



## ADF MANUAL TRANSMITTAL MEMORANDUM

TM No. 146

**DATE:** October 9, 2012  
**TO:** ADF Manual Holders  
**FROM:** Lloyd Pierson, President and CEO  
**SUBJECT:** ADF Manual Section Update Project – Re-numbering

### BACKGROUND:

One activity of the 2012 Manual Section Update Project will re-group and re-sequence the numbering convention of the current manual sections. The purpose of the re-numbering is to add a level of priority, function, and logical sequence to manual section naming convention. The overall structure for the updated and re-ordered manual is seen in the table below:

New Series Categories	
000	Interim Policy Statements and Manual Content
100	Authorities, Agreements, Organizations
200	Program
300	Human Resources
400	Administration
500	Finance

Old Manual Number	New Manual Number	Series Name
MS-531	MS-322	Procedures for Providing Reasonable Accommodation
MS-555	MS-321	EEO: Processing Complaints of Contract Employees

### MANUAL MAINTENANCE:

Replace the old manual sections with the re-numbered versions.

Clearance: *June B. Brown*  
June B. Brown, Associate General Counsel

Date: 10-9-12

Approved: *Lloyd O. Pierson*  
Lloyd O. Pierson, President and CEO

Date: 10/10/2012

## ADF MANUAL

**SUBJECT:** Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

**SECTION:** MS-322

**DATE:** October 9, 2012

**RESPONSIBLE OFFICE:** Human Resources Office

**SUPERSEDES:** MS 531 – Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

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## 1. AUTHORITY

The Rehabilitation Act of 1973 requires federal agencies to provide reasonable accommodations to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The provisions of Executive Order 13164 require federal agencies to establish effective written procedures for processing requests for reasonable accommodation by qualified employees and applicants with disabilities. See also the Privacy Protection Act of 1974, as amended, Pub.L. 89-5554 (5 U.S.C. § 552).

## 2. PURPOSE

This manual section sets forth procedures the African Development Foundation (ADF) will follow for processing requests for reasonable accommodation by qualified employees and applicants with disabilities. The provisions of this procedure apply to all employees and applicants for employment.

### **3. SCOPE**

The Rehabilitation Act of 1973 requires federal agencies to provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship.

In general, an accommodation is a change in the work environment or in the application process that would enable a person with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:

- a) changes to a job application process to permit people with disabilities to be considered for jobs;
- b) changes to enable qualified employees with disabilities to perform the essential functions of the job;
- c) changes to give employees with disabilities equal access to the benefits and privileges of employment.

While many people with disabilities can apply for and perform jobs without the need for reasonable accommodation, workplace barriers may keep others from entering the workforce and still others from performing jobs for which they are qualified. These barriers may be physical obstacles (such as inaccessible facilities or equipment), or they may be procedures or rules (such as rules concerning when work is performed, when breaks are taken, or when job tasks are to be done). Reasonable accommodation removes workplace barriers for people with disabilities. It also allows agencies to expand their pool of qualified workers.

Effective procedures for processing reasonable accommodation requests will enable ADF to handle the request in a prompt, fair, and efficient manner. By establishing procedures in advance, we ensure that all employees understand the requirements and procedures for requesting reasonable accommodations and that Agency managers understand their responsibility to the process.

ADF is committed to providing reasonable accommodations to its qualified employees and applicants for employment in order to assure that qualified individuals with disabilities enjoy full access to equal employment opportunities at all levels.

### **4. RESPONSIBILITIES**

4.1 Disability Program Manager. This official is responsible for making decisions regarding requests for reasonable accommodations. In addition, the Disability Program Manager will handle the following:

- a) requests for adaptive equipment, including information technology and communication equipment, or specially designed furniture;

- b) requests for a reader or sign language interpreter, or other staff assistance to enable employees to perform their job functions and enjoy equal employment opportunities;
- c) requests for reconfiguration of workspaces;
- d) requests by staff for accessible parking;
- e) requests for materials in alternative format (e.g. Braille, large print); and
- f) processing requests for reassignments.

4.2 Supervisors or Other Management Officials. Requests submitted to supervisors or other ADF management officials will be reviewed and, if necessary, clarified and then immediately forwarded to the Disability Program Manager for processing.

## 5. DEFINITIONS

5.1 Disability. A physical or mental impairment that substantially limits one or more of the major life activities of an individual (42 U.S.C. 12102 (2)). According to the EEOC regulations, a physical impairment is a physiological disorder or condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems:

- a) neurological;
- b) musculoskeletal;
- c) special sense organs;
- d) respiratory (including speech organs);
- e) cardiovascular;
- f) reproductive;
- g) digestive;
- h) genito-urinary;
- i) hemic and lymphatic;
- j) skin; and
- k) endocrine (29 C.F.R. Part 1630.2 (h)(1)).

A mental impairment is a mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (29 C.F.R. Part 1630.2 (h)(2)).

5.2 Qualified Individual with a Disability. An individual with a disability is qualified if:

- a) s/he satisfies the requisite skill, experience, education, and other job-related requirements of the position;
- b) s/he can perform the essential functions of the position with or without reasonable accommodation.

- 5.3 Undue Hardship. Agencies do not have to provide reasonable accommodations that would impose an undue hardship on the operation of the Agency. An undue hardship means that a specific accommodation would require significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the Agency.
- 5.4 Essential Functions. The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be essential if, among other things, the position exists specifically to perform that function, there is a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it. 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, and not simply the components of a generic position description.
- 5.5 Reassignment. It is a form of reasonable accommodation that, absent undue hardship, reassignment is provided to employees only who, solely because of a disability, can no longer perform the essential functions of their job without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. Determinations in these cases are made in consultation with ADF's Human Resources Specialist. If the employee is qualified for the position, s/he will be reassigned to the job and will not have to compete for it. Reassignment of an employee is an option available as a last resort.

## **6. PROCEDURES**

The criteria ADF follows in providing reasonable accommodations are:

- a) when an applicant with a disability needs an accommodation to be considered for a job;
- b) when a qualified employee with a disability needs an accommodation to enable the person to perform the essential functions of the job; and
- c) when a qualified employee with a disability needs an accommodation to gain access to the workplace or to enjoy equal benefits and privileges of employment.

ADF will process requests for reasonable accommodations and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

To effectuate this policy, the ADF President will designate a staff member as a Disability Program Manager who shall have direct administrative responsibility for the program Agency-wide.

## 6.1 Requests for Reasonable Accommodation

The reasonable accommodation process begins when an employee, applicant, or his/her representative requests, because of a disability, an adjustment or modification that will enable the individual to perform the essential functions of the position, to complete the application process, or to allow them to enjoy a benefit or privilege of employment. A health care professional, family member, or other representative may make a request on an employee or applicant's behalf. Whenever possible, ADF will confirm the request with the individual. The requests can be made to several Agency officials such as:

- a) an employee's supervisor;
- b) the human resources specialist; or
- c) the disability program manager.

A request does not have to use any special words, such as *reasonable accommodation*, *disability*, or *Rehabilitation Act*. Employees may consult with the Disability Program Manager for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

For record keeping purposes, individuals must follow up on an oral request by completing the Confirmation of Request for Reasonable Accommodation form or by confirming their request in writing (including e-mail) to the Disability Program Manager. However, ADF will not wait for this form before processing the request.

### Repeated Requests

Once an employee is granted a type of reasonable accommodation that he or she is likely to need on a repeated basis (e.g. a sign language interpreter), the employee is not required to submit a written request for record keeping purposes each time the accommodation is needed. After the reasonable accommodation is approved the first time, the employee may subsequently obtain the accommodation by providing notice to his/her supervisor, the Human Resources Specialist, or the Disability Program Manager.

## 6.2 Time Frame for Processing Request for Reasonable Accommodation

The amount of time it takes to respond to a request for reasonable accommodation will depend on the nature of the accommodation and whether it is necessary to obtain supporting medical information.

The time limit should be as short as reasonably possible. These procedures permit an agency, absent extenuating circumstances, up to 15 business days to approve or reject requests for reasonable accommodation. However, where a particular reasonable accommodation can be provided in less time than is authorized under these procedures, the failure to respond promptly to the request may result in a violation of the Rehabilitation Act of 1973.

6.2.1 Reasonable Time Frames. If an employee's supervisor or other ADF management official receives a request for reasonable accommodation, that official must forward it to the Disability Program Manager within two business days from the date he/she received it. If the accommodation is approved, it will be normally provided within the 15-day period, unless extenuating circumstances delay implementation.

Certain extenuating circumstances may delay providing reasonable accommodations within the time frame listed above. In these situations, temporary accommodations will be provided.

6.2.2 Extenuating Circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. The following are some examples of extenuating circumstances:

- a) there is an outstanding initial or follow-up request for medical information, or the Disability Program Manager or the Agency's medical expert are evaluating medical information which has been provided;
- b) the purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation;
- c) equipment must 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;
- d) the employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before the Agency buys it;
- e) new staff needs to be hired or contracted for an accommodation involving the removal of architectural barriers or reconfiguration of working space.

6.2.3 Expedited Processing. In special circumstances, expedited processing may be required, thus reducing the 15-day time frame. Examples are when the reasonable accommodation is needed to enable an individual to apply for a job or to participate in a specific Agency activity that is scheduled to occur shortly.

6.2.4 Delays in Processing Requests. If there is a delay in either processing a request for or delivering a reasonable accommodation, the decision maker must, in writing, notify the employee requesting the reasonable accommodation of the specific reasons for the delay and, to the extent possible, keep the employee informed of the date on which the Agency expects to complete the process.

### 6.3 Approval of Reasonable Accommodation Request

When a request for reasonable accommodation is approved, the individual requesting the accommodation will be notified either verbally or in writing. There is no requirement that the official approving the request provide specific reasons for his/her decision. However, the Agency is required to track and monitor the processing of each request.

### 6.4 Denial of Reasonable Accommodation Request

When the Agency denies an individuals' request for a reasonable accommodation, it must be recorded on a Denial of Request form. This form (included as an attachment to these procedures) must be completed by the Agency official denying the accommodation request and must be provided to the individual who requested the accommodation. The form shall: (a) be in writing; (b) contain the specific reasons(s) for the denial; (c) state why the requested accommodation would pose an undue hardship. The reasons for the denial should be written in plain language with as much specificity as possible and should identify the employee or office that made the decision to deny the request.

If the Agency has denied the specific requested reasonable accommodation but offered to make a different one in its place, the Denial of Request form should explain both reasons for the denial of the requested accommodation and the reasons why it believes the chosen accommodation will be effective. A sample form is attached (see Appendix A).

### 6.5 Appeal Rights

Included in the Denial of Request form will be the following appeal rights:

- a) the right to request reconsideration from either the decision maker denying the request or the next level official above the decision maker;
- b) the right to seek redress through an Agency-approved informal dispute resolution process (e.g., Alternative Dispute Resolution); and
- c) the right to file a formal EEO complaint with the ADF EEO officer.

6.5.1 Requests for Reconsideration. If an individual wishes reconsideration, he/she should first ask the decision maker to reconsider the decision within five business days. The individual may present additional information in support of his/her request. The decision maker should respond to the request for reconsideration within five business days.

6.5.2 Filing a Formal EEO Complaint. If the individual wishes to file a formal EEO complaint, he/she must contact the EEO Officer within 45 calendar days from the date they received the form denying their request for accommodation. The individual shall, during the informal complaint stage, initially elect either traditional EEO counseling or mediation through the Agency's Alternative Dispute Resolution (ADR) Program. If the matter is not resolved during the informal complaint stage or ADR process, the individual may

subsequently file a formal complaint with the EEO Officer. The complaint must be received by the EEO Officer within 15 calendar days from the date the individual is notified that the informal stage or ADR process has ended and has received a notice of right to file a complaint. During both the informal and formal complaint processing stages, the individual has the right to representation.

## 6.6 Requests for Medical Information

ADF is entitled to know that an employee or applicant who requests reasonable accommodation has a disability covered by the Rehabilitation Act. In some cases, the disability and the need for accommodation will be obvious or the individual has already provided the supervisor or other Agency official with sufficient information to document the existence of the disability and his/her functional limitations. In these cases, ADF will not seek additional medical information to document the existence of the disability. However, when a disability and/or need for reasonable accommodation is not obvious or already known to ADF, the individual will be required to provide reasonable documentation about the disability and his or her functional limitations. A supervisor or other management official who receives such a request for reasonable accommodation should immediately forward the case to the Disability Program Manager who will make a determination as to whether additional medical documentation is necessary. If it is not necessary, the request for accommodation will be processed.

The Disability Program Manager is responsible for requesting additional medical information. In these cases, the Disability Program Manager will explain to the individual, in specific terms, why the information already provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request. Likewise, the Agency may request other additional documentation, giving the employee a list that explains what information is necessary and why it is necessary for a determination of the reasonable accommodation request. This list will address such areas as:

- a) the nature, severity, and duration of the individual's impairment;
- b) the activity or activities that the impairment limits;
- c) the extent to which the impairment limits the individual's ability to perform the activity or activities;
- d) the extent to which the impairment limits the individual's ability to perform the duties of his/her job;
- e) if there is a particular reasonable accommodation request; and
- f) how this accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit in the workplace.

In order to get the most helpful information, requests for additional medical information will describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The Disability Program Manager will work with the supervisor or other ADF management official and/or the ADF's medical expert in seeking appropriate information. The request letter will inform the physician to address the medical documentation to the Disability Program Manager. It is the employee's responsibility to provide all medical information requested within 30 calendar days.

Medical documentation may be reviewed by a medical expert of the ADF's own choice at the ADF's expense.

If the individual requesting an accommodation is still unable to provide sufficient information in support of the request, the Agency may request that the individual be examined by a health care professional of the Agency's choice at the Agency's expense. Also, the Agency and the requestor may agree that the requestor will sign a limited release allowing the Agency to submit a list of specific questions or to otherwise contact the individual's health care professional to obtain additional information.

The Agency may not ask the employee to sign a release form so that the Agency can talk directly with the physician. However, an employee may be asked to sign a release form so that the Agency's medical expert can talk directly with the employee's health care provider.

**Note: The failure to provide appropriate documentation or to cooperate with the Agency's efforts to obtain such documentation can result in a denial of the reasonable accommodation.**

## 6.7 Confidentiality Regarding Medical Information

**All medical information should only be disclosed if strictly necessary.**

The Rehabilitation Act requires that all medical information obtained in connection with the reasonable accommodation process be kept confidential. This means that all medical information which the Agency obtains in connection with a request for reasonable accommodation, including information about functional limitations and reasonable accommodation needs, must be kept in files separate from the individual's personnel file. It also means that an Agency employee who obtains or receives such information is strictly bound by these confidentiality requirements.

All records obtained or created during the processing of a request for reasonable accommodation, including medical records, will be kept under the main custody of the Disability Program Manager. The Disability Program Manager will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act. The existence of the request, costs, or other aspects should not be shared with other employees. To do so would violate the employee's rights under 29 CFR 1630.

The information will be disclosed only as follows:

- a) supervisors and managers who are involved in the processing of a request for reasonable accommodation may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s);
- b) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
- c) government officials may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act to respond to legal challenges, or to maintain records and evaluate and report on the Agency's performance in processing reasonable accommodation requests;
- d) the information may, in certain circumstances, be disclosed to worker's compensation offices or insurance carriers.

## 6.8 Reassignment

Reassignment may be offered as a form of reasonable accommodation if the Agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position or if all other possible accommodations would impose an undue hardship upon the Agency. Reassignment is a last resort accommodation and is available only to employees, not to applicants.

In considering whether there are positions available for reassignment, the Disability Program Manager will work with the individual requesting the accommodation to identify all vacant positions within the Agency for which the employee may be qualified, with or without reasonable accommodation.

## 6.9 Information Tracking

The Agency will maintain records related to a particular individual who has requested an accommodation for the duration of the employee's tenure with the Agency. In addition, the Agency shall retain, for at least three years, information or any other cumulative records used to track the Agency's performance with regard to reasonable accommodation. These records shall be made available to the Equal Employment Opportunity Commission upon request.

## 7. RESOURCES

The specific type of reasonable accommodation to be provided a disabled individual varies and will be determined on a case-by-case basis. In evaluating the specific type of reasonable accommodation needed for an individual, the person seeking the accommodation and/or other

appropriate Agency officials should consult with the Agency's Disability Program Manager. For additional guidance, attached to these procedures is a list of external reasonable accommodation resources. Additional guidance materials found on the EEOC website ([www.eeoc.gov](http://www.eeoc.gov)) are also available to supervisors and managers. They include, but are not limited to the following materials:

- a) EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000); and
- b) EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (March 1, 1999).

## LIST OF SELECTED EXTERNAL REASONABLE ACCOMMODATION PROCEDURES

### U.S. Equal Employment Opportunity Commission

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

The EEOC's Publication Center has many free documents on the Title 1 employment provisions of the ADA, including both the statute, 42 U.S.C. 12101 et seq. (1994), and the regulations, 29 C.F.R. 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The two main sources of interpretive information are:

- a) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. 1630.2(o), (p), 1630.9 (1997); and
- b) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The manual includes a 200-page resource directory, 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 guidance and documents:

- a) Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995);
- b) Enforcement Guidance: Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996);
- c) Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997);
- d) 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 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and
- e) 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).

Finally, the EEOC has a poster that employers and labor unions may use to fulfill the ADA's posting requirement.

All of the above-listed documents, with the exception of the ADA Technical Assistance Manual and Resource Directory and the poster, are also available through the Internet at <http://www.eeoc.gov>.

**Job Accommodation Network (JAN)**

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>.

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

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

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

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

**Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TT)

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

**RESNA Technical Assistance Project**

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

<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. Services may include:

- a) information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);
- b) centers where individuals can try out devices and equipment;
- c) assistance in obtaining funding for and repairing devices; and equipment exchange and recycling programs.

APPENDIX A

**DENIAL OF REQUEST**

Name of Individual Requesting Accommodation: \_\_\_\_\_

1. Type(s) of reasonable accommodation requested:

2. Request for accommodation denied because (may check more than one)

\_\_\_ Accommodation ineffective

\_\_\_ Accommodation would cause undue hardship

\_\_\_ Medical documentation inadequate

\_\_\_ Accommodation would require removal of an Essential Function

\_\_\_ Accommodation would require lowering of performance/production standard

\_\_\_ Other (please specify)

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

4. If the requestor proposed one type of reasonable accommodation and the request is denied, and rejected an offer of an alternative accommodation, explain the reason for denial of the original requested accommodation and how the offered alternative accommodation would be effective.

Name and Title of Deciding Official: \_\_\_\_\_

Signature of Deciding Official: \_\_\_\_\_

Date reasonable accommodation denied: \_\_\_\_\_

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

- ask the decision maker to reconsider the denial and provide additional supporting information;
- if the decision maker does not reverse the denial, and the decision maker is the individual's supervisor, the individual may ask the office chief/director to review the request;
- if the decision maker is the office chief/director, the individual can ask the Agency Disability Program Manager to review the request;
- if the decision maker is the Agency Disability Program Manager, the individual can ask the Departmental Disability Employment Program Manager to review the request.

If an individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) and union grievance procedures, if applicable, s/he must take the following steps:

- for an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor **within 45 days from the date of this notice of denial of reasonable accommodation**; or
- for a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement, or Administrative grievance procedure as appropriate; or
- initiate an appeal to the Merit Systems Protection Board **within 30 days of an appealable adverse action** as defined in 5 C.F.R. § 1201.3; or
- utilize the Alternative Dispute Resolution (ADR) process as outlined in Secretary's Memorandum 4710-1 (3/23/00). **Pursuing the ADR process does not relieve the individual from adhering to the other time frames indicated above.**