

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
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# **CMS Reasonable Accommodation Policy**

November 2, 2021

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## **I. PURPOSE AND SCOPE**

The purpose of this manual is to provide CMS's policy and procedures on processing reasonable accommodations for qualified employees and applicants with disabilities. CMS developed procedures in compliance with the Equal Employment Opportunity Commission (EEOC) guidance and the Department of Health and Human Services (HHS) policy and procedures on reasonable accommodations.

This policy is intended to comply with all authorities requiring a federal agency to provide reasonable accommodation to employees and applicants, including the Rehabilitation Act of 1973, Executive Order 13164 Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation, the Equal Employment Opportunity Commission's (EEOC) Policy Guidance on Executive Order 13164, and the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.

This policy applies to all CMS employees and applicants. This policy does not apply to Commissioned Corps Officers, who must contact the CMS Commissioned Corps liaison to initiate a request for reasonable accommodation.

Please note that requests for Personal Assistant Services for an employee with a targeted disability who requires assistance with activities of daily living while at work pursuant to 29 Code of Federal Regulations 1614.203(d)(5) are processed under a separate policy, the CMS Policy and Procedure on Personal Assistant Services for Individuals with Targeted Disabilities. For information, or to make a request for Personal Assistant Services, please contact [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov).

## **II. CMS POLICY ON REASONABLE ACCOMMODATIONS**

In accordance with the Rehabilitation Act of 1973, as amended, and the Department of Health and Human Services (HHS) policy on reasonable accommodation, it is CMS's policy to provide reasonable accommodations (RA) for qualified individuals with disabilities who are CMS employees or applicants for employment, unless doing so would pose an undue hardship on the operations of the Agency. The CMS RA policy applies to:

1. The application/hiring process - to provide a CMS applicant with a disability an equal opportunity to participate in the application process.
2. The performance of the essential functions of a CMS job - to enable a qualified person with a disability to perform the essential functions of the job being sought or currently held.
3. The provision of benefits of employment - to enable a qualified employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities.

The need for RA is determined on a case-by-case basis. The specific disability and existing limitations are considered as they relate to the requirements of the application process, the performance of a particular job function, the work environment, and whether the proposed accommodation would effectively bridge the gap between the individual's limitations and the job requirements without creating an undue hardship to the Agency.

### **Definitions**

Terms such as "reasonable accommodation," "disability," "interactive process," "qualified," and "undue hardship," are used throughout this document. The definitions of these terms are consistent with applicable statutory and regulatory definitions:

**Reasonable Accommodation** – A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work due to a disability so that the individual may apply for a job, perform the essential functions of the job, or enjoy the same benefits and privileges of employment available to similarly situated employees without disabilities. A reasonable accommodation is not the creation of a new position or the intentional altering of an existing position by removing essential functions. Reasonable accommodations address three aspects of employment:

- a. **Recruitment/application process:** A reasonable accommodation may be provided in the recruitment and application process to provide a qualified applicant with a disability an equal opportunity to be considered for the position sought.

- b. **Performance of the essential functions of a job:** A reasonable accommodation may be provided to enable a qualified person with a disability to perform the essential functions of the job sought or currently held. This may include modifications or adjustments to the work environment or to the way duties are customarily performed.
- c. **Benefits and privileges of employment:** A reasonable accommodation may be provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities. This would include equal access to Agency buildings, conferences, services, and events.

Authority: EEOC's Enforcement Guidance on Reasonable Accommodations and Undue Hardship under the ADA, [www.eeoc.gov](http://www.eeoc.gov).

For examples of reasonable accommodations, please see Appendix B.

**Disability** – A disability is a physical and/or mental impairment that substantially limits one or more major life activities; having a record of such an impairment; or being regarded as having such an impairment.

- a. **“Physical and/or mental impairment”** includes any physiological disorder or condition; cosmetic disfigurement; or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, endocrine, or special sense organs (such as speech organs). This category also includes mental or psychological disorders, intellectual disabilities, organic brain syndrome, emotional or mental illness, and learning disabilities.
- b. **“Major life activities,”** in general, include, but are not limited to: (i) 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, and working; and (ii) the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- c. In determining other examples of major life activities, the term “major” shall not be interpreted strictly to create a demanding standard for disability. Whether an activity is a major life activity is not determined its central importance to daily life. **“Record of a disability”** means that an individual has a history of, or has been classified as

having, a mental or physical disability that substantially limits one or more major life activities. This includes individuals misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

- d. **“Is regarded as having such an impairment”** means that an individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not both transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

Authority: 29 Code of Federal Regulations (C.F.R.) 1630.2(g)-(l); Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008, Question 25, [www.eeoc.gov](http://www.eeoc.gov).

**Interactive Process** – The "interactive process" between the employer and the individual requesting RA begins with a written or oral request. Then, the employer and the individual must discuss the request so that the employer understands why the limitations associated with a disability necessitate the requested RA. The individual must explain what limitations make it difficult to do the job without the RA. The employer may request information about the individual's medical condition (including reasonable medical documentation) if the individual's disability and need for accommodation are not obvious. The employer and employee may discuss other types of accommodations in addition to the accommodation requested in order to determine an effective accommodation.

Authority: EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, No. 915.003 (October 17, 2002).

**Qualified** – A qualified individual with a disability is someone who (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the position with or without reasonable accommodation.

Authority: 29 C.F.R. 1630.2(m).

**Essential Functions** – The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform these tasks successfully. A function can be "essential" if the position exists to perform that function, a limited number of other employees can perform the function, or the function is specialized and the employee was hired to perform the function based on their ability.

Authority: 29 C.F.R. 1630.2(n); EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, IA, Number 915.003 (October 20, 2000).

**Undue Hardship** – If a specific type of reasonable accommodation causes significant difficulty or expense, then CMS does not have to provide that particular accommodation. A determination of undue hardship is made on a case-by-case basis, considering factors such as the nature and cost of the accommodation and the impact of the accommodation on the operations of the Agency. CMS may not deny the request based on the anticipated cost of the accommodation if the resources of HHS as a whole, excluding those resources designated by statute for a specific purpose that does not include RA, would enable CMS to provide the accommodation.

Authority: 29 CFR § 1614.203(d)(3)(ii) – Rehabilitation Act; 29 C.F.R. 1630.2(p); EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, IA, Number 915.003 (October 20, 2000); EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, Number 915.002 (October 17, 2002)



### **III. CMS PROCEDURES ON PROCESSING REASONABLE ACCOMMODATIONS**

#### **A. REQUESTING A REASONABLE ACCOMMODATION**

The reasonable accommodation (RA) process begins as soon as an employee, applicant, or a representative of the employee or applicant makes a request for an accommodation, whether orally or in writing.

A request for RA is a statement that an individual needs an adjustment at work, in the employment application process, or in a benefit or privilege of employment due to a disability. A request does not have to be on any specific form or use any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” An individual with a disability may request an RA whenever they choose, even if they have not previously disclosed the existence of a disability. An individual need not have a particular accommodation in mind before making a request.

For example, if an employee tells their supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing," the employee has made a request for a reasonable accommodation. If an employee who uses a wheelchair informs the supervisor that their wheelchair cannot fit under the desk, the employee has requested reasonable accommodation. A supervisor should contact [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov) as soon as a request for RA is received.

Employees, applicants, and third-party representatives can request an RA in the following ways:

- For CMS employees: Requests for accommodation may be submitted directly to the employee’s immediate supervisor (defined as the Performance Management Appraisal Program rating official). However, the request may also be made to another management official in the employee’s chain of command, or to the Office of Equal Opportunity and Civil Rights (OEOCR) by contacting [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov).
- For CMS applicants: Requests may be made through a CMS Human Resources Specialist or any other CMS employee with whom the applicant has contact in connection with the application process, or through OEOCR by contacting [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov).
- Requests made by third parties on behalf of an employee or applicant: A family member, health professional, or other representative may request RA on behalf of an employee or applicant. The request may go to any of the same persons to whom the employee or applicant would make the request. When a request for accommodation is made by a third party, the decision maker should, whenever possible, confirm with

the applicant or employee that they, in fact, want an RA before proceeding. If the employee is incapacitated or has been hospitalized due to an acute condition, CMS will process the third party's request and consult directly with the individual needing the accommodation as soon as it is practicable.

Although a request for an RA may be made orally or in writing and no specific form is required to begin the RA process, CMS employees are encouraged to contact [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov) and complete a confirmation form (Appendix F) when submitting a request for record-keeping and tracking purposes. If an employee requires assistance with accessing or completing the confirmation form, staff in OEOCR will provide that assistance. A manager should not request medical documentation or information about the employee's disability and should direct questions about whether supporting medical documentation has been provided exclusively to OEOCR.

When an employee has received approval through a Reasonable Accommodation Decision Memo for a recurring accommodation, such as use of a sign language interpreter, subsequent requests for the service that are within the scope of the Decision Memo are considered approved and do not need to move through the reasonable accommodation approval process again. The employee can schedule these recurring accommodations by following the instructions included in the Decision Memo.

## **B. ACKNOWLEDGMENT OF REQUEST**

If a request is made to a supervisor, the supervisor must forward the request to OEOCR's Reasonable Accommodation Program at [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov) as soon as possible, but no later than the next business day after receiving the request.

When OEOCR receives a request for RA either directly from an employee/applicant or from a supervisor or representative, OEOCR will acknowledge receipt of the request within two (2) business days of receiving the request.

## **C. DETERMINING WHO WILL PROCESS THE REQUEST**

At CMS, the first-line supervisor is the decision maker ("deciding official") for most RA requests. Decisions on RA requests that impact other CMS programs may require concurrence from the applicable office. For example, requests that involve the provision of contractual services such as sign language interpreting may require concurrence from OEOCR. Requests that could impact CMS's IT infrastructure may require concurrence from the Office of Information Technology. Requests that impact facilities may require concurrence from the Office of Support Services and Operations and/or the Office of Human Capital. Requests for modified policies may require concurrence from the Office of Human Capital or other relevant office.

CMS has designated OEOCR as the office to facilitate the reasonable accommodation process. OEOCR's Reasonable Accommodation Program processes all RA requests, assisting the employee and supervisor in determining what reasonable accommodations would be feasible and effective. OEOCR assigns a Reasonable Accommodation Coordinator (RAC) to each request. The RAC provides neutral guidance to managers and employees throughout the RA process, but the final decision maker on the request is the first-line supervisor.

#### **D. TIMEFRAME FOR PROCESSING REQUESTS**

All CMS staff members are expected to act quickly in processing RA requests and providing accommodations in as short a timeframe as possible. If outside review of the employee's medical documentation is not required and no extenuating circumstances apply, the accommodation will be provided as soon as possible, but no later than *thirty (30) calendar days* from the date the request is received. If a particular accommodation can be provided more quickly than this timeframe, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act of 1973.

If medical documentation is required, the RAC will request that the employee contact their health care provider to obtain medical documentation in support of the request as explained in Section F below.

The time limit for either providing or denying an accommodation starts as soon as the accommodation is first requested. Where medical documentation is needed to process a request, the timeframe stops on the date the agency requests documentation from the requestor and resumes on the date medical documentation is submitted to the agency.

For specific types of requests, such as full-time telework, supporting medical documentation will be reviewed by Federal Occupational Health (FOH), and FOH will render an assessment. During the FOH review process, which is normally completed within 30 to 60 days unless OEOCR submits additional medical documentation or questions, the employee will be provided an interim accommodation if feasible.

In urgent cases where accommodations are needed sooner than the maximum allowable timeframe, the request will be processed in an expedited manner or the employee will be provided with an effective interim accommodation while awaiting the accommodation.

Extenuating circumstances, defined as factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation, may increase the time needed to process an RA. The following are examples, not intended to be exhaustive, of extenuating circumstances:

1. Equipment is backordered or the vendor typically used for goods or services unexpectedly goes out of business and another vendor is not immediately available.

2. The employee's health care provider fails to provide needed documentation in a timely manner.
3. Medical documentation submitted is incomplete and additional documentation must be requested.

When extenuating circumstances are present, the timeframe for processing a request and providing the accommodation may be extended as necessary. When all the facts and circumstances known to the Agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the Agency shall offer an interim accommodation that allows the individual to perform some or all of the essential functions of their job, if it is possible to do so without imposing undue hardship on the Agency.

The Reasonable Accommodation Coordinator must promptly notify the employee and supervisor, in writing, of the reason for the delay and to the extent possible, the approximate date provision of the RA is expected. Any further developments or changes should also be communicated promptly in writing to the employee.

If there is a delay in providing an approved accommodation, the Agency must provide one or more temporary measures (an interim accommodation) that would allow the employee to perform some or all of the essential functions of the job. This could include providing the requested accommodation on a temporary basis or temporarily providing a less effective form of accommodation.

CMS may not delay processing or providing an accommodation because a particular staff member is unavailable. Failure to meet required timeframes solely because of staff delays in processing the request is not an extenuating circumstance.

If the requesting employee needs to try various accommodations to find one that is suitable, the timeframe for providing the accommodation will be expanded by mutual consent between the employee and deciding official.

#### **E. THE INTERACTIVE PROCESS**

The reasonable accommodation process includes an interactive dialogue between the employee and supervisor, facilitated by the RAC, to analyze whether potential accommodations would effectively address the individual's functional limitations. The deciding official, normally the first-line supervisor, must communicate with the requestor early in the interactive process and periodically throughout the process.

When the disability, the need for accommodation, and the type of accommodation needed are clear, extensive discussions are not necessary. Communication is a priority throughout

the entire process and, to the extent possible, employees should participate in identifying effective accommodations.

The Reasonable Accommodation Coordinator is available to provide technical assistance to both CMS employees and supervisors throughout this process, particularly when the specific limitation, problem, or barrier is unclear, or where an effective accommodation is not obvious.

When engaging in an interactive process, consideration should be given to:

1. The essential functions and purpose of the employee's job;
2. The functional limitations imposed by the employee's disability;
3. The factors in the work environment or job tasks that pose difficulties in the individual's performance of a particular job function;
4. Possible accommodations that may remove the difficulties, either in the work environment or in performing the job tasks, and would allow the individual to perform the essential functions of the job; and
5. The effectiveness of possible accommodations and whether the accommodations would pose an undue hardship on the Agency.

As part of the interactive process, the supervisor may consult with the Reasonable Accommodation Coordinator, who may offer alternative suggestions for RAs and discuss their effectiveness in removing the workplace barrier that is impeding the individual. The Agency may choose among effective accommodations and is not required to provide the specific accommodation requested by the employee.

Resources available to help identify possible accommodations are listed in Appendix D.

Once a decision is made, the Reasonable Accommodation Coordinator will draft a Decision Memo for the supervisor to issue to the employee. If the accommodation cannot be provided immediately due to extenuating circumstances, the supervisor, in collaboration with the Reasonable Accommodation Coordinator, will inform the individual, in writing, of the projected timeframe for provision of the accommodation and provide an interim accommodation that will enable the individual to perform some or all of the essential functions of the job while awaiting the approved accommodation.

## **F. REQUESTS FOR MEDICAL INFORMATION**

CMS may not request medical documentation when both the disability and need for accommodation are obvious or where the individual has already provided CMS with sufficient information to document the existence of the disability and their functional limitations.

If the disability and need for accommodation are not obvious or already documented, the Reasonable Accommodation Coordinator will request relevant documentation about the disability, functional limitations and/or the need for accommodation. The request should be limited to the job-related functions for which the accommodation is requested and/or to substantiate that the individual has a disability covered by the Rehabilitation Act.

When requests for medical documentation are necessary, the information requested should be limited. Requests for medical information will follow the requirements set forth in EEOC's "[Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act.](#)"

Requested information should explain:

1. The nature of the individual's impairment;
2. The need for reasonable accommodation; and
3. How the requested accommodation, if any, will assist the individual in applying for the job, performing the essential functions of the job, or enjoying the benefits and privileges of the job.

The Reasonable Accommodation Coordinator may seek information or documentation about the disability and/or functional limitations from the individual, or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, rehabilitation counselor or other appropriate practitioner.

The Reasonable Accommodation Coordinator, not the supervisor, will make any requests for medical documentation. Even if a supervisor is already aware of an employee's disability or medical condition, the Reasonable Accommodation Coordinator must still ensure that the employee's disability, if not obvious, is substantiated with appropriate documentation using the procedures described above.

Once the medical documentation is received, the Reasonable Accommodation Coordinator will review it and, if necessary, ask for consultation by the Federal Occupational Health Service (FOH). When such an evaluation is requested, it will be performed at the Agency's expense.

If the information provided by the health care provider is insufficient to enable the Reasonable Accommodation Coordinator to determine the nature of the disability, the need for an RA, and how the requested RA will assist the individual in applying for a job, performing the essential functions of the job, or enjoying the benefits and privileges of the workplace, the Agency will provide the individual with an opportunity to submit relevant supplemental documentation. To that end:

- The Reasonable Accommodation Coordinator may request additional information by explaining to the individual seeking the accommodation, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for processing the RA request.
- The individual requesting the accommodation may contact the health care provider or other appropriate professional to request the missing information.
- As noted in Section D, timeframes for processing the RA request will be suspended while CMS waits for sufficient medical documentation from the employee the timeframe stops on the date the Agency requests documentation from the requestor and resumes on the date medical documentation is submitted to the Agency.

The Reasonable Accommodation Coordinator will let the supervisor know whether the documentation demonstrates that an RA is appropriate, will provide relevant information about the individual's functional limitations, and if a FOH review is obtained, what FOH recommended regarding the accommodation request. At no time will the Reasonable Accommodation Coordinator share the employee's medical information, including diagnosis or the nature of the disability, with the employee's supervisor.

Failure of an employee or job applicant to provide appropriate documentation or to cooperate with CMS's efforts to obtain such documentation can result in a denial of the request for RA.

## **G. CONFIDENTIALITY REQUIREMENTS**

Under the Rehabilitation Act, medical information obtained in connection with the RA process must be kept confidential. Any CMS employee who obtains or receives such information is strictly bound by these confidentiality requirements. In addition, all requests for accommodation must be kept confidential according to EEOC guidance, including [Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act](#).

All medical information that is obtained in connection with a request for RA will be kept in a separate, secure, file maintained by the Reasonable Accommodation Coordinator. Any hard copies of medical documentation in an employee's reasonable accommodation file will be maintained in locked file cabinets and shredded by OEOCR staff when no longer needed.

Electronic medical documents in an employee's reasonable accommodation file will be stored on the Agency's shared computer drive in password-protected files, with access given only to those in OEOCR with a need-to-know.

Supervisors may not request, receive, or store any medical documentation pertaining to the request for RA. If a supervisor receives medical documentation from an employee or third party related to a reasonable accommodation request, the supervisor should immediately forward the documentation to OEOCR and shred or delete the information. Any correspondence or information (including the decision memo) related to the RA process should be maintained in a confidential file separate from the supervisory working file.

The Reasonable Accommodation Coordinator will respond to all requests for disclosure of the records. This information may be disclosed *only* as follows:

1. Supervisors and managers with a need-to-know may be told about the employee's work restrictions and the necessary accommodation;
2. First aid and safety personnel may be informed, when appropriate, if the individual with a disability might require emergency treatment;
3. Government officials may be given information necessary to investigate or provide technical assistance to ensure compliance with the Rehabilitation Act; or
4. In certain circumstances, medical information may be disclosed to Workers' Compensation offices or insurance carriers.

Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements.

Any CMS official who receives information in connection with a request for RA may share information connected with that request with other Agency officials only when the officials need to know the information in order to make determinations on an RA request.

Supervisors should notify the Reasonable Accommodation Coordinator to obtain guidance, as necessary, to ensure that the proper procedures are followed. Examples of need-to-know include, but are not limited to:

- The Reasonable Accommodation Coordinator may consult the CMS Office of Information Technology in connection with requests for adaptive equipment for computers; with the Office of Human Capital in connection with requests to modify policies or requests that impact the facility, such as lighting or furniture; with the Office of Support Services and Operations in connection with requests that impact OSSO programs such as parking or scooter use; and with other CMS units when their assistance or expertise is needed to identify or implement an RA. However,



these offices would not need to know the medical condition of the person seeking the accommodation, only the individual's functional limitations and how the limitations affect potential RAs.

Any supervisor, who has concerns about confidentiality, including how to respond to other employee's inquiries, should speak with a Reasonable Accommodation Coordinator. Supervisors may also find question 42 of the EEOC's [Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act](#) to be useful.

## **H. REASSIGNMENT**

Reassignment to a vacant funded position for which an employee is qualified is a form of RA that the Agency must consider when it determines that no other accommodation will permit an employee with a disability to perform the essential functions of their current position. A reassignment is considered when there is no effective accommodation that would enable the employee to perform the essential functions of the current job, or if all possible accommodations would pose an undue hardship on the organization. Accordingly, reassignment is the "accommodation of last resort."

Reassignment is only available to employees, not job applicants. Reassignment is available only to a probationary employee if the employee adequately performed the essential functions of the position, with or without RA, before the need for reassignment arose. Neither HHS nor CMS is required to create new positions or move other employees from their jobs to create a vacancy.

In considering whether there are positions available for reassignment, the Agency will work to identify: (1) all vacant, funded positions within CMS for which the employee may be qualified; and (2) all current funded vacancies or projected over the next 60 calendar days for which the employee may be qualified with or without an accommodation. The search will include vacancies at any Operating Divisions within HHS for which the employee indicates they would be willing to work.

The vacancy search will focus on positions for which the employee may be qualified, focusing first on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, vacant lower level positions for which the individual is qualified may be considered if the individual indicates they are willing to accept a lower graded position without guarantee of pay retention. However, promotion to a higher grade is not available through this process.

Reassignment to a vacant position outside of the employee's current commuting area is possible if the employee has indicated that they are willing to relocate without the benefit of paid relocation expenses. As with other transfers not required by management, CMS will not pay for the employee's relocation costs.

If a vacant funded position for which the employee is qualified is identified, it shall be offered to the employee if it is determined that the employee can be accommodated in the new position or would not require accommodation in the new position. Requiring or giving permission to the employee to compete for such a vacancy does not fulfill a request for reassignment as a reasonable accommodation. As stated in EEOC's [Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#), the employee does not need to be the best qualified individual for the position in order to obtain it as a reassignment.

## **I. DENIAL OF A REASONABLE ACCOMMODATION**

Justifications for the denial of a request for RA include, but are not limited to the following:

- a. The requested accommodation would not be effective and no alternative effective accommodations are identified.
- b. The requested accommodation would result in undue hardship. Before reaching this determination, the Agency must have explored whether there are other effective accommodations that would not pose undue hardship. A determination of undue hardship means that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of CMS operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, CMS will follow the standards provided in the regulations and in the EEOC's [Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act](#), or any superseding subsequent guidance. Any alternative accommodations offered by the Agency must be effective in meeting the needs of the individual.
- c. Medical documentation is inadequate to establish that the individual has a disability and/or needs an RA.
- d. The requested accommodation would require removal of an essential function.
- e. The requested accommodation would require the lowering of a performance or production standard.
- f. The employee failed to provide appropriate documentation or cooperate with the Agency's efforts to obtain necessary information to address the request for RA.

The Agency must provide a written denial notice at the time the request for accommodation is denied. The supervisor making the decision to deny the request for RA must provide a written explanation to the Reasonable Accommodation Coordinator clearly stating the

specific reasons for the denial, which the Reasonable Accommodation Coordinator will include in the decision memo issued to the employee.

## **J. ISSUING THE REASONABLE ACCOMMODATION DECISION**

Once reaching a final decision regarding a requested accommodation, the deciding official will issue a written Reasonable Accommodation Decision Memo on behalf of the Agency. Upon request from the employee or job applicant, the decision will be provided in an alternative format such as large print, braille, or electronic format. The individual may also obtain additional copies of the decision, as well as the status of the request throughout the RA process, by emailing [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov).

At a minimum, the decision will contain the following:

1. A clear statement of the request;
2. A clear statement of the Agency's decision (i.e., approval or denial of the employee's request for RA). Any denials **must** explain the reasons for the denial and notify the job applicant or employee of available internal appeal or informal dispute resolution processes; and
3. A statement informing the individual of the rights, procedures, and timeframes set forth in Part III, K for requesting review from the second-line supervisor, and in Part III, L for statutory and collective bargaining protections, including the right to challenge a denial of reasonable accommodation by filing an EEO complaint.
4. If the request for accommodation is approved, the requestor will be provided with:
  - a. a statement describing the approved accommodation(s) and the date the accommodation(s) will be provided;
  - b. the responsibilities and expectations of all parties; and
  - c. notification that there may be a need for periodic evaluations/reassessment. Reasons for such an evaluation include, but are not limited to the following:
    - i. The accommodated employee's functional limitations might increase or decrease, thus requiring periodic reviews and adjustments to the approved accommodation(s). For example, some disabilities are degenerative in nature and may require additional accommodation(s) over time.
    - ii. Conversely, a disability may improve to the point that an approved accommodation is no longer needed and can be discontinued or removed.

- iii. The employee's workstation or work environment may change, resulting in the need for adjustment to the approved accommodation(s).
  - iv. The employee's position may change, leading to the need to reassess the existing accommodation(s) based on the employee's new essential functions.
  - v. The approved accommodation may create an unforeseen barrier for the employee or otherwise hinder the employee's performance, resulting in the need for adjustment to the approved accommodation(s).
5. If the request for accommodation is denied, the Agency must also include in the written decision a justification for the denial as explained in Part III, I.
6. If a request is denied and alternative accommodations are approved, the Agency must also include in the written decision:
- a. a justification for the denial as explained in Part III, I; and
  - b. the reason(s) the decision maker believes that the alternative accommodation(s) will be effective.

#### **K. REQUEST FOR REVIEW PROCESS FOR REASONABLE ACCOMMODATION**

An employee can request prompt review of an RA decision. A Request for Review (RFR) is a request that the first-line and second-line management official in the requesting employee's chain of command review the decision and provide a response.

The employee must submit the RFR to OEOCR by emailing [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov) within *fifteen (15) calendar days* from the date of receipt of the Reasonable Accommodation Decision. The employee may submit any additional supporting documentation in support of their request at this time.

OEOCR will promptly forward the RFR to the first-line management official in the requesting employee's chain of command, who will have *five (5) calendar days* from receipt of the RFR to respond in writing to the employee and the RAC.

If the first-line manager does not reverse the decision, the second-line manager will provide a written response to the employee and RAP within *ten (10) calendar days*.

#### **Important information:**

1. The Reasonable Accommodation Decision Memo goes into effect on the date specified therein. Submitting an RFR does not delay the effective date of the Reasonable Accommodation Decision Memo being reviewed.
2. Submitting an RFR is voluntary and is not a prerequisite for filing any other claims or initiating any other processes available to the requestor. At any point in the review process, the requesting employee can initiate the EEO complaint process or any other process available to the employee, such as filing a grievance or a claim with the MSPB. **Submitting an RFR does not affect the time limits for initiating statutory or collective bargaining claims and does not satisfy the requirements for bringing a claim under EEO, MSPB, or union grievance procedures, nor does it suspend the filing deadlines for EEO, MSPB or union grievances.**

#### **L. RELATIONSHIP OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS**

1. This policy is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for RA, and does not replace these provisions. Individuals who have been denied reasonable accommodations have the right to file complaints of discrimination pursuant to 29 Code of Federal Regulations 1614.106. **Requirements governing the initiation of statutory and collective bargaining claims, including timeframes for filing such claims, remain unchanged.**
2. An individual who chooses to pursue statutory or collective bargaining remedies for denial of RA must:
  - a. For an EEO complaint: contact the EEO Intake Coordinator in OEOCR within ***forty-five (45) calendar days*** from the date of receipt of the written Reasonable Accommodation Decision Memo or reconsidered denial;
  - b. For appeals to the Merit Systems Protection Board (MSPB): initiate an appeal to the MSPB within ***thirty (30) calendar days*** of an appealable adverse action as defined in 5 C.F.R. § 1201.3; or
  - c. For a union grievance: file a written grievance in accordance with the provisions and timeframes of Article 24 of the Master Labor Agreement between CMS and AFGE.

#### **M. INFORMATION TRACKING**

In accordance with applicable law and regulation, CMS maintains a confidential system of records containing information about each individual who has requested RA, including the

specific reasonable accommodation(s) requested; the position (occupational series, grade level, and agency component) sought by the requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request. This information is used to ensure that approved accommodations are appropriately documented and implemented in a timely manner. In regards to information tracking, CMS will follow the standards stated in the EEOC's [Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation](#) from October 20, 2000 or any superseding subsequent guidance.

## **N. POLICY REVIEW**

In accordance with the requirements of EEOC's Management Directive 715 and EEOC guidance, CMS regularly reviews Agency policies and procedures that have the potential to impact equal employment opportunity. This review also considers potential impediments to the RA process. Specific items to be reviewed include, but are not limited to: this RA Policy and Procedures manual; leave, telework, and scheduling policies and procedures; policies and procedures that impact the purchase or lease of equipment; and policies and procedures that relate to the contracting or hiring of service providers for the Reasonable Accommodation Program.

Where a policy or procedure has an impact on equal employment opportunity or presents impediments to the RA process, CMS will create action plans per MD-715 requirements that may result in modifications to identified problems within the policy or procedure.

## **IV. APPENDICES**

### **A. APPENDIX A: Reasonable Accommodation Program – Support Services**

#### **1. Service Types**

CMS's Reasonable Accommodation Program includes support services when approved as a reasonable accommodation. Available services include:

- Sign Language Interpreting: Support provided to individuals who are deaf or hard of hearing.
- Workplace Task Assistance (WTA): Administrative support such as note-taking, escorts, and readers.

These services are available to an employee only after making a request for RA and receiving approval for the service in a Reasonable Accommodation Decision Memo. Once approved, ongoing requests for services that fall within the scope of the approval do not require another Reasonable Accommodation Decision Memo and can be scheduled according to the procedures described below.

#### **2. Program Management**

OEOCR's Reasonable Accommodation Program manages requests and coordinates sign language and workplace task assistance services. Once approved, the employee and supervisor should work directly with the Reasonable Accommodation Coordinator or the program's Contracting Officer's Representative to ensure the needs of the employee and program are met.

#### **3. Initiating Services**

The Reasonable Accommodation Coordinator or Contracting Officer's Representative will meet with each employee approved for sign language or Workplace Task Assistance services to discuss functional limits and the scope of services that will be provided based on individualized needs. Approved services will be documented for Agency records. To schedule approved services, please see Scheduling Services below.

#### **4. Employee Preference**

CMS uses vendor-assigned contractors to provide services. Specific service providers may be unavailable due to absence or scheduled to provide services to other employees. Accordingly, CMS cannot guarantee that any employee will be serviced by the same contractor on a regular basis. To ensure that employees are provided services in a

consistent manner, OEOCR will work with the employee to develop a profile of their needs and preferences.

## 5. Scheduling Approved Services

Services can be scheduled by either the employee attending a meeting/event or the supervisor organizing the meeting/event. To schedule approved services, the employee or supervisor should send an Outlook Meeting Request (not an email) as described below:

- Sign Language Interpreting: [InterpreterServices@cms.hhs.gov](mailto:InterpreterServices@cms.hhs.gov)
- Workplace Task Assistance: [WorkplaceTaskAssistance@cms.hhs.gov](mailto:WorkplaceTaskAssistance@cms.hhs.gov)

The employee or supervisor should make the request as soon as the date, time, and location of the meeting or event are known.

## 6. Sign Language Requests

- In the meeting request, the employee or supervisor should include date, start time, end time, location, venue, topic/title of the meeting/event, name of the individual who is deaf or hard of hearing, preferred language, and any other pertinent information.
- The requestor should send any materials, including agendas and PowerPoint slides, in advance, as they become available.
- The requestor will receive an email confirmation from the Sign Language Services Coordinator or designee that the request has been confirmed.
- For advance scheduling, a lead time of one to two weeks is strongly encouraged. Although it is not possible to foresee every occasion for which services may be required, failure to schedule services well in advance may result in the necessity to reschedule the meeting or event when services are available. Any request received with less than 72 business hours' notice is not guaranteed.
- For impromptu meetings or events, employees or supervisors should contact [InterpreterServices@cms.hhs.gov](mailto:InterpreterServices@cms.hhs.gov) to confirm service availability and schedule services. Such requests will be honored whenever possible based on service availability.
- Generally, one interpreter can interpret for 45-60 minutes before needing a 15-minute break. Any assignment that continues longer than 1.5 hours or is heavily technical may require two interpreters.



- Per CMS’s contract, most vendor-assigned contractors hold national interpreter certification and are certified members, in good standing, of the Registry of Interpreters for the Deaf (RID) and/or the National Association of the Deaf (NAD), and strictly adhere to the RID-NAD Code of Professional Conduct (CPC).
- Internal training is available to employees, supervisors, and teams to ensure that all parties understand how to effectively work with employees who are deaf or hard of hearing, and how to create an inclusive environment.
- Every effort should be made to include deaf or hard of hearing employees in all interactions, exchanges, and meetings. The lack of an available sign language interpreter should not result in the exclusion of the employee who is deaf or hard of hearing.
- Failure to schedule interpreting services in a timely manner may result in the use of alternative forms of interpreting, such as Federal Relay Services.
- If the employee attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters. It is the responsibility of the employee and supervisor to check with the sponsoring organization to see if interpreting services will be provided. If not, a request containing all relevant information should be submitted to [InterpreterServices@cms.hhs.gov](mailto:InterpreterServices@cms.hhs.gov).
- Communication Access Real-time Translation (CART) services are available for individuals who are deaf or hard of hearing and require an auxiliary aid to communicate, but do not use sign language. CART services can be described as instant translation of the spoken word into English text. From the CART writer’s computer, it is streamed via a link on the Internet, then displayed on an individual’s computer monitor as captions. Post-meeting transcripts are available to the end user when requested. Requests for CART services can be made to [InterpreterServices@cms.hhs.gov](mailto:InterpreterServices@cms.hhs.gov). Assignments are filled by a contract CART writer on an as-needed basis.

## **7. Workplace Task Assistance Requests**

- Requests are scheduled on a first come, first served basis. If overlapping or conflicting requests occur, the Reasonable Accommodation Coordinator will speak with the employee or supervisor to make a request to reschedule. The Reasonable Accommodation Coordinator may also suggest other alternatives when the program is booked to capacity and meetings cannot be rescheduled.

- Back-to-back meetings or meetings going beyond their scheduled end time may result in limited or no transfer time for a service provider to move between assignments, or no time for appropriate breaks. Accordingly, meetings or events should include sufficient rest periods and breaks to ensure appropriate provision of services.
- Service providers will not be scheduled for meetings when an employee is on leave or otherwise unavailable. It is the employee's responsibility to notify the Reasonable Accommodation Coordinator of their leave, unavailability, or change in the meeting date/time.
- Every effort should be made to include the employee using WTA in all necessary interactions, exchanges, and meetings. The lack of an available WTA provider should not result in the exclusion of the employee from workplace activities.

## 8. Meeting Extensions

Employees and supervisors must follow the schedule of services carefully to ensure that the assigned contractor is not asked to work outside of the approved schedule. **Failure to do so would obligate the Agency to an unauthorized expenditure of government funds.**

If a meeting or event for which sign language or workplace task assistance is needed runs past the approved service time, the employee or supervisor who made the request must notify the Reasonable Accommodation Coordinator and request an extension. The Reasonable Accommodation Coordinator will then determine whether or not the service can be extended. **If services can be extended, the Reasonable Accommodation Coordinator alone will provide instructions to the vendor/assigned contractor.**

## 9. Cancellations

Employees and supervisors should provide advance notice of cancellations whenever possible. This enables the scheduled service provider to accommodate others.

Cancellations due to inclement weather will be communicated to service providers by the Reasonable Accommodation Coordinator.

## **10. Off-Site Services**

Approved Sign Language and Workplace Task Assistance services are available for required off-site meetings when requested sufficiently in advance. The employee or supervisor making the request must specify that the services are needed off-site and the exact location of services at the time of the request. The Reasonable Accommodation Coordinator will then work with the vendor to coordinate services.

## **11. Services During Official Travel**

Sign Language and Workplace Task Assistance services are available for employees on official travel when requested sufficiently in advance. The employee or supervisor making the request must, at a minimum, specify that the services are needed for travel, the exact travel location, and the specific duration of the travel at the time of the request. The request may only be submitted after the employee's travel request has been approved by their supervisor or other appropriate authority, with assurances that the employee's travel request is in accordance with HHS Travel Regulations. Requests for services submitted prior to obtaining these approvals will not be processed.

Individuals requiring Sign Language Interpreting or Workplace Task Assistance services while on travel must obtain approval for the travel and submit the request for reasonable accommodation as soon as practicable, but no less than 14 calendar days prior to the travel. Requests that are submitted in accordance with these requirements will be processed by the Reasonable Accommodation Coordinator, who will then work with the vendor to coordinate services.

In order to provide services, CMS may hire a locally-recruited contractor (i.e. a person who resides in the location to which the employee is travelling). In the event that a locally-recruited contractor cannot be secured, CMS will pay the travel expenses for a vendor-assigned contractor to travel with the employee, if such a contractor is available.

If the employee's needs while on official travel are different from their needs in the office, the employee must specify the services needed when making the request.

## **B. APPENDIX B: Examples of Reasonable Accommodations**

Reasonable accommodations are determined on a case-by-case basis, taking into consideration the employee, their specific disability and resulting limitations, the essential functions of the job, the work environment, and the feasibility of the proposed accommodation. EEOC's [Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation](#) from October 20, 2000 provides the following examples:

### **1. Modification of the Worksite**

Facilities should be made readily accessible. Modifications may include, but are not limited to: arranging files or shelves for accessibility; raising or lowering equipment and work surfaces to provide comfortable working heights; installing special holding devices on seats, desks, or machines; using Braille labels or other tactile cues for identification purposes; and installing special equipment such as telephone amplifiers.

### **2. Assistive Devices**

Equipment or assistive devices may be approved as RAs if they are necessary to fulfill the official business of the agency. Equipment or assistive devices will not be provided if they are for personal use, such as eyeglasses or hearing aids.

### **3. Flexible Leave Policies**

Modification to leave policies, subject to appropriate laws and regulations, may be approved as an RA.

### **4. Adjusting Work Schedules or Work Locations**

Flexible work schedules or telework may be approved as RAs for employees who cannot meet the requirements of the regularly scheduled tour of duty or work in the office due to their disability. For example, the employee may need to attend medical appointments, have rest periods, or there may be barriers in the workplace that cannot be remedied.

### **5. Job Restructuring**

Job restructuring includes altering when and/or how an essential or marginal job function is performed. It may also include reallocating marginal job functions that an employee is unable to perform because of a disability, with the option of assigning different marginal functions that the employee can perform. An employer never has to reallocate essential functions as a reasonable accommodation.

### **6. Sign Language Interpreters and Readers**

Sign Language Interpreters and Workplace Task Assistants, such as reader-scribes and note-takers, can be approved as RAs.

**7. Reassignment**

Reassignment to a vacant position, as described in Part III, Item H can be approved as an RA. However, it is considered the accommodation of last resort.

### **C. APPENDIX C: Reasonable Accommodation Authorities**

Rehabilitation Act of 1973, as amended

Americans with Disabilities Act, including ADA Amendments Act

Genetic Information Nondiscrimination Act

Title 29 Code of Federal Regulations (CFR) Parts 1614 and 1630

Executive Order 13164

Relevant guidance documents issued by the Equal Employment Opportunity Commission, including the following:

- EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, No. 915.003 (October 20, 2000)
- EEOC Practical Advice for Drafting and Implementing RA Procedures Under EO 13164 (July 2005)
- EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, No. 915.002 (October 17, 2002)
- EEOC Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA), No. 915.002 (July 27, 2000)
- EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities, No. 915.002 (March, 25, 1997)
- The Americans With Disabilities Act: Applying Performance and Conduct Standards to Employees with Disabilities
- Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008, [www.eeoc.gov](http://www.eeoc.gov).
- Relevant case law decisions of the U.S. Supreme Court and the EEOC

## **D. APPENDIX D: Reasonable Accommodation Resources**

### **U. S. Equal Employment Opportunity Commission**

1-800-669-3362 (Voice)

1-800-800-3302 (TTY)

<http://www.eeoc.gov>

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq. (1994), and the regulations, 29 C.F.R. § 1630 (1997). In addition, the EEOC has published a great deal of basic information about RA and undue hardship. The two main sources of interpretive guidance are: (1) the interpretive guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9 (1997); and (2) the [Technical Assistance Manual on the Employment Provisions \(Title I\) of the Americans with Disabilities Act III](#), 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The manual includes a 200-page resource directory that includes federal/state agencies and disability organizations that can provide assistance in identifying and locating RAs.

### **Job Accommodation Network (JAN)**

1-800-526-7234 (Voice)

1-877-781-9403 (TTY)

<https://askjan.org/>

A service of the Department of Labor's Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of RAs.

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

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

The DBTACs consist of ten federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in RAs.

### **Registry of Interpreters for the Deaf**

333 Commerce Street  
Alexandria, VA 22314 1-703-838-0030 (Voice)  
1-571-257-3957 (Video Phone)  
1-703-838-0454 (Fax)  
<https://rid.org/>

The Registry of Interpreters for the Deaf, Inc. (RID), is a national membership organization of professionals who provide sign language interpreting/translation services for persons who are deaf or hard of hearing. It is the goal of RID to promote the profession of interpreting and translation of both American Sign Language and English. RID's mission is to provide international, national, regional, state, and local forums by providing an organizational structure for the continued growth and development of the professions of interpretation and translation of American Sign Language and English.

The RID national office provides a vast array of informational resources on the field of interpreting, including papers on interpreting standards and practices.

### **RESNA Technical Assistance Project**

1-703-524-6686 (Voice)  
<http://www.resna.org>

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

- information and referrals to help determine what devices may assist a person with a disability, including access to large databases containing information on thousands of commercially available assistive technology products,
- access to centers where individuals can try out devices and equipment,
- assistance in obtaining funding for devices and device repair, and
- equipment exchanges and recycling programs.



### **USDA TARGET Center**

1400 Independence Avenue  
Room 1006-S Washington, DC 20250-9876  
(202) 720-2600 (Voice/TTY)  
(202) 720-2681 (Fax)  
<https://www.targetcenter.dm.usda.gov/>

The Target Center has a wide variety of assistive devices available for federal employees to examine and test.

### **Rehabilitation Services Agencies**

Rehabilitation Services Agencies are state agencies that provide support for the employment, economic self-sufficiency, and independence of individuals with disabilities. Local phone books often list them under “State Services.” Sometimes they are listed by Vocational Rehabilitation Offices.

These organizations may be able to convert documents to Braille. After arranging for payment, the organization will send documents to the Services for the Visually Impaired as an e-mail attachment and the Braille copy will be mailed to the agency.

### **National Captioning Institute**

1900 Gallows Road, Suite 3000  
Vienna, VA 22182  
(703) 917-7600  
<https://www.ncicap.org/>

Federal law requires that all videos include captions, preferably open captions. The National Captioning Institute can add captions to videos.

Centers for Medicare & Medicaid Services  
Office of Equal Opportunity and Civil Rights  
CMS Policy on Reasonable Accommodation, Final  
Approved by EEOC: August 12, 2021

**E. APPENDIX E: Contact Information for CMS Reasonable Accommodation Program**

Office of Equal Opportunity and Civil Rights  
7500 Security Blvd., N3-21-07  
Baltimore, MD 21244  
Phone: 410-786-5110  
Fax: 410-786-4341  
Email: [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov)

## **F. APPENDIX F: CMS Reasonable Accommodation Forms**

Employees are not required to use the forms mentioned in this RA Policy and Procedures Manual and listed below. However, if an employee elects to complete one of the forms but finds that an alternative format is needed, or if an individual wishes to request an accommodation to access any part of the reasonable accommodation process, they should contact [ReasonableAccommodationProgram@cms.hhs.gov](mailto:ReasonableAccommodationProgram@cms.hhs.gov).

Individuals may email or call to request any of the following forms:



Confirmation  
Form.pdf



Medical Inquiry  
Form 2021.pdf

The forms are also available on OEOCR's [intranet page](#).

Centers for Medicare & Medicaid Services  
Office of Equal Opportunity and Civil Rights  
CMS Policy on Reasonable Accommodation, Final  
Approved by EEOC: August 12, 2021

## **V. AGENCY CERTIFICATION**

FINAL VERSION

*Anita Pinder, 11.2.2021*

Director  
Office of Equal Opportunity and Civil Rights  
Centers for Medicare & Medicaid Services