

Part I – Managers’ Guide to Reasonable Accommodations Laws and Policy

Overview

This section describes the overall reasonable accommodation program goals and some of the laws and Executive Orders that support and encourage the employment, retention, and advancement of people with disabilities.

Overall Program Goals

- To provide managers with the necessary tools to administer the Reasonable Accommodation Program, and;
 - To equip managers with the needed information to effectively supervise individuals with disabilities.
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Disability Compliance Mission and Vision Statements

- **Mission:** To create and maintain a work environment of inclusion, respect and community that enables employees with disabilities to contribute to their fullest potential in support of the agency's mission.
 - **Vision:** An organizational culture that encourages honest and open communication between employees and managers on issues related to reasonable accommodation of employees with disabilities
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IRS Hiring Goals

The IRS has committed to hiring approximately 10,000 persons with disabilities by the year 2005.

The Laws

IRS Policy Statement P-1- 47

- The IRS shall take positive and persistent actions to recruit, hire, develop and advance persons with disabilities. The Service shall make reasonable accommodations for all qualified applicants or employees with physical or mental disabilities in accordance with the law.
- The Service shall comply with all appropriate rules, regulations and

directives. Executives, managers and supervisors shall create a positive work environment that will encourage employees with disabilities to maximize and reach their full potential.

- The Internal Revenue Service shall take necessary action to ensure that members of the public with disabilities have an equal opportunity to effectively participate in its programs, activities and services, in accordance with the law. The Service shall comply with all rules, regulations and directives.

New Freedom Initiative

- The “New Freedom Initiative” is composed of the following key components:
 - Increasing Access to Assistive and Universally Designed Technologies;
 - Expanding Educational Opportunities for Americans with Disabilities;
 - Promoting Full Access to Community Life;
 - Increasing Access to Assistive and Universally Designed Technologies.
- **For more information:**
<http://www.whitehouse.gov/infocus/newfreedom/toc-2004.html>

Executive Order 13163

Increasing the Opportunity For Individuals With Disabilities To Be Employed In the Federal Government

- This law outlines the process for the Federal Government to achieve its objective to hire 100,000 qualified individuals with disabilities over the next five years. In furtherance of such efforts, Federal agencies shall:
 - Use available hiring authorities, consistent with statutes, regulations, and prior Executive Orders and Presidential Memoranda;
 - Expand their outreach efforts, using both traditional and nontraditional methods; and
 - Increase their efforts to accommodate individuals.
- **For more information:**http://resource.lawlinks.com/Content/LegalResearch/ExecutiveOrders/2000/executive_order_13163.htm

Executive Order 13164

Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation

- This law outlines the procedures to promote a model federal workplace that provides reasonable accommodation for:
 - Federal employees with disabilities to perform the essential

- functions of a position; and
- Individuals with disabilities in the application process for federal employment.
- **For more information:**
http://www.eeoc.gov/docs/accommodation_procedures.html

Section 501 of the Rehabilitation Act of 1973

- The Rehab Act, As amended, (29 U.S.C. Section 791): This law prohibits discrimination on the basis of disability in federal employment and requires the Federal Government to engage in affirmative action for people with disabilities. The law:
 - Requires federal employers not to discriminate against qualified job applicants or employees with disabilities.
 - Requires employers to provide "reasonable accommodations" to applicants and employees with disabilities unless doing so would cause undue hardship to the employers.
 - Prohibits selection criteria and standards that tend to screen out people with disabilities, except under specific circumstances.
 - Requires federal agencies to develop affirmative action programs for hiring, placement, and advancement of persons with disabilities.
- **For more information:** <http://www.doi.gov/atc/architectual.html>

Section 508 of the Rehabilitation Act of 1973

- **The Rehab Act, As amended (29U.S.C. Section 794d)**, requires federal agencies to procure, use, maintain, and develop accessible electronic and information technology, unless doing so imposes an undue burden. National security systems are exempt. Federal agencies were required to comply with standards promulgated by the Architectural and Transportation Barriers Compliance Board (the Access Board) that took effect on August 7, 2000. Agencies must biannually evaluate their compliance with Section 508 and must report the results of these self-evaluations to the Attorney General.
- **For more information:** <http://www.doi.gov/atc/architectual.html>

The Americans with Disabilities Act (ADA) of 1990

- The **ADA** covers employers in the private sector and state and local governments. The substantive employment standards of the ADA, which are applicable to the Federal Government through the Rehabilitation Act, can be found at 42 U.S.C. Section 12111, et seq. and 42 U.S.C. Sections 12201-204 and 12210.
- The ADA addresses non-discrimination on the basis of disability for the private and public sector in three areas:

- **Title I:** Equal Employment Opportunity for Individuals with Disabilities.
- **Title II:** State and Local Government Services (Section 508 implications).
- **Title III:** Public Accommodations in commercial facilities.
- **For more information:**
<http://www.usdoj.gov/crt/ada/cguide.htm#anchor62335>

The Family and Medical Leave Act (FMLA) of 1993

- **The FMLA (5 U.S.C. Section 6382)** requires federal agencies and departments to allow employees to take up to twelve weeks of leave without pay, provided that the employee or a member of his or her immediate family (spouse, son, daughter, or parent) has a serious health condition and the employee meets several other statutory criteria. The leave may be taken intermittently or on a reduced leave schedule when medically necessary. Agencies may require the employee to transfer temporarily to another position under certain circumstances.
- **For more information:** <http://www.dol.gov/esa/whd/fmla>
- **A FLMA poster is available for downloading and posting in workplace at:** <http://www.dol.gov/esa/regs/compliance/posters/fmla.htm>