



## U.S. Customs and Border Protection Reasonable Accommodation Procedures September 30, 2018

### Purpose and Overview

In January 2017, the Equal Employment Opportunity Commission (EEOC) issued a final rule amending the regulations amending the regulation implementing Section 501 of the Rehabilitation Act of 1973. The final rule provides updated requirements which includes additional responsibilities for Federal model disability programs to include updates for an Affirmative Action Program Reasonable Accommodation (RA) Procedures and Personal Assistance Services (PAS) procedures.

### Reasonable Accommodation Procedures

In accordance with the Rehabilitation Act of 1973, EEOC Enforcement Guidance concerning accommodations in the federal workplace, and the Department of Homeland Security/U.S. Customs and Border Protection (CBP) regulations, these procedures provide CBP's official guidance.

A Reasonable Accommodation (RA) request is a request for an adjustment or alteration to the manner in which work is performed, or to access the benefits and/or privileges of employment, because of a disability may be made to a manager or supervisor in the requester's chain of command. An RA request can be made orally or in writing. No magic words are needed; a person does not need to say, "I need a reasonable accommodation." In accordance with [CBP Directive Number 51713-007A – Reasonable Accommodation Procedures for Applicants and Employees with Disabilities](#), there is a fifteen (15) business day timeframe in order for managers with a need-to-know to complete the RA process. Remember - medical confidentiality must be protected.

The below 3-Step RA Interactive Process Chart provides step-by-step guidance throughout the reasonable accommodation process. CBP's Privacy and Diversity Office (PDO) manages the interactive process to assist CBP managers and supervisors with the processing of reasonable accommodation requests based on a disability or religious accommodation to determine an effective accommodation, when necessary, based on the essential functions of the job.

### 3-Step RA Interactive Process Chart

#### Step 1

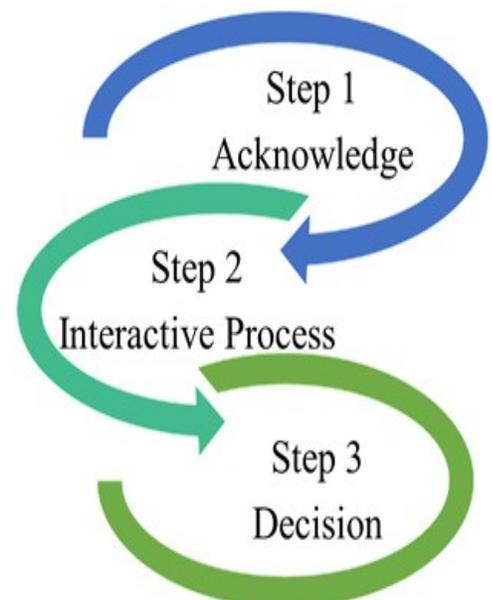
- *Acknowledge employee's request in writing*
- *Provide RA Request Form*
- *Provide Authorization to IEAR Release Form*

#### Step 2

- *Lead the Interactive Dialogue (bargaining unit member may have representation)*
- *Call the Job Accommodation Network (JAN) for consultation on possible solutions*
- *Request supporting medical information (only when absolutely necessary)*

#### Step 3

- *Decide whether to grant/deny the request; prepare the decision letter*
- *Request legal sufficiency review of all proposed denials*





- *Issue the Decision Letter to employee*

### **Personal Assistance Service Procedures (PAS)**

The amended regulations require federal agencies, as an affirmative obligation, to provide PAS, absent undue hardship, to individuals who need them because of their targeted disability. Targeted disabilities are a subset of the larger disability category that have historically been used to exclude qualified individuals from employment, such as traumatic brain injury and paralysis.

PAS means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, such as eating and using the restroom. Agencies are only required to provide PAS when the individual is working or on work-related travel.

As a model employer, it is CBP's policy to provide PAS to its employees in accordance with 29 Code of Federal Regulations § 1614.203(d)(5), absent undue hardship on the agency. In addition, CBP shall not discriminate against individuals in employment decisions based on their need for PAS.

Employees requesting PAS shall notify their supervisor and/or their servicing Reasonable Accommodation point of contact in order to initiate the process. In order to address requests for PAS, CBP shall follow the CBP Policy for Personal Assistance Services and the CBP Procedures for Processing Requests for Personal Assistance Services.