



FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

REASONABLE ACCOMMODATION POLICY

March 2024

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March, 2024

Subject: Federal Permitting Improvement Steering Council (Permitting Council) Reasonable Accommodation Policy.

Purpose: This policy sets forth the roles and responsibilities for assuring reasonable accommodation by the Executive Director, in compliance with applicable laws and regulations.

Scope and Applicability: This policy applies to all permanent and temporary staff of the Executive Director, including all political appointees, employees, detailees, and contractors. This policy is for internal use.

Signature:

X  _____

/DATE/ 03/28/24 _____

Executive Director
Federal Permitting Improvement Steering Council

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Federal Permitting Improvement Steering Council

Reasonable Accommodation Policy

I. Purpose

This policy sets forth the roles and responsibilities for assuring reasonable accommodation by the Federal Permitting Improvement Steering Council, in compliance with applicable laws and regulations.

The name “Federal Permitting Improvement Steering Council” subsumes both a federal agency comprising the Executive Director and a staff, as well as a 16-member body of which the Executive Director is a member and serves as chair. The other members of that body are the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget and the Deputy Secretary (or equivalent) of the 13 member agencies. For the purposes of this policy, the Executive Director and staff constitute the “Federal agency” that is the subject of this policy and are referred to as the “Permitting Council” herein. The U.S. General Services Administration (GSA) is the agency service provider for the Permitting Council.

II. Authority

The laws and regulations below are applicable and must be followed for compliant administrative control of funds.

- [Rehabilitation Act of 1973, sections 501 and 505](#)
- [Federal Sector Equal Employment Opportunity, 29 C.F.R. § 1614](#)
- [Titles I and V, Americans with Disabilities Act of 1990, Title 42 U.S.C. 12101-12117.](#)
- [Title 29, Subtitle B, Regulations relating to Labor, Chapter XIV—Equal Employment Opportunity Commission, Part 1630—Regulations to implement the equal employment provisions of the Americans with Disabilities Act](#)
- [Executive Order 13164, October 20, 2000.](#)
- [Employment Opportunity Commission \(EEOC\) Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, October 20, 2000.](#)
- [EEOC Directive 715 \(MD-715\)](#)

III. Definitions

The following terms originate from the [Rehabilitation Act](#) and are applicable to this policy:

Disability

For purposes of determining eligibility for a reasonable accommodation, a person with a disability has (1) a physical or mental impairment that substantially limits a major life activity (actual disability); (2) a record of physical or mental impairment that substantially limits a major life activity; or, (3) regarded as having an impairment, meaning that the 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.” The Permitting Council must provide

reasonable accommodation to qualified employees and applicants with a substantially limiting impairment or a “record of” such an impairment.

Essential Functions

Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized, and the individual is hired based on ability to perform. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed.

Extenuating Circumstances

Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation.

Qualified Individual with a Disability

An individual with a disability is qualified if: (1) he/she satisfies the requisite skill, experience, education and other job-related requirements of the position; and, (2) he/she can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable Accommodation

Reasonable accommodations include any change or modification in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities. When there is a delay in processing a request for, or delivering, a reasonable accommodation, the agency must investigate whether there are temporary measures that could be taken to assist the individual with a disability.

Undue Hardship

If a specific type of reasonable accommodation causes significant difficulty or expense, then the agency does not have to provide that particular accommodation. Determination of undue hardship must be made on a case-by-case basis, considering factors such as the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the agency.

IV. Policy

The Permitting Council is committed to the fair and equal employment of people with disabilities. It is the policy of the Permitting Council to reasonably accommodate qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or enjoying equal benefits and privileges of employment, unless the accommodation would impose an undue hardship. All employees, detailees, and contractors are expected to provide fair and equitable treatment to people with disabilities. Any employee, detailees, and contractors processing reasonable accommodation requests should handle requests in a timely and fair manner with a consideration of the requester’s privacy.

Within this framework, the Permitting Council has the following objectives:

1. Provide means for an employee or applicant with a disability or family member, health professional or other representative who is acting on behalf of the employee or applicant to initiate a request for reasonable accommodation orally or in writing.
2. Ensure requests for reasonable accommodation are handled in an effective and expeditious manner.
 - a. Approved Request: Any request that is deemed reasonable will be addressed as soon as possible or within 20 business days from the date the request was sent to the ADA Coordinator, unless there are extenuating circumstances. In certain circumstances, time limits for processing requests for and providing reasonable accommodations should be expedited. Expedited processing might be necessary where, for instance, the reasonable accommodation is needed to enable an individual to apply for a job; or the reasonable accommodation is needed for a specific activity that is scheduled to occur shortly.
 - b. Denied Request: Within five business days upon receipt of a denial notice, the requestor can appeal the decision by submitting a request to the Deputy Executive Director to reconsider his/her denial. New evidence and sound justification should be presented to support this request. The Deputy Executive Director will issue a decision on reconsideration within 10 business days after receipt of the individual's request for reconsideration.
3. Enable the individual employee to perform the essential functions of the position, or to gain access to a worksite.
4. Enable an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job.
5. Allow an employee with a disability an opportunity to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.
6. Ensure that all Permitting Council printed and audiovisual materials are available to individuals with disabilities in a format that will enable them to have equal access to the information. Specifically, all documents issued by the Permitting Council will be available in accessible formats unless this process would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

The Permitting Council may elect to leverage the reasonable accommodation support services, for a fee, provided through its Service Level Agreement with the General Services Administration.

V. Responsibilities and Authorities

ADA Coordinator

The ADA Coordinator shall: (1) Manage requests for reasonable accommodation and, where appropriate, determine which Permitting Council management officials will handle the request by providing reasonable accommodation, if possible, in a prompt, fair and efficient manner. (2) Assure the maintenance of the records related to an employee's request for accommodation in

accordance with the Federal records disposition schedule. Ensure that medical records are kept confidential and maintained in files separate from the individual's official personnel file.

Associate Director of Administration

The Associate Director of Administration shall administer and implement the policy and: (1) Process requests for reasonable accommodation providing timely, fair and equitable processing, as well as respect for the requestor's privacy. (2) Make vacancy announcements available to applicants/employees with disabilities. (3) Ensure that all vacancy announcements include a statement of reasonable accommodation, to ensure compliance with Executive Order 13078 and support the Office of Personnel Management initiatives to increase the representation of people with disabilities in the Federal workforce. (4) Assist the Executive Director with reassignment, if reassignment is deemed as a reasonable accommodation, in accordance with EEO regulations and laws.

Deputy Executive Director

The Deputy Executive Director oversees the responsibilities of the Associate Director of Administration.

Employees

Employees should provide fair and equitable treatment to people with disabilities. Any employee requesting a reasonable accommodation shall: (1) Initiate a request for reasonable accommodation orally or in writing in accordance with procedures. (2) Provide sufficient information and documentation, such as a description of the accommodation requested, and an explanation of how it would enable an employee to perform the job or assist an applicant in the selection process. (3) When required, provide relevant medical information related to the functional impairment and the requested accommodation when the disability and/or need for accommodation is not obvious.

Executive Director

The Executive Director, or designated official will ensure a continuing affirmative application and vigorous enforcement of the policy. Provide sufficient resources for program implementation to ensure efficient and successful processing of requests for reasonable accommodation. Recognize and reward individuals who have demonstrated superior efforts in supporting the spirit of the law.

General Counsel

The General Counsel advises the Executive Director, employee and/or staff acting on behalf of the Executive Director on the application of law as it relates to reasonable accommodation requests.