

Policy and Responsibilities for the Department of the Navy (DON) Reasonable Accommodation (RA) Program

Policy

Reasonable accommodations (RA) are required by law and are an essential element of readiness vital for attracting, developing, and obtaining a top-quality workforce to accomplish the Department of the Navy's (DON) mission. An effective RA policy is an important aspect of the DON's commitment to create employment opportunities for individuals with disabilities. As such, it is the DON's policy to provide RA to qualified employees and applicants with disabilities, unless to do so would cause an undue hardship. All DON military and civilian supervisors must make every effort to provide RA to qualified employees and applicants with disabilities, and are charged with facilitating the RA process.

It is the DON's policy to accommodate qualified employees with a disability within their current position, provided that the employees are able to perform the essential functions of the position with or without an accommodation. As a last resort, qualified employees with a disability that are unable to perform the essential functions of their position of record because of their disability must be considered for reassignment to a vacant, funded position within the DON for which the individual is qualified.

Applicability

This policy applies to all DON civilian employees and applicants for employment, and military managers and supervisors of civilian employees to the extent permitted by law and regulations.

Responsibilities

1. In accordance with references (a) through (h) as listed in the Foreword, the Secretary of the Navy (SECNAV) is responsible for ensuring that a system for the timely processing of requests for RA is established for the DON.
2. The Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) is the DON Equal Employment Opportunity (EEO) Director as designated by the SECNAV in reference (h) as listed in the Foreword. The ASN (M&RA) is responsible for establishing and maintaining an effective DON-wide EEO Program, to include the processing of requests for RA that is consistent with legal and regulatory requirements. In the capacity as the DON EEO Director, the ASN (M&RA) provides overall policy and program direction to the Director, Office of EEO (OEEO), and evaluates the sufficiency of the DON's RA Program.
3. Per reference (h), the Deputy Assistant Secretary of the Navy for Civilian Personnel (DASN (CP)) must ensure that the principles of EEO, to include the provision of RA, are integrated into all Human Resources (HR) policies, and that the HR community is trained in their responsibilities regarding the RA process in accordance with this Program Manual.

4. The Director, Office of EEO (OEEO) shall:

- a. Serve as the primary advisor and the authoritative source on all EEO matters related to program execution, to include the provision of RA at the department level.
- b. Develop and implement the DON policies and procedures for RA.
- c. Report the DON-wide number of RA requests, as well as the percentage of timely processed requests, annually for the DON's Management Directive 715 Report.
- d. Collect and report data on RA request details to the Equal Employment Opportunity Commission (EEOC) upon request.

5. The DON Disability Program Manager (DPM), located within the OEEO, shall:

- a. Update the DON Program Manual for RA and relevant guidance as necessary to maintain compliance with federal laws and regulations.
- b. Oversee and enforce implementation and compliance with the DON Program Manual for RA.
- c. Provide advice and guidance to DON officials who are responsible for processing RA requests.
- d. Track and monitor the number and types of RA requests, and processing times of RA requests utilizing the Navy Electronic Accommodations Tracker (NEAT).
- e. Identify and address with relevant stakeholders any discriminatory barriers to processing requests for RA and for implementing effective RA solutions.
- f. Establish, oversee, and monitor DON RA training requirements to ensure the workforce understands their roles and responsibilities in the RA process.

6. The Heads of Major Commands, per reference (h), are designated as Command EEO Officers for their Area of Responsibility (AOR). Unit Commanders or Heads of each Naval Unit/Marine Corps Command employing civilians are designated as EEO Officers of their unit. As such, they shall:

- a. Ensure that the DON Program Manual for RA is clearly communicated and implemented within their respective AOR.
- b. Ensure that officials responsible for the processing of RA requests are trained on program requirements, to include legal updates, as necessary.
- c. Evaluate the timeliness of RA processing on a continual basis.

d. Ensure that their respective unit(s) have current contact information for processing RA requests readily available in the workplace and in accessible forms through bulletin board postings, Web sites, handouts, etc.

e. Allocate sufficient resources to staff the RA function in the EEO offices, and ensure that other relevant parties to the process, such as HR, Command Information Office (CIO), Facilities, Safety, Security, Office of General Counsel (OGC), Financial Management (FM), Acquisition, etc., are sufficiently resourced to execute their RA program responsibilities.

f. Allocate sufficient monetary resources to procure and implement approved cost-based RA.

g. Ensure that all electronic and information technologies, facilities, and physical infrastructure under their AOR are compliant with Sections 501 and 508 of the Rehabilitation Act of 1973, and the standards issued under the Architectural Barriers Act of 1968.

7. The Directors, EEO (DEEO) of the Major Command shall:

a. Serve as the primary advisor to the senior officials of the Major Command on the process for RA.

b. Provide Command-specific program direction to subordinate units.

c. Provide guidance, assistance, and training on the processing of RA requests as determined by the DON DPM and the Major Command.

d. Serve as a link between subordinate units and DON OEEO to monitor and enforce compliance with this Program Manual.

e. Ensure that all determinations that current employees cannot be accommodated in their position of record are in compliance with this Program Manual, and are reviewed for legal sufficiency prior to issuance.

f. Track, monitor, and review requests for RA, job search efforts, and final decisions for consistency and reporting purposes.

g. Evaluate the quality and timeliness of RA processing on a continual basis.

h. Report the effectiveness of the Major Command's RA process, to include the number of RA requests and the percentage of timely processed requests, to OEEO upon request.

i. Identify and address with relevant stakeholders, to include the DON DPM, any discriminatory barriers to processing requests for RA and for implementing effective RA solutions within the Major Command.

j. Ensure that the servicing EEO offices within the Major Command have current contact information for processing RA requests readily available in the workplace and in accessible formats through bulletin board postings, Web sites, handouts, etc.

k. Comply with DON OEEO training requirements established for all DEEOs.

8. The Directors, Civilian Human Resources (DCHR) shall:

a. Ensure HR operational policies support timely engagement in compliance with the DON Program Manual for RA.

b. Ensure that all HR Specialists are trained on their responsibilities pertaining to the RA process in accordance with this Program Manual.

c. Ensure that sufficient resources (e.g. qualified personnel, a private space, etc.) and training are allocated to the Major Commands and subordinate commands' HR practitioners in order to document preliminary qualifications, conduct reassignment counseling, execute the search for vacant positions, and facilitate job offers, if applicable.

9. The Directors, Office of Civilian Human Resources (OCHR) Operations Centers shall:

a. Designate appropriate personnel and resources to ensure that the DON-wide job search is conducted and documented in accordance with this Program Manual, and that the hiring actions are processed related to the employee's placement as a part of reassignment as an RA.

10. The servicing Deputy Directors, EEO (DDEEO) shall:

a. Publicize and implement DON's policy for the processing of RA requests at the unit level organization(s) for which they provide services.

b. Ensure EEO Specialist(s) are designated as RA Coordinator(s).

c. Ensure that all individuals responsible for processing RA requests are trained on program requirements, to include relevant legal principles and precedents.

d. Ensure that RA requests are processed in a timely and consistent manner in accordance with this Program Manual.

e. Monitor the RA request information entered and stored into NEAT to ensure proper processing, and that RA request information is up-to-date.

f. Provide EEO training to hiring managers and supervisors on the provision of RA and their role in the RA process.

g. Provide advice and guidance to the EEO Officer on the RA process, as well as the status and assessment of the unit's program.

h. Submit reports or statistics on RA requests as required by DON OEEO or the DEEO of the Major Command.

i. Monitor and ensure confidentiality of the RA process, and record and retain all RA case files for serviced units.

j. Identify and address with relevant stakeholders, to include the DEEO of the Major Command, any discriminatory barriers to processing requests for RA and for implementing effective RA solutions within the subordinate unit(s).

k. Ensure that a firewall is established in the EEO Office, in which any subsequent EEO complaints filed on the DON's failure to accommodate is processed by an EEO Counselor that did not process the RA request.

l. Coordinate with responsible parties to make current contact information for processing RA requests readily available in the workplace and in accessible formats through bulletin board postings, Web sites, handouts, etc.

m. Comply with DON OEEO training requirements established for all DEEOs.

11. The Human Resources Directors (HRD) shall:

a. Ensure HR operational policies support timely engagement in compliance with the DON Program Manual for RA.

b. Ensure that all HR Specialists within the Human Resources Office (HRO) are trained on their responsibilities pertaining to the RA process in accordance with this Program Manual.

c. Ensure that sufficient resources (e.g. qualified personnel, a private space, etc.) and training are allocated to the HRO's HR practitioners in order to document preliminary qualifications, conduct reassignment counseling, execute the search for vacant positions, and facilitate job offers, if applicable.

d. Review the servicing HRO's internal job search efforts, and the DON-wide job search if applicable, to ensure that the search was thorough, complete, and in compliance with this Program Manual.

12. The Reasonable Accommodation (RA) Coordinators within the servicing EEO offices shall:

a. Ensure that all RA requests received are processed in accordance with the provisions of this Program Manual.

b. Provide advice and guidance to hiring managers, supervisors, and other applicable stakeholders (i.e. HR, CIO, Facilities, Safety, Security, OGC, etc.) regarding the DON RA

process, federal requirements on the provision of RA, and applicable case law that assist in the determination of the request and the feasibility of the accommodation.

c. Involve appropriate personnel (i.e. HR, CIO, Facilities, Safety Security, OGC, etc.), if necessary, to ensure that the supervisor or hiring manager has enough information to make an informed decision on a request for RA on behalf of the DON.

d. Encourage supervisors and hiring managers to engage in ongoing, informal interactive discussions with the individual seeking an accommodation, and facilitate those discussions, when necessary.

e. Draft letters and correspondence (e.g. Request for Medical Documentation, Approval of Reasonable Accommodation Request, Denial of Reasonable Accommodation Request, etc.) to facilitate the RA process using relevant information pertaining to the request.

f. Update and maintain NEAT for RA requests on a continual basis.

g. Maintain all RA case files in a secure manner.

h. Safeguard the confidentiality of RA information, to include medical documentation.

i. Comply with DON OEEO training requirements established for all RA Coordinators.

j. Provide information regarding the processing of RA requests before third parties, as necessary.

13. HR Specialists within the servicing HRO shall:

a. Provide all RA requests to the appropriate RA Coordinator, if in receipt of RA requests from individuals requesting RA and/or their representatives.

b. Serve as an advisor on RA policies and practices, as necessary.

c. Counsel employees who request reassignment as an RA on the reassignment process.

d. Conduct preliminary qualifications to determine what types of positions the employee can perform.

e. Execute and document the search for vacant positions in accordance with the procedures outlined in this Program Manual.

f. Facilitate the hiring actions related to the employee's placement as part of reassignment as an RA.

g. Represent the DON regarding the processing of RA requests before third parties, as necessary.

14. The DON Employment Information Center (EIC), within the OCHR San Diego Operations Center, shall:

a. Serve as the central point of contact for receiving RA requests from applicants for employment, and refer all such requests to the appropriate RA Coordinator.

b. Maintain the Active Reasonable Accommodation List (ARAL) to facilitate the DON-wide job search, in accordance with the procedures and timeframes outlined in this Program Manual.

15. Members of the Office of General Counsel (OGC) shall:

a. Provide legal advice and guidance to the EEO and HR community, as well as to supervisors and hiring managers on RA, as needed.

b. Review the justification for undue hardship, direct threat, inability to accommodate in the employee's position of record, and denial of RA requests for legal sufficiency.

16. Hiring managers and supervisors shall:

a. Respond to RA requests in accordance with the procedures and timeframes outlined in this Program Manual, to include promptly responding to communications regarding the request, and issuing RA decisions to the employee or applicant for employment.

b. Maintain an open line of communication with the employee seeking an accommodation and engage in ongoing, informal discussions with the employee during the RA process.

c. Consider the use of Alternative Dispute Resolution (ADR) techniques at any stage in the RA process to resolve any conflicts at the lowest level.

d. Maintain confidentiality of medical information obtained in connection with the RA process.

17. Officials responsible for DON's electronic and information technology, and officials responsible for DON's facilities and physical infrastructure shall:

a. Ensure their command is compliant with Section 501 of the Rehabilitation Act of 1973, which may go beyond the standards issued under Section 508 of the Rehabilitation Act of 1973, and the standards issued under the Architectural Barriers Act of 1968.

b. When notified of an accessibility issue, participate in the interactive process to provide options for courses of action and ensure resolution, and/or provide information to document and articulate undue hardship if necessary.

18. Officials responsible for safety, medical, security, financial management, acquisition, etc. shall:

a. Participate in the interactive process when notified of an RA request or accessibility issue to provide courses of action and ensure resolution.

b. Provide information required to complete an undue hardship analysis or direct threat analysis, as needed.

19. Individuals requesting RA shall:

a. Immediately notify the hiring manager, their first-level supervisor, the RA Coordinator, or servicing HR Specialist when they believe that some form of RA is required in order to participate in the application process, to perform the essential function(s) of the position held (for current employees) or desired (for applicants of employment), or enjoy a benefit or privilege of employment.

b. Actively participate in good faith and be responsive throughout the entire RA process.

c. Provide medical documentation and other pertinent information, as required, as part of the RA process.