



**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**PROCEDURES TO FACILITATE THE PROVISION  
OF REASONABLE ACCOMMODATION**

**Office of Diversity and Civil Rights  
Washington, D.C. 20536**

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## **BACKGROUND/AUTHORITY**

The Rehabilitation Act of 1973 (29 U.S.C. § 701), as amended, was the first national law to address employment protection for individuals with disabilities. In part, the Rehabilitation Act requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship to the employer.

The U.S. Equal Employment Opportunity Commission (EEOC) issued enforcement guidance on March 1, 1999, that clarified the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship. This guidance was updated on October 17, 2002.

On July 26, 2000, Executive Order (EO) 13164 was executed. The EO required Federal agencies to establish effective written procedures for processing requests for reasonable accommodation. The EO did not create any new enforceable rights for Executive branch employees or applicants for employment. On October 20, 2000, the EEOC issued policy guidance that further explained the effects of EO 13164.

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) became effective on January 1, 2009. The ADAAA made important changes to the definition of the term "disability." Pursuant to the ADAAA, the definition of disability is to be construed in favor of broad coverage to the maximum extent permitted by the terms of the ADAAA, and the determination of whether an individual has a disability should not demand extensive analysis. The EEOC issued implementing regulations on March 25, 2011, which are located at 29 C.F.R. Part 1630.

## **PURPOSE**

This document implements EO 13164 by establishing requirements for processing requests for reasonable accommodations and, where appropriate, for providing reasonable accommodations to U.S. Immigration and Customs Enforcement (ICE) employees, and applicants seeking employment, who have disabilities. It provides guidance to ICE employees, managers, and supervisors regarding the processing of reasonable accommodation requests. The provisions of this policy will not be read to conflict with current or future collective bargaining agreements.

## POLICY

It is the policy of ICE to provide reasonable accommodation to qualified employees and applicants for employment who have disabilities to ensure full access to equal employment opportunities. ICE will provide reasonable accommodation for the known physical or mental disabilities of qualified employees and applicants, unless to do so would impose an undue hardship on ICE. Finally, ICE is committed to the employment, placement, and advancement of qualified individuals and veterans with disabilities. In furtherance of this policy, and in accordance with the Architectural Barrier Accessibility Standards, ICE affirms its commitment to a work environment free of architectural barriers and assures that ICE facilities will be accessible to employees with disabilities.

## SCOPE

The policies and procedures contained herein apply to all ICE organizational elements and to all employees and applicants for employment with ICE and its organizational elements and offices. These policies and procedures adhere to the EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002) and the EEOC Policy Guidance on EO 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000). Both documents are available on EEOC's website at [www.eeoc.gov](http://www.eeoc.gov).



1.13.15

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## DEFINITIONS

**Chief Diversity Officer (CDO).** The individual who serves as the manager for the Diversity Management Division within the Office of Diversity and Civil Rights (ODCR) and oversees the Disability Program, which serves as ICE's lead for all disability-related issues, including the Rehabilitation Act, Sections 501, 504, and 508. The CDO serves as the expert for all ADAAA related issues, including all reasonable accommodation requests, and promotes reasonable accommodation culture at ICE. The CDO also coordinates with the ICE Recruitment Branch in the Office of Human Capital (OHC) to develop disability recruitment plans.

**Decision-maker.** The individual with principal responsibility for identifying possible accommodations and determining whether an accommodation will be provided. The Decision-maker is the employee's Head of Office, or designee. In the case of a job applicant who requests an accommodation to assist in the job application process, the OHC service center director responsible for the recruitment and/or selection process will be the Decision-maker. For applicants who request an accommodation after receiving an offer of employment, the Decision-maker will be the Head of Office.

**Disability.** A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. An impairment that lasts only a short period of time may be covered if it is sufficiently severe when it occurs. The determination of whether a person has a disability will be made without regard to "mitigating" measures, such as medication, therapy, or assistive devices.

**Disability Program Manager (DPM).** A member of ODCR who is responsible for interpreting this policy and providing guidance to all ICE headquarters and field office managers, supervisors, employees, and applicants on matters related to reasonable accommodation.

**Dispute Resolution Process.** Any voluntary mechanism through which an individual can request reconsideration of the denial of a requested accommodation, regardless of whether the individual has initiated any complaint process.

**Essential Function.** Those job duties that are so fundamental to the position an individual holds or has applied for that he/she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis to reflect the job as actually performed, and not simply the components of a generic position description.

**Extenuating Circumstances.** Factors that could not reasonably be anticipated or avoided in advance of the request for accommodation, or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation.

**Head of Office.** For field offices, the employee who is the Special Agent in Charge, Field Office Director, or Chief Counsel. For headquarters offices, Heads of Office are the ICE Chief of Staff; Executive Assistant Directors of Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), and Management and Administration (M&A); the Principal Legal Advisor; or their respective designees.

**Interactive Process.** The process by which the individual requesting an accommodation and the Decision-maker discuss the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

**Major Life Activities.** Activities that most people in the general population can perform with little or no difficulty. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, reaching, sitting, and interacting with others. A major life activity can also include the operation of a major bodily function, such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This is not an exhaustive list, but is a representation of the types of activities that are considered major life activities.

**Medical Documentation.** A statement, medical record, or other such documentation from a licensed physician or other appropriate practitioner that provides information the agency considers necessary to enable it to make an employment decision. Medical documentation consists of both medical information and underlying medical documentation. Medical information is a statement, letter or note from a health care provider and underlying medical documentation is an x-ray, lab result, or other medical records that substantiates the health care provider's statement, letter or note.

**Medical Officer.** A medical professional in the Office of Human Capital who collaborates with the RAC, DPM and, if necessary, other medical professionals, to evaluate a Requestor's medical documentation and substantiates a disability. The Medical Officer also provides advice or recommendations on suitable accommodations to provide.

**Qualified Individual with a Disability.** An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position he/she holds or has applied for, and who, with or without reasonable accommodation, can perform the essential functions of that position.

**Reasonable Accommodation.** An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodation:

- modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille);

- modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters, ergonomic workstations, accessibility software, and telework); and
- modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in the work place).

Potential reasonable accommodations provided to a qualified individual with a disability are numerous and include, but are not limited to, the following: ergonomic equipment; permitting the use of leave; job restructuring (e.g., redistributing marginal job functions or altering when and/or how a function is performed); modified work or flexible schedule (e.g., telework or a gliding schedule); standup/sit down work station; limited lifting/pushing; frequent breaks; fragrance-free work zone; and, as a last resort, reassignment.

Note: Individuals who fall under the definition of “regarded as disabled” are not entitled to a reasonable accommodation.

**Reasonable Accommodation Coordinator (RAC).** An individual in ODCR who facilitates the reasonable accommodation process by communicating with Requestors, Decision-makers, the Medical Officer, and others when appropriate, and by making recommendations regarding the appropriate reasonable accommodation.

**Reassignment.** A form of reasonable accommodation that, absent undue hardship, is provided to an employee (not applicant) who, because of a disability, can no longer perform the essential functions of his/her job, with or without reasonable accommodation. A reassignment is made only to a vacant and funded position for which the employee is qualified and can perform the essential functions, and is the accommodation of last resort.

**Receiving Officials.** Officials designated to receive a request for reasonable accommodation from an employee or applicant (or an individual acting on his/her behalf). Typically, these are the employee’s immediate supervisor; another supervisor or manager in the employee’s immediate chain of command; the DPM, RAC, or other member of ODCR; and, if the request for accommodation is from a job applicant, the OHC point of contact listed on the vacancy announcement. In connection with the application process, the Receiving Official can also be any ICE employee with whom the applicant has contact in connection with the application process.

**Regarded as Disabled.** An agency regards an individual as disabled if the individual is subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits, or is perceived to substantially limit, a major life activity. Prohibited actions include but are not limited to 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.



**Request for Reasonable Accommodation.** Any statement, either verbal or written, that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition or a disability. The reasonable accommodation process begins as soon as the request for accommodation is made. (Note: The Requestor is not required to use terms such as “Reasonable Accommodation,” “disability,” or “Rehabilitation Act” in the Request for Accommodation.)

**Requestor.** An individual or applicant with a disability, or an individual acting on his/her behalf who requests reasonable accommodation.

**Substantially Limits.** To have a disability or to have a record of a disability, an individual must be or have been limited in performing a major life activity compared to most people in the general population. Factors considered in the determination of whether an impairment substantially limits a major life activity are: the conditions under which the individual performs the major life activity; the manner in which the individual performs the major life activity; and/or the duration of time it takes the individual to perform, or for which the individual can perform the major life activity. Considerations may include, but are not limited to, the difficulty, effort, or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time required for a major life activity to be performed; and/or the way an impairment affects the operation of a major bodily function. In addition, the non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual's impairment substantially limits a major life activity. An assessment of substantial limitation can be made in comparison to most people in the general population.

**Undue Hardship.** Significant difficulty or expense, focusing on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial, but also to administrative difficulties caused by accommodation that are unduly extensive, substantial, disruptive, or those that would fundamentally alter the nature or operation of the agency's mission. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation and the impact of the reasonable accommodation on the operations of the agency.

## **RESPONSIBILITIES OF OFFICIALS INVOLVED IN THE ACCOMMODATION PROCESS**

### **I. Decision-maker**

The Decision-maker is responsible for considering the reasonable accommodation request, engaging in the interactive process, either approving or denying the request no later than fifteen (15) business days after receipt, absent extenuating circumstances, and ensuring that ODCR has been notified of the reasonable accommodation request and disposition. The Decision-maker is also responsible for ensuring that the accommodation, if approved, is provided no later than thirty days (30) days after receipt, absent extenuating circumstances. In making his/her determination, the Decision-maker will consult and coordinate with the RAC, and, as appropriate, the DPM, Office of the Principal Legal Advisor, OHC, and other ICE offices relevant to the particular Requestor's request for accommodation, and will follow the procedures set forth herein. A Head of Office may delegate the role of Decision-maker to a supervisor within the Requestor's chain of command, depending on the complexity of the case and requested accommodation. When the Decision-maker believes medical information is needed to evaluate a request, he/she will contact the RAC or DPM to request medical information about the Requestor's disability.

### **II. Disability Program Manager (DPM)**

The DPM, located within the Diversity Management Division, ODCR, is responsible for interpreting the ICE Reasonable Accommodation policy and providing guidance to ICE Headquarters, field offices, managers, supervisors, employees, and applicants on matters related to reasonable accommodation. The DPM may, in cases when medical information is needed to substantiate a disability in order to process a request for reasonable accommodation, also be responsible for obtaining and maintaining medical information needed to process the reasonable accommodation request and ensuring the confidentiality of the employee's medical information (when this is not obtained by the RAC). The DPM also reviews and issues recommendations regarding requests for reconsideration.

### **III. Reasonable Accommodation Coordinator (RAC)**

The RAC, located within the Diversity Management Division, ODCR, is responsible for providing assistance to employees, applicants, the DPM, the Decision-maker, and OHC officials in the processing of reasonable accommodation requests and in determining and providing appropriate accommodation. The RAC is also responsible for obtaining and maintaining medical information needed to process a reasonable accommodation request and ensuring the confidentiality of the employee's medical information. The RAC is also responsible for notifying the Requestor, in writing, when extenuating circumstances are delaying the request for accommodation and providing an estimated date of when a decision, or provision of the accommodation, is expected.

#### **IV. Receiving Official**

The Receiving Official will forward the request for accommodation to the RAC and to the employee's supervisor, if the Receiving Official is someone other than the employee's supervisor, and will confirm receipt of the request, in writing, to the Requestor.

#### **V. Requestor**

The employee seeking accommodation, or another individual acting on the employee's behalf, must submit the request for reasonable accommodation to a Receiving Official. The request may be written or oral.

#### **VI. Office of Diversity and Civil Rights (ODCR)**

ODCR, through the DPM and RAC, is responsible for assisting employees, applicants, OHC officials, and Decision-makers in processing requests for reasonable accommodation, determining the appropriate accommodation, and providing such accommodation. Additionally, ODCR is responsible for interpreting policy and providing guidance to ICE Headquarters, field offices, managers, supervisors, employees, and applicants on matters related to reasonable accommodation.

#### **VII. Office of Human Capital (OHC)**

OHC is responsible for ensuring that all vacancy announcements and hiring and promotion procedures include language describing how applicants may submit reasonable accommodation requests and for processing requests for accommodation from applicants for employment. OHC will also search for vacant and funded positions and perform other personnel reassignment functions for qualified employees with a disability. The Director, Human Capital Operations, or his/her designee, will coordinate these functions with the OHC Service Centers, other DHS components, and the Department, as necessary.

#### **VIII. Office of the Chief Information Officer (OCIO)**

OCIO is responsible for ensuring that employees with disabilities have access to electronic and information technology (EIT) such as computers, software, telephones, information kiosks, Internet and intranet sites, multimedia materials, and office equipment that is comparable to the access available to individuals without disabilities, unless an undue hardship on ICE would be imposed. When development, procurement, maintenance, or use of EIT that meets accessibility standards would impose an undue hardship on ICE, access that allows individuals with disabilities to use the information and data will be provided by an alternative means. OCIO will ensure that information is available in an accessible format to applicants with disabilities who are applying for employment through means such as telephones, information kiosks, and Internet and intranet sites.

**IX. Office of the Principal Legal Advisor (OPLA)**

OPLA is responsible for providing legal advice to the Decision-maker, RAC, DPM, ODCR, and OHC during the processing of a request for reasonable accommodation.

**X. Medical Officer**

A medical professional in the Office of Human Capital who is responsible for collaborating with the RAC, DPM and, if necessary, other medical professionals, to evaluate a Requestor's medical documentation and substantiate a disability, and provide recommendations on the appropriate reasonable accommodation, if any, to provide.

## REQUESTING REASONABLE ACCOMMODATION

### I. The Request

The reasonable accommodation process begins as soon as the request for accommodation is made, either orally or in writing. The request does not require the use of words such as "reasonable accommodation," "disability," or "Rehabilitation Act." An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability.

Note: A sample request form is provided in Appendix A. If using Appendix A, a Requestor does not have to disclose his/her medical condition to the Decision-maker, or designee, and may leave this section blank; however, a Requestor will be required to disclose his or her medical condition to the RAC in order to process the reasonable accommodation request. All requests may be submitted to the ODCR RAC at (b) (7)(E) [REDACTED]@ice.dhs.gov.

The request must be considered regardless of which Receiving Official the employee makes his/her request to (i.e., the employee's supervisor, another supervisor or manager in the employee's chain of command, or ODCR), or, if the request for an accommodation is from a job applicant to OHC.

A family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an employee or applicant with a disability. The request shall be made to one of the Receiving Officials to whom the employee or applicant would make the request.

**Requests for Recurring Accommodation.** When an individual needs a reasonable accommodation on a recurring basis (e.g., the assistance of sign language interpreters or readers), a formal request, either oral or written, must be made for the first requirement only. However, appropriate advance notice, at least two weeks, must be given each succeeding time the accommodation is needed.

**Written Confirmation of Request.** While a written request is preferable, it is not required. To ensure accurate records regarding the request for reasonable accommodation, the Receiving Official should confirm the receipt of a request for reasonable accommodation in writing to the Requestor, documenting when the request was received and the nature of the accommodation requested. A sample confirmation letter is provided in Appendix B. Processing of either type of request, written or oral, will begin as soon as it is made.

## **II. The Interactive Process**

Communication is a priority throughout the entire process. The Decision-maker and other officials involved in the provision of reasonable accommodations should take a proactive approach in searching for and considering possible accommodation, including consulting appropriate resources for assistance. The Requestor should participate in helping identify an effective accommodation. Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear, where an effective accommodation is not obvious, or where the Requestor and Decision-maker, or DPM, RAC, or OHC are considering different possible reasonable accommodation.

Resources are available in Appendix C to help both the Decision-maker and the Requestor to identify possible accommodation(s). The DPM and RAC are also available to provide assistance in identifying an accommodation. Appendix D provides a graphic illustration of the Interactive Reasonable Accommodation Process.

## **III. Request for Medical Information**

### **A. Initial Request for Medical Information**

ICE is entitled to ask for and receive medical information establishing that the Requestor has a disability that requires a reasonable accommodation. In some cases the disability and need for accommodation will be obvious or otherwise already known to the Decision-maker. In these cases, ICE will not seek further medical information. However, when a disability and/or need for reasonable accommodation are not obvious or otherwise already known to the Decision-maker, ICE may require that the individual provide medical documentation.

If the Decision-maker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, the Decision-maker will contact the RAC. The Decision-maker will not directly request or obtain medical information except as described below in the "Note." If the RAC determines that medical information is necessary, the RAC will request it and provide the Requestor with the Privacy Notice attached at Appendix H. If medical information is not necessary, the RAC will promptly return the request for accommodation to the Decision-maker to complete processing.

Note: In some cases, the Requestor will supply medical information directly to the Decision-maker without being asked, or the Decision-maker may obtain such information in connection with another personnel action such as a fitness for duty examination. In these cases, the Decision-maker will consider such documentation and, if additional information is needed, the Decision-maker will work with the RAC to obtain such information.

The RAC will first seek information or documentation from the Requestor, and/or ask the Requestor to obtain such information from an appropriate professional. The RAC will issue the Requestor the Privacy Notice attached.

In order to obtain the most helpful information, when the RAC requests information the RAC should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

Once the medical information is received, the RAC and/or DPM will evaluate it. If the RAC and/or DPM determine that the information provided is insufficient, the RAC or DPM may request further information.

- First, the RAC or DPM should explain to the Requestor, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request. The Requestor may then ask the healthcare or other appropriate professional to provide the missing information.
- If, after a reasonable period of time, there is still insufficient information to demonstrate that the Requestor has a disability and/or needs a reasonable accommodation, the RAC or DPM may submit a list of specific questions directly to the Requestor's healthcare professional in writing or may otherwise contact the Requestor's health care provider. The RAC or DPM may also request that the Requestor be examined by a physician or other health care provider chosen by ICE. Such an examination will be performed at ICE's expense.
- At any time in the process, the RAC or DPM may also request assistance from a medical expert. If ICE determines that medical information submitted must be reviewed by a medical expert, ICE will choose the medical expert. The cost of the review will be at the expense of ICE.
- If underlying medical documentation is necessary, the Requestor may submit the required documentation directly to the Medical Officer. In such cases, the RAC will provide the Requestor with the Medical Officer's contact information.

The RAC or DPM will coordinate all actions taken with respect to the request for and evaluation of medical information with the Decision-maker, and as appropriate, OHC, OPLA, the Medical Officer, other medical professionals, and/or other ICE officials.

Failure by the Requestor to provide appropriate documentation or to cooperate in any aspects of the process such as obtaining sufficient medical documentation in response to requests, signing a release, or submitting to a medical examination, may result in a denial of the request for accommodation.

When the RAC, DPM, or another member of ODCR is involved in the reasonable accommodation process, he or she will recuse him- or herself from processing complaints in which conflicts or perceived conflicts may exist.

## **B. Updated Medical Information**

Following an initial reasonable accommodation request, ODCR may need to obtain updated medical information to continue and/or alter a reasonable accommodation. ODCR may require updated medical information in circumstances including, but not limited to, requests to alter a reasonable accommodation, and changes to medical condition. When updated medical information is necessary, the Requestor and Decision-maker should follow the procedures outlined in Section III(A) above to obtain and evaluate medical information.

## **IV. Reassignment as an Accommodation**

### **A. Requestor must be qualified for reassignment**

Reassignment is the reasonable accommodation of last resort. Reassignment, as a form of reasonable accommodation, can only be offered to qualified disabled employees and is not available as an accommodation for job applicants. A Requestor 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. ICE is not required to assist the Requestor in becoming qualified for the reassignment. In other words, ICE is not required to provide the Requestor with training to acquire the necessary skills for the reassignment; however, ICE must provide a Requestor who is being reassigned with any training regularly provided to someone after he or she is hired or transferred into the position.

Reassignment will only be considered as a reasonable accommodation if a determination is made that no other reasonable accommodation is available to enable the Requestor to perform his/her current job, or if the only effective accommodation would cause undue hardship to ICE.

### **B. Searching for vacant and funded positions**

In considering whether there are positions available for reassignment, the RAC should coordinate with the DPM, OHC, and the Requestor to identify positions within ICE and/or the Department of Homeland Security (DHS) for which the Requestor may be qualified, with or without reasonable accommodation, and which are currently vacant and funded or may become vacant within the next sixty (60) calendar days. A vacant position is one that is available when the Requestor asks for a reasonable accommodation or that ICE knows will become available within sixty (60) calendar days. This should be determined on a case-by-case basis considering relevant facts.

If reassignment is appropriate, ICE is required to reassign a Requestor to a vacant and funded position within his/her medical restrictions that he/she is qualified to perform and that is equivalent in terms of pay, status, or other relevant factors. If no vacant equivalent position exists, ICE must ask the Requestor to accept a vacant lower level position for which the Requestor is qualified. If more than one vacancy for which the Requestor qualified is available, ICE must place the Requestor in the position that is nearest to the Requestor's current position in terms of pay, status, and other relevant factors. If it is unclear which position is nearest, ICE



should consult with the Requestor about his or her preference before determining the position to which the Requestor will be reassigned. Reassignment does not include giving an employee a promotion; therefore, a Requestor must compete for any vacant position that would constitute a promotion.

In searching for a vacant funded position for reassignment, OHC will first focus on positions within the local commuting area of the Requestor's office, which are equivalent to the Requestor's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position within the Requestor's Program Office, ICE will consider other vacant positions at ICE in the local commuting area for which the Requestor is qualified. If there is no vacant position at ICE, then the Director, Human Capital Operations, or his/her designee, will contact other DHS components to determine if vacancies exist within the local commuting area. Reassignment may be made to a vacant position outside of the Requestor's local commuting area if the Requestor is willing to relocate. As with other voluntary transfers, ICE will not pay for the Requestor's relocation costs.

If there are no equivalent positions within the local commuting area (or other area if the Requestor is willing to relocate at his/her expense) and if the Requestor is willing to accept a demotion, OHC will search for vacant lower-level positions in ICE within the local commuting area for which the Requestor is qualified. If there are no vacant lower-level positions in ICE, OHC will contact other DHS components to determine if vacancies at lower grade levels exist within the local commuting area. Reassignment may be made to a vacant position outside of the Requestor's local commuting area if the Requestor is willing to relocate. As with other voluntary transfers, ICE will not pay for the Requestor's relocation costs.

If reassigning the Requestor to a position at another DHS component would impose an undue hardship or pose a direct threat to the health and safety of him or herself or others, ICE is not required to provide this accommodation.

If no vacant funded position is found, OHC must document the search process utilized and certify that there are no current vacant funded positions (or anticipated vacancies) for reassignment of the Requestor. The Decision-maker will advise the Requestor that ICE's search for a vacant funded position for reassignment was unsuccessful. If OHC identifies a vacant funded position and the Requestor declines the position, the RAC will document the Requestor's denial.

If no vacant funded position is found or if the Requestor declines the reassignment, the Requestor should be aware that he or she may be subject to removal for medical inability.

## **V. Funding and Procurement of Reasonable Accommodation**

Funding of an accommodation, such as interpreters, readers, personal assistants, job coaches, accessibility equipment such as ergonomic work stations and accessibility software, and telework, is the responsibility of the program office or field office where the Requestor making the request is employed.

Procurement of assistive technology can be requested through a federal program housed within the Department of Defense. The Computer/Electronic Accommodation Program (CAP) provides assistive technology and services to individuals with disabilities throughout the Federal Government, free of charge. The CAP will provide needs assessments, purchase the needed technology, train the employee on how to use it, and provide updates. CAP services may be accessed by contacting the ICE Reasonable Accommodation Coordinator at [ICEReasonableAccommodation@ice.dhs.gov](mailto:ICEReasonableAccommodation@ice.dhs.gov). All requests for technology shall be coordinated with the 508 Compliance Officer assigned to the OCIO.

## **VI. Time Frames for Processing Requests and Providing Reasonable Accommodation**

The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. At a minimum, however, requests shall be processed as follows:

### **A. Requests Not Involving Extenuating Circumstances**

A request not involving extenuating circumstances should be processed as soon as possible, but completed not more than fifteen (15) business days from the day the request was made. If the Reasonable Accommodation Request is not processed within the 15 day timeframe, ODCR will contact the Requestor and inform him/her of the status of the request and the anticipated completion. The accommodation, if granted, must be provided as soon as possible, but not more than thirty (30) business days from the date the request was made. Because the Decision-maker will need time to engage in the interactive process and collect all relevant information about a possible accommodation, he/she should not delay beginning this process.

### **B. Requests Involving Extenuating Circumstances**

When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as is reasonably necessary. Even in extenuating circumstances, all ICE personnel are expected to act as quickly as reasonably possible in processing requests and providing accommodation. Examples of extenuating circumstances include, but are not limited to:

- (a) Requirements under the Federal Acquisition Regulation and EEOC Order 360.001, Acquisition Policies and Procedures, may delay the purchase of equipment;
- (b) Equipment must be back-ordered, the vendor typically used by ICE for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available;
- (c) The Requestor needs to work with equipment on a trial basis to ensure that it is effective before ICE buys the equipment;

- (d) New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers;
- (e) There is an outstanding initial or follow-up request for medical information, or the designated ICE official is evaluating medical information that has been provided;
- (f) A medical examination or additional medical documentation has been requested by ICE; or
- (g) There has been a request for reassignment and ICE is conducting a job search.

If the request requires that supporting medical information be obtained:

- (h) The Decision-maker will make such requests to the RAC as soon as possible after his/her receipt of the request for accommodation, but before the expiration of the fifteen (15) day time period. The fifteen (15)-day time period will then be stayed pending the receipt of necessary medical information. ICE recognizes that the need for documentation may not become apparent until after the interactive process has begun.
- (i) If the RAC determines that medical information is not needed, the fifteen (15)-day time period resumes as soon as the RAC notifies the Decision-maker that he/she can continue processing the request.
- (j) If the RAC determines that medical documentation is needed, the decision shall be made and the accommodation, if granted, shall be provided within fifteen (15) business days from the date the RAC or the DPM receives the complete and relevant medical information.

### **C. Written Notification of Delay**

Where extenuating circumstances are present, the RAC will notify the Requestor, in writing, of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly by the RAC to the Requestor.

### **D. Temporary Measures**

Temporary measures may be taken to assist the Requestor if there is a delay in responding to a request or providing an accommodation that has been approved. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the Decision-maker may provide measures that are not a reasonable accommodation within the meaning of the law (e.g., temporary removal of an essential function) if:

- (a) They do not unreasonably interfere with the operations of ICE; and
- (b) The Requestor is clearly informed that they are being provided only on a temporary basis.

For example, there may be a delay in receiving adaptive equipment for an employee with vision impairment. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

The Decision-maker will notify the Requestor in writing that the accommodation is being provided on a temporary basis, pending a decision on the accommodation request.

Decision-makers who approve such temporary measures are responsible for ensuring that they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

## **VII. Expediting Processing**

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the fifteen (15) business days discussed in Section VI(B) above. This includes where a reasonable accommodation is needed:

### **A. To enable an applicant to apply for a job**

Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for a reasonable accommodation in order to ensure that a Requestor with a disability has an equal opportunity to apply for a job. Therefore, ICE should move as quickly as possible to make a decision and, if appropriate, provide a reasonable accommodation.

### **B. To enable an employee to attend a meeting scheduled to occur shortly**

For example, a Requestor may need a sign language interpreter for a meeting scheduled to take place in five (5) days. In such a situation, ICE should attempt to either procure the interpretation services or postpone the meeting until interpretation services can be procured.

**NOTE: Back-Up.** Each office must arrange for back-up coverage to continue receiving, processing, and providing reasonable accommodation when responsible officials (Decision-makers and Receiving Officials) are unavailable. The time frames discussed in paragraph VI of the previous section will not be suspended or extended because of these individuals' unavailability.

## **GRANTING OR DENYING A REASONABLE ACCOMMODATION REQUEST**

### **I. Granting a Reasonable Accommodation Request**

ICE is not necessarily required to provide the accommodation requested by the Requestor. As soon as ICE determines that a reasonable accommodation will be provided, that decision should immediately be communicated to the Requestor by the Decision-maker. A sample Decision-maker response letter is provided in Appendix E. If the accommodation cannot be provided immediately, the Decision-maker must inform the Requestor of the projected time frame for providing the accommodation. For record-keeping purposes, the Decision-maker should record the decision in writing and provide the decision to the RAC.

### **II. Denial of a Reasonable Accommodation Request**

As soon as the Decision-maker determines that a request for a reasonable accommodation will be denied, the decision-maker must issue a written decision to the Requestor, with a copy to the RAC. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. Specific reasons for the denial may include the following:

- a) Why the requested accommodation would not be effective;
- b) Why the requested accommodation would result in undue hardship to ICE;  
(Before reaching this determination, the Decision-maker must explore whether other effective accommodations exist which would not impose undue hardship to ICE.)
- c) Medical documentation is inadequate to establish that the Requestor has a disability and/or needs a reasonable accommodation;
- d) The requested accommodation would require the removal of an essential function; or
- e) The requested accommodation would require the lowering of a performance or production standard.

Where the Decision-maker has denied a specific requested accommodation, but has offered to make a different accommodation in its place, which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the Decision-maker believes the chosen accommodation would be effective.

The written notice of denial must also inform the Requestor that he/she has the right to file an EEO complaint and, if applicable, a Merit Systems Protection Board (MSPB) appeal and/or negotiated grievance.

### **III. Request for Reconsideration**

Within fifteen (15) business days of the Decision-Maker's issuance to a Requestor of a written decision denying a request for reasonable accommodation, the Requestor may submit a Request for Reconsideration to the Decision-Maker. The Request for Reconsideration may include additional and updated information and explain why the Decision-Maker's denial of the reasonable accommodation request was improper and, when appropriate, additional or updated medical documentation to substantiate the Requestor's explanation.

The Decision-Maker must issue a written decision to the Requestor, with a copy to the RAC, within fifteen (15) business days of the Requestor's Request for Reconsideration. The Request for Reconsideration Decision must be written in plain language, clearly stating the specific reasons for the Decision. The Request for Reconsideration Decision must also inform the Requestor of the right to file an EEO complaint and, if applicable, a Merit Systems Protection Board (MSPB) appeal and/or negotiated grievance.

**Note:** A Request for Reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

## CONFIDENTIALITY AND DISCLOSURE

All medical information obtained in connection with a request for a reasonable accommodation must be kept confidential. The information must be kept in files separate from the Requestor's personnel file. In addition, employees who obtain or receive such information are strictly bound by these confidentiality requirements.

The sharing of the information contained in an individual's Reasonable Accommodation Records is subject to the disclosure requirements of the Privacy Act. The Privacy Act authorizes disclosure of this information when: (1) the individual gives his or her permission to share the information, (2) the disclosure is authorized under the general disclosure provisions of the Privacy Act listed in Section (b) Conditions of disclosure, or (3) the DHS/ALL-033 Reasonable Accommodation System of Records Notice (SORN). The SORN is available on DHS's public website at <http://www.dhs.gov/privacy>

The information may be disclosed to those with a need to know, such as:

- (a) Persons involved in the accommodation process who have a need to know including the Decision-makers, OPLA, RAC, DPM, CDO, and any medical consultants;
- (b) Supervisors and managers who are not the Decision-maker or otherwise involved in the reasonable accommodation process regarding a particular employee about necessary restrictions on the work or duties of the employee and necessary accommodations;
- (c) First aid and safety personnel, when appropriate, if the disability might require emergency treatment;
- (d) Government officials, when the information is necessary to investigate DHS or ICE compliance with the Rehabilitation Act;
- (e) In certain circumstances, workers' compensation offices or insurance carriers; and/or
- (f) EEO officials who are required to maintain, evaluate, and report the information.

In cases when an ICE employee is unsure whether he or she has the authority to disclose an individual's reasonable accommodation information, the employee may contact the Privacy and Records Office (PRO) at [iceprivacy@ice.dhs.gov](mailto:iceprivacy@ice.dhs.gov) or call the PRO main telephone line at (202) 732-3300. PRO staff will advise regarding the authority to disclose.

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it. Only that information which is necessary to perform the appropriate action or render a decision should be disclosed.

## INFORMATION TRACKING AND REPORTING DISCLOSURE

The Decision-maker will complete the attached "Information Reporting" (Appendix F) document and submit it to ODCR within ten (10) business days of the decision. The Decision-maker should attach to the form copies of all information, including medical information received while processing the request.

Appendix F and all information related to the request will be sent to:

Reasonable Accommodation Coordinator  
[ICEReasonableAccommodation@ice.dhs.gov](mailto:ICEReasonableAccommodation@ice.dhs.gov)  
Fax: 202-732-0104

ODCR will annually prepare and submit a report, containing the following information to DHS, Office for Civil Rights and Civil Liberties:

- the number of reasonable accommodations by type, that have been requested in the application process and whether those requests were granted or denied;
- the jobs (occupational series, grade level, and organizational element component) for which reasonable accommodations were requested;
- the types of reasonable accommodations that were requested for each of those jobs;
- the number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodation, by type, that have been denied;
- the number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests were granted or denied;
- the reasons for denial of requests for reasonable accommodations;
- the amount of time taken to process each request for reasonable accommodations; and
- the sources of technical assistance that were consulted in trying to identify possible reasonable accommodations. (Appendix C provides a listing of some of the sources of technical assistance available.)

In addition, the report shall provide a qualitative assessment of the ICE reasonable accommodation program, including any recommendations for improvement of the reasonable accommodation policies and procedures. A sample report is provided at Appendix G.



## **RECORDKEEPING**

Agency-wide and departmental procedures for receiving, processing, and appealing requests for reasonable accommodation by employees and applicants will be maintained in accordance with the General Records Schedule (GRS 1, Item 24a), which states that these records will be destroyed three years after supersession or when no longer needed for reference, whichever is later.

ODCR will maintain Individual Employee Case Files in accordance with GRS 1, Item 24b, which states that these records will be destroyed three years after employee separation from the agency or all appeals are concluded, whichever is later.

ODCR will maintain Supplemental Files (records created or received while advising on, implementing or appealing requests for or from an individual employee for reasonable accommodation) in accordance with GRS 1, Item 24c, which states that these records will be destroyed three years after end of fiscal year in which accommodation is decided or all appeals are concluded, whichever is later.

**APPENDICES**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**APPENDIX A: REASONABLE ACCOMMODATION REQUEST FORM**

<b>Applicant/Employee Data</b>	
Name (First MI Last):	Telephone (Incl. Area Code):
Program/Sub Program: (Ex. M&A/OAM, ERO/VRK or HSI/MIA)	Title, Series and Grade: (Ex. Criminal Investigator, 1811, GS-13)
Method of Request (Written, Oral, Family, etc.):	Date of Oral Request (if any, to whom):
Deciding Official's Name/Title/Telephone: (1st and 2nd Line Supervisor)	
Describe the medical condition requiring accommodation.	
Describe the specific accommodation being requested and duration of the request. (If additional space is needed, attach a separate sheet.)	
Explain how the requested accommodation would assist you in: (1) performing the essential duties of your position, (2) using the job application process, or (3) taking advantage of an employment benefit or privilege.	
I have informed management of my debilitating condition: <input type="checkbox"/> Yes <input type="checkbox"/> No	

If no, please provide medical documentation to substantiate your medically debilitating condition to the ICE RA Coordinator.

Requester: \_\_\_\_\_

Date: \_\_\_\_\_

**GINA Statement**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, from requesting or requiring genetic information of employees or their family members. In order to comply with GINA, ICE requests that the Requestor not provide any genetic information when responding to this request for medical information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Privacy Act Statement**

Authority: Information about your request for reasonable accommodation is collected and maintained pursuant to the authority of the Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164.

Purpose: The purpose of this information is to provide ICE with sufficient information to make an appropriate determination about your need for a reasonable accommodation and to identify what that accommodation should be.

Routine Use(s): Pursuant to the routine uses published in DHS/ALL-033 Department of Homeland Security Reasonable Accommodations Records System of Records (July 13, 2011 76 F.R. 41274) and section (b) of the Privacy Act of 1974, 5 U.S.C. 552a(b), ICE may share your information with the first responder and medical personnel in the case of a medical emergency; the Department of Justice and other Federal agencies, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to appropriate DHS employees, third party contractors or programs to facilitate mediation or dispute resolution such as an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

Disclosure: The disclosure of information on this form is voluntary; however, failure to provide the information requested may disqualify you from obtaining the requested accommodation.

Appendix B: Sample Confirmation Letter

PROGRAM OFFICE

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW, (Mail Stop xxxx)  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

Date

Delivered via electronic mail

(b) (7)(E) @ice.dhs.gov

Re: Confirmation of Request for Reasonable Accommodation  
Requestor's Name  
ICE Case #

Dear :

This letter is a follow up to your request for reasonable accommodation submitted to me on DATE.  
You requested the following accommodation to **ASSIST YOU IN THE PERFORMANCE OF YOUR ASSIGNED DUTIES AS A (REQUESTOR'S POSITION TITLE) OR ASSIST YOU IN THE APPLICATION FOR (VACANCY ANNOUNCEMENT NUMBER):**

- LIST ITEM(S) REQUESTED;
- LIST ITEM(S) REQUESTED; and
- LIST ITEM(S) REQUESTED.

You informed me that the above items would assist you in completing your **ASSIGNED DUTIES OR APPLICATION** by **STATE PROVIDED REASONS**.

I expect to provide a response to your requested accommodation no later than 15 days from today's date. In the interim, I may consult with the Reasonable Accommodation Coordinator, to identify the best resource to obtain your requested item(s) and to make a decision.

I welcome your input during this interactive process; do not hesitate to speak with me if you have concerns. If you require additional information or assistance in the Reasonable Accommodation process, you may contact (b) (7)(E), Reasonable Accommodation Coordinator at (202) (b) (7)(E) or by email at

(b) (7)(E) @ice.dhs.gov

Sincerely,

## Appendix C: Reasonable Accommodation Resources

### U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TTY), [www.eeoc.gov](http://www.eeoc.gov)

### Job Accommodation Network (JAN)

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

<http://askjan.org>

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

**GSA's Center for IT Accommodation (CITA)** is the Government's principal advocate and coordinator for making information technology accessible for people with disabilities.

### ADA Disability and Business Technical Assistance Centers (DBTACs)

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

The DBTACs consist of ten (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 emphasizes meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodation.

**The Access Board** provides its own emergency evacuation plan and a summary document on the procedures. Also included is a resources link to other related sites. <http://www.access-board.gov/news/evacplanning.htm>

### Registry of Interpreters for the Deaf

The Registry offers information on locating and using interpreters and transliteration services. (301) 608-0050 (Voice/TTY)

### RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TTY)

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

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

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

**DOD's Computer / Electronic Accommodation Program (CAP)**

<http://www.cap.mil/>

Provides assessment, electronic assistive devices training and other support services to employees with disabilities quickly, effectively, and at no cost to partnering agencies. CAP assistive technology explores solutions for employees with vision, hearing, dexterity and cognitive/communicative disabilities.

For additional information, or to schedule a tour of the Technology Center at the Pentagon, contact CAP at:

(703) 681-8813 (VOICE)

(703) 681-0882 (TTY)

(703) 681-9075 (FAX)

Email: [CAP@mail.mil](mailto:CAP@mail.mil)

# Reasonable Accommodation Process

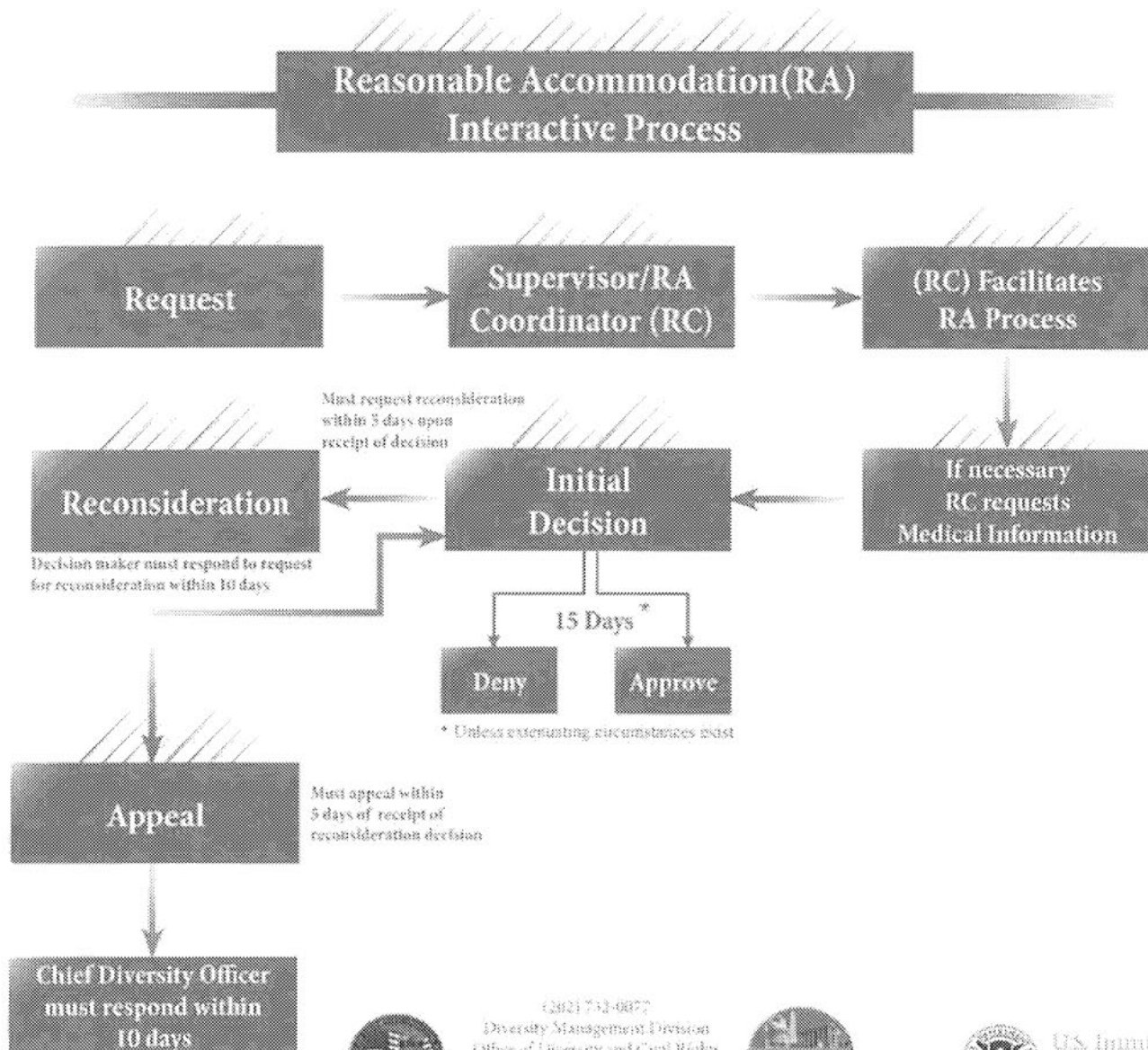
## Key Definitions

**Reasonable Accommodation (RA)** - Adjustment or change in the application process or in the work environment that will allow a qualified individual perform the essential functions of their job or enjoy the benefits and privileges of employment.

**Disability** - Physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

**Qualified Individual** - An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position held or desired and who, with or without reasonable accommodation, can perform the essential functions of that position.

**(RA) Interactive Process Players** - Requester, RA Coordinator (RC), OHC Medical Officer, Disability Program Manager, and Chief Diversity Officer.



(202) 733-0077  
 Diversity Management Division  
 Office of Diversity and Civil Rights  
 500 12th Street SW, Mail Stop 5010  
 Washington, D.C. 20536-5010



U.S. Immigration  
 and Customs  
 Enforcement

## Appendix E: Sample Response Letter

PROGRAM OFFICE

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW, (Mail Stop XXXX)  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

Date

Delivered via electronic mail

### REQUESTOR'S EMAIL ADDRESS

Re: Response to Request for Reasonable Accommodation  
Requestor's Name  
ICE Case #

Dear :

This letter is a follow up to your request for reasonable accommodation submitted to me on DATE. You requested the following accommodation to **ASSIST YOU IN THE PERFORMANCE OF YOUR ASSIGNED DUTIES AS A (REQUESTOR'S POSITION TITLE) OR ASSIST YOU IN THE APPLICATION FOR (VACANCY ANNOUNCEMENT NUMBER).**

- LIST ITEM(S) REQUESTED;
- LIST ITEM(S) REQUESTED; and,
- LIST ITEM(S) REQUESTED.

You informed me that the above items would assist you in completing your **ASSIGNED DUTIES OR APPLICATION** by **STATE PROVIDED REASONS.**

I am **APPROVING/DENYING** the following items in support of your request for reasonable accommodation:

- LIST ITEM(S) REQUESTED;
- LIST ITEM(S) REQUESTED; and,
- LIST ITEM(S) REQUESTED.

If you require additional information or assistance in the Reasonable Accommodation process, you may contact (b) (7)(E) Reasonable Accommodation Coordinator at (202) 732-(b) (7)(E) or by email at

(b) (7)(E) @ice.dhs.gov.

Sincerely,

DECIDING OFFICIAL'S NAME  
TITLE  
OFFICE

cc: [ICEReasonableAccommodation@ice.dhs.gov](mailto:ICEReasonableAccommodation@ice.dhs.gov)

REL0000024842



**Appendix F: Sample Reasonable Accommodation Information Reporting Format**

*PROGRAM OFFICE*

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW, (Mail Stop xxxxx)  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

**Date**

**Delivered via electronic mail**

**(b) (7)(E)** @ice.dhs.gov

Re: Reasonable Accommodation Information Reporting form  
**Name of requester**  
**Request's Title/Series/Grade**  
**Program/Sub Program Office**

On Date , the above named employee submitted a request for reasonable accommodation. I am providing the below information to you for reporting purposes.

Reasonable Accommodation: (check one)

Approved  Denied (If denied, attach a copy of the Management Response to Request for Reasonable Accommodation Forms)

1. Date Reasonable Accommodation Requested:
2. Types of Reasonable Accommodation requested (e.g., ergonomic equipment, workstation assessment removal of architectural barrier, etc.):
3. Reasonable Accommodation needed for: (select one)
  - a. Application Process
  - b. Performing Job Functions or Accessing the Work Environment
  - c. Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)
4. Who received the Request?

- 5. Was medical documentation provided by requester?  yes  no  
If yes, date medical documentation forwarded to ODCR:
  
- 6. Date Reasonable Accommodation Request referred to Decision-maker:  
(i.e., 1<sup>st</sup> line Supervisor, 2<sup>nd</sup> line Supervisor or 3<sup>rd</sup> line)
  
- 7. Name of Decision-maker:
  
- 8. Date Reasonable Accommodation Request Approved or Denied:
  
- 9. Date Reasonable Accommodation Provided:
  
- 10. Type(s) of Reasonable Accommodation(s) provided (If different from what was requested):
  
- 11. If time frames outlined in the ICE Reasonable Accommodation Standard Operation Procedures (SOP) were not followed, please explain why?
  
- 12. Was provided Reasonable Accommodation purchased through Program Office?  yes  no  
If yes, please provide a copy of purchase receipt to ODCR for tracking purposes;  
If no, please provide source(s) of Reasonable Accommodation:
  
- 13. Please provide any comments you feel are essential to this Reasonable Accommodation request:

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Telephone #: \_\_\_\_\_

**ATTACH COPIES OF ALL DOCUMENTS OBTAINED OR DEVELOPED IN PROCESSING THIS REQUEST. RETURN FORM AND ATTACHMENTS TO THE REASONABLE ACCOMMODATION COORDINATOR IN THE OFFICE OF DIVERSITY AND CIVIL RIGHTS**

**APPENDIX G: Annual Report on Requests for Reasonable Accommodation**

Part 1: Reasonable Accommodation requested in the application process

<b>A. Series and Grade</b>	<b>B. Type Accommodation</b>	<b>C. Total Granted</b>	<b>D. Total Denied</b>	<b>E. Reason for Denial</b>	<b>F. Total Requests</b>	<b>G. Processing Time</b>

Part 2: Reasonable Accommodation requested that relate to the benefits and privileges of employment

Accommodation	A. Type	B. Total Granted	C. Total Denied	D. Total	Processing Time

**Part 3: Resources of technical assistance consulted in identifying possible accommodation**

**List all resources (including organizational element resources) consulted in an effort to identify reasonable accommodation for employees and applicants.**

**Part 4: Assessment of the ICE Reasonable Accommodation Program.**

**Provide a brief qualitative assessment on the organizational element's Reasonable Accommodation Program, including any improvements and/or policy and procedural changes needed.**

**Instructions for Completing Part 1: Reasonable Accommodation requested in the application process**

**Part 1A: Occupational Series and Grade Level.** Each occupational series and grade (e.g., GS-301-11) must be identified. If there are two or more positions with the same occupational series and grade level, but different types of accommodation were requested, each occupational series and grade must be identified separately.

**Part 1B: Type of Accommodation.** Identify the type of accommodation requested for each occupational series and grade level identified in Part 1A. The accommodation must relate to job performance. Examples are as follows:

- Job Restructuring
- Leave
- Modified or Part-Time Work Schedule
- Modified Workplace Policies
- Reassignment

**Part 1C: Total Requests Approved.** For each separate occupational series, grade level and type listed in Parts 1A and 1B, enter the total number of requests approved.

**Part 1D: Total Requests Denied.** For each separate occupational series, grade level and type listed in Parts 1A and 1B, enter the total number of requests denied.

**Part 1E: Total Requests.** This field should equal the sum of Parts 1C and 1D.

**Part 1G: Processing Time.** Enter the amount of time required to process each request identified in Parts 1A and 1B. If more than one request is entered in a field, enter the average processing time.

**Instructions for Completing Part 2:** Reasonable Accommodation requested that relate to the benefits or privileges of employment. Benefits and privileges of employment include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and (3) parties or other social functions (e.g., parties to celebrate retirements and birthdays, and office outings).

**Part 2A: Type of Accommodation.** Identify each different type of accommodation requested. The accommodation must relate to a benefit or privilege of employment.

Examples are as follows:

- Sign language interpreters
- Written materials in alternative formats (e.g., Braille, large print or audio-cassette)
- Adaptive equipment
- Modified leave procedures

**Part 2B: Total Requests Approved.** For each type of accommodation listed in Part 2A, enter the total number of requests approved.

**Part 2C: Total Requests Denied.** For each type of accommodation listed in Part 2A, enter the total number of requests denied.

**Part 2D: Total Requests.** This field should equal the sum of Part 2B and 2C.

**Part 3: Resources of technical assistance consulted in identifying possible accommodation.**  
Self-explanatory

**Part 4: Assessment of components reasonable accommodation program.**  
Self-explanatory

## APPENDIX H: Privacy Notice

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

### PRIVACY NOTICE REGARDING THE COLLECTION OF YOUR MEDICAL INFORMATION TO PROCESS YOUR REASONABLE ACCOMMODATION REQUEST

**What is ICE's legal authority for collecting this information?** The collection of your information by ICE is authorized by Title I of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §12112, Pub. L. 101-336); Section 504 of the Rehabilitation Act, as amended; and, the U.S. Equal Employment Opportunity Commission's Procedures for Providing Reasonable Accommodation for Individuals with Disabilities. ICE has the legal authority to provide reasonable accommodation to disabled ICE employees and applicants for employment. In doing so, ICE has the legal authority to assess an employee's disability and determine what reasonable accommodation, or modification or adjustment to the work environment or circumstance under which a position is performed, will enable the individual to perform their position and/or enjoy equal benefits of employment.

**Why is this information being collected?** Information about you is being collected as part of the reasonable accommodation process. A reasonable accommodation is 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. There are three categories of reasonable accommodations: (i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a position; (ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position or a position to which they are reassigned; or (iii) modifications or adjustments that enable an individual with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities. Reassignment to another position may be a possible accommodation if a reasonable accommodation within your current job is not possible. Your information will be used by the Reasonable Accommodation Coordinator and Disability Program Manager within the Office of Diversity and Civil Rights at ICE to determine if you are an individual with a disability, as defined in the Americans with Disabilities Act, as amended, and what, if any, reasonable accommodation should be provided. ICE may collect your information in various ways, including through medical records that you provide or through an evaluation with Independent Medical Examining (IME) doctor.

**How will the information be used and with whom will it be shared?** Your information is used by the Office of Diversity and Civil Rights to make the assessments described above. In the event the Office of Diversity and Civil Rights requires medical expertise to process your reasonable accommodation request or determines an independent medical exam is required in your case, ICE will share your information with the ICE Medical Officer to conduct an assessment of your reasonable accommodation request and/or arrange a medical exam with the appointed IME doctor(s). Finally, if your medical information becomes relevant to a legal proceeding, ICE may share your information with the Department of Justice, the United States Courts, the Merit Systems Protection Board, an arbitrator, or the Equal Employment Opportunity Commission.

**Am I required to provide this information?** Furnishing this information is voluntary. However, if you choose not to provide the requested information it will result in the processing of your reasonable accommodation request without the requested information or medical information to either substantiate your medical condition or determine the appropriate reasonable accommodation based upon your disability and current position at ICE.

**IMPORTANT NOTE:** The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, DHS requests that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.