

Reasonable Accommodation Policy

I. Purpose

This document implements the requirements of the Rehabilitation Act of 1973 and Executive Order 13164 by establishing the Consumer Financial Protection Bureau (CFPB) policy on providing reasonable accommodation to individuals with disabilities.

II. Policy

It is the policy of CFPB to ensure equal access and employment opportunities to qualified individuals with disabilities by providing reasonable accommodations unless doing so would cause undue hardship.

CFPB will provide reasonable accommodation when a qualified individual with a disability needs it to:

- perform essential functions of his or her job;
- equally appreciate the benefits and privileges of employment that are available to employees without disabilities; and
- successfully overcome issues raised in a disciplinary or performance-based action proposed or taken when the employee identifies mitigating circumstances and subsequently requests a reasonable accommodation to address the reasons supporting the disciplinary or performance-based action.

CFPB is committed to providing reasonable accommodations to applicants for jobs at CFPB. Such requests are processed under separate procedures. Applicant requests for accommodation are processed by the Bureau of Public Debt. The process for applicant requests can be found in each CFPB vacancy announcement. CFPB also provides reasonable accommodations to members of the public when necessary to ensure equal access to CFPB facilities, communications, programs and activities. An ergonomic request that is not associated with a disability should be directed to the Administrative Operations, Facilities Team. Routine requests from employees for ergonomic equipment are processed under separate procedures. A request for IT equipment that is not associated with a disability should be directed to the Administrative Operations, Technology and Innovation Team. Procedures and information about the enforcement of nondiscrimination on the basis of disability in programs and activities conducted by CFPB, and denial of access to electronic and information technology, are governed by 12 C.F.R Part 1072.

CFPB is committed to processing requests for reasonable accommodations in a timely, efficient, and fair manner and to maintaining open and continuous communication to ensure employees and supervisors are aware of accommodation options and the status of requests. CFPB treats all specific requests for reasonable accommodation, and all information and accompanying medical documentation provided during the reasonable accommodation process, as confidential.

CFPB will review the reasonable accommodation policy no later than 18 months after issuance.

III. Definitions

Alternative Dispute Resolution (ADR): Procedures for settling disputes by means other than litigation, which may include a discussion between the parties mediated by a neutral third-party.

Deciding Official (DO): The Lead of Employee and Labor Relations in the Office of Human Capital (OHC) has oversight program responsibilities for the reasonable accommodations policy. This individual has the authority to grant or deny requested reasonable accommodations and may seek input from the Legal Division and the Office of Equal Employment Opportunity when making such decisions. The Reasonable Accommodation Coordinator (RAC) reports to the DO and carries out the processing of reasonable accommodation requests.

Disability: (1) A physical or mental impairment that substantially limits one or more major life activities as defined by Equal Employment Opportunity Commission (EEOC) regulations (“actual disability”); (2) a record of such an impairment (“record of disability”); or (3) regarding someone as having an impairment that is not both transitory (i.e., will last fewer than six months) and minor (“regarded as disabled”).

Essential Functions of the Job: Those job duties that are so fundamental to the position that they must be performed to achieve the objectives of the job. A function can be “essential” if, among other things: (1) the position exists specifically to perform that function; (2) there are a limited number of other employees who could perform the function if assigned to them; or (3) the function is specialized and the incumbent is hired based on their ability to perform it.

Extenuating Circumstances: Factors that delay processing and that could not reasonably have been anticipated or avoided in advance of the request or processing of the request for accommodation. Examples include, but are not limited to, requests for an evaluation of medical documentation, purchase of equipment, architectural barrier removal, and job reassignment.

Individual with a Disability: A person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of a physical or mental impairment that substantially limited a major life activity; or (3) is regarded as having an impairment that is not both transitory (i.e., will last fewer than six months) and minor.

Interactive Process: The next step following a request for accommodation. This means that the individual requesting the accommodation and the RAC must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting the need for an accommodation, and alternative accommodations that may be effective in meeting an individual’s needs.

Major Life Activity: Basic activities an average person in the general population can perform with little or no difficulty as defined by EEOC regulations. Examples include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, and major bodily

functions (e.g., normal cell growth, immune, digestive, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions).

Qualified Individual with a Disability: An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position without posing a direct threat (i.e., a significant risk of substantial harm to the health and safety of themselves and others); and (1) meets the experience or education requirements (which may include passing a written test) of the position in question; or (2) meets the appointment criteria under one of the special hiring authorities for individuals with disabilities.

Reassignment: The change of an employee from one position to another without promotion. The employee must meet the qualification requirements of the new position. Reassignment is a reasonable accommodation of last resort. Reassignments are made only to vacant, funded positions, regardless of geographical location, and to employees who are qualified for and can perform the essential functions of the new position.

Reasonable Accommodation: An adjustment or alteration that enables a person with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. There are three broad categories of reasonable accommodations: (1) modifications or adjustments to a job application process that permit an individual with disability to be considered for a job; (2) modifications or adjustments to workplace rules regarding how the job is performed that will enable a qualified individual with a disability to perform the essential functions of the job; and (3) modifications or adjustments such as the removal of a physical barrier to enable a qualified individual with a disability to enjoy equal benefits and privileges of employment.

Reasonable Accommodation Coordinator (RAC): The RAC reports directly to the Deciding Official in the Office of Human Capital, Employee and Labor Relations. The RAC is designated to coordinate and process reasonable accommodation requests for CFPB. The RAC works directly with CFPB employees who are requesting reasonable accommodation and assists the requestor through the process. The RAC coordinates with the DO.

Request for Reasonable Accommodation: A statement made due to a reason related to a physical or mental impairment, an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment. An accommodation can be requested at any time and is not time-limited based on the point where a disability first affects work performance.

Requestor: An employee with a disability, or an individual acting on their behalf, who requests a reasonable accommodation.

Substantially Limits: To have an actual or record of disability, an individual must be (or have been) substantially limited in performing a major life activity as compared to most people in the general population. An impairment need not prevent or severely or significantly limit a major life activity to be considered substantially limiting. The determination requires an individualized assessment and will not usually require scientific, medical, or statistical evidence, but such evidence may be used if appropriate.

Undue Hardship: If a specific accommodation would cause significant difficulty or expense, CFPB is not required to provide that particular accommodation. This determination must be made on a case-by-case basis in consultation with the Legal Division, considering the nature and cost of the reasonable accommodation in relation to the size, resources, nature, and structure of an employer's operation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the bureau. CFPB will assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

IV. Information Tracking and Reporting

The Office of Human Capital will assist in tracking reasonable accommodation information and in providing this information for inclusion in the annual report (Management Directive 715) the Bureau submits to the EEOC with the following:

- (a) The number and types of reasonable accommodation requests made in the application process and whether they have been granted or denied;
- (b) The jobs (occupational series, grade level and bureau component) of the requesting individuals;
- (c) The types of reasonable accommodations that have been requested for each of those jobs;
- (d) The number and types of reasonable accommodations for each job that have been granted and denied;
- (e) The number and types of requests related to the benefits or privileges of employment and whether those requests have been granted or denied;
- (f) The reasons for denial of requests for reasonable accommodation;
- (g) The amount of time taken to process each request; and
- (h) The sources utilized for technical assistance in identifying possible reasonable accommodations.

Any report will not contain confidential information about specific requests for reasonable accommodations, such as the names of requestors or the accommodations requested by specific individuals.

V. Roles and Responsibilities

The Office of Human Capital (OHC) will:

- Oversee the reasonable accommodation program and requests for reasonable accommodations.

- Act as the Reasonable Accommodation Coordinator (RAC) and process all requests.
- Act as the Deciding Official, determining whether a request for reasonable accommodation will be approved.
- Track requests and decisions on reasonable accommodations in a database.
- Research options for reasonable accommodations and make recommendations.
- Provide information on reasonable accommodation procedures and options to CFPB employees and supervisors.
- Participate in ongoing communication with all parties involved in processing requests for reasonable accommodations.
- Ensure the confidentiality of medical information collected to support accommodation requests.
- Work with necessary offices within the Operations Division (e.g., Facilities, Procurement, Technology & Innovation) to obtain equipment and services needed as accommodations.
- Coordinate with the Legal Division as needed, including before determining the essential functions of a position, requesting medical documentation, and granting or denying a request for reasonable accommodation.
- Complete annual reporting requirements.
- Consult with others on an as needed basis on reasonable accommodation issues.
- Make final determinations on reasonable accommodation requests.

Office of Chief Financial Officer will:

- Provide needed funding for all approved reasonable accommodation requests.

Supervisors and managers will:

- Submit all requests for accommodations, whether written or oral, received from their employees or persons acting on behalf of the employee to the RAC as soon as possible but no later than within two (2) business days of receipt.
- Participate in ongoing communication with the employee and other applicable parties regarding the reasonable accommodation request.
- Initiate discussions with employees about reasonable accommodations, in consultation with the RAC, if they have identified performance or conduct concerns that the employee states may be due to a medical condition.

Employees will:

- Initiate a request for reasonable accommodation as needed. (A designated third party may also initiate a request.)
- Provide completed request form and any necessary medical documentation.
- Participate in ongoing communication with the RAC and other applicable parties regarding the reasonable accommodation request.

The Legal Division will:

- Provide legal advice and consultation on reasonable accommodation matters related to the Rehabilitation Act and other applicable laws concerning reasonable accommodation requirement.

The Office of Equal Employment Opportunity will:

- Provide technical assistance upon request about reasonable accommodation matters related to the Rehabilitation Act and other applicable laws and reasonable accommodation requirements.
- Collaborate with OHC to ensure employees are trained about the Rehabilitation Act, other applicable laws and reasonable accommodation requirements, and this policy.
- Report information about CFPB's Reasonable Accommodation Program to the EEOC based on input from OHC.
- Monitor CFPB's compliance with the Rehabilitation Act and other applicable laws and reasonable accommodation requirements and make recommendations as needed under the circumstances to ensure compliance.

VI. References

- Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 *et seq.*)
- Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000)
- Equal Employment Opportunity Commission, Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (Oct. 20, 2000)
- Equal Employment Opportunity Commission, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities (July 19, 2010)
- The Americans with Disabilities Act of 1990, *as amended* (42 U.S.C. §§ 12102, 12114)
- The Americans with Disabilities Act Amendments Act of 2008
- 29 C.F.R. Parts 1614 and 1630
- 12 C.F.R. Part 1072
- CFPB - Standard Operating Procedure on Ergonomic Equipment Requests

VII. Approval and Date


Dennis Slagter
Chief Human Capital Officer
June 26, 2013