

Chapter 6 . THE DECISION MAKING PROCESS

6-1. DECISION MAKER

HUD will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner. The supervisor, manager or Disability Program Manager (DPM), as Chair of the RAC, under some circumstances, shall serve as "decision maker" for job performance related reasonable accommodation requests, including those that can be granted at "no cost". Job performance related reasonable accommodations are those that will enable an employee to perform the "essential functions" of his/her position. These include, but are not limited to, adjusted work schedules, alternative formatted materials, assistive devices, or job restructuring.

6-2. TIME LIMIT(S)

A. Maximum Time for Processing Request

HUD recognizes that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. The maximum time for processing and providing reasonable accommodation shall not exceed thirty (30) business days from the date of request, absent any "extenuating circumstances".

B. Detailed Look at Thirty (30)-day Timeframe

1. The maximum thirty (30) business day time frame starts the day that a request for a reasonable accommodation is made either orally, in writing, or via any other mode of communication to the supervisor, manager or DPM. The recipient of the request shall immediately start the interactive process. If the recipient of the request is someone other than the DPM, he/she must immediately notify the DPM, in writing, of the request.

2. Barring any extenuating circumstances, a reasonable accommodation request, if granted, shall be provided no later than thirty (30) business days from the date the request is received by a manager, supervisor or DPM or sooner, if possible, if it can be provided directly by the requesting employee's supervisor and does not require supporting medical information. For record keeping purposes, the DPM must maintain records

regarding all documents associated with reasonable accommodation requests, and ensures that information is accessible to the ODEEO staff for reporting.

3. If the immediate supervisor cannot approve the request within seven (7) business days, s/he must forward the request and any supporting documents to the second-line supervisor for review and a decision. Within twelve (12) business days, the second-line supervisor must forward his/her decision and a copy of the reasonable accommodation request to the POH for review and approval, if appropriate. The POH must make the final decision for the program office and forward the request, decision and supporting documentation to the DPM, within eighteen (18) business days of the request for reasonable accommodation. The POH shall also notify the individual, in writing within the request. eighteen (18) business days, of the status of his/her

4. The reasonable accommodation processing time frame (maximum 30 business days) is suspended pending the receipt of the medical documentation and will resume when the requester receives the documentation.

5. If medical documentation is not needed, a decision shall be made and the accommodation, if granted, will be provided within thirty (30) business days from receipt. As soon as the immediate supervisor, second-line supervisor, POH or DPM determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual, in writing, by the supervisor or DPM if the DPM received the initial request, or if the decision was made by the RAC.

6. Examples of reasonable accommodations that can and should be provided in less than the thirty (30) business day time frame that include, but are not limited to, reasonable accommodations that would:

* enable an applicant with a disability to have an equal opportunity to apply for a job (depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions);

* enable an employee who needs a sign language interpreter to attend a meeting the next business day;

* enable an employee with a learning disability, who has difficulty reading, to participate in staff meetings by providing copies of the agenda ahead of time;

* provide an employee with diabetes, who sits in an open area, privacy to test his/her blood sugar levels by granting frequent breaks each day; or

* allow a mobility-impaired employee, due to difficulty using public transportation during peak rush hour time, to begin and end the workday earlier or later than other employees.

6-3. EXTENUATING CIRCUMSTANCES

A. Definition

"Extenuating circumstances" are unforeseen or unavoidable events or factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation that prevent the prompt processing and delivery of an accommodation. If the DPM agrees with the POH that extenuating circumstances are present, the DPM, as reasonably necessary, will extend the time for processing a request for reasonable accommodation and providing the accommodation.

Where extenuating circumstances are present, the supervisor must notify the individual in writing of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual by the supervisor.

B. Examples of Extenuating Circumstances

1. There is an outstanding initial or follow-up request for medical information, or the medical information that has been provided is being evaluated.
2. The purchase of equipment may take longer than thirty (30) business days because of requirements under the Federal Acquisition Regulation and HUD's Procurement, Contract, and Acquisition Policies and Procedures.
3. Equipment may be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

4. New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.