

Appendix

Selected Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

<https://www.eeoc.gov/>

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The three main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, 8 FEP Manual 405:7601 (1999); and (3) *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (*Technical Assistance Manual*). The *Technical Assistance Manual* includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) *Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations* at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995); (2) *Enforcement Guidance: Workers' Compensation and the ADA* at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) *Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities* at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) *Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964* at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and (5) *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under Americans with Disabilities Act* at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

Finally, the EEOC has a poster that employers and labor unions may use to fulfill the ADA's posting requirement.

All of the above-listed documents, with the exception of the *Technical Assistance Manual* and the poster, are also available through the Internet at www.eeoc.gov. All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

Job Accommodation Network (JAN)

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

<https://askjan.org/>

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

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

The Registry offers information on locating and using interpreters and transliteration services.

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. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);
- centers where individuals can try out devices and equipment;
- assistance in obtaining funding for and repairing devices; and
- equipment exchange and recycling programs.

Footnotes

1. 65 Fed. Reg. 46565, 2000 WL 1114943 (2000).

2. 29 U.S.C. § 791.

3. 29 C.F.R. pt. 1630 app. § 1630.2(o).

4. 8 FEP Manual (BNA) 405:7601 (1999). The EEOC Reasonable Accommodation Guidance is also available on the EEOC's website at <https://www.eeoc.gov/>. The reasonable accommodation standards of the Americans with Disabilities Act apply to the Rehabilitation Act as well. 29 U.S.C. § 791(g).

5. Agencies should also bear in mind the limited circumstances in which an employer should initiate the reasonable accommodation process without being asked. See EEOC Reasonable Accommodation Guidance, Question 39.

6. Of course, to the extent that an EEO official is involved in the handling of a reasonable accommodation request, s/he should not be involved in the processing of any EEO complaint that is made regarding disposition of the request.

7. Agencies may wish to seek advice from other agencies - such as the Department of Defense's "Computer/Electronic Accommodations Program" (CAP) or the Department of Agriculture's "Technology Accessible Resources Gives Employment Today" (TARGET) Center - that have established programs to provide these types of assistance. Information about the CAP program can be found at <http://www.cap.mil>; information about the TARGET Center is posted at <http://www.targetcenter.dm.usda.gov>.

8. Architectural Barriers Act of 1968, 42 U.S.C. § 4151 *et seq.*; Rehabilitation Act Section 504, 29 U.S.C. § 794; see also Americans with Disabilities Act, 42 U.S.C. § 12131.

9. The EEOC has issued detailed guidance that applies to the provisions of the Rehabilitation Act that address permissible medical inquiries. See EEOC Reasonable Accommodation Guidance; "Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations," 8 FEP Manual (BNA) 405:7191 (1995); and "Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act," 8 FEP Manual (BNA) 405:7701 (2000). These documents can be found on the EEOC's website at <https://www.eeoc.gov/>.

The Office of Personnel Management (OPM) also regulates when an agency may request medical examinations of applicants and employees. See 5 U.S.C. § 3301 & 3302; 5 C.F.R. Part 339 (Medical Qualification Determination). In making these requests, agencies must comply with Rehabilitation Act requirements.

10. See EEOC Reasonable Accommodation Guidance, Question 6; "Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities...", Question 10.

11. For further guidance on the circumstances in which it is permissible to disclose confidential medical information to workers' compensation offices or insurance carriers, see 29 C.F.R. pt. 1630 app. §§ 1630.14(b), 1630.16(f).

12. For further information on reassignment, see EEOC Reasonable Accommodation Guidance, Questions. 25-30.

In March 2000, the Commission also issued a Notice of Proposed Rulemaking regarding proposed revisions to 29 C.F.R. § 1614.203, addressing, among other things, requirements related to reassignment and the obligations of agencies and their unions to bargain over modifications to collective bargaining agreements. See 65 Fed. Reg. 11019, 2000 WL 226980 (3/1/00). As of the date of issuance of this Guidance, the Commission is considering the comments received on the proposed rule and is proceeding with the rulemaking process.

13. 29 C.F.R. pt. 1614.