



## **HHS Office of Human Resources Policy, 126-1 Reasonable Accommodation**

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### **126-1-10 Purpose**

This policy establishes procedures and responsibilities for providing reasonable accommodations to qualified applicants and employees with disabilities, consistent with the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) and ADA Amendments Act of 2008, the Pregnant Workers Fairness Act (PWFA), and implementing regulations. The objective is to ensure equal access to employment, the application process, the performance of essential job functions, and the benefits and privileges of employment. In accordance with these statutory and regulatory requirements, HHS will provide reasonable accommodations to qualified individuals with disabilities upon request, unless doing so would cause undue hardship.

When this policy's provisions differ from changes in applicable law or regulations, the newest change in law or regulation will apply.

### **126-1-20 Material Superseded**

HHS Reasonable Accommodations Policy and Procedures dated 2012 and September 2025 and all accompanying guidance is superseded.

### **126-1-30 Background**

This policy establishes the U.S. Department of Health and Human Service (HHS) Reasonable Accommodation Program (RAP) managed with the Reasonable Accommodation Program Office and supersedes all previously issued reasonable

accommodation policy and guidance.

This policy is effective immediately and must be followed by HHS Components in accordance with applicable laws, regulations, and Departmental policy.

The Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA) and ADA Amendments Act of 2008; 29 C.F.R. parts 1614 and 1630; the Pregnant Workers Fairness Act (PWFA) of 2023, and related Equal Employment Opportunity Commission (EEOC) guidance require equal employment opportunities for individuals with disabilities.

## **126-1-40 Coverage and Exclusions**

- A. Coverage.** This policy applies to all applicants for employment with HHS, employees of HHS as defined in 5 U.S.C. § 2105, non-Federal employees assigned to HHS under the Intergovernmental Personnel Act (IPA), and employees of other Federal agencies on detail to the Department.
- B. Exclusions.** This policy does not apply to U.S. Public Health Service Commissioned Corps Officers or contractors; nor does it apply to employees of HHS assigned outside of the agency under an IPA agreement.

## **126-1-50 Definitions**

- A. Agency:** The U.S. Department of Health and Human Services may be referred to as “the Agency,” “HHS,” or “the Department”.
- B. Component(s):** The organizational entities of the U.S. Department of Health and Human Services, also referred to as Operating Divisions (OpDivs) and Staff Divisions (StaffDivs).
- C. Individual with a Disability:** For purposes of this policy, an individual who:
  1. has a physical or mental impairment that substantially limits one or more major life activities; or
  2. has a record of such an impairment.

Examples of major life activities include, but are not limited to, caring for oneself, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, working, thinking, concentrating, communicating, and the operation of a major bodily function, including functions of the immune, bladder, digestive, and reproductive systems.

- D. Interactive Process:** The interactive process is a collaborative, “back and forth” dialogue between an employer and an applicant or an employee with a disability, or third-party requestor, to identify an effective reasonable accommodation for the applicant or employee to participate in the application process, perform their job functions, and enjoy equal benefits of employment.

**E. Intergovernmental Personnel Act (IPA):** A program that provides for the temporary assignment of personnel between the Federal Government, state and local governments, colleges and universities, Indian Tribal governments, federally funded research and development centers, and other eligible organizations (5 U.S.C. § 3371 and 5 C.F.R. Part 334).

**F. Essential Functions:** The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, the function is highly-specialized and the incumbent is hired based on their ability to perform it.

Determination of essential functions must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description. Evidence of whether a particular function is essential includes, but is not limited to:

1. The employee’s position description;
2. The critical elements as outlined in the employee’s Performance Management Appraisal Program (PMAP) plan;
3. The daily/weekly amount of time performing the function; and
4. The consequences of not requiring the employee to perform the function.

**G. Extenuating Circumstances:** Limited, unforeseen, or unavoidable events outside the Agency’s control that delay processing or implementation of an accommodation (e.g., vendor backorders, specialized IT configuration).

**H. Limitation:** Under the PWFA, a limitation is a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition, determined according to criteria in 29 C.F.R § 1636.3(a)(2).

**I. Qualified Individual with a Disability:** An individual with a disability who:

1. Satisfies the requisite skill, experience, education, and other requirements of the position; and
2. Can perform the essential functions of the position, with or without reasonable accommodation.

**J. Reasonable Accommodation:** A change, modification or adjustment to a job, the work environment, or the manner in which things are typically done that enables a qualified individual with a disability to apply for a job, perform essential job functions, or enjoy equal benefits and privileges of employment. (See 29 C.F.R § 1630.2(o).)

**K. Substantially Limits:** To have an "actual" disability, (or to have a "record of" a

disability) an individual must have (or have had) an impairment that substantially limits them in performing a major life activity as compared to most people in the general population. Whether an impairment substantially limits an individual in a major life activity is determined according to the criteria in 29 C.F.R § 1630.2(j).

- L. Undue Hardship:** a requested accommodation that changes the core functions of the employee's position; removes, reduces, or alters the essential functions of the employee's position; removes, reduces, or alters the employee's work product standards; impacts the essential functions of other employees; and/or adversely impacts the mission of the organization.

## **126-1-60 Responsibilities**

- A. HHS Secretary:** The Secretary or his/her designee will ensure the establishment of an effective process for responding to all RA requests.
- B. HHS Deputy Secretary:** The HHS Deputy Secretary will ensure HHS Component Heads monitor compliance with this policy.
- C. HHS Assistant Secretary for Administration (ASA):** The ASA has the delegated authority to establish and administer and manage Department-wide reasonable accommodation policies, procedures, and programs and its office and accessibility initiatives.
- D. Component Head:** A Component Head will ensure the Component's compliance with this policy and applicable Federal laws and regulations related to reasonable accommodation and Reasonable Accommodation Program requirements. A Component Head will ensure collaboration with the HHS to address specific Component needs as well as submitting data and/or reports to the HHS Reasonable Accommodation Program Office as requested.
- E. Reasonable Accommodations Program Office:**
  - 1. Complies with this policy.
  - 2. Manages reassignment job search with the Office of Human Resources and all applicable personnel actions in accordance with Agency policy related to reasonable accommodation.
  - 3. Ensures that actions under this policy are processed in a timely manner.
- F. HHS Reasonable Accommodation Program Office Director:**
  - 1. Administers and manages, as delegated by the Department of Health and Human Services Secretary, the Department's Reasonable Accommodation Program, in accordance with this Policy.
  - 2. Ensures that appropriate staff possess and develop expertise on statutory regulatory requirements for reasonable accommodation.
  - 3. Ensures that processing of reasonable accommodation requests and applicable actions are completed in a timely manner, generally within time periods established in this policy, consistent with the applicable statutory and regulatory

requirements.

4. Ensures compliance, neutrality, and accountability for reasonable accommodation training for HHS employees.
5. Serves as the subject matter expert and point of contact for addressing employee and supervisor inquiries concerning reasonable accommodations.
6. Monitors work assigned to the Reasonable Accommodation Office staff and provides reports to ASA and leadership as requested.

**G. Reasonable Accommodation Coordinator (RAC):**

1. Initiates processing of reasonable accommodation requests upon assignment in accordance with Agency policy.
2. Assists and guides Decision Maker and Requestor throughout the interactive process.
3. Serves as subject matter expert and point of contact for guidance on reasonable accommodations to employees and supervisors.
4. Determines whether medical documentation may be necessary to process a reasonable accommodation request.
5. Maintains confidentiality of reasonable accommodation request details and related documentation in accordance with federal laws, regulations, and Agency policy.
6. Manages all data related to RA requests, ensuring accuracy and timely entries of data into dedicated systems.
7. Maintains neutrality throughout the reasonable accommodation process, facilitating an equitable interactive process ensuring all accommodations effectively meet functional limitations of the Requestor, while not causing undue hardship.
8. Provides guidance and issues recommendations on reasonable accommodation decisions to Decision Makers.

**H. Supervisors/Decision Makers:**

1. Adheres to this Policy consistent with Federal law and regulation.
2. Maintains an understanding and working knowledge of this Policy and applicable procedures for processing requests for RA.
3. Promptly acknowledges accommodation requests and engages in the interactive process.
4. Provides the official listing of essential functions of the position and/or the PMAP, with essential functions identified, to the RAC, as requested.
5. Decides on simple, obvious reasonable accommodation requests from employees with or without consultation with the RAC. *Telework and reassignment are not simple, obvious requests.*
6. Consults the RAC when clarification or medical documentation is required.
7. Objectively reviews RAC recommendation and relevant supporting information to make a determination on a reasonable accommodation request, consistent with applicable Federal laws, regulations, and Policy.
8. Maintains employees' confidentiality consistent with Federal laws, regulations, and Policy.
9. Ensures that the determination on and provision of reasonable accommodations

are documented and consistent with this Policy.

**I. Reasonable Accommodation Requestor:**

1. Complies with this Policy, its procedures, and any federal laws, regulations, and HHS Policies related to reasonable accommodation.
2. Notifies, verbally or in writing, their immediate supervisor, another manager in their supervisory chain, a designated point of contact, or a member of the Reasonable Accommodation Program Office of their reasonable accommodation request.
  - a. A family member, friend, health professional, or other representative, may request a reasonable accommodation on behalf of an employee or applicant.
  - b. When submitted by a 3<sup>rd</sup> party, requests will be confirmed directly with the individual for whom the accommodation is being sought, as feasible.
3. Cooperates in the interactive process and engages in discussion as needed throughout the reasonable accommodation process.
4. Provides, in a timely manner, medical documentation as requested by the RAC, in support of a requested reasonable accommodation.

**J. Information Technology (IT) and Other Support Offices:**

1. Provides technical input and implements solutions (e.g., assistive technology), as applicable.
2. Maintains data integrity and quality assurance of RA data in data systems.
3. Assists with data needs related to e-file capability.
4. Meets data calls and reporting needs, providing accurate information in a timely manner.

## **126-1-70 Procedures**

**A. Submitting a Request**

1. Per 29 C.F.R. § 1614.203(d), an individual/Requestor may request a reasonable accommodation orally or in writing at any time, need not fill out any specific form for the interactive process to begin, and need not have a particular accommodation in mind before making a request.
2. Written confirmation: To support recordkeeping, Requestors are encouraged to confirm the request in writing (by completing a confirmation form or by email). Written confirmation is not necessary for recurring needs once they have been initially documented (e.g., interpreters).

**Table (70.1) Requesting an Accommodation**

Requestor	Procedure	Decision Maker
Applicant	Submit request, orally or in writing, from the Human Resources (HR) Specialist listed in the vacancy announcement. The HR Specialist will request the applicant to complete the RA	HR Specialist

	confirmation form. If needed, assistance will be provided to help complete the form.	
<b>Employee</b>	Submit request, verbally or in writing, to their supervisor, another manager in their supervisory chain, a designated point of contact, or a member of HHS RA Office. Verbal requests should be documented in writing (confirmation form or email). Written confirmation is not necessary for recurring requests (e.g., interpreters).	First-line Supervisor or HHS RA Program
<b>Family Member/ Representative</b>	Submit a request on behalf of an individual with a disability. HHS must confirm the request directly with the individual whenever possible.	First-line Supervisor or HHS RA Program (Employee); HR Specialist (Applicant)

## **B. Routing and Initial Processing**

1. **Forwarding:** Within five calendar days of receipt, the management official or designated contact who receives the request routes the request to the appropriate Decision Maker and/or RAC.
2. **RAC Action:** RAC initiates processing as soon as possible, generally within three calendar days of receipt.
3. **HR Action (Applicants):** Expedites requests aligned with application, testing, interviewing, and hiring timelines.

## **C. The Interactive Process**

1. The Decision Maker and Requestor engage in timely, good-faith dialogue regarding the essential functions of the position and the Requestor's functional limitations to identify effective accommodations. All substantive communications should be documented by the Decision Maker.
2. When a request for accommodation is submitted by a third party, the Decision Maker should, if possible, confirm with the individual for whom the accommodation is being sought that they require a reasonable accommodation before proceeding. In addition, the RAC will confirm authorization for the Component to communicate with the third-party using a representative form. It may not be possible to confirm the request if the individual, for example, is hospitalized. In this situation, the Component will process the third party's request and consult directly with the individual needing the accommodation as soon as circumstances allow.

3. Continued communication: the Requestor and the supervisor must engage in periodic dialogue, even after a decision is issued, to evaluate ongoing effectiveness of the accommodation and implement modification, as applicable.

**D. Interim Accommodation:**

1. Per 29 C.F.R. § 1614.203(d), when all the facts and circumstances known to the Component make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the Component shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency[.]”
2. Therefore, where likely practical but not immediately implementable—or when clarification/medical review is pending—the Decision Maker may provide interim accommodation that allow the Requestor to perform essential duties, absent undue hardship. The interim accommodation must be documented with precise start/end dates. Telework may only be provided as an interim accommodation when approved at the Assistant Secretary Level or by their designee.
2. The granting of an interim accommodation does not entitle a Requestor to the approval of an accommodation, nor does it entitle the Requestor to receive the interim accommodation as a final accommodation where an alternative effective accommodation can be provided.

**E. Medical Information**

1. Medical documentation may be requested by the RAC when a disability and/or need for accommodation is not known or obvious.
  - a. Documentation is sufficient if it describes the nature, severity, and duration of the employee’s impairment, the activity, or activities that the impairment limits, and the extent to which the impairment limits the employee’s ability to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.
  - b. Documentation is insufficient if it does not establish the existence of a covered disability or explains the need for reasonable accommodation.
  - c. If medical documentation is received from an appropriate health care provider, states that the individual has a disability and specifies the functional limitations that require accommodation, it is the HHS’s policy to not request additional medical documentation. Instead, processing will move to the decision phase.
2. HHS reserves all rights to request and process medical information per 29 C.F.R. 1614.203(d)(3)(i)(K).
3. The Component may not request medical information where (a) both the disability and need for accommodation are obvious; or (b) the Requestor has already provided the Component with sufficient information to document the

existence of a disability and their functional limitations related to the request.

4. Supervisors and other Decision Makers shall not request nor receive medical information directly from the Requestor or health care providers. Supervisors and other Decision Makers cannot always control what information they are given unsolicited by Requestors or family members/representatives; should a supervisor or other Decision Maker find themselves in receipt of medical documentation, they should not discard it. Once a supervisor or other Decision Maker realizes they are in possession of medical documentation, all care will be given not to review or look at the documentation further, but instead to forward it as quickly as possible on to the RAC. They should also notify the Requestor of the proper procedure of forwarding it straight to the RAC and inform them of applicable confidentiality requirements. The RAC should both request the medical documentation and receive it from the Requestor.
5. Time to obtain medical documentation once requested is not counted toward the processing times for deciding and implementing reasonable accommodation. Therefore, when calculating the processing time, the Component will deduct the total amount of days from the request for medical documentation to the receipt of adequate medical documentation. The Requestor is required to provide medical documentation within 20 calendar days to requests for medical information, though reasonable extensions may be granted. If the RAC finds the medical information is insufficient, the employee may be given the opportunity to provide sufficient document. Failure to provide sufficient documentation or to cooperate will result in the administrative closure or denial of the request.
6. Work products and communications created during these procedures are confidentially maintained by the RAC and will not be shared except as required under Section 126-1-80, Confidentiality requirements of this policy.

## **F. Decisions and Timeframes**

1. **Standard Processing:** When the request is simple and the disability is known or obvious and does not require medical documentation, the Decision Maker should move forward and make determinations as soon as possible, but no later than 10 calendar days from the date of request; implementation should occur within 10 calendar days of approval, absent extenuating circumstances. The decision must be documented and provided to the RAC for recordkeeping. Examples of simple requests: request for an ergonomic chair, or for parking.

If medical documentation is necessary, the Decision Maker must make a determination as soon as possible, but no later than 15 calendar days from the date of receiving the RAC recommendation.

Per 29 C.F.R. § 1614.203(d)(3), where a particular reasonable accommodation can be provided in less than the maximum amount of time permitted under this

Policy, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

2. **Expedited Processing:** Requests needed for imminent events (e.g., interpreter for a near -term meeting or applicant for job interview) are prioritized.
3. **Extenuating Circumstances:** When delays occur beyond the Component's control, the Decision Maker must provide the Requestor in writing with reasons and an expected date for decision or implementation; temporary measures should be considered.
4. **Medical Review Tolling:** If the RAC requests medical information, the decision period is paused until relevant information is received.

**Table (70.2): Processing Timeline for Reasonable Accommodation Requests**

Timeframe	Action Required
<b>Day 0 – Initial Request</b>	Request made verbally or in writing by employee, applicant, or representative.
<b>Within 5 days of initial request</b>	Receipt of request confirmed in writing.
<b>Within 10 days of initial request when no medical documentation is needed</b>	A decision is issued. If medical documentation is necessary, interim accommodations should be provided as needed and feasible even if medical documentation is not requested.
<b>Within 15 days of receipt of the RAC recommendation when medical documentation is requested</b>	A decision is issued.
<b>Within 10 days of the decision</b>	Approved accommodation implemented (absent extenuating circumstances).

## **G. The Decision**

1. All reasonable accommodation decisions must be in writing and documented in a RA Decision Memorandum.
2. All decisions to approve telework, remote work, or reassignment as an accommodation or an interim accommodation must be reviewed and approved by the Assistant Secretary level or their designee.
3. The decision provides the following options: Approved, Alternate Approval, and Denial.

4. Approvals and Alternate Approvals must describe the accommodation granted, the responsibilities of both parties, the implementation timeline, and the review schedule, as applicable. If the accommodation is not immediately available, the Decision Maker must communicate the projected timeframe and any interim accommodations.
5. If the Requestor refuses to accept accommodation(s) offered by the Decision Maker, the accommodation request should be administratively closed. (See 126-1-90 Administrative Closure, Section F),
6. Denials must articulate the specific reasons for the denial.
  - a. Per 29 C.F.R. § 1614.203(d)(3)(iii), the Requestor shall be provided with a written notice at the time of the denial, in an accessible format when requested, that—
    - i. Explains the reasons for the denial and notifies the job applicant or employee of any available internal appeal or informal dispute resolution processes;
    - ii. Informs the job applicant or employee of the right to challenge the denial by filing a complaint of discrimination under this part;
    - iii. Provides instructions on how to file such a complaint; and
    - iv. Explains that, pursuant to 29 CFR 1614.105, the right to file a complaint will be lost unless the job applicant or employee initiates contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process.
  - b. Should Undue Hardship be the reason for the denial, the details must be consistent as outlined in Section (RA 126-1-50(L)). In determining whether an accommodation poses an undue hardship based on cost, the available financial resources of the Department as a whole should be considered, and not just the resources of the individual facility or program office. To ensure that accommodations are not improperly denied for reasons of cost, only the HHS Secretary or designee can deny a request based on cost.
  - c. Before reaching this determination, the Decision Maker, in consultation with the RAC, must explore whether alternative effective accommodations are available and can be provided.
7. The need for and effectiveness of reasonable accommodations must be regularly discussed; in consultation with the RAP, supervisors retain the authority to adjust approved accommodations as appropriate.

## **H. Implementation of Accommodation**

The Decision Maker consults with the RAC, as appropriate, and coordinates with the appropriate point of contact to implement approved accommodation(s) no later than 10 calendar days from date of approval, absent extenuating circumstances. Funding is provided at the Component-level and must be worked through the work unit of the employee and the leadership chain. Support offices may include IT, 508 office, procurement, or other support offices, as applicable.

## **126-1-80 Confidentiality**

All reasonable accommodation records will be managed consistent with 29 C.F.R. § 1630.14, maintained separately from personnel files, with limited access granted to the RAC or their designee. The RAC will not share medical documentation, unless required by Federal laws or regulations (e.g. government investigators). Limited information may be shared only on a need-to-know basis (e.g., to inform supervisors of work restrictions and accommodations, or with first aid/safety personnel for emergencies).

Any medical documentation received by staff other than the RAC must be forwarded to the RAC for secure retention and storage.

## **126-1-90 Administrative Closure**

Under certain circumstances, a request may be administratively closed. Reasons for administrative closure include:

- a. The Requestor does not have a disability covered by Federal law.
- b. The Requestor withdraws their request.
- c. The Requestor did not submit any medical documentation, within 20 calendar days of the RAC request for this information and did not respond to subsequent requests for response.
- d. The Requestor submitted incomplete or insufficient medical documentation, or it was completed by an inappropriate Medical/Mental Health Professional for the Requestor's medical/mental health condition(s).
- e. The Requestor does not respond to emails, phone calls or voicemail messages from the Decision Maker or RAC for twenty (20) calendar days or more, creating the impression that they have abandoned (withdrawn from) the interactive process.
- f. The Requestor refused to accept accommodation(s) offered by the Decision Maker.
- g. The Requestor retired, transferred, or resigned from Federal Service; or
- h. The Requestor provided their request under false pretenses.

To ensure timelines and proper tracking of Component processing times, administratively closed cases will remain closed. If the Requestor later chooses to reengage in the interactive process, a new case file will be opened, and the request will continue from the last completed stage, with all timelines starting over.

## **126-1-100 Reassignment**

- A.** When an employee can no longer perform the essential functions of their current position with or without accommodation, reassignment to a vacant, funded position should be considered as the accommodation of last resort. Before reassignment is considered, all accommodations that would enable the employee to perform the essential functions of their current position without undue hardship to the Agency should be considered.
- B.** Reassignment may not be available to a probationary employee. A probationary employee would be eligible for reassignment if they adequately performed the essential functions of their position, with or without reasonable accommodation, before the need for reassignment arose. However, if the employee has never adequately performed the essential functions of their current job, with or without accommodation, and there is no reasonable accommodation that would enable them to perform the essential functions of the position, then the employee was never a “qualified individual,” and reassignment need not be considered as an accommodation.
- C.** The Component is not required to create new positions or move employees from their jobs to create a vacancy.
- D.** Reassignments efforts will be conducted in accordance with applicable federal laws and regulations, and criteria set forth in 29 C.F.R. § 1614.203(d)(3).
- E.** Vacancy Search (60 days): HHS OHR, in coordination with the RAC, conducts a Department-wide search for positions for which the employee meets minimum qualifications, with or without accommodation, including positions anticipated to be vacant within the next 60 calendar days.
- F.** Employee Input (within 10 days from request by RAC): The Requestor provides an updated résumé and completes the applicable HHS form indicating willingness regarding commuting area, series changes, lower grade (with minimum acceptable grade), and part-time options.
- G.** Status Updates: RAC provides status update at least every 15 calendar days during the vacancy search to the Requestor and the employee’s current supervisor.
- H.** Offers: If a qualifying vacancy is identified, OHR issues an offer.
  1. If accepted, the employee is placed in the new position non-competitively, and accommodations for the new role, if needed, are assessed.
  2. If declined or if no vacancies are found, the employee’s supervisor should consult with Employee and Labor Relations (ELR) for guidance on next steps, such as proposing the employee’s removal based on medical inability to perform the duties of their position.
  3. Should reassignment efforts not be successful, administrative actions must be initiated immediately following a declination of reassignment or one week

before the 60-day search completion timeline. Appropriate action should be taken as soon as possible to ensure that the essential work of the position is being performed.

## **126-110 Venues of Redress**

Per 29 CFR 1614.203(d), HHS encourages the use of the voluntary informal dispute resolution processes that individual may use to obtain prompt reconsideration of denied requests for reasonable accommodations.

In addition, individuals who have been denied a reasonable accommodation may pursue redress as follows:

- A.** Contact an EEO Counselor within 45 days of receipt of a denial.
- B.** For bargaining unit employees, file under the negotiated grievance procedure contained in the applicable collective bargaining agreement within prescribed timeframes; or for employees who are not part of a bargaining unit, file under the Department's Administrative Grievance Procedure within prescribed timeframes; or
- C.** for appealable adverse actions within Merit Systems Protection Board (MSPB) jurisdiction (as defined in 5 C.F.R. § 1201.3), file an appeal within 30 days of the action.

## **126-1-120 Recordkeeping**

- A.** This policy requires the accurate collection, tracking, and safeguarding of all reasonable accommodation data. The RAC, in coordination with designated officials, is responsible for ensuring that records are complete, current, and protected in compliance with the Privacy Act and applicable federal laws and regulations.
- B.** All personally identifiable information (PII) and medical information will be kept confidential in compliance with Federal laws and regulations, including the Privacy Act and the Rehabilitation Act, and HHS policies, and protected with appropriate security safeguards.

The collection, maintenance and disclosure of PII will be compliant with the published Privacy Act System of Records Notice (SORN) 09-90-2103, Accommodation Records About HHS Civilian Employees, Contractors, and Visitors. Collected data will be used to identify:

1. The number of reasonable accommodation requests by type, including whether each request was approved or denied.
2. The job information (e.g., occupational series, grade level, and HHS Division) for positions for which accommodations have been requested.
3. The total amount of processing time, in days, for each request.
4. The current processing stage of active requests within the accommodation process.

- C. HHS will review tracking data on a regular basis to verify accuracy of data, monitor timeliness of processing of requests, and ensure consistent handling of requests.

## **126-1-130 Resources**

### **A. Job Accommodation Network (JAN)**

1-800-232-9675 (Voice/TTY)

<https://askjan.org/>

A service of the Department of Labor's Office of Disability Employment Policy.

JAN is a source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.

### **B. Registry of Interpreters for the Deaf (RID)**

333 Commerce Street

Alexandria, VA 22314

(703) 838-0030 V

(703) 838-0459 TTY (703) 838-0454 Fax

<https://rid.org/>

RID is a national membership organization of professionals, who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons.

### **C. RESNA Technical Assistance Project**

(703) 524-6686 (Voice)

(703) 524-6639 (TT)

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

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities.

### **D. U.S. Equal Employment Opportunity Commission**

1-800-669-3362 (Voice)

1-800-800-3302 (TTY)

<http://www.eeoc.gov>

The EEOC is responsible for enforcing federal laws that govern the Reasonable Accommodation process.

## **126-1-140 References**

- A. The Rehabilitation Act of 1973
- B. The Americans with Disabilities Act of 1990
- C. The American with Disabilities Amendments Act of 2008
- D. Pregnant Workers Fairness Act of 2023
- E. 29 C.F.R. § 1614
- F. 29 C.F.R. § 1630

- G. Executive Order 13164**
- H. HHS System of Records Notice (SORN) 09-90-2103**
- I. [Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)**

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