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## **EPA ORDER**

### **Providing Reasonable Accommodations for EPA Employees and Applicants with Disabilities**

**PURPOSE:** This directive provides agency policy and assigns responsibility for requesting and providing reasonable accommodations for EPA employees and applicants with disabilities. The goal of the policy is to promote a model federal workplace that provides reasonable accommodations to qualified federal employees and applicants with disabilities.

**BACKGROUND:** Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 791), prohibits discrimination on the basis of disability in federal employment. See also 29 CFR 1614.203 and 1630. Agencies are required to make reasonable accommodation to the known physical and mental limitations of an otherwise qualified applicant or employee with a disability unless the agency can show that providing the accommodation would result in undue hardship. Agencies should ensure that their policies do not unnecessarily restrict persons with disabilities from having full access to equal employment opportunities.

Executive Order 13164 requires each federal agency to establish effective written procedures to facilitate the provision of reasonable accommodation.

**POLICY:** EPA is committed to providing reasonable accommodations to assure that individuals with disabilities enjoy full access to equal employment opportunities at EPA. EPA will provide reasonable accommodation for the following situations, unless to do so would cause an undue hardship:

1. When an applicant is a qualified individual with a disability who requires an accommodation to apply or be considered for a job;

2. When an employee is a qualified individual with a disability and requires an accommodation to perform the essential functions of the job; and/or
3. When an employee is a qualified individual with a disability and requires an accommodation to enjoy the equal benefits and privileges of employment.

EPA is committed to processing requests for reasonable accommodation in a prompt, fair and efficient manner and without unreasonable delay. EPA has taken steps to actualize these commitments through the publication and implementation of its procedures, “U.S. Environmental Protection Agency Procedures for Providing Reasonable Accommodation for EPA Employees and Applicants with Disabilities.” See <https://www.epa.gov/ocr/reasonable-accommodation#raprocedures>.

EPA has designated the National Reasonable Accommodation Coordinators (Senior NRAC(s) and NRAC(s)) to manage the agency-wide program. In most cases, NRAC can be used interchangeably to refer to Senior NRAC and/or NRAC.

If appropriate, EPA may delegate some of the NRAC’s responsibilities to the Local Reasonable Accommodation Coordinators (LORAC) to assist in coordinating the processing and provision of reasonable accommodation in the regions, laboratories, and geographical areas (e.g., RTP, Cincinnati).

**ANTICIPATED OUTCOMES/RESULTS:** To provide reasonable accommodations to qualified employees and applicants with disabilities in a prompt, fair and efficient manner and without unreasonable delay, so they have full access to equal employment opportunities at EPA.

**THIS DIRECTIVE APPLIES TO:** All EPA employees and applicants for federal employment at EPA.

#### **ROLES AND RESPONSIBILITIES:**

**Senior National Reasonable Accommodation Coordinator and National Reasonable Accommodation Coordinator (NRAC)** are responsible for serving as the subject matter experts for EPA employees and supervisors and EPA applicants and hiring officials who request, process, or provide reasonable accommodations. The NRACs function as a resource for the reasonable accommodation process and for ensuring consistency throughout the agency.

Other NRAC responsibilities include the following:

- Tracking and monitoring all reasonable accommodation requests;
- Facilitating the processing of reasonable accommodation requests;
- Coordinating the provision of reasonable accommodations for applicants;
- Coordinating the collection of medical records by an appropriate health professional;
- Evaluating medical records provided;
- Maintaining medical records and files on reasonable accommodation requests;
- Providing appropriate reasonable accommodation options to the decision-maker (DM);
- Providing supplier information and technical resources for the procurement of equipment for reasonable accommodations; and,

- Training on the process for requesting and providing reasonable accommodations to management and staff.

**Local Reasonable Accommodation Coordinators (LORACs)** serve as the principal advisor to management and employees within their designated area and coordinate with and report monthly to the NRACs on matters pertaining to the provision of reasonable accommodation for employees and applicants for employment with disabilities. Senior management for the regions, laboratories and geographical areas appoint, in writing, LORACs if deemed necessary. Based on office needs and the number of reasonable accommodation requests, Senior management may designate the LORAC to serve on a full-time basis or on collateral duty basis of not less than 20% of their time.

**Senior Resource Officials (SROs)** are responsible for the following:

- Providing adequate funding for reasonable accommodations.

**EPA Supervisors/Agency Decision Makers (DM)** are responsible for the following:

- Responding to, approving, or denying requests in writing for reasonable accommodations consistent with the reasonable accommodation procedures and timeframes;
- Consulting with the NRAC or LORAC, where delegated, prior to deciding a reasonable accommodation request; and,
- Notifying the NRAC or LORAC, where delegated, and the appropriate agency facilities official(s) when a reasonable accommodation request involves EPA facility access.

Note: In most cases, the employee's immediate supervisor or supervisor in the supervisory chain is the decision-maker.

**EPA Employees** are responsible for the following:

- Requesting a reasonable accommodation, either orally or in writing, from their immediate supervisor, another supervisor in their immediate chain of command or the Senior NRAC, NRAC, and LORAC. If the decision-maker is not this official, the agency will so notify the employee.
- Providing appropriate medical documentation about a disability if it is requested to process the reasonable accommodation request.

**EPA Applicants** are responsible for the following:

- Requesting a reasonable accommodation, either orally or in writing, from any EPA agency official authorized to interact with the applicant in the application process or from the Senior NRAC, NRAC, or LORAC; and,
- Providing appropriate medical documentation about a disability if it is requested to process the reasonable accommodation request.

**Family members, health professionals, or authorized representatives** may request an accommodation on behalf of applicants or EPA employees. When a third party makes a request for accommodation on behalf of an applicant or employee, the Senior NRAC, NRAC, LORAC,

agency hiring official (for an applicant) or supervisor (for an employee) processing the request should confirm the individual's authority to represent the applicant or employee.

**AUTHORITY:** Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 and 29 C.F.R. §§ 1614.101 (a) and 1614.203. Executive Order 13164 dated July 26, 2000.

**REVIEW DATE:** This directive will be reviewed three years from the last review date or as needed.

**REFERENCES:** Additional guidance materials, information on local contacts, and the procedures for providing reasonable accommodations for EPA employees and applicants with disabilities are available on the agency's internet site (at <https://www.epa.gov/ocr/reasonable-accommodation>) or by contacting the NRACs in the Office of Civil Rights at [ReasonableAccommodations@epa.gov](mailto:ReasonableAccommodations@epa.gov). Managers, employees and applicants may refer to the EEOC's "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act" at <http://www.eeoc.gov/policy/docs/accommodation.html> for more information on the rights and responsibilities in requesting and providing reasonable accommodations.