

**Chapter 5 - Equal Employment Opportunity
Part A. Management**

Reasonable Accommodation and Accessibility

I. Purpose

This directive establishes United States Mint policies and requirements for adhering to all applicable Federal regulations with respect to providing reasonable accommodations and accessibility to qualified applicants and employees with disabilities.

II. Scope

This directive applies to all United States Mint activities, facilities, employees and applicants for employment with the United States Mint.

III. Outcome

United States Mint employees and qualified job applicants with disabilities will be able to participate in the job application and hiring process, the performance of essential job functions, and the enjoyment of benefits and privileges of employment equal to those enjoyed by all applicants and employees.

IV. Cancellation

This directive supersedes United States Mint Directive USMD 5A-1, "Reasonable Accommodation and Accessibility," dated September 1999.

V. Definitions

Deciding Official

Any United States Mint supervisor having authority to determine whether a requested accommodation will be provided.

Designated Bureau Official

A senior official having programmatic responsibility for the bureau's Disability Program such as SBU heads, Plant Managers, and the Equal Employment Program Manager/designee, having the final authority to determine whether a requested accommodation will be provided.

Direct Threat

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

Disability

Any physical or mental impairment that substantially limits one or more of the major life activities

Essential Functions

The fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.

Individual with a Disability

A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record or history of such an impairment, or is regarded as having such an impairment.

Major Life Activity

Functions that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, speaking, breathing, learning and working

Mental Impairment

Any mental or psychological disorder, such as intellectual disabilities (e.g., mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disability

Physical Impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory, genitourinary, hemic and lymphatic, skin, and endocrine.

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 such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position

Reasonable Accommodation

The term reasonable accommodation means: (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or (2) 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 (3) modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly

situated employees without disabilities. Reasonable accommodation may include but is not limited to: (1) Making existing facilities used by employees ready accessible; and (2) job restructuring. (See 29 C.F.R. 1630.2(o) for a comprehensive definition.)

Substantially Limits

Unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

Undue Hardship

An action requiring significant difficulty or expense on the part of the agency, when considered in light of factors such as the agency's size, the number of persons employed at the facility, financial resources, and the nature and structure of the position. 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 needed and the impact of the reasonable accommodation on the operations of the agency.

VI. Policy

- A.** The United States Mint will provide reasonable accommodation for qualified employees and job applicants with disabilities, adhering to all applicable Federal regulations and guidelines with respect to providing reasonable accommodation and affording equal employment opportunity. Reasonable accommodation will be provided in a timely and cost-effective manner. Employment opportunities shall not be denied because of the need to make reasonable accommodation for an individual's disability.
- B.** United States Mint facilities will ensure reasonable accommodations for employees or applicants for employment who are qualified people with disabilities to ensure they are not discriminated against because of architectural (inaccessibility of its facilities), transportation, or communications barriers.
- C.** The United States Mint shall comply with established federal guidelines, law and regulatory requirements that will provide for electronic and information technology accessibility that will ensure that individuals with disabilities can produce and have access to electronic and information technology and data comparable to the information, data, and access afforded to individuals who are not disabled.
- D.** The United States Mint will make reasonable accommodation for known physical or mental limitations of qualified employees and applicants with disabilities unless it can demonstrate that the accommodation would impose an undue hardship on operations.

- E. The duty to provide reasonable accommodation is a fundamental statutory requirement because of the nature of discrimination faced by individuals with disabilities. Sensitivity and good judgment shall be exercised when disabled employees or applicants request reasonable accommodation associated with employment activities.
- F. There are a number of possible reasonable accommodations that an employer may have to provide in connection with modifications to the work environment or adjustments in how and when a job is performed. These include: making existing facilities accessible; job restructuring; part-time or modified work schedule; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position.

VII. Responsibilities

A. An applicant for United States Mint employment who has a disability:

1. Shall make the request for reasonable accommodation, either verbally or in writing, using the *Confirmation of Request for Reasonable Accommodation* form. See Attachment A for a copy of this form.
2. May provide medical documentation, *when appropriate*, at any time when applying for a position and during the application and hiring process. If a disability and/or a need for a reasonable accommodation is not obvious or otherwise known to the Deciding Official, the official will require that the individual provide medical or other relevant documentation about the disability and his or her functional limitations.

(EEOC Notice 915.002, *EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* [October 17, 2002], states, “During the hiring process and before a conditional offer is made, an employer ... may not ask an applicant whether s/he needs a reasonable accommodation for the job, except when the employer knows that an applicant has a disability – either because it is obvious or the applicant has voluntarily disclosed the information...”)

B. An employee with a disability:

1. Shall make the request for reasonable accommodation to his or her immediate supervisor, either verbally or in writing, using the *Confirmation of Request for Reasonable Accommodation* form. See Attachment A for a copy of this form.
2. Shall provide medical or other relevant documentation when appropriate. If a disability and/or a need for a reasonable accommodation is not obvious or otherwise known to the Deciding Official, the official will require that the individual provide medical or other relevant documentation about the disability and his or her functional limitations.

C. A Deciding Official (United States Mint Supervisors):

1. Shall process all reasonable accommodation requests in accordance with the United States Mint's *Procedures to Facilitate Provisions of Reasonable Accommodation*, March 27, 2003, revised September 15, 2004. These procedures can be accessed on the United States Mint Intranet via the following path:

Organization>Corporate>EEO>EEO Policies>Procedures to Facilitate Reasonable Accommodations

Information can also be obtained from the servicing EEO Office.

2. Shall document in writing all verbal requests for reasonable accommodations
3. Shall send a copy of all reasonable accommodation requests to the Designated Bureau Official and the servicing Equal Employment Opportunity (EEO) Office
4. Shall grant or deny reasonable accommodation requests with approval from the Designated Bureau Official as defined above
5. Shall respond to reasonable accommodation requests, orally or in writing, within 20 calendar days of receipt. Denials of requests shall be reviewed by the Designated Bureau Official and servicing EEO Manager or the Headquarters EEO Office, and Office of Chief Counsel, before being issued to the requestor.
6. Shall handle all requests with utmost confidentiality.
7. Shall make the decision on reasonable accommodation requests.

D. Designated Bureau Official: Shall make the final determination in granting or denying reasonable accommodation request. The appeals process can be accessed via the following path: Organization>Corporate>EEO>EEO Policies>Procedures to Facilitate Reasonable Accommodation. Information can also be obtained from the servicing EEO Office.

E. Equal Employment Opportunity Manager: Shall ensure that the United States Mint adheres to applicable regulations regarding the providing of reasonable accommodations and accessibility to qualified applicants and employees with disabilities

VIII. Critical Requirements

All reasonable accommodation requests shall be processed in accordance to the procedures outlined in the United States Mint's *Procedures to Facilitate Provisions of Reasonable Accommodation*, dated March 27, 2003, revised September 15, 2004. These procedures can be accessed on the United States Mint Intranet via the following path:

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Information can also be obtained from the servicing EEO Office.

IX. Authority

- A.** The Rehabilitation Act of 1973, as amended (29 U.S.C. 701, et. seq.)
- B.** 29 C.F.R. 1614.203
- C.** 29 C.F.R. 1630 et. seq.
- D.** Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000)
- E.** Equal Employment Opportunity Commission Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, No. 915-003 (October 20, 2000)
- F.** Equal Employment Opportunity Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No. 915-002 (revised October 17, 2002)

X. Cancellation: MD 5A-1, Reasonable Accommodation and Accessibility, dated May 2006.

XI. Sunset Review Date

May 2013

XII. Responsible Office

United States Mint Headquarters Office of Equal Employment Opportunity.

Attachment A

UNITED STATES MINT

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION

INSTRUCTIONS: This form is to be used by qualified employees with disabilities to request items and services as a reasonable accommodation to perform the duties of their position, or by applicants with disabilities if reasonable accommodation is needed when applying for a position at any part of the application and hiring process. Decisions for granting reasonable accommodations for applicants will be on a case-by-case basis.

The completed form is to be submitted to first line supervisors (current employees only).

Supervisor: 1) Review request; 2) Make assessment of employee's/applicant present ability to perform duties of the position with or without a reasonable accommodation without raising health or safety concerns; 3) Respond to requester, in writing, on each requested accommodation within 20 calendar days; 4) Provide copy of request to servicing EEO Officer or Headquarters EEO Office.

Employee/Applicant Data

Name: _____ Date Requested _____
Telephone: _____ Organization: _____

ACCOMMODATION REQUESTED (Be as specific as possible, e.g. adaptive equipment, reader, interpreter.) Provide (if known) brand, description, and cost of needed accommodation(s)

State reason accommodation is needed:

Describe disability (ies):

Is supporting medical documentation attached? Yes ___ No ___

REASON FOR REQUEST:

ACCOMMODATION: Recommended for Approval ___ Not Recommended for Approval ___
If not recommended for approval, explain reason:

Supervisor's Signature _____ Date _____

ACCOMMODATION: APPROVED _____ DISAPPROVED _____
If disapproved, explain reason:

Designated Bureau Official's Signature _____ Date _____

Return Form to (Enter Title/Address of Responsible Official)

SUBMITTED BY: _____ TELEPHONE: _____

Department of The Treasury
United States Mint

Mint Form EEO 1
(revised 02/06)