
Edward W. Correia

02/10/2000 09:42:29 AM

Record Type: Record

To: suzanne.seiden@opm.gov @ inet, ellen.vargyas@eeoc.gov @ inet, liz.savage@usdoj.gov @ inet
cc: Cynthia A. Rice/OPD/EOP@EOP, Lisa M. Brown/OVP@OVP, ogle-becky@dol.gov @ inet
Subject: Executive Order on Reasonable Accommodations

I am anxious to receive your comments on the draft executive order circulated earlier. Here's another copy if you've lost it. Can you please get back to me by Tuesday of next week?



Disexecu.wpd

EXECUTIVE ORDER

REQUIRING FEDERAL AGENCIES TO ESTABLISH EFFECTIVE WRITTEN PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

By the authority invested in me as President by the Constitution and the laws of the United States of America, and in order to promote a model Federal workplace that grants: (1) reasonable accommodations for qualified individuals with disabilities in the Federal application process; (2) reasonable accommodations that enable qualified disabled Federal employees to perform the essential functions of the position in question; and (3) reasonable accommodations that enable the qualified disabled Federal employee to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities, as required by the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of Effective Written Procedures For Processing Requests for Reasonable Accommodation.

(a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation. The procedures are applicable to all qualified disabled employees within the agency who request a reasonable accommodation. The agency is not required to institute a single agency-wide procedure but may, in their discretion, establish different procedures for different components of their agency.

(b) As set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* (1998), effective written procedures for processing requests for reasonable accommodation are those procedures that:

1. Explain how an employee or job applicant initiates a request for reasonable accommodation. If the agency requires an applicant or employee to complete a reasonable accommodation request form, the form must be provided as an attachment to the written procedures.
2. Specify to whom the request must be submitted and from whom the employee will receive a final decision.
3. Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. If designated time deadlines are not met, responsible agency officials should explain the delay to the employee.
4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.
5. Explain the agency's right to request relevant supplemental medical information if the

information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

6. Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense.

7. Provide that reasonable accommodation decisions should be in writing and specify the reasons for denial, when applicable.

8. Provide a "plain English" explanation of certain key legal terms used in the policy (e.g., reasonable accommodations, disability, qualified person with a disability, and undue hardship), and reference applicable statutes and regulations as a source of the actual wording of the terms.

9. Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position. In the case of reassignment to a lower graded position, the agency has the option of providing pay retention because the action is not for personal cause.

10. Designate a system of record keeping that tracks the processing of requests for reasonable accommodation and maintains the confidentiality of medical information received in accordance with applicable law and regulations.

11. State in the policy that employees have the right to file a complaint in the event that their requests for reasonable accommodation are denied.

12. Clearly and expressly explain the role and responsibility of each agency official or office in the grant or denial of reasonable accommodation requests.

Section 2. Submission of agency reasonable accommodation procedures for approval to the EEOC

Each agency shall submit their procedures to the EEOC for review and approval. Upon completion of the review the EEOC shall certify the procedures. All agencies must have EEOC certified reasonable accommodation procedures within two years of the effective date of this Executive Order. Agencies must honor their obligations to notify their collective bargaining representative(s) and bargain over such procedures to the extent required by law.

Section 3. Information and training regarding the procedures.

All employees in an agency will receive a copy of the reasonable accommodation procedures. At a minimum all supervisors will receive training on these procedures within one

year of the establishment of the EEOC certified procedures. Each agency shall notify the EEOC when they have completed the training.

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Edward W. Correia
.....

01/19/2000 05:51:16 PM
.....

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject:

Becky Ogle has suggested that we consider issuing an executive order on reasonable accommodations under the Rehabilitation Act in order to clarify the standards agencies should follow. The management directive, now pending at EEOC, could accomplish that purpose, too, but it may be some time before that is completed. This may be a useful step if it will provide guidance to agencies in implementing the requirements of the Act and ensure agencies that are now falling short improve their efforts. Would you take a look at the attached draft and circulate any comments you have? We can then discuss next steps. Ellen, Suzanne, and Liz, would you circulate this within your agencies as you deem appropriate.



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Message Sent To:

Cynthia A. Rice/OPD/EOP@EOP
Lisa M. Brown/OVP@OVP
J. Eric Gould/OPD/EOP@EOP
Jonathan M. Young/WHO/EOP@EOP
Ellen.vargyas@eeoc.com @ inet
suzanne.seiden@opm.com @ inet
liz.savage@usdoj.gov @ inet
Ogle-becky@dol.gov @ inet

Lisa M. Brown@OVP


01/14/2000 11:56:03 AM

Record Type: Record

To: Edward W. Correia/WHO/EOP@EOP
cc: cynthia a. rice/opd/eop@eop
bcc:
Subject: Re: Possible Executive Order on Reasonable Accommodations 

I think this is a good idea.
Edward W. Correia@EOP

Edward W. Correia@EOP

01/14/2000 11:46:12 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP@EOP, Lisa M. Brown/OVP@OVP
cc:
Subject: Possible Executive Order on Reasonable Accommodations

Becky Ogle has suggested that we consider issuing an executive order on reasonable accommodations under the Rehabilitation Act in order to clarify the standards agencies should follow and to make sure disabled persons are treated appropriately under the Act. The management directive, now pending at EEOC, could accomplish that purpose, too, but it may be some time before that is completed. My tentative view is that it makes sense to do this if it will actually help the process in the agencies, the standards are right, and the agencies can live with it. I would suggest circulating it for comment to EEOC, OPM and perhaps DOJ. What do you think?


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4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.
5. Explain the agency's right to request relevant supplemental medical information if the

information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

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