

# REASONABLE ACCOMMODATION POLICY

## Purpose

The purpose of the United States Secret Service (Secret Service) Reasonable Accommodation Policy is to establish and implement the Reasonable Accommodation Program processes and procedures. Inherent in this policy is the role of the Office of Equity and Employee Support Services/Disability Program Manager (EES/DPM) in administering and managing the process. The DPM will serve as the liaison between the Requestor of a reasonable accommodation and the Requestor's leadership at their place of duty. The DPM will be interactive with the requestor and the Responding Official and provide advice, guidance, direction, and technical assistance. The final decision to either grant or deny a reasonable accommodation lies with the Responding Official.

**Office of Equity and Employee Support Services (EES)** has primary oversight of the Equity, Diversity and Inclusion Program (EDI) and the Ombudsman Program. Further, EES has oversight and managerial responsibility of all the Secret Service's primary Equal Employment Opportunity (EEO) responsibilities, to include the following:

- Affirmative Employment/Management Directive (MD) 715 Program;
- Diversity and Inclusion Program;
- Special Emphasis Program;
- Reasonable Accommodation Program;
- Religious Reasonable Accommodation;
- EEO Discrimination Complaint Process: Pre-Complaint and Formal Complaint; and
- Early Dispute Resolution Program (EDRP).

## Authorities

- The Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 701, et. seq.
- The Americans with Disabilities Act, as amended by the ADA Amendments Act of 2008 (ADAAA), 42 U.S.C. § 12101, et. seq.
- Regulations to Implement the Equal Employment provisions of the Americans with Disabilities Act, 29 Code of Federal Regulations (CFR) Part 1630.

- Affirmative Action for Individuals with Disabilities in Federal Employment, 29 CFR Part 1614.
- Executive Order (EO) 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000).
- U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act.
- Department of Homeland Security Directive No. 259-01, Providing Reasonable Accommodations for Employees and Applicants with Disabilities.

## Policy

It is the policy of the Secret Service to comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), EO 13164, and other applicable federal regulations and guidelines regarding providing accommodations to qualified individuals with disabilities. The Secret Service shall provide reasonable accommodations for the known physical or mental disabilities of qualified employees and applicants, unless the Secret Service demonstrates that a particular accommodation would impose an undue hardship. The Secret Service provides reasonable accommodations as follows:

- When an applicant with a disability needs an accommodation in order to complete the application process;
- When an employee with a disability needs an accommodation to perform the essential functions of their job; or
- When an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

The Secret Service will process requests for reasonable accommodation as outlined in this policy and, where appropriate, provide a reasonable accommodation to the employee or job applicant in a prompt, fair, and efficient manner.

All requests for a reasonable accommodation will be coordinated with the EES/DPM. The DPM will provide guidance, technical assistance, and facilitate the interactive process as needed for all parties involved (see Responsibilities of EES/DPM).

## Coverage

This policy applies to Secret Service employees and applicants for employment with the Secret Service. This policy may apply in other circumstances (e.g., contractors, detailees, etc.) and will be evaluated on a case-by-case basis.

# Definitions

## **Disability:**

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such an impairment; or
- Being regarded as having such an impairment. This means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

**Note:** A person who is perceived or regarded as having a disability (i.e., the third prong of this definition) is not entitled to a reasonable accommodation because the person does not have a record of current or previous limitations which would benefit from an accommodation.

**Early Dispute Resolution Process:** A voluntary mechanism through which an individual can request reconsideration of denial of a reasonable accommodation, regardless of whether the person has started the EEO complaint process. Refer to EES-05, United States Secret Service Early Dispute Resolution Program (USSS-EDRP), for more information.

**Essential Functions:** The fundamental job duties of the employment position the individual with a disability holds or desires. A job function may be considered essential for any of several reasons, including but not limited to the following:

- The function may be essential because the reason the position exists is to perform that function.
- The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
- The function may be highly specialized so that the incumbent in the position is hired for their expertise or ability to perform the particular function.

Determination of the essential functions of a position must be done on a case-by-case basis, giving consideration to the job as actually performed and not based only on the components of a position description. Additionally, the determination is made with regard to the requirements of the specific position held and **not** just the specific assignment an employee may be holding at a particular moment.

**Interactive Process:** To determine the appropriate reasonable accommodation it may be necessary for the Secret Service to initiate an 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.

**Major Life Activities:** Basic activities that most people in the general population can perform with little or no difficulty. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working, and 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.

**Medical Review Board:** The Secret Service Medical Review Board (MRB) makes final employment determinations concerning employees of the Secret Service whose medical/mental health information indicates that the individual may be unable to perform the essential functions of their position with or without accommodation. The MRB also makes final decisions regarding reconsiderations of denials of reasonable accommodations requested by employees and applicants (see Reconsideration Officials, below). See also Human Resources Manual section SAF-03(10), Medical Review Board.

**Qualified:** With respect to an individual with a disability, qualified means an individual who 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.

**Reasonable Accommodation:** Reasonable accommodations are:

- 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; or
- 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 an individual with a disability who is qualified to perform the essential functions of that position; or
- Modifications or adjustments that enable a Secret Service employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation may include but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

**Receiving Officials:** Secret Service Official designated to receive a request for a reasonable accommodation from an employee or applicant (or an individual acting on their behalf).

- *Employees:* Receiving Officials include an employee's immediate supervisor, another supervisor or manager in the employee's immediate chain of command, or the DPM. **Note:** Any manager who receives an employee's request for a reasonable accommodation, even if not in the employee's chain of command, should immediately forward the request to the employee's first-line supervisor, or in the event that the first-line supervisor is on extended leave or travel, to the DPM. If the employee's supervisor is not known, the manager may forward the request to the DPM.
- *Applicants:* The Receiving Officials are the Human Resources (HR) Specialists in the APT Talent Management Division (ATM) and Law Enforcement Acquisition Division (LED) or the Hiring Official who is processing the job opportunity announcement.
- *Special Agent (SA) and Uniformed Division (UND) Trainees:* The Receiving Officials are the trainee's class coordinator(s).

**Reconsideration Officials:** Reconsideration decisions for applicants and employees will be made by the MRB. A Secret Service official at a level above the Deputy Assistant Director level may also be named in cases where the requestor is at a higher level in the organization, as to cause a conflict for members of the MRB.

**Requestor:** An employee, applicant for employment, or their representative who submits a request for a reasonable accommodation.

**Responding Official:** Secret Service Official who has the authority to engage the employee or applicant in an interactive process regarding the employee's requested accommodation.

- *Employees:* The Responding Official will be the employee's first-line supervisor or another supervisor within the employee's chain-of-command. This includes trainees. For employees participating in the Special Agent Merit Promotion Process or the Uniformed Division Merit Promotion Process, the Responding Official will be a supervisor within the Office of Human Resources, HR Research and Assessment Division (HRR).
- *Applicants:* The Responding Official will be the ATM or LED HR Specialist or Hiring Official who is processing the job opportunity announcement.
- *SA and UND Trainees:* The Responding Official is the Special Agent in Charge of the James J. Rowley Training Center (RTC).

**Undue Hardship:** With respect to the provision of an accommodation, undue hardship is significant difficulty or expense incurred by the Secret Service, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed;
2. 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;
3. The overall financial resources of the Secret Service and the Department of Homeland Security, the overall size of the Secret Service with respect to the number of its employees, and the number, type and location of its facilities;
4. The type of operation or operations of the Secret Service, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the Secret Service; and
5. 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.

## Request for Reasonable Accommodation Process

### Request for a Reasonable Accommodation

A request for a reasonable accommodation is a statement from an employee, an applicant for employment, or their representative, that, as a result of a medical condition, the individual needs an adjustment or change in the application process, an adjustment or modification that will enable the individual to perform the essential functions of the position, or an adjustment or modification that will enable the individual to enjoy a benefit or privilege of employment enjoyed by similarly situated employees. The reasonable accommodation process begins as soon as the request for an accommodation is made either orally or in writing. The individual need not have a particular accommodation in mind before making a request. A request for an accommodation will

be processed immediately upon receipt and is not contingent upon the receipt of a written confirmation for record-keeping purposes.

A family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an employee or applicant with a disability; however, to the extent possible, the representative should provide written evidence they are authorized to request an accommodation for the individual.

A request for reasonable accommodation is the first step in an interactive process between the individual (Requestor) and the Secret Service. In some instances, before addressing the merits of the accommodation request, the Responding Official may need to determine if the individual's medical condition meets the ADA definition of disability, a prerequisite for the individual to be entitled to a reasonable accommodation.

## To Whom Requests Should Be Made

A request for accommodation may be made by an employee or applicant, either orally or in writing, to the below Secret Service officials. However, any Secret Service official receiving a request from a current employee, other than the requestor's first- or second-line supervisor, must ensure the request is immediately forwarded to the employee's first-line supervisor or, if the first-line supervisor is not known or unavailable, to the DPM, for action. Regardless of who receives the request, all reasonable accommodation requests are to be coordinated with the DPM.

### *Applicant:*

1. The HR Specialist (ATM or LED) or Hiring Official processing the job opportunity announcement.

### *Employee:*

1. An employee's first-line supervisor;
2. Any supervisor in the employee's chain of command; or
3. The EES/DPM.

### *Special Agent (SA) and Uniformed Division (UND) Trainees:*

1. The trainee's class coordinator(s).

An individual may request a reasonable accommodation whenever they choose, even if they have not previously disclosed the existence of a disability. The requestor does not have to use any special words, such as reasonable accommodation, disability, or Rehabilitation Act, or have a particular accommodation in mind. To recognize a request for accommodation, Secret Service employees should pay attention to an applicant or employee's indication that they need an adjustment or change in the application process or at work for a reason related to a disability.

If the request is made orally, for record keeping purposes, the Responding Official will ask the Requestor (or the Requestor's representative) to complete Secret Service Form (SSF) 4416A, Request for Reasonable Accommodation, Employee's Request, within five (5) calendar days of the oral request. If the Requestor is unable or does not complete the form for any reason, the Responding Official should complete the SSF 4416A on the employee's behalf promptly, within a maximum of five (5) calendar days from date of notification. The form must then be forwarded to EES/DPM at [rarequest@usss.dhs.gov](mailto:rarequest@usss.dhs.gov), and cc the DPM's direct email account.

A written request is not required in every instance when an individual needs a reasonable accommodation, such as when the employee's disability prevents them from completing the SSF 4416A, or when the employee requires an accommodation on a recurring basis, such as the services of sign language interpreters. However, reasonable efforts should be made by the Requestor or Responding Official to put the request in writing the first time an employee seeks an accommodation.

## **Secret Service Request for Medical Information in Connection with a Request for Reasonable Accommodation**

In some cases, the disability and need for accommodation will be obvious or the individual has already provided the DPM and/or the Responding Official with sufficient information to document the existence of the disability and their functional limitations. In these cases, the Secret Service will likely not need additional medical information to document the existence of the disability.

However, the Secret Service is entitled to request medical information from the Requestor when:

1. The need for accommodation is not obvious; and/or
2. The information submitted by the Requestor is insufficient to document the disability or the need for the reasonable accommodation and/or the functional limitations it causes.

The Responding Official will determine whether additional medical or other information is needed on a case-by-case basis. If appropriate, additional information will be requested in writing using a written request or the SSF 4416C, Request for Reasonable Accommodation Health Care Provider's Statement.

If a determination is made to seek medical information, notice will be provided to the Requestor clarifying why the information provided is insufficient, and what additional information is necessary for the Secret Service to substantiate that the individual has a legally recognized disability, whether the individual needs the requested reasonable accommodation, and/or what functional limitations are caused by the disability. For these purposes, documentation must sufficiently explain the nature of the individual's disability, the individual's need for reasonable accommodation, and how the requested accommodation or alternative accommodations, if any, will assist the individual to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the workplace.

Requests for medical information will follow the requirements set forth in the U.S. Equal Employment Opportunity Commission's (EEOC) *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act*, and may pertain to the following:

- The nature, severity, and duration of the individual's impairment;
- The activity or activities that the impairment limits;
- The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or
- Why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

If needed, the written request for additional information will include specific questions for the Requestor's treating medical provider(s) to respond to and requests for medical documentation related to the Requestor's medical condition and/or requested accommodation. Documentation unrelated to the disability claimed or the desired accommodation will not be requested.

Upon receipt of the requested information from the employee/applicant, the Secret Service may forward the material to a medical professional or other appropriate consultant for review at the expense of the Secret Service.

It is the responsibility of the Requestor to provide the requested additional information. If the employee/applicant does not provide sufficient documentation from their own health care provider, or other appropriate professional, to substantiate the existence of a disability and the need for a reasonable accommodation, the Secret Service may request that a health care professional of the Secret Service's choice, at the Secret Service's expense, examine the individual. This shall be coordinated by the DPM. Applicants and employees subject to medical standards may also be required to submit to fitness for duty examinations if a question exists as to the individual's ability to perform the essential functions of their duties and responsibilities. If the Requestor fails to provide any or sufficient documentation/information where it has been properly requested, the Responding Official may resolve the reasonable accommodation request based on the information available.

Once all the necessary information is gathered, the Responding Official will issue, absent special circumstances, a written decision to the Requestor within 20 business days.

## **Responsibilities**

### **EES/DPM Responsibilities (Administrative Responsibility)**

EES has direct oversight and administrative responsibility for the Reasonable Accommodation Program. The DPM, working with the Office of the Chief Counsel (LEG), ATM/LED, and the directorate of the Requestor, will have the principal responsibility for monitoring the progress and results of all reasonable accommodation requests, including providing assistance as needed in determining whether an employee is a qualified individual with a disability. This responsibility includes providing assistance as needed in determining whether there is a need for additional medical documentation from the employee's or applicant's treating medical provider(s).

Generally speaking, final decisions on whether to grant employees' reasonable accommodation requests will be made by the employees' immediate supervisor or someone in their chain of command, with guidance from the DPM and LEG as needed. As discussed in the definition of "Responding Official", final decisions may be made by other Agency supervisors in some circumstances, when appropriate based on the nature of the request.

The DPM is designated to manage, track, and report on the Secret Service's reasonable accommodation requests and disposition of each request. Upon completion of the reasonable accommodation process, the DPM will create a completed file to include: the request for reasonable accommodation, any medical documentation provided, correspondence regarding the request for accommodation and other documentation related to the request, and a copy of the decision on the request. This file will be maintained by the DPM for record keeping and reporting purposes.

The DPM will implement an education and awareness process that ensures employees and supervisors are aware of the reasonable accommodation policy. The DPM will be available to provide advice and technical assistance to Secret Service employees and supervisors regarding reasonable accommodations.



In instances where an accommodation request raises a question about the requestor's ability to perform the essential functions of the position, meet required medical standards (if applicable), and/or their fitness for access to classified information - and in the absence of reporting by the requestor themselves - the DPM will make the necessary notifications and referrals to the Safety, Health and Environmental Programs Division (SAF) and/or the Security Management Division (SMD), as appropriate.

## **Requestor Responsibilities**

Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear, where an effective accommodation is not obvious, or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and/or the type of accommodation needed are unclear, the Requestor should engage with the Responding Official and the DPM to make sure there is a full exchange of relevant information. It is the responsibility of the Requestor to timely respond to Secret Service inquiries and to provide appropriate medical information related to the functional impairment and the requested accommodation.

Because it is the employee who is responsible for obtaining the medical information and documentation necessary to support their reasonable accommodation request and submitting it to the Secret Service, the issue of consent under the Health Insurance Portability and Accountability Act (HIPAA) is between the employee/applicant and their provider alone. The fact that the need for the information originates with the Secret Service does not act as a bar or otherwise prohibit a provider from releasing the necessary information to the employee/applicant.

Requestors are reminded that they may have an obligation to report the medical condition upon which the accommodation request is based to SAF and/or SMD. See Human Resources Manual, section SAF-03(03), Medical Qualifications Requirements Policy, for more information on the reporting obligations of individuals who are subject to medical standards (generally requiring the reporting of any issues affecting an individual's ability to meet applicable medical qualification standards), and section SCD-02(01), Special Security Clearances Requirements and Reporting, for information on the reporting obligations of individuals holding security clearances (generally requiring the reporting to SMD of "apparent or suspected mental or emotional conditions(s)").

## **Receiving Official Responsibilities**

Upon receipt of a request for a reasonable accommodation, the Receiving Official may consult with the DPM regarding the processing of the request. If the Receiving Official is not also the Responding Official, as designated in this policy, the Receiving Official should forward the request to the Responding Official or the DPM immediately.

## **Responding Official Responsibilities**

Once the Requestor has provided all requested documentation in support of the request for reasonable accommodation, the Responding Official will issue a written decision on the request.

*For employees:* If an accommodation has been approved, the Secret Service will grant the accommodation. If the need for accommodation is not obvious, the DPM will work closely with the Responding Official to determine the appropriate accommodation to be provided to the Requestor.

*For applicants:* After a determination has been made that an applicant is a qualified individual with a disability, the applicant will work with the HR Specialist (ATM or LED) or Hiring Official processing the job opportunity announcement as the Responding Official. The DPM will work closely with the Responding Official to determine the appropriate accommodation needed for the applicant to participate in the hiring process.

The Responding Official may not grant requests for reasonable accommodation that exceed the micro-purchase level (\$3,500.00) without approval from the Special Agent in Charge (SAIC)/Resident Agent in Charge (RAIC)/Division Chief, the respective Assistant Director or Executive Chief, and the Chief Financial Officer (CFO). EES may provide guidance regarding needed approvals.

Completed reasonable accommodations packages should be sent to the DPM within 10 business days after the approval or denial letter is provided to the Requestor. The DPM will maintain the reasonable accommodation request along with supporting documentation for record keeping and reporting purposes.

If the requesting employee's position is subject to medical standards, the Responding Official or supervisor should also contact the Safety, Health, and Environmental Programs Division (SAF) to advise them of the situation so SAF may explore whether the condition upon which the reasonable accommodation request is based has any impact upon the employee's ability to meet the medical standards. See the Human Resources Manual, section SAF-03(10), Medical Review Board, for additional information.

## **Medical Review Board (MRB) Responsibilities**

The MRB makes final employment determinations concerning employees of the Secret Service whose medical/mental health information indicates the individual may be unable to perform the essential functions of their position with or without accommodation. As relevant to this policy, the MRB also makes final decisions regarding reconsiderations of decisions made about reasonable accommodation requests made by employees and applicants. See also SAF-03(10), Medical Review Board.

## **Other Responsible Offices**

The Office of Chief Counsel (LEG) will be consulted prior to any decision being made to:

1. Seek additional medical information from the Requestor; or
2. Grant an alternative accommodation or deny a requested reasonable accommodation.

LEG will also provide advice and review concerning the release or handling of medical documents and any other relevant matters.

The Performance Management and Employee Relations Division (PRF), in conjunction with the DPM, is responsible for providing advice and guidance to supervisors and managers regarding reasonable accommodation requests concerning telework, alternative work schedules, and leave. ATM or LED will also assist with coordinating the job search.

## Reassignment as an Accommodation

Reassignment is a form of reasonable accommodation provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their current position, with or without reasonable accommodation. Reassignment will be considered as a reasonable accommodation if the Secret Service determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of their current position. As part of the reassignment process, the Secret Service will search for an available (i.e., both vacant and funded) position for which the employee qualifies, and which is within the same appointing authority. If the employee is qualified for the position, they may be reassigned to the job and will not have to compete for it. Reassignment is an accommodation of last resort that is considered only if there are no effective accommodations that would enable the employee to perform the essential functions of their current job, or if all other possible accommodations would impose an undue burden.

In these situations, the Responding Official should work with ATM or LED, as well as with the Requestor, to identify:

1. All appropriate available positions within the Secret Service for which the employee may be qualified, with or without a reasonable accommodation; and
2. All appropriate positions which the Secret Service has reason to believe will become available over the next 60 business days and for which the employee may be qualified, with or without a reasonable accommodation.

If no such positions are located within the Secret Service, the parties will also work to identify such positions within DHS for which the employee may be qualified, with or without a reasonable accommodation.

The Secret Service will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no available equivalent position, the Secret Service will consider vacant lower-level positions for which the individual is qualified.

If an employee wants to relocate, the Secret Service may assign them to an available position outside of their commuting area. As with other reassignments or transfers not required by management, the Secret Service shall not pay for the employee's relocation costs unless Secret Service policy provides for such payments for non-disabled employees.

## Personal Assistance Services (PAS)

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the Secret Service. PAS assist with performing activities of daily living that an individual would typically perform if they did not have a targeted disability. For the purposes of determining an individual's eligibility to receive PAS, the Office of Personnel Management (OPM) has identified the following as targeted disabilities: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, intellectual disabilities, mental illness, and distortion of limb and/or spine. The EEOC states that not everyone with a targeted disability will be entitled to PAS; only those individuals with a targeted disability who require assistance with activities of daily living may receive PAS. 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.

The process for requesting PAS, determining whether such services are required, and the Secret Service's right to deny such a request are the same as the process for requesting reasonable accommodations. The EES website at <https://www.secretservice.gov/diversity/overview/> provides additional information regarding PAS.

## Time Frames for Processing a Reasonable Accommodation Request

The Secret Service has up to 20 business days to make a decision to grant or deny requests for a reasonable accommodation, absent special or extenuating circumstances. To that end, the Secret Service will process requests for reasonable accommodations in an expeditious manner in accordance with this policy. However, the time necessary to process a request will depend on the nature of the accommodation requested and the nature of any extenuating circumstances. Extensions based on special circumstances are limited to where they are necessary. All Secret Service employees involved in the reasonable accommodation process are expected to act as quickly as reasonably possible in processing requests and providing accommodations. Failure to provide an accommodation as soon as possible may result in a violation of The Rehabilitation Act of 1973.

Employees may check the status of a reasonable accommodation request by contacting the DPM at [RArequest@uss.s.dhs.gov](mailto:RArequest@uss.s.dhs.gov). Applicants for employment may check the status of a reasonable accommodation request by contacting the ATM or LED HR specialist or the hiring official responsible for processing the vacancy announcement.

### Deciding a Request

If the request does not require that additional supporting information be obtained or present any other extenuating circumstances, the request shall be decided (i.e., granted or denied) as soon as possible, but not more than 20 business days from the date the Receiving Official receives the request. The timeframe for either providing or denying an accommodation starts as soon as the accommodation is first requested.

Because the process may require the full 20 business days to engage in the interactive process, there should be no delay in beginning the process. Failure to meet this timeframe solely because a Receiving or Responding Official delayed processing the request is not an extenuating circumstance.

Extenuating or special circumstances are factors that could not reasonably have been anticipated or avoided in advance of the specific request for accommodation (e.g., the need for additional medical or supporting documentation in order to make a decision). When extenuating circumstances are present, the time for processing a request for reasonable accommodation will be extended but will nonetheless be made as expeditiously as possible.

As has been previously stated, the reasonable accommodation request process is an interactive process and communication from all parties involved is essential. If timeframes are not met, the Responding Official must notify the Requestor of the reason for the delay, including any extenuating circumstances that justify the delay, and provide an approximate date on which a decision is expected.

## Provision of Approved Accommodations

The time frame for the provision of the accommodation will vary with each request. It is Secret Service policy to provide the approved accommodation as expeditiously as possible under the circumstances, ideally within the 20 business days provided for making the initial decision on the request. Situations where that may not be possible include, but are not limited to, the following circumstances:

1. The purchase of equipment may take longer than 20 business days because of requirements under the Federal Acquisition Regulation and EEOC Order 360.001, Acquisition Policies and Procedures;
2. Equipment is back-ordered, the vendor typically used 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;
3. The employee with a disability needs to try working with equipment on a trial basis to ensure it is effective before the equipment is purchased; or
4. New staff need to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

When all the facts and circumstances known to the Secret Service make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the Responding Official shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of their job, if it is possible to do so without imposing undue hardship on the Secret Service.

For example, there may be a delay in receiving adaptive equipment for an employee with a vision impairment. During the delay, the Responding Official might arrange for the services of 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.

In addition, the Responding Official may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if:

1. They do not unreasonably interfere with the operations of the Secret Service; and
2. The employee is clearly informed they are being provided only on a temporary, interim basis.

The Secret Service may also provide assistance to the employee on a temporary basis where there is a delay in making a decision on the request that is attributable to the need to obtain medical documentation and the Secret Service has not yet determined the individual is entitled to an accommodation. In such a case, the Responding Official will notify the individual in writing that the assistance is being provided on a temporary basis pending a decision on the accommodation request. The provision of such temporary assistance does not entitle the individual to an accommodation or any further assistance once a decision has been made on the request.

When temporary measures have been approved, if the request for accommodation is ultimately granted, all responsible parties are still responsible for taking all necessary steps to secure the permanent accommodation.

## **Expedited Processing of a Reasonable Accommodation Request**

In special circumstances, expedited processing of a reasonable accommodation request may be required, thus reducing the 20 business days timeframe. Examples are where:

1. The reasonable accommodation is needed to enable an individual to apply for a job; or
2. The reasonable accommodation is needed for a specific Secret Service activity scheduled to occur shortly.

When such circumstances occur, the Secret Service will use its best efforts to make a decision on the request for accommodation as quickly as possible.

## **Temporary Illnesses or Injuries**

Temporary illnesses or injuries generally do not constitute a disability under the Rehabilitation Act, as they usually do not substantially limit one or more life activities when limited in duration and will have no long-term effect. LEG will determine whether a reasonable accommodation is legally required for a temporary condition on a case-by-case basis. A Requestor with a temporary illness or injury should adhere to the reasonable accommodation request process outlined in this policy.

## **Granting a Reasonable Accommodation**

Following a determination by the Secret Service that an employee or applicant is a qualified individual with a disability and a reasonable accommodation will be provided, the Requestor will receive written notification of the decision granting the accommodation. However, the Requestor may not be granted the specific accommodation requested, as the Secret Service is only required to provide an effective accommodation, not necessarily the accommodation of the employee/applicant's choice.

When a specific requested accommodation is not granted, but a different one is offered in its place, the written notice will explain the reason that the chosen accommodation will address the employee's functional limitations. It must also identify the Responding Official and state the Requestor's administrative rights to seek reconsideration of the granted accommodation.

## **Denial of Reasonable Accommodation**

If a request for reasonable accommodation is denied, the decision must be in written or accessible formats, if requested, and must specifically state the reason for the denial (e.g. why the medical documentation is inadequate to establish that the individual has a disability or needs reasonable accommodation, why the requested accommodation would not be effective, or why the accommodation would pose an undue hardship)

at the time of denial. It must also identify the Responding Official and state the Requestor's administrative rights to seek reconsideration of the denial.

## Reconsideration of Reasonable Accommodation Decisions

An employee or applicant may seek reconsideration of the decision to provide an alternative accommodation or the denial of their reasonable accommodation request from the Responding Official or by an appeal to the MRB. To request reconsideration, within 15 business days of receipt of the initial decision, an employee or applicant must submit the SSF 4416F directly to the DPM specifying from whom they seek reconsideration. The request must also specifically identify the basis and reasoning for disagreeing with the decision as it was explained in the initial decision. Additional information and documents not previously provided may be presented in support of the reconsideration request, but are not required.

If reconsideration by the Responding Official is requested, the DPM will forward the request and supporting materials to the Responding Official for review and decision. A written decision regarding the reconsideration request will be provided. If the individual is dissatisfied with the decision on reconsideration, they may seek a final determination from the MRB. To request final review by the MRB, the individual must submit a written notice to the DPM indicating that they wish to have their request referred to the MRB.

If reconsideration by the MRB is requested (whether initially or following reconsideration by the Responding Official), the DPM will forward the request to LEG and the Office of Human Resources (HUM) for initiation of the MRB process. Once referred, HUM will make the necessary arrangements for presentation to the MRB, as outlined in SAF-03(10). Notwithstanding the provisions of SAF-03(10), an appeal to the MRB undertaken as a request for reconsideration of a reasonable accommodation decision will (1) entitle the individual to a written decision by the MRB and (2) will be final (i.e., no reconsideration by the MRB following its decision).

Once all the necessary information is gathered, the Responding Official will issue, absent special circumstances, a written decision to the Requestor within 20 business days.

When reconsideration by the Responding Official is requested, requestors are encouraged to use the voluntary informal Early Dispute Resolution Program to facilitate that reconsideration, regardless of whether the person has started the Equal Employment Opportunity (EEO) complaint process. See Office of the Director Manual section EES-05, United States Secret Service Early Dispute Resolution Program (USSS-EDRP).

Any current or former Secret Service employee, contract employee, or applicant for employment who believes they have been discriminated against because of their race, color, nationality, sex (including gender identify, sexual orientation, and pregnancy), religion, age (40 or older), national origin, disability (physical or mental), genetic information, retaliation/reprisal, sexual orientation, or parental status may file an EEO complaint of discrimination. If a requestor believes their reasonable accommodation request was denied on first review or under reconsideration due to discriminatory reasons, they may reserve the right to file a complaint of discrimination as per Office of the Director Manual section HRT-04(03), EEO Discrimination Complaints System. The requestor must contact the Equity, Diversity and Inclusion Program (EDI) within 45 calendar days of the alleged discriminatory incident, or in the case of a personnel action, within 45 calendar days of the effective date of the action. For further information regarding the EEO complaint processing, please contact EDI at (202) 406-5540, TDD (202) 406-9805 or [Equal.Opportunity@uss.s.dhs.gov](mailto:Equal.Opportunity@uss.s.dhs.gov).

Any person who believes that they have been subjected to or witnessed harassment in violation of the Secret Service Anti-Harassment Policy (RES-04), is encouraged to report the harassment in order to take advantage of the preventive and corrective opportunities provided by the Secret Service. Individuals may report conduct believed to violate this policy to any supervisor or manager, the Anti-Harassment Program (AHP) at 202-406-

5443, the Inspection Division (ISP) at 202-406-6300 or by utilizing the online form located on the AHP or ISP intranet homepage.

## Consistency in Action

Reasonable accommodation requests are handled and decided on a case-by-case basis. However, consistency in action may be considered and may assist in forming a decision on the request.

## Confidentiality

All information obtained in connection with a request for reasonable accommodation will be kept in a confidential file in EES/DPM and will not be placed in the individual's Electronic Official Personnel Folder (eOPF) or the Personnel and Records Information System (PARIS). The DPM has a duty to report a requesting employee's confidential information if they pose a danger to themselves or others or disclose medical information which make the employee unfit for duty. In addition, all information obtained will be treated in a confidential manner and will be available only to following individuals when a need to know exists:

1. Management officials involved in deciding reasonable accommodation requests and providing approved accommodations, including supervisors who have a need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s). Medical information should only be disclosed if absolutely necessary, and except in unusual circumstances, supervisors who are not Receiving or Responding officials do not have a need to obtain or request an employee's medical information;
2. First aid and safety personnel, if the individual might require emergency treatment;
3. Government officials and appropriate outside parties may be given information necessary to investigate the Secret Service's compliance with the Rehabilitation Act;
4. Workers' compensation offices and insurance carriers in certain circumstances;
5. In order to maintain records, EES officials who evaluate and report the Secret Service's performance in processing reasonable accommodation requests;
6. Security Management Division (SMD), when the medical information provided by the reasonable accommodation requestor may have implications on the employee's eligibility for access to facility and classified information;
7. If the requesting employee is a member of the gun carrier positions (LE-0083, GS-1811, 0080, 1801, and 1802), SMD and SAF will provide a collaborative review of the employee's eligibility for medical and physical standards and/or if they can safely perform the functions of their respective position;
8. SAF, when needed to obtain advice about the request, or when a request raises a question about the Requestor's ability to meet the medical and physical standards and/or safely perform the functions of their position;
9. PRF;



10. MRB; and
11. LEG.

Whenever medical information is disclosed, the individual disclosing the information should inform the recipients of the information that only those Secret Service employees with a need to know should be provided the information.

For employees whose positions are subject to medical and/or physical standards, the Secret Service may also review information already contained in the employee's medical file maintained by SAF and/or that was provided to HUM as part of the MRB process. In such cases, review will be limited to only documentation relevant to the disability claimed or the desired accommodation requested.

## Information Tracking and Reporting

The DPM will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, the identity of the Responding Official, whether the accommodation was needed to perform the essential functions of a job, and will respond to requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. § 552A, and the requirements of 29 C.F.R. Part 1611.

The DPM will prepare and submit an annual report on reasonable accommodation to the DHS Office for Civil Rights and Civil Liberties. The report must contain the following information:

- a. The number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied;
- b. The jobs (occupational series, and grade level) for which reasonable accommodations have been requested;
- c. The types of reasonable accommodations that have been requested for each of those jobs;
- d. The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied;
- e. The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- f. The reasons for denial of requests for reasonable accommodation;
- g. Reasonable accommodations provided by Department of Defense (DOD) Computer/Electronic Accommodations Program (CAP) through the DHS Interagency Agreement with DOD;
- h. The amount of time taken to process each request for reasonable accommodation;
- i. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations; and
- j. Whether the accommodations were needed to perform the essential functions of a job.

In addition, the report shall provide a qualitative assessment of the Secret Service Reasonable Accommodation Program including any recommendations for improvement of the reasonable accommodation policies and procedures. Reports shall be maintained for at least three (3) years, or as otherwise required by the relevant records disposition schedule.

The DPM will maintain the records related to an employee who has requested reasonable accommodation for the duration of the employee's tenure with the Secret Service, or as otherwise required by the relevant records disposition schedule.

## Relation of Procedures to Equal Employment Opportunity Complaints

An individual who chooses to file an EEO complaint regarding a reasonable accommodation decision **must** contact EDI within 45 calendar days from the date of receipt of the Secret Service's final written decision on the request. See Office of the Director Manual section HRT-04(03), EEO Discrimination Complaints System.

No adverse action shall be taken against any job applicant or employee based on their actual or perceived need for a reasonable accommodation or personal assistance services.

## Selected Reasonable Accommodation Resources

EES and LEG are available to provide assistance and information on this manual section and the Secret Service reasonable accommodation process. Additional information is also available from the following resources:

**Department of Defense (DOD) Computer/Electronic Accommodations Program (CAP)** through the DHS Interagency Agreement with DOD. The DOD/CAP centrally funds and supplies such equipment to federal employees with disabilities and should be used by all organizations when possible. See <http://cap.mil/> for additional information. Requests for computer and/or electronic equipment (such as modified computer screens, or peripherals, specialized software – voice activated, screen readers, etc.) shall be coordinated with the Secret Service EES office and the Office of the Chief Information Officer (CIO). In accordance with Chief Information Officer Manual section CIO-01(03) CIO Review and Approval of IT Purchases, IT requests must be processed through the Secret Service Product Review Board (PRB) and added to the Secret Service Technical Reference Model (TRM) / Approved Products List (APL) before being acquired.

**U.S. Equal Employment Opportunity Commission (EEOC)**

[http://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](http://www.eeoc.gov/policy/docs/accommodation_procedures.html)  
<http://www.eeoc.gov/policy/docs/guidance-inquiries.html>

**Job Accommodation Network (JAN)** provides free, expert, and confidential guidance on workplace accommodations and disability employment issues.

<http://askjan.org/>

**ADA Disability and Business Technical Assistance Centers (DBTACs)**

<https://disabilityinfo.org/fact-sheet-library/legal/ada-disability-and-business-technical-assistance-center>

**Rehabilitation Engineering Assistive Technology Society of North America (RESNA)**

<http://www.resna.org/>

**eFedLink** is designed to support all federal managers and human resources personnel, to advance the hiring and advancement of persons with disabilities in the federal government.

<http://www.efedlink.org>.

**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 assistant services, at no cost.  
<http://www.transportation.gov/drc>.