**SUPERVISOR/DECIDING MANAGER OFFICIAL (DMO)**

**FACT SHEET**



**PURPOSE:** To provide guidance and instructions to supervisors/deciding management official (DMO) on their role and responsibilities in processing requests for reasonable accommodation (RA). (see DAO 215-10, Section 17.08). It is suggested that you contact your Bureau RA Coordinator for bureau specific matters or supplemental guidance.

**REFERENCE: DAO 215-10** [REASONABLE ACCOMMODATION FOR EMPLOYEES OR APPLICANTS WITH DISABILITIES | U.S. Department of Commerce](https://www.commerce.gov/opog/directives/DAO_215-10)

This Order establishes Department of Commerce policies and procedures for providing reasonable accommodation to qualified employees or applicants for employment with disabilities in compliance with applicable laws and regulations. It also designates responsibilities and describes procedures for submitting and responding to requests for reasonable accommodation.

**Note:** For easy reference, this Fact Sheet is designed in a question (Q)-and-answer (A) format and includes the section of DAO 215-10 that contains details about the topic.

**Q1: What is a Reasonable Accommodation (RA)?**  
**A1:** An accommodation is **any change** in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. **An accommodation must be effective in meeting the needs of the individual**. In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position. (see DAO 215-10, Section 5.13)

**Q2: How does the employee make a request?**  
**A2**: Requests for changes may be made orally or in writing to a supervisor or Bureau RA Coordinator (RAC). **There are no specific words or phrases that must be used (i.e. reasonable accommodation, disability, etc.**). Employees are encouraged to confirm their request in writing using the online RA Tracking System *– Entellitrak (ETK RA)* or Form CD 575. (see DAO 215-10, Sections 6.03 – 6.06)

**Q3: How soon must a supervisor/DMO respond to a request for reasonable accommodation?**  
**A3**: All requests for accommodation, whether verbal or written, are required to be addressed promptly by the first line supervisor or designated supervisor/DMO. Supervisors must also promptly report all requests for reasonable accommodations to the Bureau RAC for processing and tracking purposes. (see DAO 215-10, Section 6.06)

**Q4: How do I know when a request is made?**  
**A4**: Once the employee submits an online request, ETK RA will send you an autogenerated notification email. The RAC will contact you after they have completed a review of the request and conducted an initial discussion with the requestor. (see DAO 215-10, Sections 17.07.c., d. and g.)

**Q5: What do I do after the RAC contacts me?**  
**A5**: After the RAC reviews the RA request, meets with the employee to assess their needs, and gather any necessary medical documentation, they will meet with you. During this discussion, the RAC will explain the RA process, share the employee’s limitations and the accommodation requested. The RAC will ask for details about the employee’s job duties and essential functions to help identify appropriate options for reasonable accommodation. (see DAO 215-10, Sections 7. 02. and 04.)

**Q6. How are the essential job functions determined?**

**A6:** The supervisor/DMO must analyze the position to determine its purpose and identify essential functions. Essential functions are the fundamental (most important or critical elements) job duties that must be performed to achieve the objectives of the position. The term “essential functions” does not include the “marginal functions” -- tasks or assignments that are not essential or less important. (see DAO 215-10, Section 5.05)

**Q7: What is the interactive process?**  
**A7:** To make an effective decision, ongoing communication between the supervisor/DMO and employee is particularly important when the specific disability, limitation, problem, or barrier is unclear; an effective accommodation is not obvious; or the parties are considering different possible reasonable accommodations. This facilitated discussion is called the “interactive process”. (see DAO 215-10, Section 7)

**Q8: When must an interim (temporary) accommodation be provided?**  
**A8:** When the requested accommodation cannot be provided immediately, the supervisor/DMO must provide an interim accommodation, absent undue hardship. This usually applies when all the known facts and circumstances make it reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately. This includes when the decision must be made by a higher-level management official, when the RAC must gather more medical information, or when exploring options for an effective accommodation. (see DAO 215-10, Section 7. 06)

**Q9: What are the timeframes for processing a reasonable accommodation request?**  
**A9**: A decision to grant or deny a request must be made within 20 business days from the date the request was made. The accommodation should be implemented usually within 10 business days after approval. Expedited timeframes may apply for urgent cases, such as accommodations for job applicants, upcoming travel, or other events. However, extenuating circumstances may require an extension of the decision time. (see DAO 215-10, Section 10)

**Q10: What is the Role of the Reasonable Accommodations Coordinator (RAC)?**  
**A10:** The RAC acts as an impartial advisor, providing guidance and assistance to requestors and supervisors. The RAC has specific duties and responsibilities regarding the reasonable accommodation process. (see DAO 215-10, Section 5.14 and Section 17.07)

**Q11: Does the RAC make decisions on RA request?**  
**A11**: No, at no time may a RAC serve in a decision-making role for RA requests. The RAC receives and reviews all medical documentation, confirms the requestor has a disability, and provides the supervisor/DMO with recommendations on effective accommodations options. The recommendations may come from the employee, their medical provider, or other sources. The supervisor/DMO makes the final decision to grant or deny the request. (see DAO 215-10, Sections 5.14; 7.02 -.03; 8.01, 8.02.b and 17.07.a.)

**Q12: What are my options in deciding on a RA request?**  
**A12**: You may choose to: 1) grant the accommodation as requested by the employee, 2) grant an alternative accommodation, or 3) deny the request. The supervisor/DMO must consult with the RAC before considering an alternate accommodation or denying the request. **All denial decisions must be reviewed by Office of General Counsel (OGC) and include a detailed justification for the reason(s) for the decision.** **No accommodation may be denied without prior consultation with the RAC and completion of OGC’s review**. (see DAO 215-10, Section 8.01-.03)

**Q13: When can an accommodation be denied?**  
**A13:** An accommodation can be denied if it is unduly/excessively extensive, costly, substantial, disruptive, or would fundamentally alter the nature or operation of the organization. However, no accommodation should be denied solely because of cost. All resources available to the agency as a whole should be considered when determining whether a denial based on cost is lawful. Other reasons for denial include:

1. medical documentation is inadequate to establish that the individual has a disability or needs a reasonable accommodation;
2. the requested accommodation would require the removal of an essential function;
3. the requested accommodation requires the lowering of a performance or production standard; or
4. the accommodation would create a direct threat to the employee and/or others.

(see DAO 215-10, Section 8. 03)

**Q14: What should a supervisor/DMO do before denying an accommodation request?**  
**A14: The** supervisor/DMO must consult with the Bureau RAC and OGC before communicating any denial decisions to the requestor. Additionally, the supervisor/DMO must engage the interactive process to explore all possible accommodation options before considering a denial. (see DAO 215-10, Section 8. 03)

**Q15: What documentation must be submitted after a final decision on a reasonable accommodation has been made?**  
**A15:** After the supervisor/DMO has made a decision on the accommodation, the decision must be confirmed in writing and provided to the employee. The decision should outline the details of the reasonable accommodation. Therefore, the RAC will assist the supervisor/DMO by drafting the RA decision memo*.* It is recommended that the supervisor/DMO and employee sign the decision memo. A copy of the finalized decision memo must be provided to the Bureau RAC for tracking and record keeping purposes. (see DAO 215-10, Sections 8. 01.a.-b.; 17.08.f. and Exhibit 4)

**Q16: What if the employee does not agree with the final decision?**  
**A16:** An employer must provide an effective accommodation. However, it may be different than what the employee requested. If an accommodation is denied or the employee feels the accommodation provided does not meet their needs, they may request reconsideration within 15 business days after receipt of the RA decision memo. If the employee rejects an alternate reasonable accommodation and cannot perform the essential functions of the position, they may no longer be qualified to remain in the position. The employee may also seek other avenues of redress outlined in DAO 215-10. (see DAO 215-10, Sections 8.02.b-c.; 8.05 and Appendix A)

**Q17: What is the process for reconsideration of a denial?**  
**A17:** The requestor may submit a written request for reconsideration to a designated higher-level management official within **15 business days of the decision letter**. The reconsideration must include a copy of the decision letter and any additional information or arguments the employee wishes to be considered. The requestor must also provide a copy of the reconsideration request and additional information to the RAC.

The designated higher-level management official must acknowledge receipt of the reconsideration within **5 business days**. After consultation with the Bureau RAC, the designated management official must issue a final decision within **30 business days** from the date of the reconsideration request. (see DAO 215-10, Sections 8.05 and 9)

**Q18: Can an employee keep their accommodation if they change supervisors?**  
**A18**: Yes, an approved reasonable accommodation typically remains in place even if the employee changes supervisors. However, if the employee changes job positions the accommodation may be reassessed based on the essential functions of the new position. (see DAO 215-10, Sections 8.02.d.-e.)