

APPENDIX A

AVENUES OF REDRESS FOR DENIAL DECISIONS

Individuals with disabilities are encouraged to use any voluntary informal dispute resolution process available, to obtain prompt reconsideration of denials of reasonable accommodation requests. If an employee or applicant's request for reasonable accommodation is denied, he or she has the following options:

- (1) Reconsideration. Upon receipt of the denial decision from the Deciding Management Official (DMO), the requester has 15 business days from the date of the denial letter to submit a written request for reconsideration to the designated higher-level management official within the employee's chain of command. The request for reconsideration must include a copy of the decision letter and any additional information or arguments the employee wishes to be considered. Within 5 business days of receipt of a request for reconsideration, the designated higher-level management official must provide written acknowledgement of receipt of the request to the requester. The designated higher-level management official must issue a final written decision regarding the reconsideration to the requester within 30 business days from the date the request was received. It is recommended that the designated higher-level management official consult with the RAC to ensure that any concerns are heard before a final decision is made. Contact your Bureau RAC for more information.
- (2) Equal Employment Opportunity (EEO) Complaint. To file an EEO complaint, the requester must contact the Bureau's EEO office within 45 calendar days of receiving the decision, pursuant to 29 C.F.R. Part 1614. Pursuing reconsideration of a denial will not toll or extend the 45-calendar daytime limit for initiating an EEO complaint. For more information or to initiate an EEO complaint, contact your Bureau EEO Office.
- (3) Union Grievance. Bargaining unit employees may file grievances in accordance with applicable collective bargaining agreements. The union's negotiated grievance procedure will apply. Contact your local union representative for more information.
- (4) Administrative Grievance. Non-bargaining unit employees may challenge a denial decision by filing an Administrative Grievance. The employee must submit his/her grievance in writing to his/her supervisor or next higher-level management official within 15 calendar days of receipt of the written denial decision (see DAO 202-771). The employee must also inform Human Resources that an administrative grievance has been filed. Contact your servicing Human Resources Office for more information.
- (5) Alternative Dispute Resolution (ADR). ADR is offered as an alternate method for resolving workplace disputes instead of the traditional EEO counseling or formal complaint process. The Department has chosen mediation as the primary ADR method in resolving EEO disputes because it empowers the parties to reach an acceptable resolution of the conflict. The ADR process is outlined in the Department's EEO Mediation Guide available on the Office of Civil Rights website. Contact your Bureau EEO Office for more information.