equipment must be backordered, the vendor typically used by the Coast Guard for goods or services has unexpectedly gone out of business or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(c) The employee with a disability needs to work with the equipment on a trial basis to ensure that it is effective before the Coast Guard purchases it.

g. Accommodation on a Temporary Basis. The Agency must consider granting temporary or interim accommodations, where possible, during the interactive process while assessing effective long-term accommodations. In addition, when all the facts and circumstances known to the decision-maker make it reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately, the agency shall provide the individual with an interim accommodation. The employee must be clearly informed that they are being provided accommodation only on a temporary, interim basis. Examples include:

- (1) There may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the decision maker might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.
- (2) If there is a delay, which is attributable to the need to obtain or evaluate medical documentation and a determination has not been made that the individual is entitled to a reasonable accommodation, the Coast Guard may provide an accommodation on a temporary basis. In such a case, the decision maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the reasonable accommodation request. The decision maker must ensure that such temporary measures do not replace long-term reasonable accommodation and that all necessary steps to secure the long-term reasonable accommodation are being taken.

#### 8. Granting of a Reasonable Accommodation Request.

- a. As soon as the decision maker determines that a reasonable accommodation will be provided, that decision should be communicated to the requestor and the CO/OIC, absent extenuating circumstances, within 15 business days (30 business days maximum) of the request, using the Reasonable Accommodation or Personal Assistance Service Decision and Reporting Form (CG-6081). Any decision on a request not made within fifteen (15) business days will be annotated with a reason as to why the request is not approved/modified or denied.
- b. Reasonable accommodations must be handled expeditiously and provided swiftly once approved in order to avoid potential harm to the requesting individual.
- c. If the reasonable accommodation cannot be provided immediately or within 45 business days of receipt of the initial request, the decision maker must inform the individual, CRSP and the CO/OIC, in writing, of the projected time frame for providing the reasonable accommodation.

9. Denial of a Reasonable Accommodation Request.

- a. As soon as the decision maker determines that a request for a reasonable accommodation will be denied, they must complete the Reasonable Accommodation or Personal Assistance Service Decision and Reporting Form (CG-6081). The decision maker must inform the requestor and the CO/OIC, in writing, within 15-30 business days of the request, absent extenuating circumstances, of the denial. The explanation for the denial should be written in plain language clearly stating the specific reasons for the denial and, when requested, in an accessible format.
- b. Where the decision maker has denied a specific requested accommodation, but offered an alternate accommodation, the denial notice should explain the reasons for denying the requested accommodation and why the decision maker believes the alternate accommodation would be effective.
- c. Reasons for the denial of a request for a reasonable accommodation may include the examples listed below. Keep in mind that the actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship:
  - (1) The requested accommodation would not be effective.
  - (2) Providing the requested accommodation would result in undue hardship. Before reaching this determination, the decision maker must have explored other effective accommodation options that would not impose undue hardship and, therefore, could be provided. A determination of undue hardship means that the Coast Guard finds a specific accommodation would be prohibitively costly, extensive, substantial, or disruptive, or that it would fundamentally alter the nature or operation of business. When considering costs, the Equal Employment Opportunity Commission (EEOC) considers the overall impact to DHS, not the costs to a specific Coast Guard unit. Decision-makers must consider all resources available to the agency as a whole, excluding those designated by statute for specific purposes that do not include reasonable accommodation, before making a denial due to cost. Contact the servicing CRSP for possible resources. Determinations of undue hardship must be favorably endorsed by the servicing Legal office.
  - (3) Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
  - (4) The requested accommodation would require the removal of an essential job function.
  - (5) The requested accommodation would require the lowering of a performance or production standard.

d. The written notice of denial also informs individuals that they have the right to file an EEO complaint within 45 calendar days of the decision and may have rights to pursue administrative or negotiated grievance procedures.

(1) The written denial **must** include instructions on how to file an EEO complaint and explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process.

(2) The decision maker must review applicable collective bargaining agreements and the administrative grievance procedure to determine if grievance procedures apply. The written notice of denial must also explain procedures for informal dispute resolution. Inaction on the part of the decision maker in processing a reasonable accommodation request will be considered a denial of the request.

10. Request for Reconsideration. If individuals do not agree with the denial, they may submit a request for reconsideration to the decision maker's supervisor, in writing, within five business days of receiving the written notice of denial. Individuals may present additional information in support of their request for reconsideration. The new decision maker must decide whether to uphold the denial or reverse their decision within five business days. A response will be issued to the requestor, as well as to the servicing CRSP, within 10 business days of receipt of the request for reconsideration. Pursuing dispute resolution procedures, including seeking a request for reconsideration, does not affect the time limits for initiating statutory and collective bargaining claims. The participation of individuals in any dispute resolution process does not satisfy the requirements for bringing a claim under EEO, administrative, or negotiated grievance procedures.

11. Appeals to the PWDP Manger

a. If the second decision maker does not reverse the denial decision on reconsideration, requestors may submit an appeal of the decision, in writing, to the PWDP Manager within 10 business days of receiving the reconsideration decision.

b. Before issuing a decision, the PWDP Manager may discuss the requested accommodation with the individual and the decision maker. The PWDP Manager may request medical documentation or other documentation to support a decision. If the PWDP Manager determines that the individual or decision maker did not adequately attempt the reasonable accommodation process before the appeal, they may be informed of the specific deficiencies, and encouraged to re-attempt the reasonable accommodation process. The PWDP Manager will generally issue a response to individuals within 10 business days of receipt of the appeal. If re-attempt of the reasonable accommodation process is unsuccessful, the individual may once again appeal the decision to the PWDP Manager, in writing, within 10 business days of the last interaction with the decision maker. The PWDP Manager will once again ensure that the reasonable accommodation process was adequately followed. If the

reasonable accommodation process was not adequately attempted, further attempts will be encouraged, as stated above. This cycle will be initiated and repeated unless:

- (1) The PWDP Manager determines that further progress is no longer possible between the individual and the decision maker; or
  - (2) No deficiencies in the reasonable accommodation process are found.
- c. If either criterion above is met, the PWDP MANAGER shall issue a decision granting or denying the accommodation within 15 business days. The PWDP MANAGER's decision is determinative and representative of the agency's final response regarding the request.
- d. Determination of Appropriateness of Documentation. If an appeal of the reasonable accommodation denial has been made, the PWDP Manager may inform the decision maker whether the medical documentation demonstrates that a reasonable accommodation is appropriate and provide, if necessary, any additional information about the individual's functional limitations.
- e. Pursuing dispute resolution procedures, including seeking a request for reconsideration or an appeal, does not affect the time limits for initiating statutory and collective bargaining claims. The participation of individuals in any dispute resolution process does not satisfy the requirements for bringing a claim under EEO, or administrative, or negotiated grievance procedures. Information regarding submission of an appeal is outlined on the Reasonable Accommodation or Personal Assistance Service Decision and Reporting Form, CG-6081.
12. Procurement of Reasonable Accommodation. Reasonable accommodations shall be procured using the unit's normal procurement procedures.
- a. Leaders of Coast Guard units or staff supervisors, who are aware of approved reasonable accommodations, are responsible for ensuring that those procurements are processed within 10 business days of approval, and for maintaining all relevant documentation as proof of processing.
  - b. The supervisor of the requesting individual must keep the requestor abreast of the status of the purchase of approved reasonable accommodation items, from approval to receipt and installation.
  - c. Reasonable accommodation procurements should use Project ID: REASONABLEACCOM. This project ID is tracked by CRD and must not be used in a blanket manner, but only for officially approved reasonable accommodation purchases.
  - d. Financial personnel may be informed that the procurement is for reasonable accommodation purposes, but they are not entitled to other information, including the nature of the condition, the specific reasonable accommodation granted, or the essential functions and duties affected. Forms CG-6079, CG-6080, and CG-6081,

shall not be provided to financial personnel to substantiate the need for procurement. However, if required, decision makers may provide documentation, such as a memorandum or email, substantiating that the individual needs the item procured for purposes of an approved reasonable accommodation.

e. If not placed on form CG-6081, decision makers will report the final cost of a reasonable accommodation to their servicing CRSP.

13. Accommodations are for Employees and Applicants, not Contractors. Generally, contractors are not considered employees of the agency and, therefore, are not entitled to reasonable accommodation by the agency. Contractors seeking reasonable accommodation must go through their employer (in most cases, the contracting agency) to request and obtain reasonable accommodation. However, the agency shall work with the contracting agency to support providing reasonable accommodation, if necessary. If there is a question regarding whether a contractor is considered an employee of the agency, decision makers shall reach out to their local legal services.

#### G. Personal Assistance Services (PAS).

1. Legal Requirement. The EEOC amended 29 C.F.R. § 1614.203, the regulation that provides implementation of Section 501 of the Rehabilitation Act of 1973. This law prohibits the Federal Government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for persons with disabilities. This amendment requires the Coast Guard to provide PAS to persons with targeted disabilities, in addition to other reasonable accommodations, unless doing so would impose an undue hardship on the agency.
2. PAS for Daily Living. PAS is a government term for providing help with performing activities of daily living that an individual would typically perform if not for the disability. Some examples include assistance with removing and putting on clothing, eating, using the restroom, pushing a wheelchair, or entering and exiting vehicles or worksites.
3. PAS Do Not Include Assistance with Job Functions. PAS do not help individuals with targeted disabilities perform their specific job functions, such as reviewing documents or answering questions that come through a call-in center. PAS differ from the typical “reasonable accommodations” discussed in the beginning of this chapter that help individuals perform job-related tasks, such as providing a sign language interpreter or a reading aide, as illustrated in the table below. However, an individual with a targeted disability can need and receive both a PAS and a reasonable accommodation. For example, a paraplegic employee may need a reasonable accommodation to use speech to text software, and a PAS to assist with eating.

Typical Reasonable Accommodations:	Personal Assistance Services:
<ul style="list-style-type: none"> <li>• It is a non-discrimination requirement under the Rehabilitation Act and PWFA.</li> <li>• It provides job-related services to enable persons with covered medical conditions to perform job and employment functions.</li> <li>• It provides reasonable accommodations to perform job duties, such as: special software, sign language interpreters, ergonomic keyboards and chairs, and mobility devices.</li> </ul>	<ul style="list-style-type: none"> <li>• It is an Affirmative Action obligation that goes beyond non-discrimination requirements under the Rehabilitation Act.</li> <li>• It enables persons with targeted disabilities to participate in the workforce.</li> <li>• It does not provide services to allow persons with disabilities to complete job-related functions.</li> <li>• It provides assistance with activities of daily living, such as: removing and putting on clothing, eating, and using the restroom.</li> </ul>

**Table 6-1: Typical Reasonable Accommodations v. Personal Assistance Services**

4. Eligibility. The Coast Guard is only required to provide PAS to an individual if:
  - a. the individual is an employee of the agency;
  - b. the individual has a targeted disability;
  - c. the individual requires the services because of his or her targeted disability;
  - d. the individual is able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and
  - e. providing PAS will not impose undue hardship on the agency.
  
5. PAS Request Process. The process for a PAS request and a reasonable accommodation request are the same. Furthermore, both processes utilize the same forms. The reasonable accommodation request process is discussed earlier in this chapter.
  
6. Denial of PAS. The Coast Guard is only required to provide PAS to requesting employees who are entitled to them under the regulation. As such, the Coast Guard can deny PAS requests when:
  - a. The requestor is not an employee of the agency.
  - b. The requestor does not have a targeted disability.
  - c. The targeted disability does not create a need for PAS.
  - d. The requestor is not able to perform the essential functions of the job, even with PAS and any reasonable accommodations.

- e. The requestor would create a direct threat to safety on the job, even with PAS and any reasonable accommodations.
  - f. Providing PAS would impose undue hardship on the agency.
7. Confidentiality. PAS information is protected under the Privacy Act. All information must be kept confidential and released only to those with a need to know. PAS information, like any other medical information must be secured in a locked cabinet and separate from the employee's personnel file.

H. Accommodations for Public Facing Activities.

1. Obligation to Provide Accommodation for Public Facing Activities. USCG is committed to supporting the full inclusion and equal opportunity for persons with disabilities in its programs and activities, as stated by Section 504 of the Rehabilitation Act of 1973. This section states that "No otherwise qualified individual with a disability in the United States... shall, solely, by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency..."
  2. Processing. Although the requestor is not an employee or applicant, the procedures outlined for the reasonable accommodation process of this chapter should be followed as closely as possible. Namely, the command must acknowledge the request, engage in the interactive process with the requestor, and make a final determination. The CG-6079, CG-6080, and CG-6081 forms shall be used. The request and its results will be reported in the same fashion as a request for reasonable accommodation.
  3. Fulfilling the request. When addressing Section 504 requests, the solution will most likely be global in nature as opposed to specifically tailored to an individual. For example, installation of a ramp would be for the benefit of the requestor as well as any other individual with a disability that requires its use. When filling out the CG-6081, the decision maker must notate that it was a Section 504 request.
- I. Information Tracking and Reporting. Reasonable accommodations and PAS shall be tracked and reported.
1. Form Requirements. The decision maker must report all reasonable accommodation requests, granted, and denied, to the servicing CRSP. The decision maker must complete the Reasonable Accommodation or Personal Assistance Service Decision and Reporting Form (CG-6081) and submit a copy to the requesting employee and to the servicing CRSP within five business days of the decision. Information received by the decision maker as part of processing the request must be maintained locally for a period of five years or the length of the employee's tenure, whichever is greater, by the decision-maker.
  2. Tracking. Employees and Applicants may track the processing of requests for reasonable accommodation by contacting the decision-maker, servicing CRSP or human resources,



where applicable. However, updates will also be provided within the time frames stated in this policy.

3. Record Maintenance. The PWDP Manager will maintain report records for the length of the employee's tenure with the Coast Guard or five years, whichever is greater, to ensure the agency is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 and to make such records available to the EEOC upon request.
4. Reasonable Accommodation Report. The servicing CRSP will prepare monthly reports on reasonable accommodation requests, approvals, and denials, and forward it to the PWDP Manager. The PWDP Manager will annually prepare a consolidated Coast Guard-wide report, to be submitted to CRCL, which will be made available to all employees. This report will contain the following information and are reported to the Department's Civil Rights Office:
  - a. The number of reasonable accommodation requests, by type, which have been requested during the application process and whether those requests have been granted or denied.
  - b. The jobs, including occupational series and grade level codes, for which reasonable accommodations have been requested.
  - c. If the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment.
  - d. The types of reasonable accommodation that have been requested for each of those jobs.
  - e. The number of reasonable accommodation requests, by type, for each job that have been approved.
  - f. The number of reasonable accommodation requests, by type, for each job, that have been denied.
  - g. The number of requests for reasonable accommodation, by type, that relate to the benefits or privileges of employment and whether those requests have been granted or denied.
  - h. The reasons for denial of requests for reasonable accommodation.
  - i. The amount of time taken to process each request for reasonable accommodation.
  - j. The sources of technical assistance that have been consulted in trying to identify possible provisions of reasonable accommodation.
  - k. The identity of the deciding official for each reasonable accommodation request.

- l. A qualitative assessment of the Coast Guard reasonable accommodation policy and procedures, and recommendations for improvement.
  - m. The cost of each request for reasonable accommodation.
  - n. The timelines related to each request for reasonable accommodation, such as timeliness of medical documentation requests, procurements, final determinations, and acknowledgments.
- J. Coast Guard Mobility Program. The Coast Guard Mobility Program is administered by the Civil Rights Directorate, and provides Coast Guard members, applicants, and visitors with temporary mobility accommodations such as motorized scooters and wheelchairs, while on Coast Guard facilities. Mobility accommodations are ideal for individuals recovering from surgery, illness, or injury. Mobility accommodations allow individuals to return to work earlier than otherwise possible, to move around Coast Guard facilities, and to attend meetings or events. Mobility devices are available at Coast Guard Headquarters and some other Coast Guard field locations and are not permitted to leave Coast Guard facilities. Devices requested through the Coast Guard Mobility Program are for short-term usage and may be assigned up to 60 days, if required. They are available on a first-come, first-served basis and are subject to availability. Extensions may be granted, depending on availability. The Mobility Coordinator for the servicing area will provide the requestor with information about the program, process (including how to obtain an application), user responsibilities, orientation, and guidelines on the safety and operations of the device. Interested individuals may contact their servicing CRSP for information.
- K. Reasonable Accommodation Definitions.
1. Accessible. Enter, operate, participate in, or use safely, independently and with dignity by an individual with a disability (i.e., site, facility, work environment, service, or program).
  2. Appeal Process. Any voluntary mechanism through which an individual can request reconsideration of a denial of a reasonable accommodation, regardless of whether the person has entered the EEO complaint process.
  3. Decision Maker. The individual who makes the decision for a requested accommodation. This role can be fulfilled by an HR manager (for applicants only), an employee's immediate supervisor/manager, or a manager within the employee's chain of command. For guidance, the decision maker may consult with the Coast Guard medical expert, HR, Legal, or their servicing CRSPs.
  4. Denial. Decision maker makes an informed decision to deny the employee's specific reasonable accommodation and either does not offer an alternate in its place, or the alternate accommodation that is offered is declined by the employee.
  5. Disability. For the purposes of providing a reasonable accommodation, "disability" is defined as a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; a record (or past history) of such an impairment; or being regarded as having such an impairment.

6. Essential Functions. The fundamental job duties of the position the individual with a disability holds or desires. It does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to: (i) the reason the position exists is to perform that function; (ii) there are a limited number of employees available among whom the performance of that job function can be distributed; and/or (iii) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function. Evidence of whether a particular function is essential includes, but is not limited to: (i) the employer's judgment as to which functions are essential; (ii) written job descriptions prepared before advertising or interviewing applicants for the job; (iii) the amount of time spent on the job performing the function; (iv) the consequences of not requiring the incumbent to perform the function; (v) the terms of a collective bargaining agreement; and/or (vi) the work experience of similar jobs.
7. Extenuating Circumstances. Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation (e.g., identified software is not compatible with existing equipment).
8. Granted. The decision maker makes an informed decision to approve the employee's specific reasonable accommodation request or offers an alternative accommodation that is accepted by the employee.
9. Individual with a Disability. An individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
10. Interactive Process. An informal process for clarifying the individual's needs and identifying the appropriate reasonable accommodation. The EEOC requires the decision maker to meet with the employee if they need additional information before granting the reasonable accommodation, or if the supervisor is considering an alternative.
11. Major Life Activities. Major life activities include, but are not limited to: (i) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and (ii) the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. In determining other examples of major life activities, the term "major" shall not be interpreted strictly to create a demanding standard for disability. Whether an activity is a "major life activity" is not determined by reference to whether it is of "central importance to daily life."
12. Personal Assistance Services. Assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not

otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, using the restroom, pushing a wheelchair, or assisting someone with entering or exiting a vehicle or worksite.

13. Physical or Mental Impairment. A physical or mental impairment includes: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or (2) any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
14. Pregnancy, childbirth, or related medical conditions. “Pregnancy” and “childbirth” include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy; labor; and childbirth (including vaginal and cesarean delivery). “Related medical conditions” are medical conditions which relate to, are affected by, or arise out of pregnancy or childbirth, as applied to the specific employee or applicant in question.
15. Qualified Individual. The individual with the disability satisfies the requisite skill, experience, education, and other job-related requirements of the position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.
  - a. Qualified Individual With a Disability: The individual with the disability satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.
  - b. Qualified Individual Under the PWFA: An employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position. Additionally, an employee or applicant shall be considered qualified if they cannot perform one or more essential functions if:
    - (i) Any inability to perform an essential function is for a temporary period, where “temporary” means lasting for a limited time, not permanent, and may extend beyond “in the near future”;
    - (ii) The essential function(s) could be performed in the near future, where “in the near future” means the ability to perform the essential function(s) will generally resume within forty weeks of its suspension; and
    - (iii) The inability to perform the essential function can be reasonably accommodated. This may be accomplished by temporary suspension of the essential function(s) and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position

and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

16. Reasonable Accommodation (under the Rehabilitation Act).

- a. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires.
- b. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a covered medical condition to perform the essential functions of that position.
- c. Modifications or adjustments that allow a Coast Guard employee with a covered medical condition to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without those covered medical condition.
- d. Reasonable accommodation may include but is not limited to: (i) making existing facilities used by employees readily accessible to and usable by persons with disabilities; (ii) job restructuring; (iii) part-time or modified work schedules; (iv) reassignment to a vacant position; (v) acquisition or modifications of equipment or devices; (vi) appropriate adjustment or modifications of examinations, training materials, or policies; (vii) the provision of qualified readers or interpreters; and (viii) other similar accommodations for persons with disabilities.
- e. To determine the appropriate reasonable accommodation, it is necessary for Coast Guard responsible officials to initiate an informal, interactive process with the individual with a covered medical condition in need of the reasonable accommodation. This process should identify the precise limitations resulting from the covered medical condition and potential reasonable accommodations that could overcome those limitations.

17. Reassignment. Reasonable accommodation of last resort, that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to funded vacant positions and for employees who are qualified to fill and are willing to accept the vacant position. If the employee is qualified for the position, they will be reassigned to the position and will not have to compete. If they decline a valid reassignment offer, the case must be referred to the servicing HR specialist in the Office of Civilian Workforce Relations (CG-124) with all relevant documentation to begin the process of separating the individual from federal employment.

18. Regarded as Having an Impairment. An individual is: “regarded as having an impairment” if the individual is believed to have a physical or mental impairment that substantially limits a major life activity, even if the individual does not.
19. Targeted Disability. Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act. The federal government has recognized that qualified persons with certain disabilities face significant barriers to employment, which for some people may include lack of access to PAS in the workplace, that are above and beyond the barriers faced by people with the broader range of disabilities. The federal government calls these “targeted disabilities.” A list of targeted disabilities can be found on the Office of Personnel Management Standard Form 256 at [https://www.opm.gov/forms/pdf\\_fill/sf256.pdf](https://www.opm.gov/forms/pdf_fill/sf256.pdf). Note, however, that not everyone with a targeted disability will be entitled to PAS under the new regulations, because only some persons with targeted disabilities require assistance with basic activities such as eating and using the restroom. Medical conditions that are more likely to result in the need for PAS include, for example, missing limbs or paralysis due to spinal cord injury.
20. Undue Hardship. Undue hardship means significant difficulty or expense and focuses on the resources and circumstances of the particular employer 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. An employer must assess, on a case-by-case basis, whether a particular reasonable or religious accommodation would cause undue hardship. In determining whether an accommodation would impose an undue hardship on Coast Guard, factors to be considered include: (i) the nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources; (iii) the overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities; (iv) the type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and (v) the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility’s ability to conduct business.