

DRUG ENFORCEMENT ADMINISTRATION (DEA)

REASONABLE ACCOMMODATION POLICY AND PROCEDURES

Effective Date: **August 20, 2021**

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1.0 PURPOSE

These procedures provide a framework under which DEA will process reasonable accommodation requests. They also assist DEA in fulfilling its obligation to provide reasonable accommodations under the law unless it would result in an undue hardship to the agency. These procedures are consistent with the U.S. Department of Justice (DOJ) Reasonable Accommodation Policy Statement ([1100.01](#)) and the DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#)), both issued on September 23, 2019, as well as the authorities as listed under [Section 3.0](#) below. These laws and policies require each federal agency and DOJ component to establish effective written procedures for processing requests for reasonable accommodation by its employees and job applicants with disabilities. These procedures do not intend to include or restate all applicable laws, regulations, Executive Orders, directives, policy statements, or binding legal precedents that set forth the substantive requirements governing such requests or that may affect the processing of such requests.

2.0 SCOPE

These procedures apply to all components of DEA and all requests for reasonable accommodation made by or on behalf of DEA employees with disabilities and applicants for employment with disabilities. The concept of reasonable accommodation applies to all aspects of employment, including recruitment, training, promotion, reassignment, and rotational assignments, as well as the benefits and privileges of employment. These procedures outlined below are designed to be an interactive process that will respond to requests for reasonable accommodation in a flexible, confidential, and objective manner (see [1100.01 page 9](#)).

3.0 AUTHORITIES

- A. [Executive Order 13164](#)
- B. [The Rehabilitation Act of 1973, as amended](#)
- C. [29 United States Code \(U.S.C.\) § 794](#)
- D. [42 U.S.C. §§ 12101, et. seq.](#)
- E. [29 Code of Federal Regulations \(C.F.R.\) Part 1630](#)
- F. [The Family Medical Leave Act \(FMLA\)](#)
- G. [The Americans with Disabilities Act of 1990 \(ADA\)](#)
- H. [The Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- I. [The Pregnancy Discrimination Act of 1978 \(PDA\)](#)
- J. [The Health Insurance Portability Accountability Act \(HIPAA\)](#)

4.0 DEFINITIONS

Term	Defined
Applicant	A person who has asked to be considered for a job with an agency. An applicant may be a current employee of the agency, an employee of another agency, or a person who is not currently employed by any agency.
Decision Maker	An individual who is authorized to make determinations regarding reasonable accommodation requests. The role of Decision Maker can be assigned by the Office Head to any manager position within a Section/Division.
Disability	An impairment that substantially limits one or more of the major life activities.
Direct Threat	A threat that poses a significant risk of substantial harm to the health or safety of an individual or others, and cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" must be based on an assessment of the individual's present ability to safely perform the essential functions of the job, considering reasonable medical judgment and relying on the most current medical knowledge and/or best available objective evidence.
Employee	An individual employed by the DEA. For the purpose of this document, the term employee also incorporates any individual with rights under the Rehabilitation Act, including those applicants, contractors, and Task Force Officers whose rights to disability accommodations are covered by the Rehabilitation Act.

Term	Defined
Essential Job Functions	<p>Fundamental job duties of the employment position an individual with a disability holds or desires. They do not include the marginal functions of the position.</p> <p>A job function may be considered essential for any of several reasons, including but not limited to, the following:</p> <ol style="list-style-type: none"> 1. The position exists specifically to perform that function; 2. There are a limited number of other employees who could perform the function; and/or 3. The function is specialized and the individual is hired based on their ability to perform the particular function. <p>Whether a particular function is essential includes, but is not limited to:</p> <ol style="list-style-type: none"> 1. The employer’s judgment about which functions are essential; 2. Written job descriptions prepared before advertising or interviewing applicants for the job; 3. The amount of time spent on the job performing the function; 4. The consequences of not requiring an incumbent to perform the function; 5. The work experience of past incumbents in the job; and/or 6. The current work experience of incumbents in similar jobs.
Extenuating Circumstances	<p>Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. Limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation (for example, processing a request for reasonable accommodation or providing an accommodation may not be delayed because a particular staff member is unavailable).</p>

Term	Defined
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 of impairment, or is regarded as having such an impairment.
Interactive Process	<p>A collaborative effort in which the employer and the individual seeking an accommodation engage in dialogue to clarify what the individual needs and identify potential reasonable accommodations. For example, after a request for accommodation has been made, the supervisor or Decision Maker communicates with the individual making the request to identify an effective accommodation that will allow the employee to perform the essential functions of the job.</p> <p>The interactive process may include:</p> <ol style="list-style-type: none"> 1. An analysis of the particular job to determine its purpose and essential functions; 2. A consultation with the employee to ascertain the precise job-related limitations imposed by the individual’s disability and how those limitations could be overcome with a reasonable accommodation; 3. An identification of potential accommodations and, in conjunction with the employee, an assessment of the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job; 4. Consideration of the preference of the employee and the selection and implementation of an accommodation that is appropriate for the employee and the employer; and 5. The overall needs of the office.
Major Life Activities	<p>Include but are not limited to:</p> <ol style="list-style-type: none"> 1. 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 2. 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,

Term	Defined
	<p>circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.</p> <p>In determining other examples of major life activities, the term “major” must not be interpreted too strictly to create a demanding standard of disability. Whether an activity is a major life activity is not solely determined by whether it is of “central importance to daily life.”</p>
Non-employee	<p>An individual that is not an employee of DEA including contract employees, Task Force Officers, detailees, designees, Joint Duty personnel. Requests for accommodation from non-employees are reviewed to determine the party responsible for providing the accommodation. This includes a review of who assigns work to the requester and who reviews the work product of the requester. If DEA staff provide the requisite level of oversight, the accommodation is the responsibility of DEA.</p>
Personal Assistance Services	<p>People or services that assist a person with a physical, sensory, mental, or cognitive disability with tasks that the person would perform for him or herself if he or she did not have a disability. Examples include assistance with performing activities of daily living that are not otherwise required as a reasonable accommodation, including assistance with removing and putting on clothing, eating, and using the restroom.</p>
Physical or Mental Impairment	<ol style="list-style-type: none"> 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine. 2. (ii) Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disability.
Qualified Individual with a Disability	<p>A person with a disability who meets the required skill, experience, education, or other requirements of an employment position that they hold or seek, and who can perform the essential functions of the position with or without a reasonable accommodation.</p>

Term	Defined
Reasonable Accommodation	An adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of "reasonable accommodations": (i) modifications or adjustments to a job application process; (ii) modifications or adjustments to the work environment; or (iii) modifications or adjustments that enable a covered employee to enjoy equal benefits and privileges of employment.
Reassignment	A form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of the job, with or without a reasonable accommodation.
Requestor	The applicant or employee who requests services, equipment, or changes in work or the application process for reasons related to medical conditions. Requestors could also be individuals making the request on behalf of individuals with disabilities.
Substantially Limits	An impairment that constrains the ability of an individual to perform a major life activity as compared to most people in the general population.
Undue Hardship	"Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. 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 on the operations of the agency.

5.0 ROLES AND RESPONSIBILITIES

A. The Principal Deputy Administrator (P-AD)¹

- 1. Ensures compliance with DEA’s obligation to provide reasonable accommodations to qualified DEA employees and DEA job applicants.

¹ The Head of the Component is responsible for the roles and responsibilities outlined in 4.0; however, these may be delegated to a subordinate official (e.g. P-AD) consistent with 28 C.F.R. § 0.104.

2. Designates the Administrative Officers (AO) or Reasonable Accommodation Program Manager (RAPM) as the Reasonable Accommodation Coordinators (AC) depending upon physical location within DEA.
3. Designates the RAPM as the principal official responsible for DEA Reasonable Accommodation Program.
4. Approves or denies reasonable accommodation requests related to Career Board actions requested by employees (see [Appendix A](#), *Career Board Reasonable Accommodation Subcommittee for Core Series Employees Standard Operating Procedures (SOP)*).
5. May consult with any member of DEA management including Assistant Administrators, Deputy Assistant Administrators, HQS Office Heads, SACs, RDs, LDs, Office of Chief Counsel (CC), RAPM, or others when making a determination to deny a reasonable accommodation request.

B. Decision Maker (DM)

1. The DM, by default, will be the first-line supervisor. The Office Head, SAC, RD or LD will designate an alternate supervisor when necessary.
2. The DM is ultimately responsible for making reasonable accommodation determinations.
3. The DM identifies and documents the essential functions of the individual's job, and determines whether a reasonable accommodation is necessary to enable the requesting employee to perform essential functions of the job or to enjoy equal benefits and privileges of employment.
4. Decisions on requests for reasonable accommodation for employees will be made in the division, office, or laboratory where the requesting employee works, by the DM. Pursuant to [Section 5.0\(E\)\(4\)](#), if an applicant with a disability makes a reasonable accommodation request, the GS-15 in the Human Resources Division who is responsible for filling the vacancy is the DM.
5. During the interactive process and decision making stages, the DM will decide how much assistance, if any, they wish to receive from the RAPM.
6. During the interactive process and decision making stages, the DM will assure that the agency is in communication with the individual making a request for reasonable accommodation.
7. If the DM decides to grant the reasonable accommodation request, the DM is responsible for providing these accommodations in coordination with the RAPM, if necessary.
8. When the DM will be unavailable to handle requests for reasonable accommodation

within the applicable time frame, they are responsible for ensuring that an appropriate “acting” DM is designated to handle reasonable accommodation requests in their absence. Established time frames will not be suspended due to the unavailability of the DM.

9. The DM is responsible for submitting requests for reassignment within their own divisions, regional offices, or laboratory systems to the SACs or Office Heads. SACs/Office Heads, as the approving authority, will make decisions regarding reassignment.
10. The DM informs the employee of any decisions made on a request for reasonable accommodation via the completion of DOJ 100B or 100C.
11. The DM may also hear requests for reconsideration (see [Section 6.0 \(E\)\(1\)](#) below) when an employee’s request for a reasonable accommodation is denied.
12. The DM may seek assistance and guidance, as needed, from the AC, Human Resources (HR), and the RAPM. In addition, given the importance of these determinations and the complex legal issues involved, DMs are strongly encouraged to consult the RAPM, followed by CC if necessary, to ensure that the process used, and decisions made, are in compliance with these Procedures, and all applicable statutes, regulations, and case law.
13. Contact information for the designated DM can be found by name on the Global Address List in Outlook.

C. Reasonable Accommodations Coordinator (AC)

1. DEA has appointed an employee to act as an AC at every field division, foreign regional office, and laboratory, to include the Special Operations Division, the Office of Training, the Aviation Division, and the El Paso Intelligence Center. Generally, the AO is the AC for each office. However, the RAPM serves as the AC for HQS offices, including DEA offices in Lorton and Sterling, Virginia. The RAPM also serves as the alternate AC for divisions, foreign offices, or laboratories in the event that a designated AC in another office (1) is unavailable, (2) is the employee requesting the accommodation, or (3) is in the supervisory chain of command of the employee requesting the accommodation.
2. ACs ensure that employees and supervisors are aware of these procedures and all other applicable policies and procedures and understand their obligations. The AC assists employees and supervisors in accepting and submitting requests for accommodation to the DM for the respective division, office, or laboratory. When an accommodation request is received, the AC should notify the RAPM for coordination and consultation regarding how to process the request. See [HQS ACs](#) and [field division ACs](#).
3. The AC is prohibited from making determinations on whether to grant or deny

requests for reasonable accommodations and must coordinate and consult with the DM.

4. The AC is responsible for forwarding all documentation related to any reasonable accommodation request to the RAPM for tracking and recordkeeping purposes.

D. Reasonable Accommodation Program Manager (RAPM)

1. The RAPM is responsible for coordinating DEA's Reasonable Accommodation Program.
2. The RAPM is responsible for maintaining all accommodation-related records and materials, and compiles all cumulative data for tracking purposes.
3. The RAPM is responsible for identifying, locating, and purchasing appropriate accommodations.
4. The RAPM provides consultation, as needed, to the DMs and ACs to facilitate the provision of reasonable accommodation for employees. Areas of consultation include, but are not limited to: determining employee qualifications, restructuring jobs, identifying essential versus marginal job functions, and identifying suitable vacant positions for those instances in which reassignment is determined to be a suitable accommodation.
5. The RAPM must be consulted by the DM, AC, or HR after the approved reasonable accommodations for the following categories:
 - a. Assistance in handling requests relating to the removal of architectural barrier(s) that would prevent full access by individuals with disabilities to DEA facilities.
 - b. Interpreters and personal assistant services (for all DEA employees).
 - c. Hardware and software technologies in coordination with the Information Systems Division and the Financial Management Division.
 - d. Addition of architectural items (e.g., handles to wall).
 - e. Office equipment.
6. The RAPM is available for consultation or recommendations when consulted by the DM regarding requests for reasonable accommodation. In the absence of the RAPM, the DM may consult with the Associate Deputy Administrator for HR. The DM may accept or reject these recommendations.
7. The RAPM seeks assistance and guidance, as needed, from CC, the Health Services Unit (HROH), DMs, and ACs.

8. The RAPM is prohibited from making determinations on whether to grant or deny requests for reasonable accommodations and must coordinate and consult with the DM.
9. The RAPM provides training to all DEA supervisors and ACs to recognize and respond to reasonable accommodation requests in accordance with the requirements set forth in these procedures. The RAPM may identify subject matter experts to provide training or consultation, on an as needed basis.
10. The RAPM will instruct HR, DMs, and DEA managers that reasonable accommodations should not be denied due to the cost of the accommodation if the resources of DEA taken as a whole (excluding those designated by statute for a specific purpose) would enable it to provide the accommodation without undue hardship. Additionally, the RAPM will ensure that DMs are kept apprised of the resources available to DEA to provide reasonable accommodations.

E. Human Resources Division (HR)

1. Adopts the DOJ's Reasonable Accommodation Policy Statement ([1100.01](#)) and DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#)).
2. Establishes the procedures outlined within this document for processing reasonable accommodation requests.
3. HR provides advice and guidance to supervisors, managers, and employees about HR policies and procedures related to reasonable accommodation, such as leave, telework, and performance management.
4. HR is responsible for reasonable accommodation requests related to recruitment actions.
5. If an applicant with a disability makes a reasonable accommodation request, the first line HR GS-15 supervisor responsible for filling the vacancy is the DM.
6. All vacancy announcements, including Special Agent announcements, must identify an individual, or the RAPM, as a contact for reasonable accommodation.
7. The HR Specialist responsible for the job vacancy guides applicants through the reasonable accommodation process.
8. HR will also assist the DM in locating appropriate vacant positions for employees with disabilities who request reassignment as a reasonable accommodation.
9. HR provides consultation, as needed, to the RAPM to facilitate the provision of reasonable accommodation for DEA employees.
10. The HR Specialist responsible for the job vacancy informs the applicant of any decisions made on a request for reasonable accommodation.

11. HR must submit all records related to any request for a reasonable accommodation to the RAPM for reporting, tracking, and recordkeeping purposes.
12. HR is responsible for providing training to any HR employee or contractor employee involved in the hiring process to recognize and timely respond to requests for reasonable accommodations in the job application process.
13. HR identifies and assists other DOJ components with identifying vacant positions for reassignment of an employee from one component to another component.

F. DEA Health Services Unit (HROH)

1. HROH provides advice and guidance to the supervisors, managers, and employees as well as DMs, ACs, and the RAPM concerning medical issues relating to reasonable accommodation requests.
2. HROH reviews, upon request, medical documentation submitted to support a request for a reasonable accommodation and provides guidance to the RAPM who is processing the request.

G. Equal Employment Opportunity (EEO) Office

1. An employee or applicant for employment who believes they were unlawfully denied a reasonable accommodation, did not receive an accommodation, or experienced an undue delay in processing and granting an accommodation may file a complaint of discrimination through the [EEO complaint procedures](#).
2. An employee or applicant may also file a complaint of discrimination alleging retaliation as a result of requesting an accommodation or otherwise participating in the process to obtain one.
3. An employee or applicant who believes they were subjected to unlawful discrimination, and who desires to file a complaint of discrimination, must contact an EEO counselor within 45 calendar days of the alleged discriminatory action regardless of whether the employee or applicant is involved in any other mechanism for seeking resolution. The request for an EEO counselor must be made to the EEO office at DEA HQS.
4. The employee may request mediation during EEO counseling.
5. The EEO office will collaborate with the RAPM to ensure that training provided to all DEA supervisors provides the ability to recognize and respond to reasonable accommodation requests in accordance with the requirements set forth in these Procedures.
6. The RAPM, CC, and/or EEO Staff are responsible for policy guidance, expert advice, and consultant services to DEA staff, supervisors, employees, and employment

applicants.

H. Office of Chief Counsel (CC)

DEA's CC is responsible for providing advice and guidance to supervisors, managers, DMs, ACs, EEO, HR, and the RAPM on the legal aspects of the accommodation process, such as the determination of whether an individual is a qualified individual with a disability, as defined by the Rehabilitation Act.

I. Employees/Applicants

1. To be eligible for reasonable accommodation, in general, a person with a disability must be qualified to perform the essential functions of the position, with or without reasonable accommodation, and the accommodation request must not cause undue hardship to DEA.
2. An employee with a disability who needs a reasonable accommodation must make their needs known to their supervisor; another supervisor in the employee's chain of command; the SAC, RD, LD, or HOH; the AC; or the RAPM.
3. Applicants may direct requests for accommodation in the hiring process to the HR representative the applicant has contact with in official connection with the application process.
4. An individual with a disability may be required to demonstrate, through medical or other documentation, that they have a disability and how the disability impacts essential job functions, the ability to participate in the job application process, or the ability to enjoy the benefits and privileges of employment with or without a reasonable accommodation.
5. An employee or applicant for employment who believes they were unlawfully denied a reasonable accommodation, did not receive an accommodation, or experienced an undue delay in processing and granting an accommodation may file a complaint of discrimination.

6.0 PROCESS AND PROCEDURES FOR REASONABLE ACCOMMODATION

To be eligible for a reasonable accommodation, in general, a person with a disability must be qualified to perform the essential functions of the position, with or without reasonable accommodation, and the accommodation must not cause undue hardship to DEA.

A. Initiating the Request

1. Employees

- a. Requests relating to a hardship arising from a core series employee's own

medical condition will be handled per this policy, and will be considered by the Career Board Reasonable Accommodation Subcommittee for Core Series Employees (see [Appendix A](#), *Career Board Reasonable Accommodation Subcommittee for Core Series Employees Standard Operating Procedures*).

- b. Generally, it is the responsibility of the employee to request a reasonable accommodation, or someone else can make that request if the employee is unable to do so. A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a physical or mental impairment. There is no requirement that a request include special and/or specific words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." An employee initiating a request is under no duty to have a particular accommodation in mind before making a request.
- c. Requests for accommodation may be made orally or in writing. For purposes of these procedures, oral communication includes communication through a sign language interpreter or via telephone, or via Text Telephone Relay (including relay services) and written communication includes via email, letter, memorandum, or DOJ Form 100A. To enable DEA to keep accurate records of requests, employees and applicants seeking reasonable accommodation must follow-up an oral request by completing [DOJ Form 100A](#). Employees generally should submit a written request to the first or second line supervisor or AC using [DOJ Form 100A](#) as well. However, the DM should not wait for the completion of the DOJ Form 100A or any other particular paperwork in order to begin the interactive process.
- d. Employees may submit a request for a reasonable accommodation to their direct supervisor or to a supervisor in their chain of command; an AC; or the RAPM at DEA HQS. Any requests submitted to the EEO Office will be forwarded to the RAPM upon receipt.
- e. Requests for reasonable accommodation can be made at any time, regardless of when or how a medical condition arose.
- f. Upon receiving the written or oral request, the supervisor or other person receiving the request must begin processing the reasonable accommodation request.
- g. Employees with recurring or on-going requests for reasonable accommodation need not submit repeated requests for accommodation. For examples, see DOJ Reasonable Accommodation Policy Statement ([1100.01](#)) and DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#)).
- h. Employees should give appropriate advance notice each time the recurring accommodation is needed, unless otherwise arranged with the supervisor, AC, or DM. Where feasible, individuals should notify the supervisor, AC, or DM

at least 7 to 10 business days before the date the accommodation is needed to allow sufficient time to coordinate the accommodation. For examples see DOJ Reasonable Accommodation Policy Statement ([1100.01](#)) and DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#)).

2. Applicants

- a. Applicants may request a reasonable accommodation from the HR Specialist identified in the appropriate vacancy announcement as the point of contact (POC) for reasonable accommodations, any designated accommodation official, or the selecting official.
- b. An applicant should inform the HR Specialist identified in the vacancy announcement as soon as they realize the need for a reasonable accommodation for some aspect of the hiring process.
- c. If the applicant informs any DEA official involved in the application process of the need for a reasonable accommodation, that DEA official must notify the HR POC and RAPM in writing no later than two business days from the date of the request.
- d. The HR Specialist completes documentation for reasonable accommodation requests received during the application process.

3. Third-Party Requests

- a. A family member, health professional, or other representative acting on the individual's behalf with the individual's consent may also make a request for accommodation, whether it is for an employee or an applicant.
- b. When a third-party makes such a request, the supervisor or DM, in consultation with HR and the RAPM, should confirm with the employee or applicant whether they want the reasonable accommodation before proceeding. If consultation with HR is not possible, the DM, in consultation with the AC and/or RAPM, should process the request if it seems appropriate and will consult directly with the employee or applicant who needs the accommodation as soon as practicable.
- c. When dealing with third-party requests, the DM, AC, and RAPM shall ensure that the privacy rights of employees and job applicants are not violated.

B. Processing the Request

1. Employees requesting reasonable accommodations must:

- a. Submit the initial request for reasonable accommodation, as described in [Section 6.0 A.1.](#) above;

- b. Participate in the interactive process;
 - c. Provide information related to the essential job functions, including benefits of employment, adversely affected by functional limitations of the medical condition;
 - d. Provide medical documentation when requested;
 - e. Describe accommodations or types of accommodation(s) requested–this may include a request that the RAPM perform a workplace assessment to identify reasonable accommodations; and
 - f. Briefly explain how the requested accommodations would enable the individual to perform essential job functions and/or enjoy employment benefits.
2. Applicants requesting reasonable accommodations must:
 - a. Provide contact information;
 - b. Identify what accommodations are requested in the application process;
 - c. Provide supporting medical documentation if requested;
 - d. Specify the dates and times the accommodations are needed; and
 - e. Specify where the accommodations are needed (location address and details).
 3. Supervisors may receive requests for reasonable accommodations.
 - a. Supervisors must respond to such requests as required in these Procedures, within the time frame set forth in [Section 6.0 C.](#)
 - b. Supervisors should advise the RAPM of any reasonable accommodation requests, will provide the RAPM any medical documentation if received from the employee, and should consult the RAPM as needed regarding the reasonable accommodation request.
 - c. If the supervisor is not the DM, the supervisor should, upon receipt of the reasonable accommodation request, coordinate with the DM and RAPM during the interactive process (see [Section 6.0 B.4.](#) below).
 - d. Supervisors must ensure employees are made aware of the availability of reasonable accommodations and the process by which an employee may request a reasonable accommodation.

- e. If the supervisor is not the DM, the supervisor may not view or have access to medical documentation related to a request for reasonable accommodation.
 - f. Supervisors may be informed about limitations caused by a medical condition and reasonable accommodations needed through the RAPM.
 - g. At a minimum all supervisors must participate in DEA reasonable accommodation policy training every two years (see [Section 5.0 D.10.](#) regarding training).
 - h. New supervisors must complete training on these procedures within six months of starting in their new positions.
4. Interactive Process
- a. The supervisor, or DM, will communicate early and periodically in the interactive process with the requestor of the reasonable accommodation.
 - b. The supervisor, or DM, in consultation with the RAPM, as appropriate, and the employee/applicant engage in an interactive process to determine if the employee/applicant is a qualified individual with a disability and to identify an effective, reasonable accommodation. The interactive process should help identify the precise nature of the issue that generated the request and why the desired accommodation is necessary to assist the employee. Alternative accommodations that may also be effective in meeting an employee's or applicant's needs should also be considered. Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where different forms of reasonable accommodation are being considered.
 - c. The interactive process may include:
 - i. Analysis of the particular job to determine essential job functions;
 - ii. Consultation with the employee or applicant to ascertain how their limitations could be overcome by an accommodation;
 - iii. Seeking additional information on the nature of the alleged disability and the employee's or applicant's limitations;
 - iv. Identification of potential accommodations and whether they would be effective;
 - v. Consideration of the employee's/applicant's preference; and
 - vi. Consideration of the overall needs of the office, of DEA, and any potential impact on operations.

- d. An effective accommodation need not be the most expensive, nor must it be exactly what the employee requests. An employee or applicant who requests an accommodation should cooperate in good faith when providing the information necessary to assess the request. An employee or applicant who fails to engage in the interactive process may risk receiving ineffective accommodations or having their request denied due to a lack of information needed to make a proper determination.

C. Decisions on Reasonable Accommodation Requests

1. Response to Request

The time limit for a reasonable accommodation request process starts as soon as the request is made. Efforts need to be made to prevent any delay during the process. A supervisor or DM should contact an employee/applicant as soon as practical, but no later than three business days after a new request is received to acknowledge and begin discussing the accommodation request, and to start gathering the necessary information. If an employee/applicant makes a reasonable accommodation request to someone who is not the DM, the agency official who received the request should forward the request to the requestor's supervisor or DM on the same date that it was received or as soon as practicable.

2. The supervisor or DM will discuss the requested accommodation or possible alternative accommodations with the employee/applicant. An employee/applicant who receives inquiries or questions from the supervisor or DM related to a request for an accommodation is expected to respond and provide the necessary information within 10 business days to meet the time frames set forth in this procedure.
3. When extenuating circumstances are present, the time for processing a request for reasonable accommodation or providing the accommodation will be extended as necessary. Extenuating circumstances are those circumstances that could not reasonably have been anticipated or avoided or that are beyond the component's ability to control. These circumstances might include situations where equipment must be back-ordered or other legitimate delays. Extensions should be limited to those that are truly necessary and only for as long as required to deal with the extenuating circumstance.
4. DMs are to make determinations concerning reasonable accommodation requests in a prompt manner. Where the DM determines it appropriate, they should provide a temporary or partial accommodation. This is especially the case if an accommodation request may involve aspects that involve different levels of complexity and time to accomplish. For instance, someone requesting both certain equipment and a more flexible schedule should not have to wait for determinations on the agency's ability to obtain equipment before being granted a flexible schedule, and vice versa.

Additionally, where the facts and circumstances known to the DM make it reasonably likely that an accommodation will be provided, DMs are to provide interim accommodations that allow the individual to perform the essential functions of the individual's position. (The provision of an interim or temporary accommodation in itself does not obligate DEA to provide that very accommodation on a permanent basis. Additionally, where someone has requested an accommodation on a permanent basis, the provision of an interim or temporary accommodation does not absolve the DM of the duty to make a determination on the request.)

5. Notification

- a. If the DM is not the Office Head, the DM shall notify the Office Head that a request for reasonable accommodation has been received.
- b. If the DEA supervisor receives a request for accommodation, the supervisor must notify the DM, RAPM, or AC of the request within three business days or as soon as practicable of receipt via email.
- c. If the RAPM receives the request directly from an employee, job applicant, or third party, the RAPM, after contacting the requesting party, will notify the DM that a request has been received and forward a copy of the written request to the DM and AC. This notification must be completed not later than two business days from the date the request is received by the RAPM.
- d. The DM or AC must, within two business days of receiving the notice described above, inform the requesting party that they are the DM or AC, explain how the request will be handled, and begin the interactive process.
- e. The DM, AC, or RAPM must respond in writing to the requestor within three business days of the request or receipt of medical documentation, in cases where medical documentation is required.
- f. An employee who receives inquiries or questions from the DM, AC, or RAPM related to a request for accommodation will respond, and provide the necessary information, within ten business days, absent extenuating circumstances.

6. Requests for Expedited Review

Circumstances may warrant expedited decision-making in certain cases. Examples of situations that require reasonable accommodations to be provided in a shorter time period include:

- a. Employees

When a need is urgent, an employee can make a request for an expedited review and decision in a time frame that is shorter than the 30 days indicated in [Section 7.0 C.6.a](#) below. Such requests should explain the urgency of the need.

Expedited processing might be necessary where, for instance, the reasonable accommodation is needed for a specific agency activity that is scheduled to occur shortly (*e.g.*, an employee may need a sign language interpreter for a meeting scheduled to take place within 5 days or for imminent work-related travel).

b. Job Applicants

Based on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job. The applicable HR office and/or the selecting official must act promptly to make a determination and, if appropriate, provide reasonable accommodation.

7. Approval of Request and Provision of Accommodation

- a. A determination that a reasonable accommodation will be granted should be communicated to the individual, in writing, as soon as practicable. Absent extenuating circumstances, the DM shall give the requesting party their decision and the reasonable accommodation within 30 calendar days of the request.
- b. The interactive process should be conducted as promptly as possible so any additional information, such as medical information, can be sought and obtained within this 30-day period.
- c. Extenuating circumstances include, among other things, the failure of the requesting party, or their medical provider, to provide medical documentation in a timely fashion. For instance, if the person seeking a medical accommodation, or their medical provider, takes longer than 10 business days to furnish the requested documentation, it may not be possible for a determination to be made and provided within 30 calendar days of the request.
- d. Any notice (of a determination that a reasonable accommodation will be provided) should include the projected timeframe for providing the accommodation. Failure to provide a reasonable accommodation in a prompt manner may result in a violation of the Rehabilitation Act, 29 C.F.R. § 1614.203(d)(3)(i)(O).
- e. In the event that, at some point in the future, the employee has a different first line supervisor than the one they had at the time the initial decision on the request for reasonable accommodation is made, the employee is

responsible for notifying any subsequent first line supervisor of the earlier decision to grant the accommodation. The subsequent first line supervisor does not receive medical information orally or in writing. However, they can review the reasonable accommodation request and decision.

- f. In the event that the employee changes their position after the request for accommodation is granted, their DM may choose to reevaluate the requested accommodation based upon the duties of the employee's current position.
 - g. The DM may approve a request for a reasonable accommodation after engaging in the interactive process and identifying an effective accommodation that does not cause an undue hardship to DEA.
 - i. Approval of a request for reasonable accommodation is documented using a DOJ Form 100B.
 - ii. When a request is approved, the RAPM must procure equipment, furniture, and/or services on an expedited basis as needed. Whenever possible, the request should be fulfilled within 15 business days after receipt of the approval. Where an accommodation can be provided in less than the maximum time frame, the accommodation should be provided as promptly as possible.
 - iii. For requests where the DM is an office head or supervisor in the employee's chain of command, if the DM sought the advice of the RAPM, the DM may or may not concur with the guidance provided by the RAPM.
8. Denial of the Reasonable Accommodation Request
- a. The time limit for providing and/or denying a reasonable accommodation starts as soon as the accommodation is first requested.
 - b. A request for reasonable accommodation may be denied if the information gathered during the interactive process does not establish that the requestor is a qualified individual with a disability, the accommodation being requested is not reasonable or would not be effective, or an accommodation causes undue hardship.
 - i. Denials of reasonable accommodation requests will include instructions on how to file an EEO complaint and that the employee or applicant must initiate contact with an EEO Counselor within 45 calendar days of the denial, regardless of whether the applicant or employee participates in the informal dispute resolution process (see also [H. EEO Complaint Process](#) below).

- ii. If a request for reasonable accommodation is denied, the DM should notify the requestor in writing of the specific reason(s) for the denial. The reasons for the denial must be specifically detailed by the RAPM on DOJ Form 100C.

Note: If the reasonable accommodation is denied the employee or applicant can seek reconsideration (see [Section 6.0 E](#). below).

- iii. A request can be denied where a party seeking an accommodation refuses or fails to provide medical documentation that is deemed necessary for the agency to respond to the request for accommodation.
- c. Absent extenuating circumstances, the DM shall give the requesting party their decision within 30 calendar days after receiving the request.

9. Reassignments (Non-Core Series Employees Only)²

- a. When responding to a request for reassignment, the following considerations apply:
 - i. Reassignment should be considered as an accommodation of last resort.
 - ii. Reassignments will only be considered when an employee cannot perform the essential functions of their current position and no reasonable accommodation is possible in that position, or if the only effective accommodation would cause undue hardship to DEA.
 - iii. Reassignment may only be made to a vacant position. DEA is not required to create a new position or to move others from their jobs to create a vacancy. For this purpose, the term “vacant positions” shall include positions that are actually vacant and that the DEA intends to fill, as well as positions that the DM or HR knows will become vacant over the next 60 calendar days.
- b. Reassignment is not available as an accommodation to job applicants.
- c. Reassignment cannot be required when DEA can demonstrate that it poses an undue hardship. An employee is entitled to an effective accommodation, which may or may not be their accommodation of choice.
- d. In considering whether there are positions available for reassignment, the DM shall work with both the employee and with the RAPM and other

² For Core series employees see [Appendix A](#), *Career Board Accommodation Subcommittee for Core Series Employees SOP*.

personnel in HR to identify all vacant positions within DEA that are within the commuting area of the employee's office for which they may be qualified, with or without reasonable accommodation.

- e. While nothing prevents DEA from offering several reassignment opportunities, DEA is only obligated to offer one reassignment opportunity as a form of accommodation. An employee must be minimally qualified for the new position, with or without reasonable accommodation.
- f. The initial search, not to exceed 30 calendar days, should focus on positions within the employee's current office that are equivalent to the employee's current job in terms of pay, grade, promotion potential, status, benefits, geographical location, and other relevant factors. If an equivalent position is found, the employee must be offered that position. They cannot be required to compete for that position.

An employee must be “qualified” for the new position and does not need to be the best qualified individual for the position in order to obtain reassignment. An employee is “qualified” for a position if they:

- (1). Satisfy the requisite skill, experience, education, and other job-related requirements of the position, and
 - (2). Can perform the essential functions of the new position, with or without reasonable accommodation.
- g. If there is no vacant equivalent position (or anticipated to be vacant) within DEA that is in the same commuting area as the employee's current position, the DM and AC shall, with the assistance of HR, widen the search, not to exceed 30 calendar days, to include vacancies in the entire DOJ that are within commuting distance of the employee's office.
 - h. If, after widening the search to include DOJ vacancies, there is no equivalent position that is in the same commuting area as the employee's current position, the DM and AC shall consult with the employee to determine whether the employee is willing to accept a vacant position outside of the employee's current commuting area.
 - i. If so, the search, not to exceed 30 calendar days, shall be expanded to other geographic regions where DEA and DOJ may have vacant positions. DEA is not required to pay relocation expenses.
 - j. If the expanded search for an equivalent position is unsuccessful, the office must consider vacant lower-level positions for which the individual is qualified. Prior to assigning a lower-level (non-equivalent) position to an employee, the DM should consult with the employee to determine which factors are most significant to the employee. The search will not

exceed 30 calendar days.

10. Delays and Temporary Measures

a. Delays

- i. DEA must take measures to avoid any unnecessary delays.
- ii. Where extenuating circumstances exist, the DM must notify the employee or applicant in writing of the reason for the delay and the approximate date on which a decision or the provision of the reasonable accommodation is expected. Additional developments should also be communicated promptly to the employee/applicant in writing.
- iii. Where there is a delay in either processing a request for accommodation or providing an accommodation, the supervisor or DM must notify the individual of the reason for the delay, including any extenuating circumstances that justify the delay.
- iv. DEA is not required to adhere to the usual timelines in processing a reasonable accommodation if a health professional fails to provide needed documentation in a timely manner.

b. Interim or Temporary Measures

While a request for accommodation is under consideration, and the facts and circumstances known to the DM make it reasonably likely that an accommodation will be provided, the DMs must consider interim accommodations that allow the individual to perform the essential functions of the individual's position. DEA must take measures to avoid any unnecessary delay.

If there is a delay in providing an approved accommodation, the DM must consider whether temporary measures can be taken to assist the employee, absent an undue hardship, to enable the employee to perform the essential functions of the job. DEA must take measures to avoid any unnecessary delays.

Any accommodation offered on an interim or temporary basis must be presented to the employee in writing and must clearly state the interim or temporary nature of the solution and either the anticipated implementation date of the permanent accommodation, or provide an explanation for which events must occur or information must be provided for a permanent solution.

D. Requests for Medical Information and Extenuating Circumstances

1. Whether Medical Information is Necessary

- a. When the need for the requested accommodation is obvious, it is generally not necessary for the employee to provide medical documentation. For example, it is not necessary for an employee who uses a wheelchair to submit medical information for the reasonable accommodation of raising an office desk or adjusting other furniture in the workspace. Similarly, medical information should not be required from a deaf applicant to have sign language interpreting services provided during an interview.
- b. If the DM believes that medical information is necessary in order to evaluate a request for reasonable accommodation, they should contact the RAPM to request the information from the employee.
- c. Medical information may be requested to document a claimed disability and the need for accommodation when:
 - i. The functional limitations caused by the disability and the need for accommodation are not obvious or have not been previously disclosed;
 - ii. The information submitted by the employee or applicant is insufficient to document the disability or the need for the reasonable accommodation or the functional limitations the disability causes; or
 - iii. The extent, duration, or effectiveness of a requested accommodation is not clear.
- d. Once the medical documentation is received, the RAPM will evaluate the documentation, in consultation with the DM, CC, a physician chosen by the medical unit, and/or any other official designated, if necessary, to provide recommendations for a reasonable accommodation.
- e. Medical documentation will remain with the RAPM or HROH to ensure adherence to HIPAA which requires appropriate safeguards to maintain the confidentiality of employee and applicant health information. The DM can have access to review the medical records to assist in a decision regarding the reasonable accommodation. However, the medical records will remain with the RAPM or HROH.

NOTE: DEA will make a reasonable effort to limit its requests for documentation to that which is necessary to determine if the requester is entitled to a reasonable accommodation and which types of accommodation are necessary and/or appropriate. DEA will not ask for information and/or documentation as to a specific accommodation request if it has sufficient information to document the existence of the disability and the individual's

limitations.

2. Process for Requesting Medical Information

Where the disability or need for accommodation is not obvious or already known, it is the responsibility of the employee or applicant requesting reasonable accommodation to provide appropriate medical information related to the functional impairment and the requested accommodation. If the employee or applicant fails to provide documentation or information where it has been properly requested, DEA may deny a reasonable accommodation request.

- a. The RAPM, in consultation with other appropriate entities (AC, CC, HR, HROH) should determine whether additional medical or other information is necessary.
- b. Medical documentation may be requested as set forth in Equal Employment Opportunity Commission (EEOC) Enforcement Guidance *Disability-Related Inquiries and Medical Examinations of Employees* under the Americans with Disabilities Act, as amended (July 27, 2000) to identify:
 - i. The nature, severity, and duration of the individual's disability;
 - ii. The activity or activities that the impairment limits;
 - iii. The extent to which the impairment limits the individual's ability to perform the activity or activities; or
 - iv. The reason the individual requires a reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will help the individual apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.
- c. If the Requestor provides insufficient documentation from their health care provider or other appropriate professional to substantiate the existence of a disability and the need for a reasonable accommodation, the DM, AC and/or the RAPM may request additional information, or the DM can request that a health care professional of DEA's choice examine the individual at DEA's expense.

3. Processing of Medical Documentation

Once the medical documentation is received, the RAPM will evaluate it in consultation with HROH, the DM, and a physician chosen by the medical unit, and/or any other official designated, if necessary.

E. Request for Reconsideration

Employees or applicants can request prompt reconsideration of a denial of reasonable accommodation.

1. First Level Reconsideration

If an individual desires reconsideration, they should ask the DM to reconsider the decision within 10 business days of notification about the decision. The request should be in writing. The individual should present additional information to support their request, if any, at any time. The DM will respond to the request for reconsideration within 10 business days.

2. Second Level Reconsideration

If the DM disapproves the reconsideration, the requesting individual can submit a request for reconsideration within 10 business days of notification of the decision to the first SES in the employee's chain of command or to the next SES in the chain of command if the DM is an SES. The request should be in writing, and it is recommended that the requesting individual keep the RAPM informed throughout the reconsideration process. The response to a request for reconsideration must be made within 10 business days.

F. Undue Hardship

1. DEA must provide qualified employees and applicants with disabilities with a reasonable accommodation, unless doing so would cause undue hardship for the component. The DM, in consultation with the RAPM, EEO, the AC, or CC makes determination of undue hardship.
2. The DM must consider each request for reasonable accommodation on a case-by-case basis and determine whether the accommodation is needed, whether the accommodation would be effective, and whether providing the reasonable accommodation would impose an undue hardship.
3. Pursuant to 29 C.F.R. § 1614.203(d)(3)(ii), DEA is required to take specific steps to ensure that requests for accommodation are not denied for reasons of cost, and that individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation, if the resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, would enable it to provide an effective reasonable accommodation without undue hardship.

G. Core Series Employee Reasonable Accommodation Requests and the Career Board

1. Reasonable accommodation requests for core series employees specific to a Career Board reassignment/transfer, curtailment, or rescindment/delay of a reassignment or

transfer are not addressed in the reasonable accommodation procedures as outlined here. The POC for these requests is HR's Career Board (HRC).³

2. This policy does not address medical hardship requests for family members. Specific requirements for medical hardship requests for core series employee's family members are addressed in the Career Progression Manuals located in the [Policy Portal](#).⁴

H. EEO Complaint Process

1. An employee or applicant must file an EEO complaint with an EEO Counselor within 45 calendar days of a denial of a reasonable accommodation, regardless of whether the applicant or employee participates in an informal dispute resolution process.
2. An employee or applicant may file a complaint with the EEO Office if they believe that the denial, delay, or lack of effective accommodation violated rights set forth in the Rehabilitation Act, or were otherwise due to discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. A claim alleging the denial of a personal services assistant – whether to assist with job performance or with personal care – may be made, and will be addressed, using the federal sector EEO complaint process.
3. An employee or applicant may also file a complaint of discrimination alleging retaliation as a result of requesting an accommodation or otherwise participating in the process to obtain one. The complaint must clearly describe the nature of the adverse effect of the discrimination upon the employee or applicant.
4. An employee or applicant who believes they were subjected to unlawful discrimination and desires to file a complaint of discrimination, must contact an EEO counselor within 45 calendar days of the alleged discriminatory action regardless of whether the applicant or employee is involved in any other mechanism for seeking resolution. The request for an EEO counselor should be made to DEA's EEO office.
5. The employee or applicant may also file a mixed case complaint with the EEO office or an appeal with the MSPB if they believe that the denial, delay, or lack of effective accommodation resulted in an adverse action appealable to the MSPB.

7.0 CONFIDENTIALITY REQUIREMENTS REGARDING MEDICAL

³ Reasonable Accommodations relating to reassignment/transfer, curtailment, or rescindment/delay of a reassignment or transfer for core series employees are handled by the Career Board Reasonable Accommodation Subcommittee for Core Series Employees (see [Appendix A, Career Board Reasonable Accommodation Subcommittee for Core Series Employees SOP](#)).

⁴ The term "medical hardship" is limited to family members, does not include the person's own medical issues, and therefore medical hardships are not addressed in these procedures, because these procedures only pertain to reasonable accommodations. See [Career Progression Manuals](#) for Hardship Requests.

INFORMATION AND THE REASONABLE ACCOMMODATION PROCESS

All requests for accommodations, along with any medical or other documentation provided, must be kept in files separate from the employee's personnel file and will be preserved for a period of one year from the date of the request.

A. Medical Information Confidentiality

The Rehabilitation Act requires that all medical information be kept confidential. All medical information, including information about the disability and functional limitations that are obtained in connection with a request for reasonable accommodation, must be kept in a file separate from the individual's official personnel file or the supervisor's desk file. HROH will maintain all medical information records as custodian, with access granted to the RAPM. This applies to both applicants and employees, regardless of whether they are determined to be individuals with disabilities or whether the requests are approved.

Note: Federal laws have provisions that apply to the confidentiality and disclosure of an employee's private medical information. This applies to the list of authorities in [Section 3.0](#) of this policy. When an employer obtains private medical information from a disability related inquiry, medical examination, or voluntary disclosure from the employee; the employer is required to treat that information as a confidential medical record. Failure to maintain confidentiality of disability-related medical records is a violation of the ADA. DMs, ACs, the RAPM, and medical personnel who obtain or receive such information are strictly bound by these confidentiality requirements. Failure to abide by the confidentiality requirements will result in disciplinary action.

B. Records Handling and Custody

1. The RAPM will maintain custody of records, including medical records, obtained or created during the processing of a request for reasonable accommodation.
 - a. Records dated prior to September 30, 2019, are maintained and stored in a locked file cabinet. These files will be converted to digital files saved to the appropriate SharePoint folder with limited access as soon as practicable.
 - b. Records from October 1, 2019, to present are stored on a limited access SharePoint site and a reasonable accommodation digital records folder. Any hardcopy documents received are stored in a locked file cabinet until they are digitally scanned. Once hardcopy documents are scanned they are shredded or returned to the employee if appropriate, such as where the employee provides "original" medical documents for which an electronic version would not be an adequate substitute.
2. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that are attached to it and the obligation of the recipients to safeguard the information

accordingly. All records will be maintained in accordance with the Rehabilitation Act, Privacy Act and EEO guidance.

3. DMs, ACs, RAPMs, and medical personnel who have access to medical information in relation to an accommodation request, may not disclose this information. Other employees who have a need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodations, but medical information should be disclosed only if strictly necessary. Exceptions are:
 - a. When release is required by law or court order.
 - b. First aid and safety personnel may be informed, when appropriate, if the disability requires emergency treatment or disclosure is needed for emergency preparedness.
 - c. Government officials may be given information necessary to investigate compliance with the Rehabilitation Act.
 - d. Workers' compensation offices or insurance carriers may be given the information in certain circumstances.
 - e. EEO officials may be given the information to maintain records and to evaluate and report on the agency's performance in processing reasonable accommodation requests.
 - d. CC may be provided access and/or information necessary for purposes of litigation.

8.0 INFORMATION TRACKING AND REPORTING REQUIREMENTS

The RAPM maintains the official files on individual accommodation requests for the tenure of the employee at DEA. These records may include the final determination on the request, including any DEA Forms associated with the request. Access to this information is strictly limited to those employees with an identifiable need to review the information consistent with EEOC's regulations, to ensure the agency is complying with nondiscrimination and affirmative action requirements under Section 501 of the Rehabilitation Act of 1973, and to make these records available to EEOC upon their request. Applicants and employees may track the processing of their reasonable accommodations by contacting the RAPM.

A. Tracking

Reasonable accommodation requests must be tracked, per EO 13164. This information is used to evaluate an agency's performance in responding to reasonable accommodation requests. Personally identifiable information will not be provided in any reporting requirements.

B. Reporting

1. The following information will be documented and maintained about each request for accommodation:
 - a. The specific reasonable accommodation requested, if any;
 - b. The job (occupational series and grade level) sought by the requesting applicant or held by the requesting employee;
 - c. Whether the accommodation was needed to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of employment;
 - d. Whether the request was granted (which may include an accommodation different than the one requested) or denied;
 - e. The identity of the DM;
 - f. If denied, the basis for denial; and
 - g. The number of days taken to process the request.
2. The RAPM must ensure that requests for accommodation and the actions taken during the reasonable accommodation process are promptly and properly documented on DOJ Form 100A, DOJ Form 100B, and, in the event that the request is denied, on DOJ Form 100C. The RAPM shall maintain electronic copies of these forms reporting DEA's compliance with its obligations under the Rehabilitation Act.

9.0 EXAMPLES

Examples of reasonable accommodation and examples of accommodations that are not considered reasonable are provided within the DOJ Reasonable Accommodation Policy Statement ([1100.01 pages 10-11](#)) DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#) pages 20-22).

10.0 FORMS

- A. [DOJ Form 100A](#), Request for Reasonable Accommodation
- B. [DOJ Form 100B](#), Reasonable Accommodation Information Reporting Form
- C. [DOJ Form 100C](#), Denial of Reasonable Accommodation

11.0 RESOURCES

- A. DOJ Reasonable Accommodation Policy Statement ([1100.01](#))
- B. DOJ Reasonable Accommodation Process Instructions ([1100.01.01](#))
- C. [EEOC Policy Guidance](#)
- D. [ADA Questions and Answers](#)
- E. [Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act \(July 27, 2000\)](#)
- F. [EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act](#) (revised October 17, 2002). 29 C.F.R. § 1614.203(d)(3)(i)(W).

12.0 ABBREVIATIONS AND ACRONYMS

Table 1 Acronyms and Abbreviations

Acronym	Defined
AC	Accommodation Coordinator
ADA	Americans with Disabilities Act
AO	Administrative Officer
CC	Office of Chief Counsel
DEA	Drug Enforcement Administration
DM	Decision Maker
DOJ	Department of Justice
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
HQS	Headquarters
HR	Human Resources Division
HRC	HR Career Board
HROH	DEA's Health Services Unit
HOH	HQS Office Head
LD	Laboratory Director
MSPB	Merit Systems Protection Board
POC	Point of Contact
RAPM	Reasonable Accommodation Program Manager
RD	Regional Director
SAC	Special Agent in Charge
SOP	Standard Operating Procedures
U.S.C.	United States Code

13.0 REVISION HISTORY

- A. Unless explicitly stated herein, this policy supersedes and rescinds the *Procedures for Processing Requests for Reasonable Accommodation Made by Employees and Job Applicants with Disabilities* and any currently applicable policy, whether contained in the Personnel Manual, Policy Memoranda, Division Order, or other similar written statement intended to convey DEA policy.

- B. Questions regarding this policy or process can be addressed to the DEA General Contact number at 571.362.8487 or directly to the RAPM at RAPM@usdoj.gov.

Table 2 Summary of Changes

Date of Change	Responsible Party	Summary of Change
3/4/21	Human Resources	Initial Publication
7/30/21	Human Resources	The following updates were made based on EEOC feedback 10.0.A; 6.0.B.4; 6.0.C.8.a, 6.0.C.7.a; 6.0.C.10.a.i and 10.b; 6.0.8.b.i; and 8.0
8/20/21	Human Resources	6.0.C.1, 4, 7, 8.c, 6.0.C.10.b, 6.0.H.1,

**DRUG ENFORCEMENT ADMINISTRATION
CAREER BOARD REASONABLE ACCOMMODATION SUBCOMMITTEE
FOR CORE SERIES EMPLOYEES
STANDARD OPERATING PROCEDURES (SOP)**

1.0 PURPOSE

These Standard Operating Procedures (SOP) outline the procedures to be followed by the Career Board (CB) Reasonable Accommodation (RA) Subcommittee that considers requests for reasonable accommodation for core series employees (i.e., Special Agent; Diversion Investigator; Intelligence Research Specialist; or Forensic Chemist) specific to a Career Board reassignment/transfer, curtailment, or rescindment/delay of a reassignment or transfer.

2.0 SCOPE

This SOP does not address reasonable accommodation requests generally, as core series employees can request these at any time through the standard reasonable accommodation process (see *Reasonable Accommodation Policy and Procedures*). This SOP also does not address requests for a medical/financial/special circumstance hardship, to include when a medical hardship involves a family member. For such hardship requests, please refer to the Core Series [Career Progression Manuals](#).

3.0 CB RA SUBCOMMITTEE

The CB RA Subcommittee is comprised of the following:

A. Members

1. Permanent Voting Members
 - a. Assistant Administrator (AA), Human Resources Division (HR)
 - b. Core Series Division Head (i.e., AA of the Diversion Control Division, Intelligence Division, Operations Division or the Office of Forensic Sciences).
 - c. Career Board rotating Special Agent in Charge (SAC)
2. Non-Voting Members
 - a. Office of Chief Counsel (CC) Representative
 - b. Career Board Executive Secretary (Executive Secretary)
 - c. Reasonable Accommodation Program Manager (RAPM)

B. Reviewing the Request

1. The CB RA Subcommittee will consist of three voting members (the AA HR, one Division AA dependent upon the series of the employee⁵, and one Career Board

⁵ Special Agent, Diversion Investigator, Intelligence Research Specialist, or Forensic Chemist.

- rotating SAC).
2. Once empaneled, members of the CB RA Subcommittee will consider the request for a reasonable accommodation of a core series employee. Members can be in attendance in person or virtually.
 3. A majority vote is required for a final recommendation.

4.0 ROLES AND RESPONSIBILITIES

A. Employees

The core series employee or their representative should submit a request for a reasonable accommodation specific to a Career Board reassignment/transfer, curtailment, or rescindment/delay of a reassignment or transfer to the Executive Secretary via email cc'ing the SAC/Office Head and the RAPM. If the request is submitted directly to the SAC/Office Head, they should forward it within 5 business days to the Executive Secretary, cc'ing the RAPM.

Note: Supporting medical documentation is not required at the time of the initial request, but may be required to be submitted when requested at a later date by the CB RA Subcommittee and/or the RAPM.

B. Executive Secretary

1. The Executive Secretary should forward requests for accommodation within 5 business days to the RAPM.
2. The Executive Secretary informs the employee of the final decision.

C. RAPM

1. The RAPM receives/reviews all reasonable accommodation requests pertaining to an employee's personal medical condition in a Career Board action.
2. The RAPM gathers all relevant information related to the request (e.g., DOJ 100A, medical information if appropriate) and facilitates the "interactive process" with goal-oriented discussion between the employee and identified stakeholders (e.g., SAC/Office Head of the employee's assigned location; SAC/Office Head of the employee's requested new assigned location; CC; HROH; the employee's identified medical health provider; etc.).
3. Upon completion of the interactive process, the RAPM schedules a meeting of the CB RA Subcommittee and presents a summary of the findings.
4. The RAPM completes DOJ Form 100B or 100C based on the majority vote from the CB RA Subcommittee meeting.

D. CB RA Subcommittee

1. The CB RA Subcommittee meets and considers the information supporting the request. A recommendation must be reached by a majority vote of the CB RA Subcommittee.
2. The following factors are taken into consideration when reviewing a reasonable accommodation request in a Career Board action:

- a. The results of the interactive process with the various stakeholders described above;
 - b. The medical records and other supporting documentation submitted by the employee or the employee’s representative, if necessary; and
 - c. Undue hardship/impact on the Agency.
3. Once a determination is made and documented by the RAPM on the draft DOJ 100B or 100C, the AA HR meets with the Deputy Administrator⁶ and presents the recommendation(s) of the CB RA Subcommittee.
- E. Principal Deputy Administrator (P-AD)
1. The P-AD serves as the Decision Maker for reasonable accommodation requests pertaining to a Career Board action.
 2. The P-AD is not bound by the recommendation of the CB RA Subcommittee and may request additional information if necessary to make a decision. If so, the Executive Secretary will coordinate with the RAPM to obtain the requested information.

5.0 REQUESTS FOR RECONSIDERATION

Individuals can request reconsideration of a denial of a reasonable accommodation request, specific to a Career Board action (see *Reasonable Accommodation Policy and Procedures Section 6.0 C.8.a.i.*). The 45 calendar days available to file a complaint following the denial of a reasonable accommodation request begins when the employee receives the denial.

⁶ The term “Deputy Administrator” in this document includes someone in the role of “Acting Deputy Administrator” or “Principal Deputy Administrator.”