



Draft Order

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TBD

Subject: REASONABLE ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

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Chapter 1. General Provisions

1. Purpose.

This order establishes a framework and delineates responsibility within the U.S. Government Accountability Office (GAO) for providing reasonable accommodation to individuals with disabilities in accord with the Americans with Disabilities Act (ADA).

2. Supersession.

This order supersedes GAO Order 2306.1, Employment of Individuals with Disabilities, dated March 27, 2006.

3. Policy.

Employing and providing reasonable accommodation for individuals with disabilities is a key aspect of a diverse and inclusive workforce. GAO is committed to cultivating and sustaining an inclusive organizational culture that embraces diversity in all of its forms and emphasizes both agency and individual integrity and accountability. Having a diverse workforce at all levels is an organizational strength that contributes to achieving results by bringing a wider variety of perspectives and approaches to policy development and implementation, strategic planning, problem solving, and decision making.

GAO is covered by the ADA, which requires employers to provide reasonable accommodation to qualified individuals with disabilities unless doing so would result in an undue hardship for the employer. GAO is committed to providing reasonable accommodation to its employees and applicants for employment to ensure that qualified individuals with disabilities have equal access to all employment opportunities and have the opportunity to perform to their fullest potential.

Reasonable accommodations may include modifying existing agency facilities; restructuring job duties; offering part-time or modified work schedules; allowing telework; acquiring or modifying equipment, devices, and assistive technology; adjusting or modifying policies or training materials; providing assistance during travel; providing qualified readers or interpreters; reassigning individuals to vacant positions for which they are qualified; and other similar accommodations.

In providing reasonable accommodations, GAO strives to have an appropriately flexible and transparent process that involves the employee or applicant, protects the privacy of information related to the accommodation process, provides timely accommodations, and offers an appeal process.

4. Definitions.

a. "Employee" means an individual who is employed by GAO.

b. "Applicant" means an individual who has applied for or is seeking a position at GAO, but has not been hired for employment at GAO.

c. "Individual with a disability" means an individual who:

(1) has a physical or mental impairment that substantially limits one or more major life activities;

- (2) has a record of such an impairment; or
 - (3) is regarded as having such an impairment.
- d. “Qualified” means that an individual satisfies the requisite skill, experience, education, and other job-related requirements of the position that the individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the position.
- e. “Essential functions” means the fundamental job duties of a position. The term “essential functions” does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following:
- (1) the position exists to perform that function;
 - (2) the number of employees available to perform that job function is limited; or
 - (3) the incumbent in the position was hired because of the incumbent’s expertise or ability to perform that function.
- Other factors in determining whether a function is essential may include the actual work experience of present or past employees in the job, the time spent performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement.
- f. “Reasonable accommodation” means any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. The three categories of reasonable accommodation are those that:
- (1) ensure equal opportunity in the application process;
 - (2) enable employees with disabilities to perform the essential functions of the position held or desired; and
 - (3) enable employees with disabilities to enjoy equal benefits and privileges of employment enjoyed by employees without disabilities.
- g. “Interactive process” is an informal dialogue between a member of the Reasonable Accommodation (RA) Team and the requester to determine whether there is a need for accommodation and, if so, whether there is an accommodation that would be reasonable and effective. It occurs after a requester makes a request for reasonable accommodation.
- h. “Requester” means an employee or applicant who has requested or indicated a need for a reasonable accommodation.
- i. “Undue hardship” means an action related to providing a reasonable accommodation that requires significant difficulty or expense to GAO. In determining whether an accommodation would impose an undue hardship, factors to be considered include the nature and cost of the accommodation; GAO’s overall financial resources; the type of work performed; and the impact of the accommodation upon the operation of the team, unit, office, and GAO, including the impact on the ability of other employees to perform their duties.
- j. “Reassignment,” for purposes of this Order, means moving an employee to a vacant position for which the employee is qualified, while the employee serves continuously within the same agency.

k. "Work environment" means agency facilities, including the workspace provided to an employee.

l. "Manager" means a GAO employee in the PE or PA Band III, MS, or SES pay plans.

Chapter 2. Responsibilities

1. Managers.

All managers advise employees in their management chain on GAO's reasonable accommodation process, forward requests for reasonable accommodation to the Reasonable Accommodation Coordinator (RAC), help resolve reasonable accommodation requests, implement approved accommodations, and inform the RAC when a reasonable accommodation is not enabling the employee to adequately perform the essential functions of their position and/or is creating an undue hardship, as appropriate. Managers also ensure that information about reasonable accommodations that have been requested, approved, or denied is shared only with those who have a need to know and maintain the confidentiality of any medical information received during the reasonable accommodation process.

2. Human Capital Office.

The Chief Human Capital Officer (CHCO) provides overall leadership and direction to GAO's units, teams, and employees for implementing the reasonable accommodation policy. The CHCO oversees the activities of the following staff:

a. Reasonable Accommodation Coordinator.

The RAC serves as the centralized point of contact for reasonable accommodation. The RAC:

- (1) processes all requests, including engaging in the interactive process, and, as necessary, keeps the requester and relevant managers advised of the status of the relevant request;
- (2) grants requests within the scope of the RAC's authority and presents requests to the Accommodation Committee (AC) consistent with this order;
- (3) works with managers from responsible GAO units and teams to ensure that approved accommodations are provided;
- (4) maintains a record of all requests, outcomes, and related activities, and reports this information to the AC consistent with this order;
- (5) provides data and other information about the reasonable accommodation program for GAO's Workforce Diversity Plan and other agency reports (only limited information is provided to protect the confidentiality of the employees);
- (6) maintains and updates GAO's Reasonable Accommodation intranet content;
- (7) assists, advises, and trains employees and managers on reasonable accommodation matters;
- (8) assists managers and staff from GAO units and teams with requests related to visitors and other individuals; and

(9) provides information concerning a reasonable accommodation request only to those who have a need to know, and will notify individuals with whom information is shared of their obligation to keep requests and related documentation confidential.

b. Reasonable Accommodation Specialist.

The Reasonable Accommodation Specialist (RAS) assists the RAC as needed and serves as a back-up when the RAC is unavailable.

c. Reasonable Accommodation Budget Officer.

The Reasonable Accommodation Budget Officer manages the reasonable accommodation budget, in coordination with the RAC, and ensures sufficient funds are available to provide approved accommodations in a timely manner.

d. Counseling Services.

Counseling Services staff provide advice and serve as a resource to the RAC on mental health and other issues.

e. Recruitment Coordinator.

The Recruitment Coordinator ensures that all staff involved in recruiting and hiring inform applicants and new hires about GAO's reasonable accommodation process, including through vacancy announcements; forwards all requests for reasonable accommodation to the RAC; and coordinates with the RAC to implement approved accommodations.

3. Accommodation Committee.

The Accommodation Committee (AC) has the following membership:

- a. The Chief Human Capital Officer (or SES designee)
- b. The Controller (or SES designee)
- c. A senior management official (SES member)

The AC reviews and through unanimous decision concurs with, modifies, or rejects the RAC's proposed denials of requests for reasonable accommodation and other requests it considers as directed by this order. The AC may consult with others as needed to assist in decision making. The members of the AC involved in the review must be outside the chain of command of the requester of the reasonable accommodation. The AC also reviews quarterly reports prepared and submitted by the RAC on requests for reasonable accommodation to ensure that they are processed consistent with this order. Members of the AC will serve until a new member is appointed.

4. Chief Administrative Officer.

The Chief Administrative Officer (CAO) determines whether an accommodation should be granted or denied if the AC cannot unanimously reach a decision on a request, unless otherwise specified by this order. The CAO also appoints the senior management official and SES designee to the AC. If the CAO is not available, the Acting CAO or Deputy CAO appoints the senior management official or SES designee.

5. Chief Learning Officer.

The Chief Learning Officer (CLO) ensures that 1) training opportunities are available and accessible to employees with disabilities and 2) reasonable accommodation training is provided to recently promoted managers.

6. Infrastructure Operations Managing Director.

The Infrastructure Operations (IO) MD designates at least one IO staff member to be responsible for coordinating with the RAC on requests for accommodations to be provided by IO and establishing and implementing procedures to ensure that approved accommodations are provided in a timely manner.

7. Chief Information Officer.

The Chief Information Officer designates at least one Information Systems and Technology Services (ISTS) staff member to be responsible for coordinating with the RAC on requests for accommodations to be provided by ISTS and establishing and implementing procedures to ensure that approved accommodations are provided in a timely manner.

8. Controller.

The Controller designates at least one Financial Management and Business Operations (FMBO) staff member to be responsible for coordinating with the RAC on requests for accommodations to be provided by FMBO and establishing and implementing procedures to ensure that approved accommodations are provided in a timely manner.

9. Recruitment Staff.

Recruitment staff, which includes all staff involved in recruiting and hiring, inform applicants and new hires about GAO's reasonable accommodation process by adding language to vacancy announcements, forwarding all requests for reasonable accommodation to the RAC, and coordinating with the RAC to implement approved accommodations related to the hiring process.

10. Office of the General Counsel.

The Office of the General Counsel (OGC) provides legal advice on reasonable accommodation to the RAC, the AC, CAO, and GAO managers. If OGC determines that it has a need to know the medical documentation and other information concerning the matter on which it is giving advice, the RAC will provide such documents and information to OGC upon its request.

11. Development Program Advisors.

Advisors working with developmental staff throughout the agency are to meet with the RAC on the purpose and role of the RAC so they can advise staff on GAO's reasonable accommodation process. Managers of teams and units with advisors for developmental staff are responsible for ensuring the advisors are knowledgeable of the reasonable accommodation process.

12. Office of Opportunity and Inclusiveness.

The Office of Opportunity and Inclusiveness (O&I) helps promote and maintain a work environment that is fair, unbiased, and inclusive by providing informal resolution or mediation for employees who allege discrimination based on disability, and processing applicant or employee complaints alleging discrimination based on disability. (See GAO Order 2713.1 Opportunity and Inclusiveness in the Government Accountability Office (GAO); GAO Order 2713.2, Discrimination Complaint Resolution Process.)

13. Records Management.

Records Management staff notify the RAC when electronic records related to reasonable accommodation are 7 years old and subsequently dispose of them using the legally vetted records disposition approval process. For more information, see Chapter 5, Section 2.

14. Employees and Applicants.

Employees with disabilities make the need for reasonable accommodation known to their managers, other higher-level management officials, or directly to the RAC, as they prefer, cooperate in providing information to support their requests, and inform the RAC when a reasonable accommodation is not meeting their needs.

Applicants with disabilities make their needs known to the RAC, GAO's recruitment staff, or those involved in the hiring process, and cooperate in providing information to support their requests.

Chapter 3. Reasonable Accommodation Process and Procedures

1. Confidentiality.

All requests for reasonable accommodation will be treated as confidential. GAO staff may not disclose that another employee has requested or been provided with an accommodation, except to those who have a need to know. For example, supervisors and managers may be told about necessary restrictions on the employee's work or duties. GAO staff who assist or participate in the reasonable accommodation process may have a need to know medical information of employees who have requested reasonable accommodations. Except as set forth in chapter 2, paragraph 10, the Reasonable Accommodation Coordinator will determine when GAO staff need to know confidential medical information, and will share only the specific medical information that is necessary to process reasonable accommodation requests. GAO will not disclose an employee's medical information or diagnosis except in accordance with the provisions of the ADA, as amended; any applicable collective bargaining agreements; and this order. Medical information will be maintained and safeguarded in accordance with chapter 5, paragraph 2 of this order.

2. Making Requests.

Requesters should consider the following when requesting reasonable accommodation:

- a. Individuals who can make requests.

A GAO employee, applicant, visitor, or contractor may request a reasonable accommodation at any time. In addition, a manager, family member, health professional, or a representative may request an accommodation on behalf of a GAO employee or applicant.

b. Content of a request.

A request is any communication in which a requester or representative asks the RAC, RAS or a manager for a modification of the application process or work environment provided by the Agency, or for a benefit of employment needed due to a disability or a health condition covered by the ADA. A request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “ADA.” For example, an employee who states that a medication makes it difficult to wake up before 8AM, which makes it difficult to report to work on time, may be requesting a reasonable accommodation.

c. Submission of a request.

Requests may be made orally or in writing. Although not required, an employee may also request an accommodation by completing GAO Form 494, which can be found on GAO’s intranet. Written requests may be submitted in any manner, such as fax, hand delivery, or e-mail. If the request is made via e-mail, the requester or representative may password-protect any attachments. Requests should generally be made directly to the RAC or RAS. Employees may also make requests directly to their managers (i.e., MS and PE Band III or above). Managers may not deny a request for reasonable accommodation; they are to forward the request to the RAC as soon as practicable within 3 business days of the request. Section f of this chapter describes situations in which managers can approve requests without referral to the RAC.

d. Recurring needs.

An employee who needs a recurring reasonable accommodation, such as the assistance of a sign language interpreter or note-taker, only needs to request the accommodation through the RAC the first time the accommodation is needed. Once approved, the employee may make the necessary arrangements for the accommodation directly with the GAO team or unit providing the service.

e. Expedited requests.

In certain circumstances, a request for a reasonable accommodation may require expedited review and decision. For example, a reasonable accommodation may be needed to participate in a meeting or training on a designated date. If the employee has a need that requires expedited processing, the employee should note this when making the request.

f. Leave, telework, or similar flexibilities to address serious health conditions.

Employees may make a request to their managers (i.e., MS and PE Band III or above) to use leave, telework, or similar workplace flexibilities to address serious health conditions regardless of whether the conditions are covered by the ADA. To expeditiously and efficiently meet the needs of GAO employees, managers may use their existing authority to provide leave, telework, or similar workplace flexibilities without involving the RAC if the request is consistent with existing GAO leave, telework, or similar policies.

For example,

- (1) if an employee requests a modification of a work schedule to accommodate medical appointments, a manager may grant this request under GAO's flexible schedule policy;
- (2) if an employee requests a change in telework days or flexibility in determining which days to telework, a manager may grant this request under GAO's existing telework policy; or
- (3) if an employee has a medical condition and requests to telework for a week to adjust to a new medication, the manager may grant the request under an episodic telework agreement.

Managers are not authorized to deny any requests to use workplace flexibilities to address an employee's serious health condition or to rescind any use of such flexibilities that are already in place without consulting the RAC. If a manager does not know if the request can be approved under standard GAO policy, the manager should contact the RAC as soon as possible. The RAC will make a determination as to whether the request needs to be considered as a reasonable accommodation by the RAC or whether it may be decided by the manager.

3. Processing Requests.

a. Interactive process.

The interactive process begins as soon as the requester makes a request, continues while a request is being considered and decided, and then through the time the reasonable accommodation has been provided, if applicable. The requester may designate a personal representative to assist the requester during the interactive process. Bargaining unit employees may designate a representative from the Union to act as a personal representative. The requester and the RAC will discuss the request, the nature of the perceived workplace barrier the accommodation is trying to address, how a disability is prompting a need for an accommodation, and alternative accommodations that may meet the requester's needs.

During the interactive process, the RAC may consult with the requester's managers to obtain information pertinent to the request, such as the feasibility of the request. The RAC may disclose what has been requested if there is a need for the management official to know, but not the specific nature of the disability or diagnosis. All information about a request is considered confidential and will be safeguarded against inappropriate disclosure, in accordance with the ADA, as amended, any applicable collective bargaining agreements, and this order.

The RAC may also consult with other GAO units or offices to determine what type of reasonable accommodation can meet the employee's needs.

The RAC will include the employee in those consultations with other GAO units as appropriate. The RAC will only disclose information about the request necessary to decide and implement the reasonable accommodation.

The RAC may also consult with OGC to seek legal advice relevant to a request and per ch. 2 para. 10, will provide information as requested.

b. Acknowledgment.

The RAC should acknowledge receipt of the request in writing.

When a third party (e.g., a family member) requests accommodation on behalf of an applicant or employee, the RAC should confirm with the applicant or employee that a reasonable accommodation is wanted before proceeding. Where this is not possible, for example, because the employee has been hospitalized with an acute condition, the RAC will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable.

c. Initial discussion.

Within 7 calendar days after receiving the request, the RAC shall contact the requester via telephone, e-mail, or in person in order to have an initial discussion and to obtain additional information, if needed, about the request.

d. Medical documentation.

In most circumstances, medical documentation is necessary to establish the existence of a disability and the necessity or appropriateness of the requested accommodation. The RAC should determine whether medical documentation is necessary and, if so, request such documentation from the employee as soon as practicable. Alternatively, or in addition, the RAC may ask the individual to sign a limited release so that the agency's medical advisor may contact the individual's health care provider directly to obtain specific necessary information about the individual's disability and need for accommodation.

Where it is necessary to provide medical documentation establishing a disability, a reasonable accommodation will not be granted until adequate medical documentation has been provided. See chapter 3, paragraph 3, section e, regarding provisional accommodation while an employee is seeking medical documentation.

If the RAC determines that:

- (1) the employee has an obvious disability that clearly necessitates the accommodation requested, or
- (2) the employee has previously provided sufficient current medical information establishing a disability that necessitates the requested accommodation, the RAC will not require that the employee provide further medical documentation on what is obvious, clearly necessitated, or previously established.

In circumstances where the disability changes, the employee requests a new accommodation, or the nature of the employee's work significantly changes and a new accommodation is required, additional medical documentation may be needed to accommodate the employee's new needs.

At the request of the employee and the discretion of the RAC, medical documentation obtained for other purposes may be used to support a request for reasonable accommodation. Managers are not authorized to request or maintain medical documentation for purposes of reasonable accommodation.

GAO will maintain medical information and safeguard it in accordance with paragraph 1 of this chapter.

e. Provisional accommodation.

The RAC may authorize a provisional accommodation for a limited time to address an immediate need while the request for reasonable accommodation is being processed. When appropriate, provisional accommodation may be provided at such times as when the employee is in the process of obtaining medical documentation, the RAC is considering the reasonable accommodation request, the employee is waiting to receive a procured item, or at other times when a delay may occur. Provisional accommodations will be reassessed periodically.

f. Disability determination.

The RAC will determine whether the employee is covered by the ADA on all requests for reasonable accommodation. The determination will be consistent with the rules of construction outlined in the ADA, the ADA Amendments Act of 2008, implementing regulations, and interpretive case law. The RAC may consult with OGC and GAO's contract medical advisor before determining if the individual has a disability under the ADA.

4. Decisions on Reasonable Accommodation.**a. Timeliness.**

The RAC will make good faith efforts to decide on all requests for reasonable accommodation as soon as feasible. In cases when the RAC determines that the request should be approved, the RAC will take necessary steps to promptly implement the accommodation, including informing the appropriate management officials of the approved accommodation, if the RAC determines that the managers have a need to know. The RAC will communicate with the requester or personal representative periodically if there is a delay in making a decision. If the RAC has not made a determination on the request within 30 calendar days, the requester may ask the RAC to submit the request to the AC. The RAC will submit the request to the AC as appropriate.

b. Accommodation Committee.

(1) The RAC must forward an accommodation request to the AC for a decision if the:

- (a) RAC recommends that no accommodation should be provided,
- (b) RAC recommends that the accommodation requested should not be provided and offers the employee an alternative accommodation that the employee rejects,
- (c) employee's unit head or other relevant manager disagrees with granting the request,
- (d) RAC or the employee's unit head recommends removing an existing accommodation, or
- (e) RAC believes the request involves novel or complex issues for which an opinion of higher-level officials would be appropriate.

(2) For all requests brought before the AC, the RAC shall notify, in writing prior to the meeting, the requester and management officials who have a need to know and provide:

- (a) the date of the meeting;
- (b) the basis for bringing the request to the AC (e.g., the RAC's recommendation); and

The requester shall have 14 calendar days from delivery of the written notification to respond and submit any documentation the employee wants the AC to consider to the RAC; the RAC will provide this documentation to the AC.

- (3) When a decision involves an employee directly supervised by an AC member or when the AC member is otherwise involved in processing the request, the AC member shall not take part in the decision or be present for the discussion.

All decisions by the AC must be unanimous. If the AC cannot reach a unanimous decision, then the RAC shall submit the request to the CAO for a final decision, unless the CAO directly supervises the requester or is otherwise involved in the request. In those circumstances, a majority decision by the AC will become the final decision.

- (4) The RAC will notify the requester of the decision in writing. If possible, the notification will be sent within 7 calendar days after the decision is made. If the request is denied in whole or in part, the reasons for the denial shall be provided. The RAC will also inform the management officials directly responsible for implementing the accommodation. The requester should be informed which management officials will be notified of the decision.

c. Implementing reasonable accommodation.

Once the decision is made to grant an accommodation, the accommodation should be provided as soon as feasible.

- (1) The employee's management team generally implements accommodations related to schedule, duty changes, and telework. These accommodations will be implemented as soon as practicable, but generally within 7 calendar days after notification of the decision.
- (2) HCO generally implements accommodations involving personnel actions and leave programs. These accommodations will be implemented as soon as practicable, but generally within 7 calendar days after notification of the decision.
- (3) IO and ISTS staff generally implement accommodations related to purchasing software, equipment, or furniture and modifying GAO's physical facilities. Other units and offices make modifications to training and arrange for other services or accommodations that IO and ISTS do not provide. For accommodations implemented by these units or offices, the RAC will notify the unit staff responsible for coordinating with the RAC as soon as practicable after the notification of the decision to grant the request, but generally within 7 calendar days after the decision.
- (4) For field offices, the RAC will notify the relevant field office managers or administrative officers of items and services approved for employees in their respective field offices if there is a need for the managers or officers to know to effectively implement the accommodation. IO and ISTS staff shall work with field office staff to ensure that accommodations are provided in a timely manner.

5. Applicant Requests for Reasonable Accommodation.

a. GAO provides applicants for employment with reasonable accommodation to ensure equal access to the hiring process. Such accommodations include, but are not limited to:

- (1) providing written materials in accessible formats;
- (2) providing readers or sign language interpreters;
- (3) ensuring that recruitment, interviews, tests, and other components of the application process are held in accessible locations;
- (4) providing or modifying equipment or devices; and
- (5) adjusting or modifying application policies and procedures.

b. The process of the request is carried out as follows:

- (1) Information about how to obtain a reasonable accommodation is contained in all GAO vacancy announcements and recruitment materials.
- (2) Applicants or potential applicants needing an accommodation for the application process may make requests directly to the RAC or recruitment and hiring staff.
- (3) Recruitment and hiring staff must forward requests to the RAC as soon as practicable.
- (4) The RAC will process all requests from applicants as soon as practicable to ensure timely participation in the application or interview process.
- (5) Ordinarily, an applicant's request for reasonable accommodation for a job interview does not require the submission of medical documentation.
- (6) The RAC should regularly notify the requester about the status of the accommodation and as soon as a decision is made.
- (7) The RAC must submit the request to the AC under the circumstances described under paragraph 4, section b, subsection 1.

6. Funding Reasonable Accommodations.

Reasonable accommodations shall not be funded through the employee's team or unit budget. The ISTS budget funds all information and technology items at GAO, and the IO budget funds all furniture purchases. HCO manages a reasonable accommodation budget for accommodations not funded by other sources.

Chapter 4. Appeal

1. Complaints of Discrimination.

a. A requester has a right to file a discrimination complaint arising out of a decision or the processing of a reasonable accommodation request. The requester must submit the complaint within 45 days of receiving the final decision. (See GAO Order 2713.2, *Discrimination Complaint Resolution Process*.) Depending on the circumstances, there may be other avenues of appeal, including the Personnel Appeals Board or a negotiated grievance procedure.

- b. Complaints filed as a result of decisions by the AC shall be processed in the same manner as those identified in GAO Order 2713.2, Discrimination Complaint Resolution Process (dated December 9, 2009). Bargaining unit employees may have other avenues of appeal, as specified in an applicable collective bargaining agreement.

Chapter 5. Reporting and File Maintenance

1. Reporting.

The RAC shall submit a report (without specific names or other identifying information) to the AC at the end of each quarter that describes the assistance provided by the reasonable accommodation program, and includes but is not limited to the number of requests for reasonable accommodation, the outcomes of the requests, and the length of time to process those requests. GAO shall post these reports on its intranet. Annualized data on the reasonable accommodation program shall be reported to the CHCO.

2. Maintaining Files and Data.

The RAC is responsible for maintaining data and records on all reasonable accommodation requests. All information related to requests is considered sensitive and is to be maintained in accordance with GAO Order 2293.1, Safeguarding Personnel Records and Files. Access to these files is limited to the RAC, members of the Reasonable Accommodation Team, the CAO, the AC, an SES member designated to serve on the AC when an AC member is not able to do so, and others who have a need to know. The files shall be retained for at least 7 years, in accordance with GAO's records retention policy. Prior to the disposition of the record, the RAC will determine whether the record should be maintained beyond the 7-year period and, if so, provide a written business justification for doing so to the Records and Privacy Office. See GAO Order 0410.1, The GAO Records Management Program.

Chapter 6. Training

- a. The LC provides reasonable accommodation training to recently promoted managers. Reasonable accommodation is also included in GAO's biannual No FEAR Act training.
- b. To ensure continued awareness of this policy, HCO also provides an annual voluntary information session on reasonable accommodation in conjunction with GAO's Diversity and Inclusion Month, National Disability Employment Awareness Month, or as requested by GAO's Advisory Council for Persons with Disabilities. HCO may provide additional training or information as the need arises.

Appendix 1. References

1. References.

- a. Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §§ 12101.
- b. ADA Amendments Act of 2008, Pub. L. No. 110-325 (2008)
- c. ADA Amendments Act Regulations, 29 C.F.R. 1630.
- d. GAO Directive 0910.1-03, Information Security Requirements for Sensitive Information.
- e. GAO Order 2713.1, Opportunity and Inclusiveness in the Government Accountability Office (GAO).
- f. GAO Order 2713.2, Discrimination Complaint Resolution Process.

Appendix 2. Description of Changes

This order has been significantly revised. In addition to editorial changes, the following changes were made to:

- a. ensure consistency with the Americans with Disabilities Act (ADA) Amendments Act of 2008;
- b. provide for changes to GAO's reasonable accommodation process;
- c. ensure appropriate flexibility and transparency involving the requester;
- d. protect the privacy of information related to reasonable accommodation; and
- e. provide timely accommodations.

Specifically, this order has been revised to more clearly lay out GAO's commitment to a diverse workforce that is inclusive of employees with disabilities. The following changes have been made:

- a. New definitions have been added and existing definitions clarified where necessary.
- b. Managers' responsibilities in the reasonable accommodation process have been expanded.
- c. Recruitment staff responsibilities have been separated from managers' and more specifically articulated.
- d. Minor clarifications to the Reasonable Accommodation Coordinator's (RAC) responsibilities were made, and a Reasonable Accommodation Specialist (RAS) was added to serve as a backup and assist the RAC as necessary.
- e. The composition of the Accommodation Committee was modified to substitute a senior management official appointed by the CAO in lieu of a representative of the Office of Opportunity and Inclusiveness, and to allow the CAO to appoint a SES designee to substitute for a member of the AC.
- f. AC responsibilities were more specifically defined.
- g. Responsibilities were added for the Professional Development Program, the Learning Center, and the Infrastructure Operations' (IO's) Records Management group.
- h. Responsibilities were expanded for the Infrastructure Operations (formerly CASO) Managing Director, Chief Information Officer, and Controller, specifically requiring staff to be appointed to coordinate with the RAC and implement procedures to ensure approved reasonable accommodations are provided in a timely manner.
- i. Requester responsibilities were clarified.
- j. The reasonable accommodation process and procedures were significantly expanded to more specifically describe the confidentiality requirements, who can make requests, what constitutes a request, how a request is made, to whom a request is made, recurring needs, expedited requests, and time frames.

- k.** A section on managers' use of GAO human capital flexibilities and a section on provisional accommodation was added.
- l.** Additional explanations on each phase of the reasonable accommodation process were provided.
- m.** The process for implementing accommodations by the unit responsible was specifically described.
- n.** A separate and expanded section on applicants' requests for accommodation was provided.
- o.** The bases for forwarding requests to the AC were clarified where necessary.
- p.** A requirement was added for employees to be notified when the AC will discuss their requests, and the contents of the notification were specified. Procedures for employees to provide information to the AC for their deliberations were also added.
- q.** Further revisions called for additional safeguards to address potential conflicts of interest of AC members and the Chief Administrative Officer, who makes the decision when the AC cannot reach a unanimous decision.
- r.** The revised order specifies how complaints arising out of AC decisions are processed.
- s.** The revised order requires that accommodations be funded through central sources, and added a reasonable accommodation budget managed by HCO.
- t.** Minimum file retention time was changed from 5 to 7 years.
- u.** To ensure the effective implementation of the reasonable accommodation program, a section on reasonable accommodation training was added.