

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

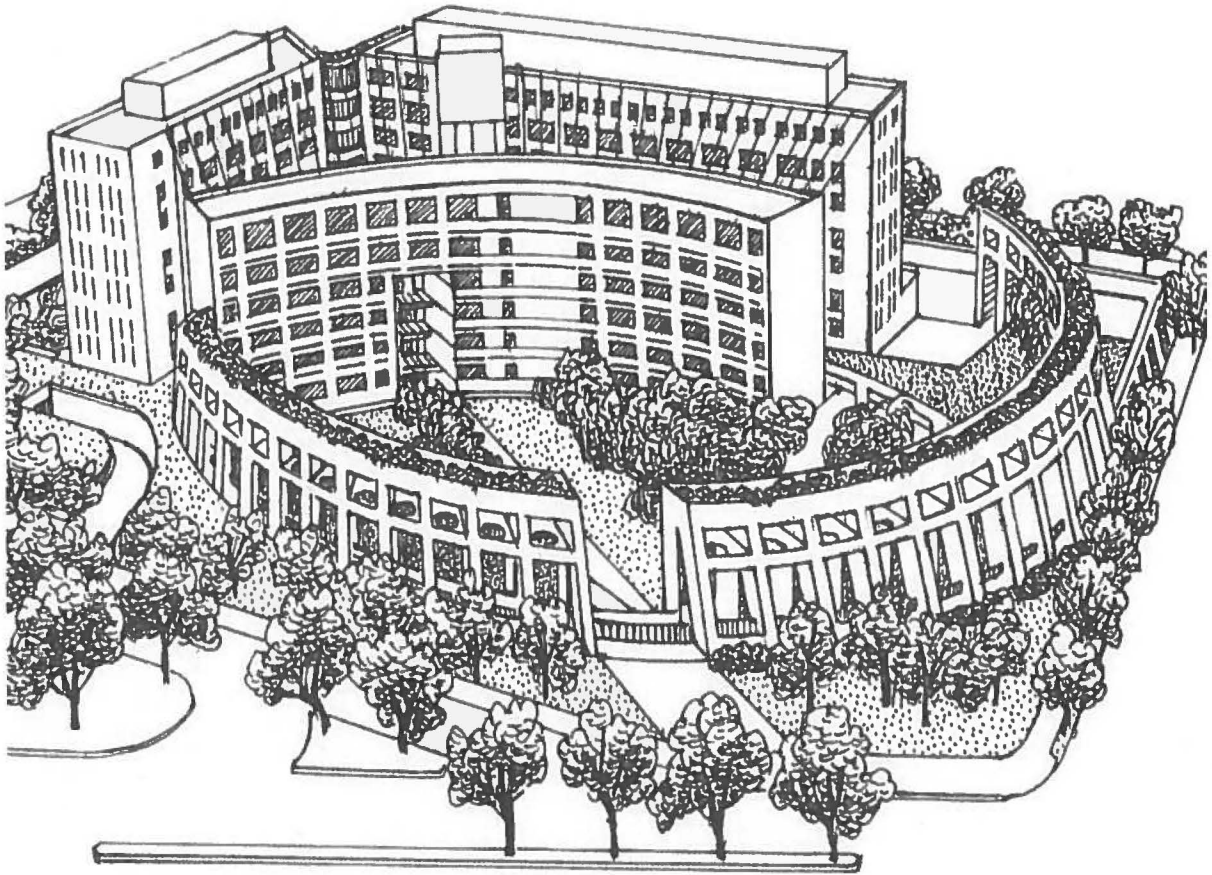
Order

ATF O 2956.3A

SUBJECT: REASONABLE ACCOMMODATIONS

DATE: 7/28/2017  
RECERTIFICATION  
DATE: 7/28/2022  
OPI: 106000

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## FOREWORD

TO: ALL ATF EMPLOYEES

1. PURPOSE. This order outlines procedures for providing reasonable accommodations to qualified individuals with disabilities who are employees or job applicants of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
2. CANCELLATIONS. ATF Order 2956.3, Reasonable Accommodation, dated October 23, 2013, is cancelled.
3. AUTHORITIES AND REFERENCES.
  - a. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provisions of Reasonable Accommodations, dated July 26, 2000.
  - b. Rehabilitation Act of 1973, as amended, Title 29 U.S.C. §§ 791 and 794.
  - c. 29 Code of Federal Regulations § 1630.9, Not Making Reasonable Accommodation.
  - d. U.S. Department of Justice (DOJ) Manual and Procedures for Providing Reasonable Accommodation, December 15, 2014.
  - e. U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 17, 2002.
  - f. Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provisions of Reasonable Accommodation, October 20, 2000.
  - g. ATF O 7040.1A, Section 508 of the Rehabilitation Act, dated March 31, 2011.
  - h. ATF O 2130.3, Harassment in the Workplace, dated December 19, 2014.
4. OBJECTIVES.
  - a. This order sets forth the process for providing an accommodating workplace for qualified individuals with disabilities who are employees or job applicants. Beyond its legal obligations, ATF has a strong institutional interest in taking all reasonable steps to ensure these individuals are offered the resources necessary to be successful and productive members of the ATF workforce. Reasonable accommodations enhance the abilities of qualified individuals with disabilities to perform the essential functions of their jobs and allow them to contribute at their highest levels to the mission of ATF.
  - b. Requests for reasonable accommodations may be approved, modified, or denied as discussed below. Reasonable accommodation requests are not automatically granted upon submission. Employees with disabilities are entitled to accommodations only when the accommodations are necessary to assist them in performing an essential function of their job and absent an undue hardship to the agency.
  - c. This order only applies to qualified persons with disabilities who are requesting accommodations.
5. ACRONYMS AND DEFINITIONS. Acronyms and definitions used in this order can be found in Appendix A.

6. FORMS AVAILABILITY. ATF/DOJ forms are available on the ATF's Web Portal, Documents/Content, Forms Website, and Appendix B.
7. RECORD RETENTION. All documents outlined in this order must be retained in accordance with ATF's records management retention guidelines about reasonable accommodation.
8. AVAILABLE RESOURCES. Available resources can be found in Appendix C.
9. QUESTIONS. Contact the Office of Equal Employment Opportunity (OEEEO) at (202) 648-8760 for questions concerning this order.

A handwritten signature in blue ink that reads "Thomas E. Brandon". The signature is written in a cursive style with a large, looping initial "T".

Acting Director

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CHAPTER A. ROLES AND RESPONSIBILITIES.

1. REQUESTOR (EMPLOYEE OR JOB APPLICANT WITH A DISABILITY).

- a. The employee (or family member, healthcare professional, or other individual acting on behalf of the employee with the employee's consent) is responsible for:
- (1) Bringing medical issues or requests for accommodation to the attention of his or her chain of command or the Reasonable Accommodation (RA) Coordinator.
  - (2) Notifying the first-line supervisor or manager of any disability or medical condition that may interfere with the performance of an essential duty or duties; require special planning, additional resources, or the installation of supplementary warning/alert devices; or any requirement needed to safely evacuate or care for an employee in the event of a building emergency.
    - (a) If an employee has concerns about disclosing his or her disability to a supervisor, the employee may send the request in the first instance directly to a second-line supervisor or the RA Coordinator.
    - (b) Employees should understand that it may become necessary to disclose information to the first-line supervisor in order to facilitate the provisions of the reasonable accommodation request.
  - (3) Participating in the interactive process with the decision maker (ordinarily the first-line supervisor) including, but not limited to suggesting accommodation possibilities that can be explored, and cooperating with ATF's efforts to identify and implement reasonable accommodations and/or alternate placement, if necessary.
  - (4) Within 15 calendar days (and barring extenuating circumstances), providing responses to the first-line supervisor or manager for requested medical information relating to the medical condition and how the condition relates to the essential duty or duties of the position.
  - (5) As needed and on a voluntarily basis, updating your disability status under the My Information Section of the Employee Tab in HR Connect. The information about your disability status is used for statistical purposes only (i.e., data collection and reporting purposes) and will not affect the employee providing the information. Confidentiality rules govern both disclosure of disability and self-identification of disability.
- b. Job applicants (or a family member, health care professional, or other individual acting on behalf of the applicant with the individual's consent) is responsible for:
- (1) Making requests for reasonable accommodations to the individual identified in the vacancy announcement as the point of contact, the hiring agency or representative, or OEEO.
  - (2) Participating in the interactive process with the decision maker including, but not limited to suggesting accommodation possibilities that can be explored, and cooperate with Bureau efforts to identify and implement reasonable accommodations and/or alternate placement, if necessary.
  - (3) Within 15 calendar days (and barring extenuating circumstances), providing responses to the decision maker for requested medical information relating to the

medical condition and how the condition relates to the essential duty or duties of the position.

2. FIRST-LINE MANAGERS OR SUPERVISORS will:

- a. Be the ATF authorized decision maker for the accommodation requests of subordinate employees.
- b. Notify the RA Coordinator within two business days upon receipt of an RA request to obtain guidance about the process and an appropriate accommodation, if any.
- c. As necessary, notify and consult the Office of Chief Counsel, Management Division, upon receipt of an RA request to obtain legal advice concerning the rights and obligation of the agency and to ensure proper and effective use of the RA process.
- d. Make every reasonable effort to respond to requests for an accommodation promptly. The decision maker should acknowledge receipt within three to five business days of receiving the RA request.
- e. Examine job functions to determine which functions (usually listed as major duties in the position description) are essential to performance and how those functions may be accommodated.
- f. Participate in the interactive process with the requestor including, but not limited to verifying the request when the request is from someone other than the employee; suggesting accommodation possibilities that can be explored; and cooperate with efforts to identify and implement reasonable accommodations and/or alternate placement, if necessary.
- g. Provide an appropriate accommodation for the disability or disabilities identified by the requestor. Determine the feasibility of accommodating employees with disabilities, the costs associated with RA efforts, and whether the accommodation results in an undue burden for ATF.
- h. Take the request for accommodation seriously and actively engage in interactive dialogue with the requestor throughout the accommodation process and solicit any additional information.
- i. Make a final determination within seven business days of acknowledgment of the request for accommodation. In the event that additional medical documentation is needed, a final determination should ordinarily be made within seven business days of receipt of the requested medical documentation.
- j. Notify the requestor using the Department of Justice (DOJ) Forms 100B and/or 100C of the approved or disapproved accommodation request. All decisions must be in writing.
- k. Timely complete all documents relating to the request for accommodation and provide a copy of all documents to the RA Coordinator for record keeping purposes.
- l. Maintain written records on requests for accommodation in locked files, separate from Official Personnel Files (OPF) and the supervisors' unofficial personnel file for the employees. Access to medical information is strictly limited by regulation to those employees with an identifiable need to review the information.

- m. Designate a backup who will have the authority and availability to approve, modify, or disapprove the accommodation request during the prescribed timeframes for processing RA requests.
  - n. When necessary due to the employee's disability, meet with the building's Occupant Emergency Coordinator (or designated official) and the employee to outline a plan for evacuating the employee from the building during emergencies.
3. SECOND-LEVEL MANAGERS OR SUPERVISORS will:
- a. Serve as the concurring authority with regard to denied or modified requests for accommodation.
  - b. Designate a back-up manager or supervisor who will be authorized and available during times of unavailability.
  - c. Maintain written records on requests for accommodation in locked files, separate from the OPF and the supervisors' unofficial personnel file for the employee. Access to medical information is strictly limited by regulation to those employees with an identifiable need to review the information.
4. CHIEF, HUMAN RESOURCES OPERATIONS DIVISION (HROD) will:
- a. Be the ATF authorized decision maker for any requests for accommodation made by job applicants with disabilities at any phase of the application or hiring process; when needed, consult with the RA Coordinator and/or the Office of Chief Counsel, Management Division.
  - b. Notify and consult the Office of Chief Counsel, Management Division, upon receipt of an RA request to obtain legal advice concerning the rights and obligation of the agency and to ensure proper and efficient use of the RA process.
  - c. Provide the applicant a final written decision on RA requests within seven business days upon receipt of an RA request.
  - d. Assist other decision makers and the RA Coordinator, on any RA request, in identifying vacant positions that can be utilized for reassignment or change to a lower grade as a reasonable accommodation, if necessary. This assistance will consist of performing a qualifications review to determine if the employee is eligible to serve in an identified position.
5. REASONABLE ACCOMMODATION (RA) COORDINATOR will:
- a. Work in OEEO and act as the sole RA Coordinator for ATF.
  - b. Identify a backup RA Coordinator, who also works in OEEO, to handle the responsibilities of the RA Coordinator when he/she is not available.
  - c. Provide guidance to requestors and managers on DOJ guidance and ATF's Orders regarding accommodations to employees and job applicants, as well as, coordinate and facilitate the implementation of the procedures in this Order. The RA Coordinator does not have the authority to obligate ATF to provide any accommodation; only the decision maker has that authority.
  - d. Guide the decision maker on their responsibilities relating to reasonable accommodations for employees or job applicants with disabilities.



- e. Guide decision maker and the requestor through options, such as job structuring, training, or work environment adjustments.
  - f. Guide the decision makers and requestors through the reassignment process when the employee with a disability cannot perform the essential functions of his or her current position and ensure that the Chief HROD is consulted regarding the employee's eligibility for an identified funded vacant position.
  - g. Help the decision maker carryout approved requests, when necessary, regarding obtaining adaptive equipment, which includes but is not limited to information technology, communication equipment, or specially designed furniture.
  - h. Maintain all records relating to reasonable accommodations.
  - i. Ensure the request remains "open" until the approved accommodation is delivered, or until the request is denied.
6. Logistics and Acquisition Division (LAD) will:
- a. Procure approved equipment and furniture and issue it to the employee.
  - b. Make arrangements for modifying facility workplace environments when approved.
  - c. Procure approved personal assistance services.
  - d. Provide regular status updates to the RA Coordinator and employee until the approved reasonable accommodation request has been satisfied.
7. Chief, Emergency Management Branch will:
- a. Consult with first-line supervisors, other bureau officials, and employees, as required, on standard and special evacuation plans and procedures.
  - b. Provide hardware, resources, and training for specialty evacuation situations when justified by need and does not impose an undue hardship on the Agency.

8 – 10 Reserved.

CHAPTER B. PROCEDURES.

11. EMPLOYEE.

- a. Employees (or an individual acting on their behalf with the employee's consent) should submit a written request to the first-line supervisor, using DOJ Form 100A, Request for Reasonable Accommodation, located at Appendix B or [http://dojnet.doj.gov/research\\_resources/forms/doj-100a.pdf](http://dojnet.doj.gov/research_resources/forms/doj-100a.pdf). If an employee initially makes the request orally, she/he should submit a written request using DOJ Form 100A. However, the supervisor should begin processing the request upon the oral request.
- b. To request an accommodation, the employee may use "plain English" and need not mention the American with Disability Act (ADA) or use the phrase "reasonable accommodation." The decision maker should begin processing the reasonable accommodation request immediately, regardless of whether the request is made orally or in writing. A requestor may request an accommodation whenever he or she chooses, even if he or she has not previously disclosed the existence of a disability.
- c. The request can be made even if the disability has not yet affected work performance. All requests should clearly convey the need for an accommodation and any specific accommodation(s) that the employee with a disability believes will permit him or her to perform the essential functions of the position.

12. JOB APPLICANT.

- a. The applicant (or individual acting on their behalf) should make a request for an accommodation to the HROD staff, the HR Liaison arranging the interview, or the hiring official. Requests may be verbal or written.
- b. The applicant (or individual acting on their behalf) should engage in the interactive process by working with HRPD staff to identify accommodation(s) that will help him/her apply or interview for the job.

13. INTERACTIVE PROCESS.

- a. The decision maker and the requestor should engage in the interactive process as soon as a request has been made.
- b. As every reasonable accommodation is provided on a case-by-case basis, the decision maker and the requestor should communicate to ensure a full exchange of relevant information.
- c. At any time during the process, the requestor or the decision maker may contact the RA Coordinator for guidance. Guidelines for the interactive process are as follows:
  - (1) The decision maker should obtain and share with the requestor a copy of the job description of the position of record to analyze the job and identify and distinguish between essential and non-essential job tasks.
  - (2) The decision maker should engage with the requestor to determine what accommodation the employee or applicant is requesting or needs to perform the essential functions of the position. The requestor should identify the need for accommodation, propose a possible accommodation, and not withhold any relevant information from the decision maker. The decision maker should review possible accommodations and identify accommodations that may not have been identified by the requestor.

- (3) The decision maker should consider the preferences of the requestor and the needs of ATF to determine whether the requested accommodation is reasonable. In other words, consideration should be given to whether the proposed accommodation would enable the requestor to perform the essential functions of the job and not create an undue hardship for ATF, as defined in Appendix A. The decision maker must consider how the office can best meet the needs of the employee or applicant with a disability while still fulfilling the office's mission. The accommodation that is most appropriate under all of these considerations should be implemented whenever possible.
- (4) Upon completion of the interactive process, the decision maker will provide the RA Coordinator with copies of all material produced as part of the interactive process.

14. REQUESTS FOR MEDICAL INFORMATION/DOCUMENTATION.

- a. If the disability and/or need for accommodation is not obvious or already known, the decision maker is entitled to ask for and receive medical information. The medical information should confirm the nature of the disability, the restrictions or limitations that impair performance, and provide support for the requested accommodation. A disability is obvious or already known when it is clearly visible or the individual previously provided medical information showing that the condition meets the Rehabilitation Act definition. It is the responsibility of the requestor to provide the appropriate medical information when the disability and/or need for accommodation is not visible or already known.
- b. Only the decision maker, with advice from the RA Coordinator and/or the Office of Chief Counsel, may determine whether medical information is needed and, if so, may request such information from the requestor. If medical information is needed to process a request, the decision maker does not necessarily have to request medical documentation from a health care provider. In some instances, the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a reasonable accommodation. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the decision maker of this fact and provide that information. The decision maker will then determine whether additional updated medical information and/or documentation is needed to process the current request. The request for medical documentation will be limited to the job-related functions for which the accommodation is requested. The decision maker also has the discretion to have medical information reviewed by a medical expert of ATF's choosing at its expense.
- c. If the initial information provided by the healthcare provider or volunteered by the requestor is insufficient to determine whether the individual has a "disability" and/or that an accommodation is needed, the decision maker will explain what additional information is needed within seven business days of receipt of the medical information. If necessary, the requestor should then ask his/her healthcare provider or appropriate professional to provide the required information. The decision maker may also give the requestor a list of questions to give to the healthcare provider or appropriate professional to answer. The requestor will be given 15 calendar days to provide additional medical information, barring extenuating circumstances. The time limit for processing the reasonable accommodation request will be on hold during this period and will not be counted under the time limitations otherwise set forth in this Order.
- d. In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the decision maker will be guided by principles set

forth in the Americans with Disabilities Act (ADA) Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis. Notwithstanding, the decision maker may require medical information in order to design an appropriate and effective accommodation.

- e. All requests for accommodations, along with any medical or other documentation provided, will be kept in files separate from the employee's personnel file. The RA Coordinator will maintain the files after the decision maker makes a final determination on the request. Access to medical information is strictly limited to those employees with an identifiable need to review the information.
- f. The failure to provide appropriate documentation or to cooperate with the Agency's efforts to obtain such documentation may result in the denial of the accommodation request.
- g. A decision maker who believes that an employee no longer needs a granted accommodation should contact the RA Coordinator and/or the Office of Chief Counsel, Management Division for guidance.

15. TIMEFRAMES FOR PROCESSING RA REQUESTS.

- a. The timeframe for processing and approving a request ordinarily should be within seven business days of the request or receipt of medical documentation, in cases where medical documentation is required.
- b. The decision maker will process requests and, where appropriate, provide accommodations as soon as reasonably possible. Ordinarily, the approved RA should be provided within 15 business days of the request or receipt of medical documentation, in cases where medical documentation is required. Unnecessary delays can result in a violation of the Rehabilitation Act.
- c. The time begins running when an oral or written request for reasonable accommodation is made to a supervisor or the RA Coordinator, and not necessarily when the decision maker receives it. Therefore, everyone involved in processing a request should respond as quickly as possible by ensuring that the decision maker is aware of the request. This includes referring a request to the RA Coordinator, contacting a healthcare provider if medical information or documentation is needed (e.g., information from a supervisor regarding the essential functions of an employee's position, information from Office of Science and Technology (OST) regarding compatibility of certain adaptive equipment).
- d. If the decision maker must request medical information or documentation from a healthcare provider, the time will stop running on the day that the decision maker makes that request. The time will resume running on the day that the decision maker receive information/documentation.
- e. If the disability is obvious, already known to the decision maker, or can be clearly identified as to why an accommodation is needed, and if an accommodation can be provided quickly, then the decision maker should process the request as soon as possible.
- f. If there is a delay in processing the request, the decision maker will inform the requestor in writing of the delay, the reason for the delay and, if possible, offer a temporary accommodation until the accommodation can be provided.

16. EXPEDITED PROCESSING OF RA REQUESTS.

- a. In certain circumstances, a request for RA requires an expedited review and decision.
  - (1) To enable a job applicant to interview for a job. For example: Depending on the due date for receiving applications, interviewing applicants, taking tests, and making hiring decisions, there may be a need to expedite a request to ensure that an applicant with a disability has an equal opportunity to apply for a job.
  - (2) To enable an employee to attend an upcoming meeting. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five days.
- b. Once an accommodation has been approved or denied, the decision maker should act expeditiously to forward the request and all related documents to the RA Coordinator. Once the decision maker approves the request, the RA Coordinator will assist the Agency in procuring equipment, furniture, and services on an expedited basis.

17. INTERIM ACCOMMODATION.

- a. When an employee requests a reasonable accommodation that cannot be put in place within 15 business days, an interim accommodation may be identified, approved, and established as a temporary measure until the agreed upon accommodation is available.
  - (1) An interim accommodation is not a permanent accommodation.
  - (2) An interim accommodation is dependent on the essential functions of the employee's position and functional limitations imposed by the disability.
- b. If an interim accommodation would not have an adverse impact on the operation of the Agency and is deemed to be appropriate, the decision maker will inform the requestor using the DOJ Form 100B and clearly state the estimated duration of the interim accommodation.
- c. When a situation requires an interim accommodation, as determined by the decision maker, all procedures that govern a reasonable accommodation must be followed.

18 – 20 Reserved.

CHAPTER C. AVAILABLE ACCOMMODATIONS.

21. ACCOMMODATION TYPES. The following paragraphs provides guidance on some of the types of accommodations ATF may provide for certain disabilities where such accommodations would enable the individual to perform the essential functions of his/her job or participate in the benefits of the job, without imposing an undue hardship on the Agency. If an individual can no longer perform the essential functions of his/her current job, ATF must consider reassigning the individual to another position.
22. DEAF, HARD OF HEARING, OR OTHER COMMUNICATION-RELATED DISABILITIES.
  - a. ATF may accommodate employees and job applicants who are deaf, hard of hearing, or who have speech or motor impairments affecting communication, by providing appropriate auxiliary aids and services and other accommodations to facilitate effective communication in all programs and services.
  - b. Appropriate auxiliary aids may include, but are not limited to telecommunication devices for deaf individuals ("TTYs"), sign language or oral interpreters, computer-assisted real-time transcription services, note takers (for training courses and meetings), captioned training tapes, and assistive listening devices and systems.
23. BLIND OR VISUAL IMPAIRMENTS.
  - a. ATF may accommodate employees and job applicants with visual impairments by providing readers and accessible computer equipment that is compatible with networks and other computer software.
  - b. All ATF publications and training materials will be made available in accessible formats such as large print, computer disk, or Braille.
24. MOBILITY OR MANUAL IMPAIRMENTS.
  - a. For people with mobility impairments, ATF may provide office equipment (e.g., raised desks) when requested to facilitate the employee's ability to work efficiently and without injury.
  - b. Office areas may be made accessible by adding ramps, automatic door openers, accessible toilet stalls, and clearing hallways of obstructions.
  - c. For manual impairments, examples of accommodations might include, but are not limited to the use of assistants for travel, voice recognition systems, and alternative keypad and keyboard access.
25. MENTAL OR PSYCHIATRIC ILLNESSES OR DISABILITIES AFFECTING STAMINA.
  - a. Alternatives to the traditional structured work environment may allow people with disabilities such as HIV, cancer, and mental or psychiatric illnesses such as major depression or panic attack disorders, to work full-time without compromising the quality and quantity of their work for ATF, their health, or their ability to schedule frequent medical treatments, if necessary. ATF may also accommodate employees with learning disabilities.
  - b. Where an employee provides supporting medical documentation of a disability, ATF's supervisors may consider flexible work schedules, the ability to telecommute, and extended leave as possible reasonable accommodations.

- c. The decision maker may consider the direct impact of the accommodation in relation to the operation of their office. The decision maker may also consider the ability of the employee with a disability, the impact on other employees to perform their duties, and the component's ability to conduct business without causing an undue hardship.

26. SERVICE ANIMALS.

- a. A service animal is defined as any guide dog, signal dog, or other animal trained to perform task(s) for a person with disabilities. Service animals are working animals, not pets. The work or performed tasks must be directly related to the person's disability. Examples of such work or tasks include:
  - (1) Guiding people who are blind;
  - (2) Alerting people who are deaf;
  - (3) Pulling a wheelchair;
  - (4) Alerting and protecting a person who is having a seizure;
  - (5) Reminding a person with mental illness to take prescribed medications; and
  - (6) Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack or performing other duties.
- b. ATF permits the use of service animals, which may accompany employees throughout ATF and to all ATF activities, within reason. Dogs, whose sole purpose is to provide comfort or emotional support, do not qualify as a service animal under the ADA.

27. JOB APPLICANT.

- a. Reasonable accommodations for job applicants may include providing an accessible location for job interviews; sign language interpreters; providing other assistive devices; and other accommodations that may be needed in the application, testing, and interview process.

28. PERSONAL ASSISTANCE SERVICES.

- a. Personal assistance services (PAS) are services that help an individual with disabilities perform activities of daily living, including, for example, assistance with removing and putting on clothing, eating, using the restroom. PAS may be provided to employees who need them because of a disability during work hours and job-related travel, except when such accommodation would cause an undue hardship on the Agency.
- b. PAS do not include medical care; nor does the care have to be provided by someone who has medical training or qualifications.

29 – 30 Reserved.

CHAPTER D. ACQUIRING ACCOMMODATIONS.

31. PROCURING AND ISSUING EQUIPMENT AND FURNITURE AND MODIFYING WORKPLACE ENVIRONMENTS.

- a. When there is an approved request for services, equipment, furniture, or modifying workplace environments, the decision maker completes an ATF Form 1834.1, Request for Space and/or Services, then forwards it to the RA Coordinator with the approved DOJ Form 100B and supporting documentation for the requested item. Often the employee, for who the accommodation is requested, is knowledgeable about a specific product that is effective. Therefore, if known, a detailed description of the supplies, equipment, or services should be provided, including any specifications, preferences, or manufacturer literature.
- b. Once approved by the decision maker, all procurement-related reasonable accommodation requests should be processed in accordance with federal procurement guidelines. Requests for reasonable accommodations should be tracked and made a top priority by the RA Coordinator to ensure that accommodations will be provided expeditiously.
- c. For equipment, furniture and workplace environment modifications, the RA Coordinator will forward the approved ATF Form 1834.1 to the LAD Safety, Health, and Environmental (SHE) Section for procurement and issuance to the employee. The SHE staff will coordinate workplace environment modifications with LAD facilities management staff. SHE staff will notify the RA Coordinator when tasks are complete.
- d. For adaptive equipment for computer hardware and software, the RA Coordinator will contact the Department of Defense (DOD), Computer/Electronic Accommodations Program (CAP) Coordinator for assistance. DOJ has a contract with this DOD program office for support.

32. ON-GOING ACCOMMODATIONS AND PROCURING PERSONAL ASSISTANCE SERVICES.

- a. Some employees may need an accommodation on an intermittent basis. For example, a deaf employee may need an interpreter for attendance at meetings or training sessions. Each request is *not* a new request for accommodation, and does not require a formal, written request or a formal written response. The RA Coordinator will coordinate with the LAD Acquisitions Branch for procurement support of these services, as necessary.
- b. Supervisors should work with the RA Coordinator to ensure that such accommodations will be made available on an as needed basis.

33. ACCOMMODATIONS OUTSIDE THE USUAL PLACE OF WORK.

- a. Official off-site events, such as meetings, conferences, retreats, training sessions, official office parties, and similar functions, should be located in places that are accessible to all employees.
- b. ATF has an obligation to ensure that programs, such as training programs sponsored by non-ATF entities, whether at other agencies or through a private sector entity, are fully accessible and provide the accommodations necessary to facilitate the participation of employees with disabilities.
- c. Where a non-ATF program does not provide a necessary accommodation, it remains the responsibility of ATF to provide that accommodation.



34. JOB RESTRUCTURING AND WORK SCHEDULES.

- a. Requests for modified work schedules, telecommuting, and job restructuring--that is, modifying the scope of a job--involve individualized assessments that take into account the needs of the employee and the needs of the office. ATF should consider providing flexible work schedules as a reasonable accommodation to employees with disabilities where the employee establishes the need for such a schedule. Supervisors should discuss various options with the employee to devise a reasonable work schedule.
- b. An employee must be able to perform the essential functions of their job, but where it is possible to remove certain non-essential tasks from an employee's work requirements, the decision maker may do so.

35 – 40 Reserved.

CHAPTER E. REASSIGNMENT.

41. EMPLOYEE.

- a. Under the Rehabilitation Act, reassignment to a vacant position is a form of reasonable accommodation. This type of reasonable accommodation must be provided to an employee who, because of a disability, can no longer perform the essential functions of his or her current position, with or without accommodation; unless the Agency can show that it would be an undue hardship.
- b. ATF is not required to create a position nor reassign an employee from a position in order to create a vacancy.
- c. Reassignment is the reasonable accommodation of last resort and is required only after it has been determined that:
  - (1) There are no effective accommodations that will enable the employee to perform the essential functions of his/her current position; and/or
  - (2) All other reasonable accommodations would impose an undue hardship.
- d. However, if both the employer and the employee voluntarily agree that transfer is preferable to remaining in the current position with some form of reasonable accommodation, then the employer may transfer the employee.
- e. An employee must be "qualified" for the new position. An employee is "qualified" for a position if he or she:
  - (1) Satisfies the requisite skill, experience, education, and other job-related requirements of the position; and
  - (2) Can perform the essential functions of the new position, with or without reasonable accommodation. The employee does not need to be the best-qualified individual for the position in order to obtain the reassignment.
- f. When it appears that reassignment is appropriate, the decision maker should contact HROD. HROD will notify the decision maker of any vacant positions and ensure the employee meets the minimal qualifications.
  - (1) ATF will first focus on positions within ATF, which are equivalent to the employee's current job in terms of pay, status, and other relevant factors (e.g., benefits, geographical location).
  - (2) If there is no vacant equivalent position, ATF may consider a vacant position at a lower pay grade for which the employee is qualified.
  - (3) If a vacant position is available, HROD will review the employee resume and qualifications to the position description of the available position.
  - (4) If the employee is qualified, HROD will work with the losing component on the transfer and process the transfer.
  - (5) If there are no vacant positions within ATF, the RA Coordinator will forward the request to DOJ Components for assistance in locating a vacant position Agency-wide.

- g. A reassignment can be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, ATF will not pay for the employee's relocation costs.
- h. Reassignment does not include giving an employee a promotion. Thus, an employee must compete and be selected for any vacant position that would constitute a promotion.

42. SUPERVISORS OR MANAGERS.

- a. Reasonable accommodation laws and policies may require the Agency to place a qualified employee with a disability from a DOJ office outside of ATF into a vacant position in a directorate as a form of reasonable accommodation.

43 – 50 Reserved.

CHAPTER F. APPROVED OR DENIED REQUESTS.

51. APPROVED REQUESTS.

- a. If a request is approved, the decision maker should complete a DOJ Form 100B, Request for Reasonable Accommodation Reporting Form, located at [http://dojnet.doj.gov/research\\_resources/forms/doj-100b.pdf](http://dojnet.doj.gov/research_resources/forms/doj-100b.pdf) and included in Appendix B.
- b. Provide a copy of all forms and other written material to the RA Coordinator and notify the employee or job applicant in writing that the request was approved.
- c. When a request is approved, the RA Coordinator should assist the decision maker in procuring the equipment, furniture, and/or services on an expedited basis. Whenever possible, the approved RA should be provided within 15 days after receipt by the decision maker.

52. DENIED REQUESTS.

- a. If a request for reasonable accommodation is denied, it must be in writing, have second-level supervisory concurrence, and outline the reasons for the denial of the requested accommodation by using both the DOJ Form 100B and DOJ Form 100C, Denial for Reasonable Accommodation located at [http://dojnet.doj.gov/research\\_resources/forms/doj-100c.pdf](http://dojnet.doj.gov/research_resources/forms/doj-100c.pdf) and included in Appendix B. Denials require review and concurrence by a second-level supervisor and noted on page two of DOJ Form 100C.
- b. The decision maker denying the request must within seven business days inform the employee about the following:
  - (1) The right to file an EEO complaint;
  - (2) The right to file an appeal with the Merit Systems Protection Board (MSPB) if there is an adverse action, and
  - (3) Identify any available informal dispute resolution avenues.
- c. A requestor who is disabled, subjected to discrimination or harassment, and denied the reasonable accommodation requested may choose to pursue statutory remedies for denial of a RA by:
  - (1) For an employee:
    - (a) For an EEO complaint: Initiate contact with an EEO Counselor in the OEEA within 45 days from the date of receipt of the written or verbal denial of the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the requestor files a challenge before the decision is final.
    - (b) For incidents involving misconduct related to harassment as described in ATF O 2130.3, Harassment in the Workplace: Promptly report, either orally or in writing, to one of these official sources: supervisor of the employee engaging in the alleged hostile or abusive conduct; another supervisor or management official; Office of Professional Responsibility

and Security Operations, Internal Affairs Division; ATF OEEEO; or the Department of Justice, Office of the Inspector General (DOJ OIG).

- (c) For adverse actions over which the MSPB has jurisdiction: Initiate an appeal to the MSPB within 30 days of the effective date of the appealable adverse action as defined in 5 C.F.R. 1201.3.

(2) For job applicants:

- (a) Denials require review and concurrence by the Deputy Assistant Director (DAD), Office of HRPD. Concurrence should be noted on page two of DOJ Form 100C, Denial of Reasonable Accommodation.

53. RETALIATION. A supervisor may not retaliate against an employee on the basis of a requested or an approved/denied accommodation.

54 – 60 Reserved.

CHAPTER G. RECONSIDERATION.

61. RECONSIDERATION.

- a. If the requestor would like to request a reconsideration of the decision maker's denial decision, the following steps must be taken:
  - (1) Requests for reconsideration are voluntary and not required before a requestor can file an EEO complaint, MSPB appeal, or participate in any other formal process. Pursuing a request for reconsideration does not extend the time limits for initiating an EEO complaint.
  - (2) Individuals requesting reconsideration may present additional information in support of his or her request to the decision maker. The request for reconsideration must be submitted to the decision maker within five business days of notification of the denial request. The requestor will be given 15 calendar days to provide additional medical information, barring extenuating circumstances.
  - (3) The decision maker should respond to a reconsideration request within five business days of receiving the reconsideration request. The decision maker should discuss the request for reconsideration with the RA Coordinator and/or the Office of Chief Counsel, Management Division.
    - (a) If the reconsideration is favorable, the decision maker shall complete a supplemental DOJ Form 100B and submit it to the employee and the RA Coordinator. The RA Coordinator shall then attach the previous denial to the new DOJ Form 100B and reconsideration request.
    - (b) If the reconsideration is not favorable, the decision maker shall notify the requestor and advise him or her of the grievance process in writing. Concurrence is not necessary for a reconsideration denial.
- b. Alternative Dispute Resolution (ADR) may be requested by either the requestor or the decision maker in an effort to discuss their concerns before a neutral mediator, who ensures that both sides are heard. This process does not stop the time limits for initiating an EEO complaint. If the issues are not resolved during the mediation, the employee has the right to initiate an EEO complaint. The intent of ADR is for the parties involved to work together in the development of a solution that satisfies both and have the employee return to a productive work environment. Participation in ADR is completely voluntary.

62 – 70 Reserved.

CHAPTER H. DISPOSITION AND RECORDKEEPING REQUIREMENT.

71. ACCOMMODATION RECORDKEEPING.

- a. The RA Coordinator should maintain records related to a particular employee's accommodation request for three years after the employee separates from the agency or all appeals have concluded, whichever is later.
- b. For job applicant requests, if the job applicant is ultimately not hired, requests will be maintained for three years after the decision, or after all appeals have concluded, whichever is later.
- c. These records are confidential. They must be kept separately in a file and not in the individual's Official Personnel File nor the supervisor's unofficial personnel file.
- d. The RA Coordinator will develop cumulative records, without individual identifiers, so that ATF may track and report performance relating to the accommodation requests and implementation. The RA Coordinator may use copies of DOJ Forms 100B and 100C to develop these records so long as personal identifiers are redacted. These cumulative records will be kept for a minimum of three years after the report is filed.

72. CONFIDENTIALITY REQUIREMENTS.

- a. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means all medical information obtained in connection with a request for a RA must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested, approved, denied and information about functional limitations. It also means that any ATF employee who obtains or receives such information is strictly bound by these confidentiality requirements.
- b. In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:
  - (1) Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
  - (2) The Emergency Management Branch, appropriate members of the occupant emergency organization, and safety and first-aid personnel may be informed, in advance of an anticipated need, or during an emergency, that an employee with a disability may require evacuation assistance or emergency treatment in order to plan, provide resources, or to deliver assistance to the employee; and
  - (3) Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

73 – 80 Reserved.

## APPENDIX A

### ACRONYMS AND DEFINITIONS

#### ACRONYMS:

ADR	Alternative Dispute Resolution
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
DOD	Department of Defense
DOJ	Department of Justice
EEOC	Equal Employment Opportunity Commission
HROD	Human Resources Operations Division
RA	Reasonable Accommodation
OEEEO	Office of Equal Employment Opportunity
OPF	Official Personnel Files

#### DEFINITIONS:

1. Approved/Approval Request - A decision in which a request for accommodation has been approved, without modification or substitution.
2. Clearly Erroneous - is the standard by which a decision maker's denial of a reasonable accommodation request may be changed through the grievance process and requires that the grievance official finds that a mistake has been made. In other words, it is not enough that the grievance official may have weighed the evidence and reached a different conclusion; the decision maker's denial will only be reversed if it is implausible in light of all the evidence of record.
3. Denied/Denial Request - A decision in which a request is rejected in its entirety.
4. Direct Threat - A significant risk (high probability) of substantial harm to the health or safety of the employee or to others that cannot be eliminated or reduced by a reasonable accommodation. The first-line supervisor/manager must engage in an individualized assessment that is based on the medical documentation and the best available objective evidence. Thus, this decision cannot be based on assumptions, unwarranted fears, generalizations, stereotypes, or myths about a particular disability.
5. Disability – An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.
6. Essential Functions - are the occupational duties that are fundamental to the position to the extent 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, a limited number of other employees can perform the function if given the assignment, or the function is specialized and the incumbent is hired based on his or her ability to perform it. If a function is listed in the position description as an essential function, but is not performed by the incumbent or takes only a few hours per week, it is not usually considered "essential" for purposes of accommodation.
  - a. The following factors are considered in determining whether a job function is essential:
    - (1) Whether the reason the position exists is to perform that function.




- (2) The number of other employees available to perform the function or among whom the performance of the function can be distributed.
  - (3) The degree of expertise or skill required to perform the function.
  - (4) Written job descriptions prepared before advertising or interviewing applicants for the job.
  - (5) The amount of time actually spent on the job performing the function.
  - (6) The consequences of not requiring the incumbent to perform the function.
  - (7) The terms of any collective bargaining agreement.
  - (8) The work experience of past incumbents in the job.
  - (9) The current work experience of incumbents in similar jobs.
7. **Extenuating Circumstances** - are factors beyond the ATF's control, which make it impossible for a reasonable accommodation to be provided within the timeframe set in this order. Examples of extenuating circumstances include, but are not limited to delays encountered when ordering equipment that must be back-ordered, the vendor normally used has gone out of business, or there are unexpected delays by the vendor or CAP. Therefore, the office/facility is encouraged to use charge cards when possible to avoid contracts, ratification, etc. When the review of medical documentation by an agency procured professional is required, the absence of the first-line managers or supervisors are not considered to be extenuating circumstances and should not delay the processing of a reasonable accommodation request.
8. **Interactive Process** - an informal, open, and honest discussion between the employee or job applicant making a request for an accommodation and the decision maker about the individual's functional work limitations due to a covered disability, and any accommodations that would allow the job applicant or employee to perform the essential functions of the position.
9. **Major Life Activities** - are basic activities that an average person in the general population can perform with little or no difficulty. Examples of major life activities include: walking; speaking; breathing; performing manual tasks; seeing; hearing; learning; caring for oneself; sitting; standing; lifting; reaching; bending; reading; thinking; interacting with other people; communicating; concentrating; eating; sleeping; reproduction; working; or major bodily functions (e.g., functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions).
10. **Personal Assistance Service** - means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. For example, assistance with removing and putting on clothing, eating, and using the restroom.
11. **Physical and/or Mental Impairment** - includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory (including speech organs); cardiovascular; reproductive; digestive; genitourinary; immune; circulatory; lymphatic; skin; and endocrine. It also includes a mental or psychological disorder, such as an intellectual disability (formerly mental retardation); organic brain syndrome; emotional or mental illness; and specific learning disabilities.

12. **Qualified Individual** - an individual with a disability is qualified if (1) he/she satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) he/she can perform the essential functions of the position, with or without reasonable accommodation.
13. **Reasonable Accommodation** - 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.
14. **Record of Impairment** - an individual that has a known history of or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
15. **Regarded as Having an Impairment** - an individual can meet the definition of disability if an employment action was taken because of an actual or perceived impairment (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
16. **Request for accommodation** is a statement (verbal or non-verbal) an employee or job applicant makes for an adjustment or change in his or her workplace; in the application process; in the performance of duties; or in a benefit or privilege of employment for a reason related to a mental or physical medical condition.
17. **Requestor** - an employee or applicant for employment with a disability, or his/her designated representative (e.g., a family member, health care professional, or other individual acting on his/her behalf) who is seeking a reasonable accommodation.
18. **Service Animals** - are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.
19. **Substantial Limitations** - evaluated in terms of the severity of the limitation and the length of time it restricts a major life activity. The determination that a particular individual has a substantially limiting impairment should be based on medical information about how the impairment affects that individual and not on generalizations about the condition.
20. **Undue Hardship** - means significant difficulty or expense and focuses on the resources and circumstances of the particular employer (ATF/DOJ) in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but also accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

APPENDIX B

FORMS

<i>The U.S. Department of Justice</i>		
<b>DOJ Form 100A Request for Reasonable Accommodation</b> (To be maintained separate and apart from personnel files and for the duration of the individual's employment.)		
1.	_____ Employee's Name	_____ Employee's Telephone No.
	_____ Title-Series/Grade	_____ E-mail Address
	_____ Date of Request	_____ Employee's Office
2.	Accommodation Requested. <i>(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)</i>	
3.	Reason for Request.	
	If accommodation is time sensitive, please explain	
(Submit this Form to Decision Maker)		
DOJ Form 100A		

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** DOJ Form 100A Request for Reasonable Accommodation; October 17, 2002; DOJ Form 100B Reasonable Accommodation Information Reporting Form; October 17, 2002, or DOJ Form 100C Denial of Reasonable Accommodation; October 17, 2002.
2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000; Section 1(b)(9) and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164 Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915 003; October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the letting of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records. To a former employee of the Department for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority in accordance with applicable Department regulations, or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Form 100A is voluntary; however, if you do not provide this information, the Department may not provide you with an accommodation, and you may not receive important information. Forms 100B and 100C are mandatory for Decision Makers.



The U.S. Department of Justice

## DOJ Form 100B Request for Reasonable Accommodation Reporting Form

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. A copy must be provided by the Decision Maker to the appropriate Accommodation Coordinator.)

Name of employee requesting reasonable accommodation: \_\_\_\_\_

Office of employee: \_\_\_\_\_

**1. Reasonable accommodation: (Check one)**

- Approved (If approved, attach copy of DOJ Form 100A.  
 Denied (If denied, attach copy of DOJ Form 100A, Form 100C and any related written denial letter/memo.)

**2. Date reasonable accommodation requested:** \_\_\_\_\_

Who received request: \_\_\_\_\_

**3. Name of Decision Maker if different from person identified directly above:** \_\_\_\_\_

**4. Date reasonable accommodation approved or denied:** \_\_\_\_\_

**5. Date reasonable accommodation provided (if different from date approved):** \_\_\_\_\_

**6. Interim measures provided, if any:**

**7. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why.**

**8. Job held by individual requesting reasonable accommodation (including title, occupational series, grade level, and office):**

9. Reasonable accommodation needed for: (check one)

- Performing Job Functions or Accessing the Work Environment
- Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)

10. Type(s) of reasonable accommodation requested (Circle one: Personnel Action, Adaptive Equipment (including Information Technology and Communications Equipment); Specially Designed Furniture; Removal of an Architectural Barrier(s) (including reconfigured work spaces); Accessible Parking; Materials in Alternative Formats (e.g., Braille, large Print); Job Restructuring; Retraining; Adjusting Schedules; Flexible Leave Policies; Alternate Work Schedule; Alternate Work Site; Reassignment To Another Job, Reader, Sign Language Interpreter, or other Staff Assistant; or explain other: \_\_\_\_\_ .)

11. Type(s) of reasonable accommodation provided (if different from what was requested):

12. Was medical or other appropriate supporting information required to process this request? If yes, explain why.

13. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization, Personnel, Disability Program manager):

14. Comments:

Submitted by: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_

Attach DOJ Form 100A, DOJ Form 100C (if required) and copies of all documents obtained or developed in processing this request.

DOJ Form 100B

### PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** DOJ Form 100A /Request for Reasonable Accommodation/ October 17, 2002. DOJ Form 100B/Reasonable Accommodation Information Reporting Form/ October 17, 2002; or DOJ Form 100C/Denial of Reasonable Accommodation/October 17, 2002.
2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791. Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the letting of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations, or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Form 100A is voluntary; however, if you do not provide this information, the Department may not provide you with an accommodation, and you may not receive important information. Forms 100B and 100C are mandatory for Decision Makers.

*The U.S. Department of Justice*



### **DOJ Form 100C Denial of Reasonable Accommodation**

(To be maintained separate and apart from personnel files and for the duration of the individual's employment. Decision Maker must complete numbers 1-4 and complete number 5, if applicable.)

1. **Name of employee requesting reasonable accommodation:**
  
  
2. **Type(s) of reasonable accommodation requested:**
  
  
3. **Request for reasonable accommodation denied because: (may check more than one box)**
  - Accommodation Ineffective
  - Accommodation Would Cause Undue Hardship
  - Medical Documentation Inadequate
  - Accommodation Would Require Removal of an Essential Job Function
  - Accommodation Would Require Lowering of Performance or Production Standard
  - Other (Please identify) \_\_\_\_\_
  
4. **Detailed reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):**
  
  
  
  
  
  
  
  
  
  
  
  
5. **If the individual proposed one type of reasonable accommodation which was denied, but rejected an offer of an alternative type of accommodation, explain both the reasons for denial of the requested accommodation and why the offered accommodation would be effective.**



**NOTICE TO INDIVIDUAL:**

6. If you wish to request reconsideration of this decision, you may take the following steps:

- o First, ask the Decision Maker to reconsider his/her denial. Additional information may be presented to support your request.
- o Utilize existing procedures for informal dispute resolution that can include any of the following processes: review by a second line supervisor or review by another neutral party.

RECONSIDERATION, REVIEW, AND USE OF ALTERNATIVE RESOURCES DO NOT AFFECT THE TIME LIMITS FOR INITIATING STATUTORY AND COLLECTIVE BARGAINING CLAIMS. AN INDIVIDUAL'S PARTICIPATION IN INFORMAL DISPUTE RESOLUTION PROCESSES WILL NEITHER SATISFY NOR DELAY TIME RESTRICTIONS OF THE FORMAL PROCESSES INDICATED BELOW.

7. If you wish to file an EEO complaint, or pursue MSPB and union grievance procedures, you must take the following steps:

- o For an EEO complaint pursuant to 29 C.F.R. §§ 1614, contact an EEO counselor in the appropriate Equal Employment Opportunity office *within 45 days from the date of denial of reasonable accommodation*; or
- o For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
- o Where the denial of a request results in an adverse action, initiate an appeal to the Merit Systems Protection Board *within 30 days of an appealable adverse action* as defined in 5 C.F.R. §§ 1201.3.

\_\_\_\_\_  
*Print/Type: Name/Title of Decision Maker*

\_\_\_\_\_  
*Signature of Decision Maker*

Date reasonable accommodation denied: \_\_\_\_\_

I acknowledge that I have read the above information with regard to my request for accommodation.

\_\_\_\_\_  
*Signature of Requester*

\_\_\_\_\_  
*Date*

**DOJ Form 100C**

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** DOJ Form 100A (Request for Reasonable Accommodation)/ October 17, 2002; DOJ Form 100B (Reasonable Accommodation Information Reporting Form, October 17, 2002); or DOJ Form 100C (Denial of Reasonable Accommodation) (October 17, 2002).
2. **AUTHORITY:** The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; Executive Order 13164, dated July 26, 2000, Section 1(b)(9); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164 Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915 001, October 20, 2000.
3. **PRINCIPAL PURPOSE:** To record and track requests for reasonable accommodation by individuals with disabilities, their provision, and the disposition of such requests for the Department of Justice only.
4. **ROUTINE USES:** Pursuant to subsection (b)(3) of the Privacy Act, information may be disclosed from this system as follows: To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of an individual who is the subject of the record. To the General Services Administration and National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906. Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, to any civil or criminal law enforcement authority or other appropriate agency, whether federal, state, local, foreign, or tribal, charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing a statute, rule, regulation, or order. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by DOJ to be arguably relevant to the proceeding. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or informal discovery proceedings. To a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation, or pursuit of other appropriate personnel matter. To a federal, state, local, or tribal agency or entity that requires information relevant to a decision concerning the issuing of a license or permit, the issuance of a grant or benefit, or other need for the information in performance of official duties. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records. To a former employee of the Department for purposes of responding to an official inquiry by a federal, state, or local government entity, or professional licensing authority, in accordance with applicable Department regulations, or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility. To the White House (the President, Vice President, their staff, and other entities of the Executive Office of the President (EOP)) for Executive Branch coordination of activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. To such recipients and under such circumstances and procedures as are stipulated by federal statute or treaty.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** The provision of information for Form 100A is voluntary; however, if you do not provide this information, the Department may not provide you with an accommodation, and you may not receive important information. Forms 100B and 100C are mandatory for Decision Makers.

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**Request for Space and/or Services**

**Instructions:** Submit original to the Space Management Branch. Complete all numbered items accurately. Particular attention should be directed to item 9 when requesting new or expansion space.

**General Requirements**

1. Space Location <i>(street address, suite, city and state)</i>	2. Organization Code	3. Project Number <i>(Headquarters use only)</i>	4. GSA Building Number <i>(Headquarters use only)</i>
5. ATF Contact Person's Name <i>(where work is requested)</i>	6. Telephone Number	7. Fax Number	

8. Type of Request *(if you checked a, b, c, complete item 11 and ATF F 1830.3, Space Location Certification)*

a. <input type="checkbox"/> Space for New Office	d. <input type="checkbox"/> Release of Space	g. <input type="checkbox"/> Other <i>(specify)</i> _____
b. <input type="checkbox"/> Lease Expiration	e. <input type="checkbox"/> Space Renovation	
c. <input type="checkbox"/> Expansion Space	f. <input type="checkbox"/> Parking	

9. Justification *(Complete for all types of requests. Continue on separate sheet if necessary.)*

10. Personnel to occupy space *(indicate total personnel to occupy space at this location, list name, position and grade, continue on reverse if needed.)*

Name	Position Title	Grade

**Total Personnel**  
*(total should include personnel listed on the reverse side of this form.)*

11. Requesting Official <i>(Signature and Title)</i>	12. Date
13. Headquarters Concurring Official <i>(Signature and Title)</i>	14. Date

Please complete Vehicle information on the reverse side of this form for Government-Owned/Leased Vehicles.

ATF Form 1834.1  
Revised December 2004

15. Personnel to occupy space (Indicate total personnel to occupy space at this location on the front. List name, position, and grade.)

Name	Position Title	Grade

16. Vehicle Information (Indicate year, make, model and vehicle identification number.)

Year	Make	Model	Grade

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Revised December 2004

## APPENDIX C

### AVAILABLE RESOURCES

#### SELECTED INTERNAL REASONABLE ACCOMMODATION RESOURCES.

The appropriate EEO and Executive office will be available, as needed, to provide assistance to employees and decision makers in processing requests. Personnel offices are also available to help with personnel actions, adjusting schedules/flexible leave policies/alternative work schedules, and alternate work site. They can also provide assistance in obtaining medical review of medical documentation submitted by employees seeking reasonable accommodations. The Attorney General, through the Justice Management Division's Personnel Staff entered into an interagency agreement with the Department of Defense's Computer/Electronic Accommodations Program (CAP) to handle most requests for adaptive equipment for computers. Facilities staff and others are available also. The component's EEO office is a referral resource.

#### **SELECTED EXTERNAL REASONABLE ACCOMMODATION RESOURCES**

U.S. Equal Employment Opportunity Commission (EEOC)  
1-800-669-3362 (Voice)  
1-800-800-3302 (TT)  
[www.eeoc.gov](http://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. (1994), and the regulations, 29 C.F.R. 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The two 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 (1997), and (2) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The 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 guidance and documents: (1) Enforcement Guidance: Pre-employment 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); and (4) Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996).

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 ADA Technical Assistance Manual and Resource Directory and the poster, are also available through the Internet at <https://www.eeoc.gov>.

#### **U.S. Department of Labor (DOL)**

(To obtain information on the Family and Medical Leave Act)

To request written materials:

1-800-959-3652 (Voice)

1-800-326-2577 (TT)

To ask questions: (202) 219-8412 (Voice)

**Job Accommodation Network (JAN)**

1-800-232-9675 (Voice/TT)  
<http://janweb.icdi.wvu.edu/>.

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)

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

**Rehabilitation Engineering and Assistive Technology Society of North America**

(RESNA) Technical Assistance Project  
(703) 524-6686 (Voice)  
(703) 524-6639 (TT)  
<http://www.resna.org/hometa1.htm>

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 databases 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.

QUESTIONS. Contact the OEEO at (202) 648-8760.