

# Reasonable Accommodations

## NATIONAL COUNCIL ON DISABILITY

### REASONABLE ACCOMMODATION POLICY

#### PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

1. **PURPOSE.** To establish policies and procedures for the processing of requests for reasonable accommodation at the National Council on Disability (NCD).
2. **SCOPE.** The provisions of this Order apply to all NCD employees and applicants with disabilities.
3. **AUTHORITY.**
  - a. Executive Order 13164, July 26, 2000.
  - b. Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101-12117.
  - c. Rehabilitation Act of 1973, 29 U.S.C. 701 et reg.
  - d. Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, October 20, 2000.
  - e. Federal Sector Equal Employment Opportunity, 29 C.F.R. § 1614, November 9, 1999.
4. **DEFINITIONS.**

**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.** Any change 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.

**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 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.

**d. Essential Functions.** 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.

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

**5. POLICY.** It is the policy of the NCD to ensure requests for reasonable accommodation are handled in an effective and expeditious manner. It is the obligation of NCD to provide reasonable accommodation to qualified employees and applicants with disabilities, unless to do so would cause undue hardship to NCD. Within this framework, NCD has the following objectives:

- a. To enable the individual employee to perform the essential functions of the position, or to gain access to the workplace.
- b. To enable an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job.
- c. To 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.

# ASSIGNMENT OF RESPONSIBILITIES.

**Executive Director.** The Executive Director, or designated official, shall:  
Ensure a continuing affirmative application and vigorous enforcement of the policy and procedures contained in this order.

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.

Manage requests for reasonable accommodation and, where appropriate, determine which management officials will handle the request. Provide reasonable accommodation in a prompt, fair and efficient manner.

Maintain 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.

Prepare annually a summary statistical report.

Request relevant supplemental medical information if documentation submitted does not clearly explain the nature of the disability, reason for reasonable accommodation, or does not clarify how the requested accommodation will assist the applicant/employee to perform the essential function of the job.

Provide orientation, training, and advice to managers and supervisors regarding the implementation of the policies and procedures in this order.

Determine appropriate actions and coordinate with appropriate office directors and decision-makers involved ensuring timely completion of individual requests.

Recommend alternatives to address specific requests.

## **NCD Serving Personnel Office(GSA, Agency Liaison Division)**

**The personnel specialist shall:**

Process requests for reasonable accommodation from applicants during the recruitment and application process, as needed.

Make vacancy announcements available to applicants/employees with disabilities.

Ensure that all vacancy announcements include a statement of reasonable accommodation, to ensure compliance with Executive Order 13078. Support the Office of Personnel Management initiatives to increase the representation of people with disabilities in the federal workforce.

Assist the Executive Director with reassignments if reassignment is deemed as a reasonable accommodation in accordance with EEO regulations and laws.

**Employees and Applicants.** An employee or applicant shall:

Initiate a request for reasonable accommodation orally or in writing in accordance with procedures listed below.

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.

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.

## **PROCEDURES**

An employee or applicant with a disability, family member, health professional or other representative who is acting on behalf of the employee/applicant may initiate a request for reasonable accommodation orally or in writing. An individual's oral request will start the reasonable accommodation process. However, for record keeping purposes, the requestor shall complete the form at Appendix A.

The request begins when the individual makes that request to Executive Director or, in connection with the application process.

After receiving a request, the Executive Director will take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. Suggested resources, which are available to help both management officials and the requestor to identify possible accommodations, are listed at Appendix D. Unless there are extenuating circumstances, within 20 business days from the date the request was initially made to the management official the accommodation should be provided. In certain circumstances, time limits for processing requests for and providing reasonable accommodations should be expedited or as short as reasonably possible, and should not wait for the full 20 days. 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.

If medical documentation is necessary, the Executive Director will prepare the request for medical documentation with input from the requestor, in accordance with EEOC policy guidance on Executive Order 13164.

If there are extenuating circumstances that will in either processing a request for, or delivering a reasonable accommodation, the Executive Director must notify the requestor promptly and keep the employee informed of the approximate date on which the agency may complete the process or issue a decision. The Executive Director will investigate the possibility of temporary measures that could be taken to assist the requestor. Any changes or developments should be communicated promptly to the requestor.

Upon the granting/denial of the request for reasonable accommodation, the Executive Director will complete the "Reasonable Accommodation Information Report" (Appendix B) and maintain it for future reporting.

When the decision-maker denies the request, the requestor will be informed in writing of the denial (See Appendix C), and explain the reasons of denial and procedures for reconsideration. The denial notice will clearly specify reasons for the denial: for example, why the medical documentation is inadequate to establish that the individual has a disability or needs reasonable accommodation; why the requested accommodation would not be effective; or why the accommodation would pose an undue hardship to the agency. The Executive Director will notify the requestor that he/she has a right to file an EEO complaint, and may have rights to pursue MSPB appeal.

- a. For an EEO complaint, pursuant to 29 CFR § 1614, contact an EEO counselor through Agency Liaison Division within 45 days from the date of the notice of denial of reasonable accommodation; or
- b. Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action, as defined in 5 CFR § 1201.3.

Within five business days upon receipt of the denial notice, the requestor wishes to request reconsideration of this decision may submit the request to the Chairperson or Executive Director to reconsider his/her denial. New evidence and sound justification should be presented to support this request. The Chairperson/Executive Director will issue a decision on reconsideration within 10 business days after receipt of the individual's request for reconsideration. Pursuing reconsideration and any informal dispute resolution procedures does not toll the time limits for initiating statutory claims.

- c. Any applicant or employee for employment who believes he/she has been discriminated against on the basis of race, sex, color, religion, national origin, age, mental or physical disabilities, and/or reprisal in an employment matter, must contact an EEO counselor within 45 calendar

days of the date of the matter to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action. The aggrieved person will be offered EEO counseling or an opportunity to participate in the NCD Alternate Dispute Resolution (ADR) Program.

### **ADDITIONAL GUIDELINES.**

#### a. Request for Reassignment.

Reassignment will only be considered if no accommodations are available to enable the employee to perform his or her current job, or if the only effective accommodation would cause undue hardship.

In considering whether there are positions available for reassignment, the Executive Director will work with both the Agency Liaison Division staff and the employee requesting the accommodation to identify possible vacant positions. The Agency Liaison Division staff is responsible for conducting the search for a reassignment, and will focus on positions which are equivalent to the employee's current job in terms of pay, status, grade level, and other relevant factors. If there is no vacant equivalent position, the agency will consider vacant lower level positions for which the employee with a disability is qualified.

Reasonable accommodation may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, NCD will not pay for the employer's relocation costs.

#### b. Medical Information.

The Executive Director has a right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace, or, in the case of an applicant, assist him or her with the application process. The Executive Director has a right to have medical information reviewed by a medical expert of the NCD's choosing at the agency's expense.

If the Executive Director believes that medical information is necessary in order to evaluate a request for reasonable accommodation, he/she will make a request to the requestor of the reasonable accommodation to obtain such information. Where medical documentation provided by an employee requesting accommodation is insufficient, the Executive Director will explain to the employee why the documentation is insufficient and to identify the information still needed. The agency's request for medical information will follow the requirements set forth in the EEOC's Enforcement Guidance: Disability-Related Inquiries and

Medical Examinations of Employees under the Americans with Disabilities Act (available on EEOC's internet sites.

If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the Executive Director may request that the individual requesting accommodation be examined by a physician selected by the agency.

c. Information Tracking.

The Executive Director ensure that medical records are kept confidential, meaning maintained in files separate from the employee's official personnel file, and to whom and under what circumstances medical information may be disclosed, subject to the exceptions listed in the EEOC regulations.

The Executive Director maintains the records related to an employee who has requested accommodation for the duration of the employee's tenure with agency. The agency will also retain for at least three years, and be able to provide to the EEOC, information or any cumulative records used to track the agency's performance with regard to reasonable accommodation.

**EFFECTIVE DATE.** This policy will become effective upon approval of the National Council on Disability.

APPENDIX A - Request for Reasonable Accommodation

APPENDIX B - Reasonable Accommodation Information Report

APPENDIX C - Denial of Reasonable Accommodation Request

APPENDIX D - Recruitment Resources

**Appendix A**

**REQUEST FOR**

**REASONABLE ACCOMMODATION**

Date of Request:

1. Name of Employee/Applicant:

\_\_\_\_\_

2. Telephone no.

\_\_\_\_\_

3. Office/Organization:

\_\_\_\_\_

4. ACCOMMODATION REQUESTED. Please be as specific as possible (e.g., adaptive equipment, reader, interpreter.)

5. REASON FOR REQUEST. (If accommodation is time-sensitive, please explain.)

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Signature

Date

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Name of Management Official/Supervisor, Signature

Date

**RETURN FORM**

Case No.: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

All requests for accommodation will be handled in a prompt and expeditious manner. All records of reasonable accommodation must be kept confidential.

**Appendix B**

**REASONABLE ACCOMMODATION INFORMATION REPORT**

Name of Employee/Applicant:

Position Title:

Office:

Telephone:

1. Date of Request:

2. Reasonable accommodation needed for (check one):

( ) Application Process

( ) Performing job functions or accessing the work environment

( ) Accessing a benefit or privilege of employment (e.g., attending a training program or special event)

3. Types of reasonable accommodation requested (e.g., adaptive equipment, staff assistant, removal of architectural barrier).

4. Types of reasonable accommodation provided (if different from what was requested).

5. Reasonable accommodation (check one)

Approved \_\_\_\_\_Date

Denied \_\_\_\_\_Date

(If denied, attach copy of the written denial letter/memo)

6. Date reasonable accommodation provided;

7. If time limits outlined in the reasonable accommodation procedures were not met, please explain why.

8. Explain the medical information and documents required to process this request, if applicable.

9. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, Disability Program Manager, and Disability Organization).

Comments:

Submitted by: \_\_\_\_\_  
No.: \_\_\_\_\_

Telephone

**ATTACH COPIES OF ALL DOCUMENTS OBTAINED OR DEVELOPED IN PROCESSING THIS REQUEST**

## Appendix C

### DENIAL OF REASONABLE ACCOMMODATION REQUEST

(Must complete items 1-4)

To: (Name of the requestor)

Type(s) of reasonable accommodation requested:

Request for reasonable accommodation denied because (may check more than one box):

Accommodation ineffective

Accommodation would cause undue hardship

Medical documentation inadequate

Accommodation would require removal of an essential function  
Accommodation would require lowering of performance or production standard

Other (please identify) \_\_\_\_\_

Detailed reason(s) for the denial of reasonable accommodation (must be specific, e.g., why accommodation is ineffective or causes undue hardship):

If the requester proposed one type of reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and why you believe the chosen accommodation would be effective.

If an individual wishes to request reconsideration of this decision, he/she may take the following steps:

First, ask the decision maker to reconsider his/her denial. Additional information may be presented to support this request.

If the decision maker does not reverse the denial and the decision maker was the Executive Director; the individual can ask the Chairperson to do so.

If an individual wishes to file an EEO complaint, or pursue MSPB grievance procedures, he /she must take the following steps:

For an EEO complaint, pursuant to 29 CFR § 1614, contact an EEO counselor through Agency Liaison Division within 45 days from the date of the notice of denial of reasonable accommodation; or

For a collective bargaining claim, file a written grievance in accordance with the provisions of the agency's collective bargaining agreement; or

Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action, as defined in 5 CFR § 1201.3.

Name and Signature of Deciding Official:

\_\_\_\_\_

Date: \_\_\_\_\_

**Appendix D**  
**SELECTED RESOURCES FOR**  
**LOCATING REASONABLE ACCOMMODATIONS**

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

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

[www.eeoc.gov/](http://www.eeoc.gov/)

The three main sources of interpretive information are; (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act. 8 FEP Manual 405:7601(1999); and (3) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (Technical Assistance Manual). The Technical Assistance Manual includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) Enforcement Guidance:

Preemployment Disability-Related, Questions and Medical Examinations at 5, 6-8, 20, 21-22. 8 FEP Manual (BNA) 405:7191, 7192-94. 7201 (1995). (2) Enforcement Guidance Workers' Compensation and the ADA at 1520, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) Enforcement Guidance The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405.7461, 7470-76 (1997); (4) Fact Sheet on the Family and Medical Leave Act the Americans with Disabilities Act. and Title VII of the Civil Rights Act of 1964 at 6-99 8 FEP Manual (BNA) 405-7371, 7374-76 (1996), and (5) Enforcement Guidance Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act at 20, 22, 23, 24

5. 8 FEP Manual (BNA) 405 7701, 7711, 7712-14, 7715-16 (2000).

All of the above-listed documents, with the exception of the Technical Assistance Manual, are also available through the Internet at [www.eeoc.gov](http://www.eeoc.gov). All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

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

1-800-232-9675 (Voice)

[www.janweb.icdi.wvu.edu](http://www.janweb.icdi.wvu.edu)

JAN can provide information, free-of-charge, about many types of reasonable accommodations.

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

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

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

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

(301) 608-0050 (Voice/IT)

[www.rid.org](http://www.rid.org)

The Registry offers information on locating and using interpreters and transliteration services.

## **5. RESNA Technical Assistance Project**

(703) 524-6686 (Voice) (703) 524-6639 (TT)

[www.resna-org](http://www.resna-org)

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities.

**6. U.S. Department Of Labor, Employment Policy Programs Employment Assistance Referral Network (EARN)**

866-EarnNow (866-327-6669)

Monday through Friday 9.00 am to 10:00 PM, EST

[www.earnworks.com](http://www.earnworks.com)

**Computer/Electronic Accommodations Program (CAP)**

5111 Leesburg Pike, Suite 810

Falls Church, VA 22041

703-681-3976

[www.tricare.osd.mil/cap/](http://www.tricare.osd.mil/cap/)

CAP provides assistive technology accommodations and services to persons with disabilities at the Department of Defense (DOD) and other Federal agencies at no cost to the requesting organization. CAP provides accommodations for individuals with hearing, visual, dexterity, cognitive and communication disabilities. CAP has been granted the authority to provide assistive technology, devices, and services to any department or agency in the Federal Government upon the request of the head of the agency.

**Sign Interpreter Associates, Inc.**

301-946-9710

[www.signlanguage.com](http://www.signlanguage.com)

## **Materials and Information**

**Making Materials and Information Available and Accessible to Individuals with Disabilities**

This policy is being established to clarify the obligations of the National Council on Disability (NCD) regarding Section 504 of the Rehabilitation Act of 1973, as amended, to make its materials accessible and available to individuals with disabilities.

It will also set forth possible strategies to assist in implementing this policy.

NCD hopes that this information will aid staff at all levels in the planning and production of materials in alternative formats for persons with sensory impairments, whenever necessary.

This document is intended to cover anyone who might benefit from the activities of the NCD, whether as:

- An employee,
- An individual communicating with the agency or participating in NCD activities,
- Or anyone benefiting in some other way from the agency's activities.

## **Background**

Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations, at 34 CFR Part 105, prohibit Federal agencies from denying persons with disabilities access to or the benefits of programs and activities, on the basis of their disability.

Under these regulations, NCD is to provide material to individuals with disabilities in an accessible format if the material would ordinarily be made available to other individuals in printed or audiovisual forms, unless the NCD can demonstrate that doing so would constitute a fundamental alteration in the agency's program, or would require the agency to undertake undue financial and administrative burdens.

34 C.F.R. 105.20 and 105.40.

# **Policy-Materials and Information**

## **Policy Statement**

The National Council on Disability (NCD) will make all of its printed and audiovisual materials available to individuals with disabilities in a format that will enable them to have equal access to the information.

These individuals include, but are not limited to: employees, applicants, program participants, personnel of other Federal entities and members of the public who have disabilities.

## **Public Information**

All documents issued by NCD will be available in alternative 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.

Subject to these limitations, the agency will provide these materials in the format most usable to the requestor, which can include Braille, audio cassette, large-print, reader assistance, or electronic file on computer disk.

The agency will take steps to ensure that, if possible, there is no lag time between the issuance of the standard printed version of a document and its accessible version. The choice of format will vary with the material in question, and will be decided upon by NCD at the time publications are planned for release.

All materials published by NCD will prominently display a notice that the material is available in alternative formats, which may include Braille, large-print, reader assistance, or electronic file on computer disk.

In addition, NCD shall take steps to provide information to the general public about the availability of documents in accessible formats, and to provide such information at display booths and on publication request forms.

## **Audiovisual Presentations**

All films and videos produced and shown by NCD will be opened-captioned. In addition to open captioning, closed captioning will be possible in certain circumstances. All attempts will be made to have films and videos captioned. However, as a last result, an interpreter will be present when needed at the showing to members/staff of any film or video that is not captioned.

# **Strategy 1**

## **Discussion**

In seeking to implement this assessable materials policy, NCD must adopt strategies that will ensure continued compliance through the effective allocation of staff, funds, and other resources that may need to be available for this purpose.

The following are possible strategies that will help to ensure that NCD information will be available to individuals with disabilities in accessible formats.

These strategies are in no way all inclusive, but they will help to establish the resources that would be available to produce materials in accordance with the above policy.

In addition, these strategies will help ensure that there is an administrative structure available through which funds can be allocated to meet accessibility needs, and also to ensure that no undue burden is created for any entity. The concept of undue burden not only makes common sense, but satisfies the legal standard.

### **Strategy #1**

NCD will designate a person with responsibility to oversee the implementation of this and other disability-related policies.

This individual will work to establish a smooth mechanism for the production and distribution of materials in alternative formats.

This individual will be available to provide technical assistance on accessibility and related issues, as necessary.

This person has the responsibility to provide the Executive Director with a copy of the public document sufficiently in advance of distribution to allow preparation in accessible formats.

These time lines will be determined by the Executive Director and by internal deadlines if the alternative format is produced internally or by production time lines contractually specified between NCD and producers of alternative-format documents.

Thus, if it takes a production facility ten days to produce alternate versions of a document, the time line will be at least ten days before distribution is to commence.

## **Strategies 2 through 6**

### **Strategy #2**

NCD will be responsible for the cost of producing accessible materials for distribution to individuals with disabilities from the budget used for producing the materials for general distribution.

For materials of national significance and/or wide distribution, including those affecting several programs or offices, NCD will provide a central budget allocation.

### **Strategy #3**

NCD will develop Task Order contracts for the brailing, recording, and captioning of NCD materials.

### **Strategy #4**

For meeting the accessibility needs of in-house employees with disabilities, NCD will develop a mechanism for the prompt evaluation of individual equipment needs and the timely provision of appropriate equipment and materials for in-house personnel with disabilities.

This evaluation/acquisition process will be coordinated by the Executive Director.

### **Strategy #5**

NCD will produce (in house) in Braille, short materials such as agendas, telephone lists, memoranda, brochures/information packets, etc.

Documents producible by such facilities would be of relatively small size (between 1 and 25 print pages) and in small volume (1 to 20 copies).

The production of lengthy documents, and/or documents requiring volume production, and the recording and captioning of materials, would of necessity need to be produced outside NCD via a contract with a professional facility.

### **Strategy #6**

NCD will evaluate the need to reproduce in alternate formats NCD documents issued prior to this document.

## **Accessibility for Individuals with Disabilities**

## **Introduction**

This policy is being proposed to clarify the National Council on Disability's obligations under Section 504 of the Rehabilitation Act of 1973; as amended, 42 U.S.C. 794 (Section 504), to make all of its meetings accessible to individuals with disabilities.

## **Background**

Section 504 states that no individual with a disability shall be "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency" solely on the basis of his or her disability.

Ensuring that all programs and activities are accessible to individuals with disabilities means that all facilities, services, and information must be readily accessible and usable by persons with disabilities.

The agency is responsible for furnishing auxiliary aids necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program or activity, by arranging for interpreters services, assistive listening devices or other similar services or devices.

Meetings, conferences, seminars, hearings, focus groups and other NCD sponsored events must be accessible to persons with disabilities, including employees, participants, and members of the public.

Accessibility at meetings includes accessible communications and materials, and accessible facilities for persons with mobility impairments.

Meetings referred to in this paper include the following:

- (1) Official agency meetings on Federal property;
- (2) Meetings conducted by agency officials on non-Federal property;
- (3) Meetings conducted by contractors of the agency, acting on behalf of the agency. \*

In addition, this paper will comment upon meetings attended by agency officials on non-Federal property.

# Meetings Conducted by Contractors

## Footnote

Although contractors may conduct meetings that are supported by NCD funds, they do not generally act on behalf of the agency and are therefore not covered under this policy statement. Contractors are, however, subject to Section 504 for federally assisted programs, 34 CFR Part 104 and are, under those separate regulations, required to make their meetings accessible to individuals with disabilities. Of course, to the extent a contractor does conduct a meeting on behalf of the agency, this policy statement would apply in that limited situation.

Toward this end, the agency or contractor organizing a federally conducted meeting ("the organizer") will be responsible for locating, planning and using sites that are readily accessible, or making contracts or other procurement arrangements to make sites accessible before the time of a meeting.

In long-term planning of meetings, seminars and conferences, the organizer will write into the contract that the meeting rooms, restrooms, and other facilities to be used as part of the meeting and services provided by the site will be accessible to individuals with disabilities. In addition, it should be written into the contract that the organizer will reserve the right to cancel any contract if a hotel/site does not make the services and facilities accessible within a specified period of time prior to the conference/meeting.

When planning a federally conducted meeting, organizers should be aware when selecting a location for the meeting that the accessibility of facilities may vary depending on whether the property is publicly or privately owned and when it was constructed. Access to a federally conducted meeting is still governed, however, by regulations at 34 CFR Part 105. Therefore, organizers must ensure that the site chosen for the location of a meeting meets the accessibility standards governing the agency's programs and activities, i.e. that the program or activity, viewed in its entirety, is readily accessible by individuals with disabilities.

It is the responsibility of the meeting organizers to provide auxiliary aids in order to ensure accessible communication for individuals with disabilities who wish to participate in, or in other ways benefit from, the meeting. Such auxiliary aids should include, for example, providing materials in alternate formats, providing sign-language interpreters, etc. Please refer to the agency's Policy Statement on Making Materials and Information Available and Accessible to Individuals with Disabilities for further information on this subject.

During the course of inviting participants and confirming participation, efforts must be made by both the organizer and the site reservations desk to notify

participants what materials or visual aids will be used and where and how the facilities are accessible.

Also, the meeting must determine what, if any, auxiliary aids are required by individuals, either before or during the meeting, in order to have access to the meeting. This information is to be shared with the meeting site and the organizers.

Agency officials are encouraged, at the time of accepting an invitation, to make an official appearance or presentation at major public meetings or events that are not conducted by or on behalf of the agency, to state the agency's commitment to the inclusion of all individuals and to inquire as to the event's efforts to address accessibility for individuals with disabilities.

Agency officials should consider the accessibility of the meeting to individuals with disabilities, in addition to the significance of the meeting or event to the agency interests, in deciding whether to participate.

## **Policy Strategies**

### **Discussion**

This policy outlines the requirements for assuring equal access to agency meetings for persons with disabilities.

The following strategies are suggested as possibilities that will help to ensure that accessible meetings under Section 504 are made standard operating procedure.

### **Strategy #1**

A "check-list" will be developed by the Executive Assistant to assist persons in planning meetings by ensuring that all accessibility issues and requests for auxiliary aids are considered at the time a meeting is being planned.

In the meantime, meeting organizers should confirm with the meeting site that the facilities and services planned for the meeting are accessible to persons with disabilities and that meeting participants are asked whether they need any auxiliary aids in order to make the meeting accessible.

### **Strategy #2**

A requisition form used by the agency will indicate the accessibility of facilities and the type of auxiliary aids required.

### **Strategy #3**

A list of local facilities that are accessible to persons with disabilities will be developed by the Executive Assistant.

## **Common Formats**

### **Note 1**

Accessible materials and media include Brailled materials, audio recordings, large-print formats; materials read aloud by individuals skilled in this task, open and closed captioning of films and videos, real-time graphic displays, audio-described films and videos, and electronic media such as computer disks.

### **Note 2**

Unless NCD is providing materials in an accessible format upon the specific request of an individual, the agency is responsible for determining which format generally is most suited to the needs of individuals with disabilities.

The agency always should give primary consideration to the use of the form preferred by an individual who may make a request for a document in a specific format, although the agency has some discretion in selecting the format provided as long as it ensures effective communication with the individual.

### **Note 3**

When the agency is preparing accessible-format publications' for a potentially large distribution, e.g., a pamphlet explaining program participation opportunities or benefits, or a brochure outlining a new initiative, NCD should select the format that is likely to be usable by the largest number of people.

These formats are generally audiotapes for persons with vision impairments or other disabilities that prevent the use of conventional printed materials, and open-captioned videotapes for persons who are deaf or hard of hearing or have other disabilities that prevent the use of uncaptioned videos.

However, as stated, the agency must give primary consideration to the choice of format requested by an individual with a disability, unless the agency can demonstrate that the format requested is not feasible because it would require fundamental alteration in the nature of the program or would result in an undue burden.

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