

CHAPTER 6 REASONABLE ACCOMMODATION AND PERSONAL ASSISTANCE SERVICES FOR QUALIFIED PERSONS WITH DISABILITIES

- A. Introduction. This chapter addresses Coast Guard policies, procedures, and responsible parties for meeting reasonable accommodation needs for qualified employees and applicants for employment with disabilities. It also provides guidance on the requirements to provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act of 1973 as amended.
- B. 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 to participate in the job application process, to perform the essential functions of a job, 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; reassignment to a vacant position; adjusting or modifying examinations, training materials, or policies; providing readers and interpreters; making the workplace readily accessible to and usable by persons with disabilities.
 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; 29 C.F.R. Part 1614.203(d); and 29 C.F.R. Part 1630. Although many persons with disabilities 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 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 functions are performed. The reasonable accommodation process attempts to remove workplace barriers for persons with disabilities.
 3. Reasonable Accommodation Policies Applicable to Civilian Members. It is the policy of the Coast Guard to provide reasonable accommodation to all civilian employees or applicants for employment with a qualified disability within the defined scope and limitations of the law. Reasonable accommodation should be provided to qualified persons with disabilities, unless doing so poses a direct threat to the requestor 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. Part 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. Part 1614.203(b).
- C. 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 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 Civil Rights Service Provider (CRSP) of any civil rights concerns or issues when they arise. The specific roles and administrative responsibilities of Coast Guard employees are addressed below.
1. Specific Administrative Responsibilities.
 - a. Director, Civil Rights Directorate, Commandant (CG-00H). The Director, Civil Rights Directorate (CRD) is responsible for implementing the Coast Guard Persons with Disabilities Program (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 specialists, CRSP, 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 Human Resources Specialists and Office of General Law Representatives, if applicable, are consulted regarding their role in the reasonable accommodation process.
- b. National Persons with Disabilities Program Manager. The national Persons with Disabilities Program (PWDP) Manager is specifically responsible for:
 - (1) Administering the reasonable accommodations program Coast Guard-wide.
 - (2) Serving as the deciding official on appeal of denial of reasonable accommodation requests.
 - (3) Maintaining records on all reasonable accommodation requests.
 - (4) Submitting a consolidated report on reasonable accommodation requests and activities to the Department of Homeland Security Office of Civil Rights and Civil Liberties (DHS CRCL).
 - (5) Engaging and informing the workforce regarding the Persons with Disabilities program.
 - c. Civil Rights Service Provider (CRSP). The CRSPs will advise personnel on the reasonable accommodation process and submit quarterly reports on reasonable accommodation requests or denials to the PWDP Manager.
 - d. Civilian Human Resources, Diversity and Leadership Directorate (CG-12). The Civilian Human Resources, Diversity and Leadership Directorate (CG-12) is responsible for:
 - (1) Ensuring that all vacancy announcements inform qualified applicants with disabilities that reasonable accommodation may be requested.
 - (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.
 - (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 Portal are made available to new employees and supervisors.
 - e. Commanding Officer/Officer in Charge. The CO/OIC is specifically responsible for:

- (1) Consulting with appropriate agency representatives for assistance on reasonable accommodation issues: Civil Rights Service Providers, Human Resources Specialists, Medical Officers, and/or Attorney-Advisors.
 - (2) Submitting completed reasonable accommodation request forms and associated records to the servicing CRSP within 10 business days subsequent to the resolution of a reasonable accommodation request.
- f. First Level Supervisor. The First Level Supervisor is specifically responsible for:
- (1) Serving as the decision maker.
 - (2) Seeking guidance, as necessary, from appropriate sources, which include their servicing CRSP, CO/OIC, human resources specialists, medical officers, and attorney-advisors.
 - (3) Determining that the request is in fact a reasonable accommodation request.
 - (4) Acknowledging and responding, in writing, within 5 business days, using Acknowledgement of Reasonable Accommodation Request, Form CG-6080, to oral and written requests for accommodation.
 - (5) Determining the necessity of obtaining medical documentation and determining its sufficiency for the processing of reasonable accommodation requests.
 - (6) Determining, with appropriate guidance, if the requester is a qualified individual with a disability.
 - (7) Communicating with the requester regarding the type of accommodation needed and whether or not it would enable the requester 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.
 - (8) Transmitting a written decision to the requestor within 15 business days unless extenuating circumstances dictate otherwise, and ensuring that the individual requesting the accommodation is informed of the reasons for delay.
 - (9) Maintaining confidentiality to the extent practicable.
- g. Employees with Disabilities. Employees with disabilities are specifically responsible for:
- (1) Requesting an accommodation from their first level supervisor, either orally or in writing, describing, 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.
 - (2) Providing medical documentation of the disabling condition, upon request.

- (3) Engaging in the interactive process during the processing of the reasonable accommodation request.
 - (4) Appealing the denial of a reasonable accommodation request, if applicable, to the national PWDP Manager within 10 business days of notification of the denial of the request.
2. Form Availability. The following forms are available on the USCG Electronic Forms Database at the web addresses below, or by contacting a servicing CRSP:
- a. Request for Reasonable Accommodation, Form CG-6079.
https://cg.portal.uscg.mil/sites/externaldata/Forms/CG_6079.PDF
 - b. Acknowledgement of Reasonable Accommodation Request, Form CG-6080.
https://cg.portal.uscg.mil/sites/externaldata/Forms/CG_6080.PDF
 - c. Reasonable Accommodation Decision and Reporting Form CG-6081.
https://cg.portal.uscg.mil/sites/externaldata/Forms/CG_6081.PDF
3. Resources. The following resources are available to assist employees and supervisors with reasonable accommodations:
- a. 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.
 - b. 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.
 - c. Computer/Electronic Accommodations Program provides assistive technology and accommodations to support persons with disabilities, and wounded, ill, and injured service members throughout the Federal Government, in accessing information and communication technology. Information is available on their website at www.cap.mil.
 - d. Department of Transportation Disability Resource Center (DRC) provides job accommodations and related services to employees and job applicants. The Coast Guard and DRC maintain a service agreement to provide accommodations such as interpretive services and personal assistance services, at no cost. Information is available on their website at www.transportation.gov/drc.

D. Processing Reasonable Accommodation Requests.

- 1. Requests for Reasonable Accommodation.
 - a. Who May Request an Accommodation. Qualified individuals with disabilities who are employees or applicants for employment may request a reasonable accommodation. Reasonable accommodations may be requested by qualified

employees regardless of whether they work part-time or full-time, or are considered “probationary.”

- (1) 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.
 - (2) A family member, health professional, or other representative acting on a requester’s behalf may request an accommodation on behalf of a Coast Guard civilian employee or job applicant. To the extent possible, the individual with a disability should be contacted to confirm that he/she is in fact seeking a reasonable accommodation. The individual may refuse to accept an accommodation that is not needed. See Third Party Request in this section for more information.
- b. How to Submit a Request. A request for a reasonable accommodation is a statement from an employee or applicant for employment that, as a result of a medical condition, the individual needs an adjustment or change in the application process, in their job, or in a benefit or privilege of employment. The reasonable accommodation process begins as soon as the request for accommodation is made either orally or in writing. Management must immediately begin processing a request for accommodation, and should not wait to confirm or acknowledge the request with the requestor before acting on the request. A request 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 he/she needs USCG to provide or to change something because of a medical condition. A supervisor, manager, or the PWDP Manager should ask an individual whether he/she is requesting a reasonable accommodation if the nature of the initial communication is unclear. Persons with disabilities may request a reasonable accommodation whenever they choose, even if they have not disclosed the existence of a disability and need not have a particular 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 human resources specialist or CRSP.
2. Acknowledging Requests for Record Keeping Purposes.
- a. Acknowledging Requests. To enable the Coast Guard to keep accurate records regarding requests for accommodation, the person to whom the employee or applicant made the oral request for reasonable accommodation must follow up on the oral request by completing the “Acknowledgement of Request for Reasonable Accommodation,” Form CG-680, or otherwise confirming the request by email.
 - b. Recurring Requests. A written acknowledgement is not required when an individual needs a reasonable accommodation on a repeated 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 each time the accommodation is needed.

3. Determining Who Will Process the Request.

- a. Decision Maker. The person who processes the request for reasonable 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 Human Resources 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.
- 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 reasonable accommodation requests. The decision maker must ensure that persons with disabilities are informed about who has been designated as his/her 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 a reasonable accommodation, the 15 business day timeframe to make a decision begins. If additional information is needed in order to make a decision, the decision maker must engage with the requester. This is called the interactive process. During the interactive process, the individual requesting the accommodation and the decision maker interact to determine what, if any, accommodation should be provided, or to explore alternatives.
- b. Communication. Communication is a priority throughout the entire process. This involves the decision maker and the requesting employee or applicant taking a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee or applicant requesting the accommodation must participate in the process of identifying an effective accommodation.

(1) As a first step in the process the decision maker will:

- (a) Inform the applicant or employee with a disability that he/she is the decision maker for the reasonable accommodation process;
- (b) Describe the details of the accommodation request process. This initial discussion should happen as soon as possible.

(2) In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. The decision maker and requesting individual 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, problem, or barrier is unclear; an effective 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 disability 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 accommodation as soon as it is practicable. The individual may refuse to accept an accommodation that is not needed.
- d. Importance of Communication in Unclear Situations. Ongoing communication is particularly important, especially in the event that the specific limitation, problem, or barrier is unclear; an effective accommodation is not obvious; or the parties are considering different solutions for providing reasonable accommodation. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the decision maker and requesting individual should maintain communication to ensure that there is a full and complete exchange of relevant information.
- e. Confidentiality. The decision maker or any other Coast Guard 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 Human Resources) only when the agency officials need to know the information in order to make determinations about the reasonable accommodation request.
- f. Request for Reassignment. There are specific considerations in the interactive process when responding to a request for reassignment:
- (1) Reassignment should only be considered if no reasonable accommodation is available to enable the individual with a disability to perform the essential functions 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 separating the employee from federal service.
 - (2) Reasonable efforts should be made in considering whether there are funded vacant positions available for reassignment; the decision maker should work with the appropriate servicing Human Resources Specialist and the employee requesting the accommodation to identify placement opportunities. Placement opportunities include:
 - (a) Coast Guard 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 level Coast Guard 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) Coast Guard 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 Coast Guard will not pay for relocation costs incurred by the employee.
- (3) In the case of multiple vacancies, while nothing prevents the Coast Guard from offering several reassignment opportunities, the Coast Guard is only obligated to offer one reassignment opportunity as a form of accommodation. If there are no vacant positions within the Coast Guard, a Department-wide search within the Department of Homeland Security is to be conducted as a reasonable accommodation of last resort. An employee must be qualified for the vacant position, with or without reasonable accommodation. Reassignment as a form of reasonable accommodation can only be offered to Coast Guard civilian employees and is not available as an accommodation for job applicants.
- (4) When no vacant positions are located within Coast Guard, 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 259-001-02 of Sep 2016).

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 a reasonable accommodation when the individual requests a reasonable accommodation. In some cases, the disability and the need for 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 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.
 - (2) Seek documentation about the disability 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 all necessary servicing CRSPs, legal, and job accommodation resource offices 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, further information may be requested.
- (1) First, however, the decision maker will explain to the individual seeking 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 Doctor. The decision maker may request that the individual requesting the accommodation sign a limited release form so that the agency may, thereafter, submit a list of specific questions to the individual's health care provider, or may otherwise contact the individual's doctor, if additional information is needed to process the accommodation request.
- 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 disability and needs a reasonable accommodation, the decision maker reserves the right to obtain a second opinion to verify physician diagnoses and/or opinions. In determining when a reasonable period of time has passed, the decision maker should consider factors such as the availability of the requestor's medical provider, communications between the requestor and the agency, or others factors that may contribute to a delay in obtaining the requested information.
- f. Unsolicited Medical Documentation. In some cases, the individual requesting the 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 RA based on the submitted medical documentation, she/he, working in conjunction with the CO/OIC, and servicing human resources Specialist, will choose the medical expert to review the submitted medical documentation. Every effort will be made to choose a Coast Guard physician. If an outside physician is chosen, the cost of the review will be at Coast Guard's expense. The agency medical expert assessments may be used as a factor in determining the medical condition, and the reasonable accommodation options. However, this medical expert's assessment is not solely determinative.
 - h. Failure to Provide Necessary Medical Documentation. The decision maker must advise the employee or applicant who is requesting a reasonable 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 request.
6. Confidentiality Requirements Regarding Medical Documentation Obtained in the Reasonable Accommodation Process.
- a. Confidentiality of Medical Documentation. Under the Rehabilitation Act, 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 question. This means that all medical documentation, including information about functional limitations and reasonable accommodation needs that the Coast Guard obtains in connection with a request for reasonable accommodation, must be kept in files separate from the individual's personnel file. It also means that any Coast Guard employee who obtains or receives such information is strictly bound by these confidentiality requirements.
 - b. Custody of Records. The PWDP Manager will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and the requirements of 29 C.F.R. Part 1611.
 - c. Disclosure of Records. This confidential medical information may be disclosed only as follows:

 - (1) If a decision maker requests that the PWDP Manager obtain medical documentation, that decision maker may be told about necessary restrictions on the work or duties of the employee and about the necessity of providing the accommodation, but the PWDP Manager should only disclose medical information 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.

- (4) Human Resources Specialists may require information in accordance with any pending personnel actions.
- (5) 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.

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 an 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 timeframe as reasonably possible. The maximum time permitted is 15 business days. When a particular accommodation can be provided in less than the maximum amount of time permitted, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act. Decision makers must not interpret the maximum time frame to provide an accommodation as meaning that they should routinely take the full length of time allowed. The Coast Guard recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

- (1) 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 believes it is necessary to obtain such medical documentation, he or she will make the request as soon as possible after receipt of the request for accommodation, but before the expiration of the 15-business day period. The 15-business day period is not paused while the decision maker determines if medical documentation is needed.
- (2) If the decision maker requests medical documentation, the 15-business day period is paused from the time the requestor is informed that the medical documentation is required and resumes when the medical documentation is provided to the decision maker. 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.
- (3) Examples of accommodations that can easily be provided within this 15-business day time 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 his/her 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 the disability makes it difficult to read and the employee needs more time to prepare.

- b. Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 15 business days. These circumstances include where a reasonable accommodation is needed:
- (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 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 5 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 accommodation, if granted, provided in no more than 5 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. (See “Extenuating Circumstances” in this Section).
- c. Extenuating Circumstances. These are factors that could not reasonably have been anticipated or avoided in advance of the request for 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 individual, in writing, of the reason for the delay and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual. 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 accommodation. If there is a delay in providing an accommodation that has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee until the approved accommodation can be permanently 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 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 an accommodation, they must raise the matter with an appropriate authority immediately. Failure to provide an accommodation due to a mistaken understanding of law could result in a violation of the Rehabilitation Act. These are some examples of extenuating circumstances involving acquisitions:
 - (a) The purchase of equipment may take longer than 15-business days because of requirements under Federal Acquisition Regulations and/or DHS acquisition policies and procedures;
 - (b) Equipment must be back-ordered, 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; and
 - (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.
 - d. Accommodation on a Temporary Basis. There may be occasions when it is prudent to provide an accommodation on a temporary basis. 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 an 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 accommodation request. The decision maker must ensure that such temporary measures do not replace long-term accommodation and that all necessary steps to secure the long-term accommodation are being taken.
 - (3)(3)
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 individual and the CO/OIC,

absent extenuating circumstances, within 15 business days of the request, using the Reasonable Accommodation Decision and Reporting Form (CG-6081).

- b. If the accommodation cannot be provided within that time frame, the decision maker must inform the individual, and the CO/OIC, in writing, of the projected time frame for providing the 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, he or she must complete the Reasonable Accommodation Decision and Reporting Form (CG-6081). The decision maker must inform the individual and the CO/OIC, in writing, within 15 business days of the request, absent extenuating circumstances. The explanation for the denial should be written in plain language clearly stating the specific reasons for the denial.
- b. Where the decision maker has denied a specific requested accommodation, but offered an alternate accommodation that was not agreed upon during the interactive process, 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 considers the overall impact to the Department of Homeland Security, not the costs to a specific Coast Guard unit. Contact the servicing CRSP for possible resources. Findings 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 and may have rights to pursue administrative or negotiated grievance procedures. 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.
- e. If individuals do not agree with the denial, they may submit a request for reconsideration to the decision maker, in writing, within 5 business days of receiving the written notice of denial. Individuals may present additional information in support of their request for reconsideration within 5 business days of submitting the request.

10. Appeals to the PWDP Manager.

- a. If the decision maker does not reverse the denial decision, individuals may submit an appeal of the decision to the PWDP Manager, in writing, within 10 business days of receiving the reconsideration decision. The PWDP Manager will issue a response to individuals within 10 business days of receipt of the appeal. 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.
- b. Determination of Appropriateness of Documentation. If an appeal of the RA denial has been made, the PWDP Manager will 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.

11. Information Tracking and Reporting.

- a. 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 Decision and Reporting Form (CG-6081), and submit a copy to the requesting employee and to the servicing CRSP within 15 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.
- b. Record Maintenance. The PWDP Manager will maintain these records for the length of the employee's tenure with the Coast Guard or 5 years, whichever is greater.
- c. Reasonable Accommodation Report. The servicing CRSP will prepare quarterly 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 the DHS Office of Civil Rights and Civil Liberties (DHS CRCL), which will be made available to all employees. This report will contain the following information:

- (1) 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.
- (2) The jobs, including occupational series and grade level codes, for which reasonable accommodations have been requested.
- (3) The types of reasonable accommodation that have been requested for each of those jobs.
- (4) The number of reasonable accommodation requests, by type, for each job that have been approved.
- (5) The number of accommodation requests, by type, for each job, that have been denied.
- (6) 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.
- (7) The reasons for denial of requests for reasonable accommodation.
- (8) The amount of time taken to process each request for reasonable accommodation.
- (9) The sources of technical assistance that have been consulted in trying to identify possible provisions of reasonable accommodation.
- (10) The identity of the deciding official for each reasonable accommodation request.
- (11) Provide a qualitative assessment of the Coast Guard reasonable accommodation policy and procedures, and include recommendations for improvement.

E. Accessibility and Inquiries.

1. Accessibility of Reasonable Accommodation Procedures. These procedures are available for applicants for employment and employees in written and accessible formats. Requests may be made with the individual's applicable Decision Maker.
2. Inquiries. An employee seeking further information concerning these procedures, the final decision regarding his/her reasonable accommodation request, or the status of his/her reasonable accommodation request, may contact the PWDP Manager at CivilRightsRA@uscg.mil.

F. Reasonable Accommodation Definitions.

1. Accessible. Enter, operate, participate in, or use safely, independently and with dignity by a person 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 person who processes the request for accommodation. This role can be fulfilled by one of the following officials: A human resources manager (for applicants only); an employee's immediate supervisor/manager, and CO/OIC or a manager in the employee's chain of command. The decision maker may consult with the agency medical expert, human resources, Legal, and their Civil Rights Service Providers, to determine if an individual has a medical condition that substantially limits a major life activity and is eligible for reasonable accommodation.
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 or a record (or past history) of 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. Genetic Information. As defined by the Genetic Information Nondiscrimination Act (GINA) of 2008, genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, information about the manifestation of a disease or disorder in an individual's family members (i.e., family

medical history), an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by an individual or a family member of the individual, and genetic information of a fetus carried by an individual or an individual's family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

9. Granted. The decision maker makes an informed decision to approve the employee's specific reasonable accommodation request or an alternative accommodation that both the employee and manager believe will be effective.
10. 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.
11. Interactive Process. The process by which the individual requesting an accommodation and the decision maker discuss the request for accommodation, determine whether an accommodation will be provided, and examine potential alternative accommodations.
12. 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."
13. Personal Assistance Services. Assistance with performing activities of daily living that an individual would typically perform if he or she 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 getting into or out of a vehicle at the worksite.
14. Physical or Mental Impairment. (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.
15. Qualified Individual with a Disability. 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.

16. Reasonable Accommodation.

- 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 disability to perform the essential functions of that position.
- c. Modifications or adjustments that allow a Coast Guard employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.
- 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 disability in need of the accommodation. This process should identify the precise limitations resulting from the disability 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, he/she will be reassigned to the position and will not have to compete. If he/she declines a valid reassignment offer, the case must be referred to the servicing human resources specialist in the Office of Civilian Workforce Relations (CG-124) with all relevant documentation.

18. Regarded as Having 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. 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 accommodation would cause undue hardship. An employer must assess, on a case-by-case basis, whether a particular reasonable 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.

G. Personal Assistance Services (PAS).

1. Legal Requirement. The Equal Employment Opportunity Commission amended 29 C.F.R. Part 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. Personal Assistance Services for Daily Living. Personal Assistance Services is a government term for providing help with performing activities of daily living that an individual would typically perform if not for his/her disability. Some examples include

assistance with removing and putting on clothing, eating, using the restroom, powering a wheelchair or entering and exiting vehicles or worksites.

3. PAS Do Not Include Assistance with Job Functions. Personal Assistance Services (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 interpreters or a reading aide.

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

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

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 Personal Assistance Services. 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 requester is not able to perform the essential functions of the job, even with PAS and any reasonable accommodations;
 - e. The requester would create a direct threat to safety on the job, even with PAS and any reasonable accommodations; or
 - 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.
8. Information Tracking and Reporting. Personal Assistance Services shall be tracked and reported in a similar manner as reasonable accommodations.