

A GUIDE
FOR MANAGERS AND SUPERVISORS:



EMPLOYMENT OF
PEOPLE WITH DISABILITIES
IN THE FEDERAL GOVERNMENT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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I. INTRODUCTION AND PURPOSE

This publication is designed to provide managers and supervisors with assistance in hiring, placing, and advancing people with disabilities. It is meant to be a desk-top reference that responds to concerns and issues that managers and supervisors might have.

The Federal Government can, and should, be an exemplary employer of people with disabilities. The approach taken by the Federal sector should serve as a model in hiring, placement, and advancement of any protected group. The Equal Employment Opportunity Commission (EEOC) not only takes a strict regulatory role but also tries to work closely with agency personnel to help them create and implement effective affirmative employment programs. Agencies and EEOC have a common goal. That goal is to provide equal opportunities in employment to all people regardless of race, color, sex, age, religion, national origin, or disability.

Managers and supervisors have an important role and responsibility in helping the Federal Government meet its commitment for affirmative action and equal employment opportunity. A positive approach to the employment of people with disabilities will enhance the goal of being a model employer.

II. AGENCY ROLE IN AFFIRMATIVE EMPLOYMENT FOR PEOPLE WITH DISABILITIES

Section 501 of the Rehabilitation Act of 1973, as amended, requires Federal agencies in the executive branch of government to develop affirmative action programs for hiring, placement, and advancement of people with handicaps. An individual with handicaps is defined as one who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such an impairment; or is regarded as having such an impairment. A physical or mental impairment is: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Each Federal agency with 1,001 or more employees is required to submit annual affirmative action plans to EEOC under Management Directive 713, which was issued by EEOC to all Federal agencies in the executive branch of government on October 6, 1987. Plans provide EEOC with numerical objectives (goals) for the employment of people with targeted disabilities as well as statistical information on the composition of the agency's work force of people with disabilities.

Certain disabilities have been targeted for emphasis in Federal affirmative action planning. These are referred to as "targeted disabilities." They are: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine. It is recognized that some disabilities that are not targeted are nevertheless just as severe or more severe than some disabilities that are targeted. All considerations and benefits afforded to people with targeted disabilities should also be extended to any individual who is or could be employed under one of the special excepted appointing authorities for employment of people who are severely disabled.

Allegations of discrimination based on handicap in connection with employment or application for employment with a Federal agency can be pursued by following the procedures established by EEOC regulations (Title 29 C.F.R. Part 1613) or Merit Systems Protection Board regulations (5 C.F.R. Part 1201). 114

Agencies should ensure that managers and supervisors are aware of issues, policies, regulations, and procedures concerning the employment of people with disabilities. Training and guidance should be provided to managers and supervisors to help them meet their affirmative employment obligations. The purpose of this publication is to make managers and supervisors aware of their responsibilities.

III. MANAGEMENT ROLE IN AFFIRMATIVE EMPLOYMENT FOR PEOPLE WITH DISABILITIES

Agencies are to develop and implement policies and procedures pursuant to their obligations under Section 501 of the Rehabilitation Act of 1973, as amended, and EEOC management directives. Managers and supervisors are responsible for assuring that these policies and procedures are carried out within their respective organizations. This includes helping their agencies meet affirmative action objectives for hiring, placement, and advancement of people with disabilities. Managers and supervisors are also responsible for assuring that affirmative action and equal employment opportunity for people with disabilities, as required by Section 501, are an integral part of all aspects of their personnel and management policies and practices.

Managers and supervisors, in conjunction with their personnel offices, should assure that qualification standards of position descriptions and announcements are job-related and reflect the actual duties to be performed. Recruitment should include outreach to individuals, organizations, independent living centers, and associations representing people with disabilities. Recruitment at universities, colleges, and schools should include outreach to students with disabilities. Section XI provides a list of organizations that can be contacted for assistance in recruiting people with disabilities.

Managers and supervisors should become familiar with the various avenues for employing people with disabilities including the appropriate exempt appointing authorities. Along with personnel offices, they should assure that qualified people with disabilities are considered for vacancies and hired on the basis of their skills and abilities.

People with disabilities must be qualified for positions. They should be able to perform the essential functions of the position in question, with or without reasonable accommodation, and without endangering the health and safety of the individual or others. People with disabilities, depending on the type of appointing authority being used, should meet the experience and education requirements (which may include passing a written test) of the position in question, or meet the criteria for appointment under one of the special appointing authorities for hiring people with disabilities.

Managers and supervisors are responsible for making reasonable accommodation to the known disabilities of applicants and employees. Agency selective placement coordinators/handicap program managers are good resources for information about accommodating people with disabilities. Information on reasonable accommodation can be found in section VIII. Every effort should be made to assure that people with disabilities have equal opportunities to demonstrate that they can perform the job successfully.

Qualified people with disabilities should not be denied opportunities solely because of those disabilities. Reasonable accommodation should be provided if it makes it possible for qualified people with disabilities to do their jobs unless the agency can demonstrate that such

accommodations cause undue hardship on the operation of its program. Factors to be considered include: (1) the overall size of the agency's program with respect to the number of employees, number and type of facilities and size of budget; (2) the type of agency operation, including the composition and structure of the agency's work force; and (3) the nature and the cost of the accommodation.

Qualified people with disabilities should be provided with equal opportunities to obtain promotions and awards. Managers and supervisors should assure that employees with disabilities have access to training and career development programs. Likewise, people with disabilities should be treated equally when it comes to adverse actions and performance problems. However, it must be assured that such problems are not the result of lack of reasonable accommodation and are based solely on an inability to perform with or without reasonable accommodation. Managers and supervisors should not lower performance standards or expectations of people with disabilities.

Managers and supervisors, as well as personnel offices, should assure that in cases of RIFs, and within the limits imposed by law and regulation, every effort be made to minimize the effects on employees whose disabilities make it impossible or unreasonably difficult for them to be reassigned within the agency or transferred to another agency. Many managers are afraid to hire people with disabilities because of lack of understanding and awareness of their capabilities and achievements.

Negative attitudes of selecting officials and physical and mental standards unrelated to the position in question are other reasons why it can be difficult for people with disabilities to obtain employment. While many medical qualification requirements may be realistic for specific jobs, many may have been written without an understanding of how people with disabilities can, with or without reasonable accommodation, still succeed in those jobs. The qualifications of applicants for positions with necessary physical or mental standards should be evaluated on a case-by-case basis. Additionally, agencies should assure that any medical qualification requirements are realistic and necessary.

Managers and supervisors are held accountable in their performance appraisals for meeting affirmative action responsibilities. They should also be recognized for their achievements in helping the agency fulfill its affirmative action obligations.

IV. MAKING PEOPLE WITH DISABILITIES

A PART OF YOUR TEAM

As a supervisor or manager your goal is to find the person who can capably do the job. Do what any good supervisor or manager would do—hire the individual who can succeed—whether or not that person happens to have a disability. Think about the individual, not the disability. People with disabilities are able people and they are people first—people who can contribute to meeting the goals and objectives of your agency.

There are an estimated 36 million people with disabilities in this country. According to the 1980 census, there are approximately 23 million adults with disabilities, aged 16-64. About two in three adult men with disabilities and four in five adult women with disabilities are not working. People with disabilities are unemployed for a variety of reasons. Among these are: negative attitudes about people with disabilities; unfounded fears of high absentee rates and safety problems; and inaccessible transportation to and from work. Many of these people want to work and can work successfully.

People with disabilities should be hired for positions for which they qualify because they can benefit your organization. They can bring to the job the skills and education that you require. They need not be treated any differently than other employees except that they may require reasonable accommodation. This, however, would be part of any individualization expected from a good supervisor. Supervisors should try to assure that all employees have the tools they need to do their jobs. Providing a graphic artist with additional lamps so that he or she has improved light to do the job; providing an accountant with the type of calculator or computer software necessary to effectively do the job; fixing a torn carpet so that employees do not trip—all of these examples are day-to-day accommodations made so that people can do their jobs more effectively and efficiently. Accommodations for people with disabilities can be as simple as raising a desk to accommodate the height of a wheelchair, buying the computer that has voice recognition and/or output; or providing an interpreter for people who are deaf.

People with disabilities have good attendance records and fewer accidents than their nondisabled co-workers. It is a misconception to think that employees with disabilities require more sick leave and experience more accidents than people who are not disabled. Statistics tell us otherwise.

V. INTERVIEWING PEOPLE WITH DISABILITIES

In most respects, interviewing people with disabilities is the same as interviewing people who are not disabled. In general, the interviewer should ask all applicants about their qualifications, experience, and skills for doing the job. The same questions should be asked of applicants with disabilities. There are, however, some guidelines that are specific to people with disabilities that might be helpful to interviewers.

Unless a person is seeking appointment under one of the special excepted appointing authorities for people with disabilities, an interviewer should ask only questions about the person's ability to do the job but not about the person's disability. A good rule of thumb is to make sure that all questions are job-related. Focus the interview on the individual's ability to successfully perform the essential functions of the job. If a person indicates that he or she has a disability which makes it difficult to perform particular functions of a job or if the interviewer believes that a person's disability may make it difficult to perform certain job functions, the interviewer may ask job-related follow-up questions (e.g., How were you, as an individual who is deaf, able to participate in meetings?). The answer to such questions will indicate whether a reasonable accommodation is needed to enable the individual to perform the essential functions of the job.

Managers and supervisors should not make a general assumption that a person with disabilities will be unable to do a part of the job and will always need reasonable accommodation. They should not reject qualified applicants for positions because the people with disabilities need, or it is thought that they need, reasonable accommodation.

Sometimes applicants might like to mention their disability but do not know how to do so. It's a good idea to ask at the end of the interview, "Is there anything else you want to ask?" or "Is there anything more you would like to tell me?"

Below are some guidelines for interviewing people with specific disabilities. It is important to understand that two people with the same disability or functional limitations may not have the same needs.

A. People who use wheelchairs

People who use wheelchairs can hold physically demanding jobs. They need not be confined to desk jobs. People who use wheelchairs can be very independent, not necessarily relying on others for assistance in daily activities. They may or may not do things differently or more slowly than others. There is no need to be over-protective of people who use wheelchairs.

1. Make sure the interview is conducted at a wheelchair accessible location.
2. Don't automatically hold onto the person's wheelchair. It is part of his or her body space.

3. Assistance may be offered, but don't insist. If the person needs help, he or she will accept the offer and explain exactly what will be helpful.
4. Don't be sensitive about using words like "running" or "walking."
5. Don't be surprised if the person transfers from a wheelchair to a piece of furniture or gets out of the wheelchair to move about.

B. People who are mobility impaired

1. When walking with a person who walks slower than you, walk with the person, not in front of him/her.
2. Provide the applicant with clear directions to the interview site using the shortest and easiest route.

C. People who are blind or visually impaired

A person's visual acuity may change under different light conditions. Do not confuse visual impairments with blindness.

1. If the person seems to need assistance, offer your services. If you need to guide a person who is blind through a door or to a chair, let the person take your arm and follow the motion of your body. Guide his or her hand or arm to the back of the chair.
2. Speak directly to the individual who is blind or visually impaired. Do not shout. When you leave the room, say so.
3. Introduce other people in the room or have them introduce themselves. This will assist the individual in orienting himself or herself to the room and its occupants.
4. Don't avoid using the words "look" and "see." There are no reasonable substitutes.
5. When giving directions, do not use references a person cannot see — "over there" is not a good way of describing a location. When using directional words, use them with the orientation of the person who is blind. Remember when you are facing someone, your left is that person's right.
6. Do not play with a dog guide while it is "on duty." It is up to the person using the dog guide to decide if play is appropriate.
7. When you are guiding a person into a new or strange surrounding, you may want to describe special features or decorations.

8. Be prepared to read aloud information that is written, or ask the person if he or she would like a reader.
9. For people with visual impairments, provide a well lit area for the interview and avoid sharp contrasts of light and dark areas.

D. People who are hearing impaired

The goal of an interview is to obtain appropriate information about the background of the applicant. Sometimes it is necessary to be versatile in finding an effective communication method with people who are hearing impaired. The main objective, though, is to communicate effectively.

1. When speaking with someone who is hearing impaired, face the person directly. Do not position yourself so that you are directly in front of a harsh light or window. Your face will be difficult to see as it is silhouetted in bright light.
2. Not all people who are hearing impaired can lipread, but most do and many do it quite well. When speaking to people who are hearing impaired, use meaningful facial expressions and gestures to emphasize your intent and attitude. This substitutes for tone of voice. This is important even in the presence of a sign language or oral interpreter. Be sure not to use exaggerated mouth movements or wild gestures. Do not change the subject without warning.
3. Not all people who are hearing impaired know or use sign language. Do not assume they need an interpreter.
4. If using a sign language or oral interpreter, speak directly to the person who is hearing impaired, not the interpreter. The interpreter is not a participant in the interview. He or she is there to facilitate communication between the interviewer and the applicant. The only reason for the presence of an interpreter is because a participant(s) in the communication process cannot hear. Do not try to involve the interpreter in any part of the formal interview. This can be demeaning to the individual who is hearing impaired, and detract attention from the focal point of the interview.
5. Keep your hands from covering your mouth when talking.
6. Do not shout when speaking to the person with the hearing impairment. Use a normal tone of voice, but do not restrict yourself to monosyllabic words.
7. If you cannot understand the person with a hearing impairment, do not be afraid to ask him or her to repeat. When this does not work, try paper and pencil.
8. When a person with a hearing impairment chooses to have an interpreter voice for him or her, remember to respond directly to that person and not the interpreter.

E. People who have epilepsy

If the person brings the condition to your attention, you may ask whether the condition might have an impact on his or her work and if there are any necessary accommodations. If applicants mention seizures, interviewers may ask whether seizures are under control, and if not, what people in the office need to know in the event of a seizure. This information, however, usually isn't needed until after a person with epilepsy is hired. Do not be over solicitous.

F. People who have mental retardation

Many people with mental retardation have average or superior abilities in some respects. While it is true that some people who are mentally retarded may not be able to think, figure, or remember as well as other people, it is important to remember that they are proficient in some ways and deficient in others. Mental retardation should not be confused with mental illness or behavioral and emotional problems. The effect of the disability can be lessened, and skills and abilities increased, through rehabilitation, special education, and experience on the job.

People who have mental retardation usually want to be independent and responsible for their own support. When appropriately placed and supervised, they can be assets to a work force. One of the largest obstacles to equal employment opportunity for these individuals is persistent lack of employer confidence in, and lowered expectations of, their capabilities.

1. For the most part, talk to the individual as you would anyone else, but be more specific.
2. Repeat the information provided by the applicant so that he or she can tell you that you understood what they really mean.
3. Occasionally ask the applicant questions to be sure that he or she understands what is being said.

G. People who are mentally restored

Mental illness can be successfully treated, and people who are mentally restored have skills, experiences, and abilities that are not affected by their illness. For the purposes of employment, a person who is mentally restored is one who has experienced a mental or emotional difficulty that currently is under control to the extent that the individual is able to function effectively and satisfactorily in a specific job. The qualifications of people who are mentally restored must be given the same consideration as those of other applicants.

1. Talk to the individual as you would to anyone else.

2. Through your demeanor, show that you trust the individual's ability to control his or her behavior.

H. People who have cerebral palsy (and other conditions which have muscular or neurological limitations)

Cerebral palsy may affect motor ability and/or speech. It does not affect intelligence. Some involuntary or halting movement or limitation of movement in one or more than one appendage may be observed, as well as some lisping, indistinct speech or flatness of tone due to lack of fine motor control of the tongue and lips. The severity and functional effects of the disability vary from person to person. Unless the person is very severely disabled, or has the involvement of other disabilities, no accommodation may be needed for the interview itself. If the applicant's speech is difficult to understand, interviewers should not be afraid to ask him or her to repeat what was said. Some people who have severe cerebral palsy find it more effective to communicate by writing, typing, or using communication boards or electronic devices.

VI. EMPLOYMENT PROGRAMS

A. Selective Placement Programs: Personnel offices are usually responsible for locating qualified applicants, including people with disabilities. Some agencies have recruitment personnel in their various organizations who specialize in locating individuals with a particular skill (e.g., lawyers, scientists). Regardless of who has primary responsibility for locating qualified applicants, managers and supervisors have a major role in the selection process. People with disabilities can be hired through the traditional competitive hiring process or, if they qualify, noncompetitively through the use of excepted appointing authorities. Managers and supervisors should be aware of the flexibilities available through the use of special excepted appointing authorities.

Excepted appointing authorities for hiring people with disabilities were developed to provide an opportunity to people with disabilities to show that they can do the job. They were designed to circumvent the attitudinal barriers that managers and supervisors have. These barriers have made it difficult for many people with severe disabilities to obtain employment through the competitive process. Additionally, many people with disabilities have limited work experience and are unable to compete with people without disabilities for jobs on the basis of experience. This lack of experience is, again, because selection officials think that people with disabilities cannot do their jobs and, therefore, will not hire them.

There are two ways to hire people with disabilities noncompetitively. People with disabilities can be certified as eligible by the State vocational rehabilitation agency, Department of Veterans Affairs, or Gallaudet University (located in Washington, D.C.). People who are severely disabled can also be hired noncompetitively after successful completion of a 700 hour appointment.

1. 700 hour trial appointment for hiring people who are mentally restored or severely physically handicapped. The 700 hour trial appointment allows people with disabilities to demonstrate their ability to do a job. Employers make no commitment for permanent employment; however, the temporary appointment is usually long enough for the individual to demonstrate his/her job readiness. This appointment should not be used to help an office complete special projects or unusually heavy work loads. People with severe physical disabilities must qualify for the position and can noncompetitively convert to a continuing Schedule A appointment without certification upon successful completion of the 700 hours. People who are mentally restored can convert to a noncompetitive appointment that cannot exceed two years. The 700 hours are included in the time served for the two year appointment.

The 700 hour appointment allows supervisors an opportunity to evaluate the ability of people with disabilities to actually perform a specific job. If the person is unable to perform successfully, with or without reasonable accommodation, there is no need to convert the person to another appointment. If it is determined before the end of the 700 hour appointment that the employee is unable to perform successfully, with or without reasonable accommodation,

termination can be effected at any time using the same procedures as those used to terminate any employee serving in a temporary appointment.

2. Schedule A, Section 213.3102(t) for hiring people with mental retardation. Appointments can be made without prior approval of the Office of Personnel Management. Appointments have no time limitation; however, after successful performance for two consecutive years in a permanent position, and upon recommendation by the supervisor, the employee can be converted noncompetitively into the competitive service. In cases of promotion or reassignment to a position requiring additional or new skills, knowledge, or abilities, the employee must be recertified.
3. Schedule A, Section 213.3102(u) for hiring people who are severely physically handicapped. Appointment eligibility is based primarily on the severity of the disability. Consideration is also given to the effects of the impairment on the person's ability to function in a specific job. Employees may be converted to competitive status after two years of successful performance without a break in service of more than 30 days. The Office of Personnel Management does not have to approve the conversion as long as the physical qualification standards do not change substantially and the individual meets all the qualification requirements for the position.
4. Schedule B, Section 213.3202(k) for hiring people who are mentally restored. This appointment allows people who are mentally restored to update their skills and establish a successful performance record for a period of up to two years. Individuals must have a documented history of mental illness which includes periods of hospitalization and/or outpatient treatment. Treatment must have been within the past two years. The individual should be currently unemployed as a result of the illness or have a significant period of substantially disrupted employment within the past two years. This authority does not provide for noncompetitive conversion to the competitive service. If the 700 hour trial appointment is used prior to conversion to Schedule B, the time counts toward the two year limitation.

People hired under the Schedule A and B appointments discussed above must be able to perform the essential functions of the position, with or without reasonable accommodation. Steps can be taken to terminate employment at any time during these excepted appointments identical to those used to terminate anyone serving under an excepted appointment.

- B. Merit Promotion: Qualified people with disabilities should be provided with equal opportunities to advance through merit promotion programs, both through competitive and noncompetitive procedures. Your agency should have established mechanisms by which people with disabilities employed, or eligible for employment, under the excepted appointing authorities are considered for vacancies announced through the merit promotion program.

Merit promotion procedures provide for management's right to select people with disabilities noncompetitively. Your agency should have established and publicized procedures for consideration of applications from people with disabilities who are employed in the excepted service or seeking an excepted appointment. If you have a vacancy in your organization that is announced through the merit promotion program, it can be filled expeditiously using noncompetitive procedures. Positions can be filled noncompetitively at any time up to when an actual offer is made for a job, regardless of the closing dates of announcements. This means that people who are eligible for excepted appointing authorities can continue to submit applications for a merit promotion position after the closing date of an announcement.

If an excepted appointing authority is used, a vacancy that has been announced through a merit promotion program may be filled by an individual with disabilities who is not and has never been a Federal employee or an employee of the agency. Check with the agency personnel office for details on merit promotion procedures.

- C. Upward Mobility: Managers and supervisors should assure that qualified people with disabilities have equal opportunities to participate, and are targeted for participation, in upward mobility programs. They should make systematic efforts to recruit and employ people with targeted disabilities who would be good candidates for upward mobility programs, so that qualified people with disabilities are on-board and eligible for selection when upward mobility positions are being filled.

People with disabilities who are employed under excepted appointing authorities that provide for conversion to competitive appointments can be placed in upward mobility positions noncompetitively. To apply for an upward mobility position, an employee must have completed 90 days of service under an appointment that is not time-limited.

- D. Special Employment Programs: People with disabilities should be included in special employment programs operated by your agency or another Federal agency such as the Office of Personnel Management. This includes: executive development, management intern, cooperative education, stay-in-school, summer employment, summer aide, and summer intern. When making selections for these programs, managers and supervisors should consider qualified people with disabilities on an equal basis with people who are not disabled. The Office of Personnel Management gives the agency slots for stay-in-school and Junior Fellowship positions. As a result, appointments under these programs do not count against the agency hiring ceiling.

VII. SUPERVISING PEOPLE WITH DISABILITIES

Supervising people with disabilities is essentially no different from supervising those who are not disabled. Many of the guidelines used for interviewing people with disabilities also apply to supervising them on a daily basis. The basic idea is to treat people with disabilities the same as those who are not disabled. It is also essential to assure that any problems that arise with people who are disabled are not due to negative attitudes, lack of reasonable accommodation, or functional limitations that can be avoided. Additionally, people with disabilities should have the same opportunities as co-workers who are not disabled when it comes to promotions, awards, assignments, and participation in special programs.

People with disabilities should feel a part of the overall staff. This may require that co-workers be made aware of disabilities if they lack experience in working with people with disabilities. The agency selective placement coordinator/handicap program manager may be able to obtain or provide training on understanding disabilities. This could include, for example, training on dealing with seizures if an employee with epilepsy is hired, or learning how to best communicate with an employee who is hearing impaired.

Managers, supervisors, and co-workers should become aware of communication, architectural, attitudinal, or other barriers that may exist during the formal and informal periods of the work day. This includes, for example, being aware of any architectural barriers that might exist in the location of agency meetings or from leaving debris or furniture in hallways or passages; the need for sign language or oral interpreters during informal staff meetings; or the amount of walking required by employees who are mobility impaired. Also, be sensitive to the language used by yourself or co-workers. Some words are not only inaccurate but hurtful, derogatory, and demeaning.

Avoid the use of words and phrases such as the following:

crippled	invalid	afflicted
sick	wheelchair-bound	victim
confined to a wheelchair	deformed	deaf and dumb
defective	deaf-mute	retard
dummy	crazy	gimp

Use the following sampling of acceptable terms:

people with disabilities	individuals with handicaps
people who use wheelchairs	individuals who are hearing impaired
people with mental retardation	people who are blind
people with epilepsy	individuals who are mentally restored
people who are deaf	people who are paraplegics
people who are quadriplegics	

Language can reflect the attitudes of the speaker. The way a supervisor speaks of an employee will be picked up by co-workers. Set an example for employees by using positive, humanizing language when referring to people and their disabilities.

VIII. REASONABLE ACCOMMODATION

A. Introduction and Definitions

Reasonable accommodation is a logical change or adjustment to a job or worksite that makes it possible for an otherwise qualified employee with disabilities to perform the essential functions of a position. Agencies must make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with disabilities unless it can be shown that the accommodation would cause an undue hardship on the agency.

There is only one absolute truth about reasonable accommodation. Accommodations can only be determined on a case-by-case basis, taking into consideration the applicant or employee, his/her specific disability and the functional limitations, the essential duties of the position in question, the work environment, and the reasonableness of the proposed accommodation. In other words, accommodations are individualized. No document could answer all questions.

One of the most frequent misconceptions is that reasonable accommodation is expensive. Some accommodations are expensive; some are cost-free. In fact, most accommodations cost very little. In addition, many people with disabilities do not need reasonable accommodation.

An employer should assure that qualification standards are job-related and that the position description reflects the actual duties to be performed prior to officially announcing a position. If a person with disabilities is unable to perform the essential functions of the position without reasonable accommodation, but is otherwise qualified for that position, then it is the obligation of the employer to explore reasonable accommodation possibilities. Accommodation applies only to the performance of work related duties and not to personal needs such as those accommodated by eye glasses, hearing aids, or transportation to and from work.

The first step in determining an appropriate accommodation is to consult with the employee with a disability and ask for suggestions as to what accommodations would enable him/her to perform the job. Many people with disabilities have spent a lifetime working out personal accommodations to perform a wide variety of tasks and should be able to tell the supervisor what his/her needs are.

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29 CFR 1613.701 (Prohibition Against Discrimination Because of a Physical or Mental Handicap) states that accommodations should be made to the known physical or mental limitations of a qualified applicant or employee with disabilities. An agency is not obligated to make an accommodation for a job interview until the applicant has informed the interviewer about his/her disability and needs. It is up to the applicant to inform the interviewer that an accommodation is required because it is illegal to ask each applicant if he/she has a disability. The agency's selective placement coordinator/handicap program manager is a good resource when there are questions about reasonable accommodation.

B. Types of Accommodations

Because accommodations are made on a case-by-case basis it would be impossible to describe every possibility. This section provides an overview of some generic accommodation options used successfully in a variety of situations.

1. **Restructuring jobs**—A job may be modified so that a person with disabilities can perform those essential functions of a position. It is first necessary to identify those tasks that may be difficult for an individual to accomplish because of a disability. The tasks should then be analyzed to identify those factors which specifically make it difficult for the person with disabilities to accomplish effectively. These factors should be eliminated by changing the job content; eliminating nonessential elements; re delegating assignments; exchanging assignments with another employee; redesigning procedures for task accomplishment; or, in the case of nonprobationary employees, reassignment to another position.
2. **Adjusting work schedules**—Some people with disabilities are denied employment opportunities because they cannot work the standard nine to five, eight hour day, forty hours a week. This includes people who require medical treatment. People who need rest periods or whose disabilities are affected by eating and sleeping schedules may benefit from flexible or adjusted work schedules. Other beneficiaries may include people with mobility impairments who find it difficult to use public transportation during peak hours. Effective use of flexible or altered work schedules can lead to productive and meaningful employment for these individuals, and excellent results for the organization.
3. **Flexible leave**—Liberal approval of absences may involve the use of excused absence, sick leave, annual leave or leave without pay. Sick leave should be approved when people with disabilities request it for repair of prostheses or equipment such as wheelchairs or for the treatment of dog guides. Inclement weather and temporary adverse building conditions are also examples of situations where liberal approval of absences may be necessary. Training on using assistive devices is another example where liberal approval should be given. Managers and supervisors should be aware of agency policies on excused and liberal absences.
4. **Modifying worksites**—Changes may be needed in the worksite area when there is an employee with disabilities. This may include accessibility to and around the work area, rest rooms, and other facilities used by the employee. The placement of furniture, carpet, and equipment should be reviewed for maneuverability. Adjustments may be as simple as moving file materials to a lower drawer of the cabinet.
5. **Specialized equipment and assistive devices**—There are many devices that make it possible for people with disabilities to accomplish certain tasks they might otherwise not be able to do. They may also increase productivity and the

efficiency of their work. Devices can include TDDs (Telecommunications Devices for the Deaf), electronic visual aids, magnifiers, telephone amplifiers, Braille devices, talking calculators, or speaker phones.

Equipment cannot be of a personal nature such as eye glasses or wheelchairs but must be directly related to the performance of the job. Exceptions to this rule must be made on a case-by-case basis. An example is when someone does not normally use a wheelchair but might require it to travel long distances for the job.

When making authorization decisions, consideration should be given to how well the employee would perform the job without the equipment or device. Would the employee's performance improve, and be more efficient and effective, with the equipment? Handicap program managers/selective placement coordinators and procurement specialists can help identify and obtain appropriate equipment. An important concept in reasonable accommodation is buying adaptable equipment for use by the entire work force. By making purchases of equipment that is already usable or easily modified, the agency can reduce the cost and delays of having to buy "special" equipment.

6. Readers—Employees who are blind may require the services of a reader to perform their job effectively. A variety of options are available and should be determined on a case-by-case basis. Readers can be a part or full time employee hired to provide this service, a qualified co-worker who provides informal assistance, or an employee given collateral duty responsibilities. The specific needs of the employee who is blind should be analyzed to identify how much time is needed and what the qualifications of the reader should be.
7. Interpreters—People who are hearing impaired have varying needs and modes of communicating (e.g., through American Sign Language or orally). Some situations may require a very high level of interpreting skills that cannot be provided by a co-worker. Being able to use sign language does not qualify someone for interpreting. Qualified sign language and oral interpreters, and those who interpret for people who are deaf-blind, usually have extensive training and experience. They also follow a strict code of ethics of which most co-workers will not be knowledgeable. It is beneficial if co-workers and supervisors do learn basic sign language so that communication can be direct and one-on-one; however, they may not be adequately proficient to interpret staff meetings, presentations, telephone calls, and other situations.

Interpreters can be hired on a full-time or part-time basis. They can also be hired under contract with a local interpreting service. Some agencies have hired full-time interpreters to be available to all agency employees and applicants who are hearing impaired. The agency selective placement coordinator/handicap program manager can provide guidance in obtaining qualified interpreters.

8. **Personal care assistants**—Some people with severe physical disabilities may require personal assistance on a full-time, part-time, or intermittent basis. These individuals may require assistance with specific tasks such as getting from one building to another, for travel on official business, obtaining research or writing materials, or using rest room facilities.

Occasionally, an agency may have reached or exceeded its personnel ceiling when it is attempting to provide reasonable accommodation for a qualified individual with disabilities. When an agency has determined that a reader, interpreter, or personal assistant is an appropriate reasonable accommodation for a qualified individual with disabilities, but is unable to hire a reader, interpreter, or personal assistant because it is at or above its personnel ceiling, it is not thereby excused from providing reasonable accommodation through other sources. An agency must consider alternatives to provide the necessary reasonable accommodation. An agency may wish to request ceiling relief from the Office of Management and Budget which will consider each request on a case-by-case basis. The requesting agency must demonstrate that it has exhausted all other means of carrying out its responsibilities. Other alternatives include, but are not necessarily limited to, contracting out for the service, providing appropriate equipment, assigning the responsibility to provide the service to co-workers and using unpaid volunteer assistants.

C. Accommodating People with Learning Disabilities

Learning disability is not the same as mental retardation or emotional disabilities. People who are learning disabled have difficulty receiving information through their senses, and are sometimes thought to be unmotivated or have emotional disabilities. People with learning disabilities may need a variety of accommodations.

1. People with visual perceptual problems have difficulty with accuracy, such as reversing numbers and placing words in the wrong spaces on a form. People with this disability may need to have their material checked for grammar and word or number reversal.
2. People with auditory problems may need to work in quiet surroundings or request that directions be clarified or repeated. Repeating back instructions or having them in writing may be helpful. The use of short sentences, clear enunciation, and/or demonstrations of a task may also be useful.
3. People with motor problems have trouble moving their bodies efficiently to achieve a certain goal. Their brains have difficulty telling their bodies what to do, resulting in clumsiness or lack of manual coordination. There are three types of motor problems: perceptual—difficulty performing a task requiring coordination; visual—problems with copying or learning movements by watching someone; and auditory—problems with following oral instructions or taking notes. Necessary accommodations may be the same as those for visual, auditory, and perceptual disabilities.

4. People with tactile problems may have difficulty in absorbing information through the sense of touch. They may not like being touched by others and may prefer to work alone. Tactile discrimination problems occur when someone cannot feel the difference between two similar objects. An employee may have trouble assembling small parts or judging the right amount of pressure to twist or bend something. As a result, tasks requiring these tactile distinctions are not desirable.
5. People with academic problems such as dyslexia have trouble reading. Dysgraphia refers to an inability to write and dyscalculia refers to an inability to do mathematics. Some dyslexic people are able to train themselves to read fairly well, while others prefer to take notes or use a tape recorder. Like with any reasonable accommodation, each situation should be considered on a case-by-case basis with careful job analysis. It is important to be flexible and to try to match people's strengths with the tasks to be performed.

D. Making Accommodations for Applicants and Employees with Disabilities—the Process

Managers and supervisors should make themselves familiar with policies and procedures related to the purchase or acquisition of reasonable accommodations. If managers and supervisors are unsure as to the appropriate procedures, a good starting point of information is the agencywide selective placement coordinator/handicap program manager or the office's administrative or executive officer, if appropriate.

Readers, interpreters, and personal assistants can be hired noncompetitively through Schedule A, Section 213.3102(II). They can be hired on a full-time, part-time, or intermittent basis. The primary function of these positions is to provide reading, interpreting, and personal assistance to employees with disabilities. Other duties may be assigned but it is essential to remember the primary reason for which they are hired and make effective use of those services. Some agencies have established contracts with private sector referral agencies to provide interpreting services on an "as needed" basis.

E. Accommodations for Meetings, Conferences, Training, and Seminars

Supervisors are responsible for assuring that all their employees can equally participate in agency functions (e.g., staff meetings, training, or award ceremonies). They should inform the appropriate contact person of the needs of employees. This can be the training officer, public affairs officer, or procurement office. Employees should not be denied opportunities to participate in agency activities solely because they are disabled unless undue hardship can be demonstrated by the agency.

When in doubt about appropriate accommodations for any type of situation—ask the employee with disabilities, your agency's selective placement coordinator/handicap program manager, or call 1-800-JAN-7234 (Voice/TDD). This latter approach puts you in contact with the Job Accommodation Network (JAN) that is sponsored by the President's Committee on Employment of People with Disabilities.

IX. JOB PERFORMANCE AND RECOGNITION

Like employees who are not disabled, people with disabilities should be held accountable for their work performance. Supervisors are responsible for communicating performance expectations to their employees and monitoring and appraising their work.

When an individual with a disability begins a job, he or she should be given a clear description of the job and the specific duties to be assigned. At the same time, the employee with disabilities should provide an explanation of what his or her needs are in connection with those duties. This would be a good time to review the major tasks to be performed and allow the employee to discuss any barriers that might be encountered.

Employees should be provided with frequent encouragement and feedback regarding their work performance. Employees should feel free to come to supervisors with problems or questions. It is important, however, to not be overprotective and overcautious with those who are disabled. People with disabilities should be made to feel that they are on an equal basis with employees who are not disabled.

It is important to ensure that when evaluating a person with a disability, aspects of their physical or mental disability are not held against them. They should be evaluated for their ability to do a job with the appropriate accommodations. For example, it would be inappropriate to negatively evaluate a secretary who is deaf for not taking dictation. It would be inappropriate to negatively evaluate an individual who uses a wheelchair for not attending a meeting, when that meeting was held in a physically inaccessible building. It would be inappropriate to negatively evaluate an employee who is blind for not writing a response to a letter when a reader was not available to read or tape the letter. These are just examples of how it might appear that someone is not doing the job. In each of these examples there were circumstances beyond the control of the person with disabilities that prevented him or her from accomplishing a task.

- A. **Awards:** Incentive awards programs are a way for recognizing the efforts of employees. People with disabilities should have equal opportunities to win incentive and other performance awards. Supervisors should use both informal and formal means to acknowledge superior work. Efforts to recognize employees with disabilities should not be limited to special awards programs geared specifically to those who are disabled.
- B. **Performance Appraisal:** Like for other employees, people with disabilities should be provided with performance standards and elements which are fair and appropriate for the position. Performance standards or expectations should not be lowered for people with disabilities.
- C. **Training:** Supervisors should provide equal opportunities to all employees to obtain training and participate in other growth opportunities that will allow them to advance in their careers. This includes details, lateral reassignments, and other developmental opportunities that will qualify selected individuals for promotion.

It has been found that underrepresentation of people with disabilities, particularly those with targeted disabilities, in Federal employment is most severe in executive, management, and supervisory positions. Supervisors should allow employees with disabilities to participate in supervisory, executive, and/or management training when opportunities arise.

D. Adverse Actions:

1. **Reductions-in-force (RIFs):** In situations that could lead to RIFs, the supervisor along with the coordinating personnel or other office should consider the impact on employees with disabilities.

Supervisors should assure that their employees with disabilities obtain the accommodations needed to access the information provided to employees in cases of RIFs. Consideration should also be given to individuals who are employed or could be employed under the excepted appointing authorities. It is important that supervisors assure that their employees with disabilities receive the full consideration needed in cases of RIFs.

2. **Disciplinary actions:** As with all employees, people with disabilities should be held accountable for fully acceptable conduct and performance on the job. Any performance problems and/or misconduct should be addressed at the earliest possible stage. People with disabilities should be given feedback on any problems noted by the supervisor, who is responsible for assuring that this feedback is fully understood. It may require restructuring the language for a person with mental retardation; using an interpreter with people who are deaf; or taping written material for people who are blind.

It is important to distinguish between problems that are specific to performance and those caused by a mental or physical disability. By keeping communication open, it may be possible to avoid any problems that may be caused by misunderstanding, misconceptions, or stereotypes about disability.

The agency selective placement coordinator/handicap program manager should be able to provide technical assistance in responding to questions from supervisors. Before taking any disciplinary actions, you should assure that all necessary reasonable accommodation has been provided.

Employees hired under excepted appointing authorities do not have appeal rights in adverse action cases. This information should be conveyed to the employee when hired and during any adverse action procedures.

X. SUPERVISORY TRAINING

Managers and supervisors should attend training that develops and maintains a high level of awareness of issues, policies, regulations, and procedures concerning affirmative action and nondiscrimination for people with disabilities. This can be done several ways. The major avenue for developing management awareness is through traditional supervisory training. Supervisory and management training should include issues related to people with disabilities. Lectures, materials, and audio-visuals should include guidance on the employment of people with disabilities on a level commensurate with the attention provided to civil rights legislation and issues related to minorities and women.

Managers and supervisors should attend special training programs and events that are conducted specifically to foster affirmative attitudes toward people with disabilities. These programs often discuss the ability of people with disabilities to be employed in a broad range of grade levels and occupational series, and their ability to succeed in Federal work places.

Managers and supervisors should make efforts to attend training that includes many of the topics discussed in this handbook: reasonable accommodation, excepted appointing authorities, organizational resources, delegation of authority, and other important topics. Such training should bring to their attention the achievements and capabilities of people with disabilities. The agency training office, equal employment opportunity office, and personnel office are all sources of technical assistance on these subjects. They should also be able to tell managers and supervisors where they can obtain appropriate training on the employment of people with disabilities.

XI. RESOURCES

A. Agencywide

1. Agencies should have a handicap program manager who manages an agencywide comprehensive affirmative action program or who manages program implementation in an organizational unit or installation. The handicap program manager advocates employment of people with disabilities, develops or is responsible for implementation of affirmative action plans, and prepares or responds to affirmative action accomplishment reports. The handicap program manager can be found in the equal employment opportunity (EEO) or personnel office.

The agency may also have a selective placement coordinator in the personnel office. The selective placement coordinator is responsible for an agencywide selective placement program or a selective placement program in an agency organizational unit or installation.

2. Many Federal agencies have Handicapped Employees Advisory Committees (HEAC) that provide advice and feedback to agency management on issues related to the employment of people with disabilities. Members should include people with disabilities.

Some agencies have EEO advisory committees that focus on issues related to minorities, women, and people with disabilities rather than separate HEAC committees. EEO advisory committees should address concerns connected with the employment of people with disabilities.

3. The agency equal employment opportunity (EEO) office can provide managers and supervisors with guidance related to complaint procedures and EEO training.
4. The procurement office should be able to provide information about agency procedures for obtaining equipment used for reasonable accommodation.
5. The personnel office should be able to provide information about a wide range of personnel issues including recruitment sources and procedures, special employment programs, and excepted appointing authorities for hiring people with disabilities.

B. Governmentwide:

1. Architectural and Transportation Barriers Compliance Board
Office of Technical Information Services
1111 18th Street, N.W., Suite 501
Washington, D.C. 20036-3894
(202) 653-7848 (Voice/TDD)

Provides information and guidance on facility accessibility.

2. Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, D.C. 20507
(202) 663-4842 (Voice)
(202) 663-4053 (TDD)

Provides guidance to Federal agencies on developing and implementing affirmative employment programs for hiring, placement, and advancement of people with disabilities. Adjudicates complaints on appeals to the Office of Review and Appeals.

3. Department of Justice
Coordination and Review Section
Civil Rights Division
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 724-2222 (Voice)
(202) 724-7678 (TDD)

Publishes Technical Assistance Guides (TAGs) that provide information and resources on a wide variety of subjects related to people with disabilities. Examples are: telecommunications devices for deaf people, access to public meetings, assistive listening devices, and interpreter referral services.

4. General Services Administration
Clearinghouse on Computer Accommodations
18th and F Streets, N.W., Room 2022
KDGO
Washington, D.C. 20405
(202) 523-1906 (Voice/TDD)

Provides information on computer accommodations for people with disabilities and assistance with computer-related problems.