HR CoP Jan 2022

Please stand by for realtime captions.

We are about five minutes away from getting started, so if you haven't done so already, please let me know if you can hear me. You don't need to click on the hand, just click on the agree, thumbs up, to let me know that the audio is working. If you are hearing an echo, I don't see anybody logged in twice, but if you do hear an echo, that means you are logged in twice. If you have two Adobe boxes open, you want to close one of them. For the most part, we have a pretty clear thumbs up. I'm not sure if you need the credit or attendance for this but if you have just logged in with just your name or something else, you want to close out completely and login with last name, first name, location. So if you just try to close and sign on, it just retains the previous sign-on that you chose, you have to close out completely and log back in, to make sure you get credit. If you just have years -- your first name, and this is something you need attendance for, then you need to do that. So, we will put the music back on for a couple of minutes and we will get started in a couple of moments but thank you for your participation.

Okay, one final audio check before we get started, we are going to get started in a couple of seconds. Just give me the thumbs up if you can hear me. Just click agree and that should let me know we are doing okay. So we will get started in a moment, there's one thing I want to show you, the PowerPoint is available for download today so I will show you how to do that really quickly. On this middle screen, there is instructions and just below it there's a filename, if you click on the file that says reasonable accommodation, there some icons click on the icon that has an arrow pointing down, that is the download button. This is the PowerPoint for today. And this file should be available while the lesson is going on so you can download it at any point during the lesson. There's probably going to be a lot of questions regarding this session for today so what we are asking you to do is plea hold all of your questions until the end, we will put up a special Q&A window , so the presenters can see all of your questions, try to answer as many as possible and if they have run out of time, they will have everyone's questions available so they can answer them and send them to everyone. Please hold your questions until the end. Any questions so far before I turn it over to your presenters for today? Okay. I'm going to go ahead and turn it over to your instructors, thank you so much.

Good afternoon everyone, my name is Maritza Motta , I'm a program specialist, I would like to welcome all of you to January's HR community practice, we have a great topic today, reasonable accommodation, I would like to welcome our presenter today, Ms. Gwendolyn Brooks-Davidson , again, as Tracy stated, at the end of the presentation, we will have the Q&A box open, please use that opportunity to post any questions that you may have . Again, as Tracy stated, please ensure you are using the correct naming format, last name, first name, and location, so we can ensure you get credit for this training. Before I turn it over, I would like to welcome and introduce Chris Wunsch, director of reasonable compensation and workers compensation who will lead us with opening remarks.

Outstanding, thank you, I appreciate your time. I would like to welcome everybody, we have a great turnout, 450+ people, amazing turnout, so thank you for taking the time. I would like to welcome you on behalf of the executive director of capital services, Miss Tina who is the director of director management who is sponsoring this and of course Maritza Motta and the Adobe connect team for their outstanding support. My name is Chris Wunsch, and here in HCS and I'm very excited for today's training. With me today is one of our subject matter experts and practitioners, Miss Gwendolyn Brooks-Davidson , she is filling in for our chief of reasonable accommodation, Miss and Kaufman who is unable to attend due to a family matter. Gwen, I would like to turn it over to you, I wish you a great training and we look forward to the interactions supporting everybody's needs in the training today. Thank you very much.

Gwen, if you are talking, we cannot hear you , you need to unmute probably.

Looks like she's having a microphone issue so I will pick up until she gets back online. Here is your agenda for today, this is going to give you an overview, we will talk about authorities, responsibilities of each of the employee, district reasonable accommodation coordinator and the official, and talk about timelines in medical documentation process, the ever important essential functions and analysis and interactive discussion. Of course the adjudication process, and then some best practices, individuals concerns, issues, and then go into the Q&A. Looks like your microphone is active again, are you on?

Can you hear me?

Yes, we can.

I apologize for that, I'm not sure what is going on. I think I can take it from here.

Sounds good, I just went over the agenda, you are ready to go to the next slide.

Thank you, let's talk about some of the authorities that we use, some of the references that we use when processing RA's, this is some of our most frequently utilized sources to ensure that we are in compliance when processing RA requests. Also, to get through this presentation, we have provided you with some abbreviations at the bottom of the slide so that we don't have to keep repeating them. The rehab act on the basis of disability and federal agencies, it protects employees and applicants, it requires agencies to provide effective accommodations, to qualified individuals and does not allow unlawful disclosure of confidential medical information. So that medical information stays with the people who need to know in order to get through the process. The ADA provides a comprehensive civil rights protections to individuals with disabilities in the areas of employment, government services, public accommodations, transportation and telecommunications. Changes were made to convey a broader coverage of the rehab act meaning that it is now more focused on the agency's response to a reasonable accommodation request rather than if an employee has established a disability so the agency's response to a person's request for a reasonable accommodation is key so we must always provide a response to an employee who has requested a reasonable accommodation. And the 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. A representative may request an RA on behalf of employee or applicant, it does not have to come from the applicant. It can come from someone who is speaking or requesting on behalf of the employee. This is in the handbook, and in the EEOC enforcement guidance and the link is there. There's no specific way that an RA has to be requested and no magic words for an employee to say that they need an RA. For example, if an employee tells a supervisor I'm having trouble getting to work on my scheduled starting time because of medical treatments, because of medical treatments that I'm undergoing, the supervisor in this example should provide the employee with instructions on how to request an RA, preferably in writing and copy the appropriate centralized box. That way the supervisor has given the employee the information to start that process and the email in the centralized box will also reach out to the employee on behalf of the agency so we have that employee covered. Who is eligible? An individual is considered eligible when they meet the definition of disability under the ADA and when they are determined to be a qualified individual who meets the position requirements and can safely perform the essential functions with or without an RA. Please note that the secretary of the VA is the only person that can deny an RA based on cost. So what type of accommodations are effective for employees or applicants? Accommodations that are considered effective remove workplace barriers and enable a qualified individual with a disability to perform the essential functions of the position. Such as modifying schedules or providing ergonomic equipment such as chairs and adjustable desks are most common, and providing assistive technology, such as readers and/or software. As long as the accommodation provided removes that barrier that the medical provider stated was a limitation, then we are providing an effective accommodation. So, let's go over some rules and responsibilities of the players and the reasonable accommodation process. First we have the employee, what are their roles? What are their responsibilities? The employee is the person who would normally apply for an RA. Remember, previously said that if the employee reaches out to a supervisor to indicate that they might need an RA, the supervisor can submit that request to the district reasonable accommodation email box and we will reach out to the employee to ensure that the employee wants to go through the process or that they want to do an RA. Sometimes they say no but most times they say yes. The other responsibility of the employee is to provide sufficient medical documentation and in a timely manner. We will provide the employee with the medical documentation directly from the DRAC and we will communicate with him throughout the process until medical documentation is received and even once it is received we will still Munich it with them. The employee is also responsible for participating in the interactive process, we can't move the process along if we don't know exactly what the employee needs and how the RA will assist them in performing their essential functions. So for the DRAC, what are the responsibilities for the DRAC? So, the DRAC has to explain the process to the employee from front to back , some employees are very knowledgeable and some are not, normally when you start speaking to the employee, you will get an understanding of how much information you may need to relate. But you at least want to give them the basics of the RA process. The district RA coordinator will also review the medical documentation to determine if the employee is eligible for an RA. The DRAC will explain to the DMO , the RA process, including the steps to adjudicate the request. Once an RA is approved, if there needs to be I.T. request made, the DRAC will start the process and do the ticket in your I.T. and let the supervisor and employee know that it's there and that we have started that process. Roles and responsibilities of the DMO. So, the DMO needs to be knowledgeable about the RA process, if you're new to the VA or a new supervisor, you are not sure you get an email from the employee or DRAC, please reach out to the DRAC and we will get you through this process. That's what we are here for. We are here to facilitate to get the DMO through the process so the agency removes any risks on part of the agency. Is also essential for the DMO to understand information in the rehab act, information about effective accommodations, information about the policy as it is written in the VA handbook. If you have any questions or you're not sure, maybe you read something that is not making sense, please reach out to us and we will get you through it. The DMO will also identify, determine the essential functions of the position. The DMO is a subject matter expert, so the DMO will be the person who will need to provide this. If you need our help in getting you through this, we can help you with this form, if you want to do the essential functions, you can provide them and we will let you know if they make sense to us, they are probably okay. What else does the DMO do? The DMO maintains confidentiality of RA information. No one needs to know anything about an RA if there's not a business need to know. So, if someone comes up to you, says I've seen this employee and they've got this, it's not that person's business to know why maybe an employee has some kind of different equipment. The only person that will share their information about an RA is the actual employee involved, so the DMO cannot share information about an employee. If medical documentation is provided to the DMO, please delete it immediately and ask the employee to send it to the DRAC and as always, please give them the correct district reasonable accommodation box and we will take it from there. Another responsibility of the DMO, you must engage in the interactive process with the employee. If you do not, you have violated the rehab act and this places a heavy burden on the VA and we do not want to have to go through that process so please make sure you are engaging with the employee and the interactive process. For privacy, what's going on with privacy? The visuals who have access to information necessary to make a decision about whether to grant a request to accommodation, may not disclose this information except under the following circumstances. Supervisors and managers will need to know the necessary restrictions or work duties for the employee and about the necessary accommodations. First, the safety personnel may be told if the disability might require emergency treatment. Government officials may be given information necessary to investigate the agency's compliance with the rehab act. The information may in certain circumstances be disclosed to workers compensation offices, and agency EEO officials may be given information to maintain records and evaluate your report on the agency's performance. If you have any questions about a person asking you for reasonable accommodation information on any of your employees or if you're an employee and you have a question about someone questioning you, please reach out and we will provide guidance as we see fit. More about privacy. The EEOC offers that if employees ask questions about a coworker who has disabilities, the employer must not disclose any information in response. An employer may also not tell employees whether it is providing a reasonable accommodation for a particular employee. It is not a coworker's business about what is happening with another employee. Just put yourself in someone's shoes and how would you feel if someone went up to your supervisor and asked them about your reasonable accommodation and the information was revealed? You don't want to be in that position. You cannot disclose any information. RA processing timelines. Once the employee submits the request to the mailbox, we enter it into our system and the DMO must acknowledge that request within five days. The DMO will get an automated email and it will have a link for them to acknowledge that request. The DRAC will contact the employee or representative and the DMO to get the process moving. An interim accommodation might be provided while the employee obtains medical documentation. And we use VA form 0857E. The DRAC will determine if medical is needed and provides the 0857E to the employee and the RA processing timeline may take, it freezes up to 90 days. Basically when we give the employee the VA form, we will allow them 90 days to get the form back to us. If for some reason there are some extenuating circumstances where an employee may need an extension, then we will work with them on getting that medical documentation. More on processing timelines. The DRAC reviews the medical to make sure it is sufficient, and then we will provide the DMO with guidance for the interactive meeting. In the guidance, it will include the limitations that the healthcare provider has stated for the particular employee. And it may be some references to the accommodation that the employee has requested. The DMO will complete the essential functions analysis, if the DRAC requests that the DMO complete it. The essential functions analysis is not required for every RA request. The DMO conducts the meeting and this decision on RA requests should be made within 27 days. Basically the process from the time we do the process to acknowledge the request, and DM is five days and for the DMO to make the decision, it should be within 27 days from the date they get the information to us. And we will let them know and follow up if need be. The accommodation, the proof is provided to the employee, and if any equipment needs to be ordered, the DRAC will work with the purchased cardholder at the employee station to get this done. For certain accommodations, the DMO may want to set a review date. Review timelines may be as little as three months, or as much as 12 months, it just depends on the accommodation, it depends on where the person is, are they a new employee? A season employee? Does the medical indicate that this is temporary or may not be needed beyond say six months? If that is the case, you could put a six month review on it. And when you put the review date on these accommodations, the DMO must follow-up with the employee on that accommodation, that was the intent of it, that is what we need to do, make sure the DMO follows up with the employee. Essential functions, so the essential functions for the job are fundamental to the position that the job cannot be done without being able to perform the functions. If an employee cannot perform certain functions, certain essential functions, then the reasonable accommodation process may be an avenue to help them get to that point. So the essential functions can come from the position description, it can come from performance standards, it can come from the duties that the employee is performing, or it can be derived from how much time the employee spends in performing a function. There are also nonessential functions for employee positions, and these are all the other remaining tasks that you have deemed essential, such as printing documents may not be an essential function for most positions, or mailing a document. We don't mail a lot of things so that could be a nonessential function. The essential functions and nonessential functions, please remember the DMO will determine that on the essential functions analysis. Here is the layout of the first top part of the essential functions analysis, it's going to be in two parts. So at the top, you're going to put the name of the employer requesting the accommodation, their title, series and grade and the date you are filling the form out. And then under the first column, where it says essential function, you're going to list those that you believe are pertinent to this particular person's position. You are going to put the percentage of time that they spend doing that function, and you're going to answer the question, can that essential function that you listed, can they be done remotely? You're going to say yes or no. You are going to let us know if it requires physical labor, and if so, what are the physical requirements. If a person has a job that requires lifting, you would say yes and you would say lifting boxes and if you want, you could say 10 to 50 pounds, if you know for sure. So, that is the top part of the essential functions analysis. The bottom section will have a spot for the DMO signature, the DMO will put their telephone number and email address it most importantly, the DMO will sign it. Where is says maximum telework in the middle, based on the answers you provided, if the function is telework eligible or not, the form will calculate a percentage of the time that an employee could telework, it should automatically do it, some of the forms sometimes doesn't, then you may ask us for another form because it should automatically calculate it for you. It is the DMO's responsibility to determine the essential functions, it's not the DRAC's responsibility. The document will become a part of the RA record, that is if the DRAC requests that the DMO fill out the essential functions analysis. Remember, the essential functions analysis is not required for every RA request. The analysis must reflect what the employee is currently doing. There are some, for instance, one executive assistance will not be doing the same thing that another executive assistant will be doing. One may have a 50% schedules, and another one may have 10% of doing schedules. It just depends. That's why it's the DMO's responsibility to fill it out. The analysis is used to determine portability. You put yes or no if the function can be done remotely, it will give us an idea of how much of the employees time can be done outside of the physical work location. Lastly, the analysis must stand to a third-party review. When the DMO fills out the analysis and they send it to the DRAC , it's not making sense and we have test questions, then more than likely, the third party is going to have those same questions. So we want to make sure we get it right and get the record right, so there's no questions later. Reasonable accommodation guidance. When the DRAC gets the medical from the healthcare provider, the DRAC will complete a reasonable accommodation guidance document. This document is provided to the DMO who will meet with the employee and make the decision on approving what the most effective accommodation. The guidance includes the limitations, it includes information about the employee, their name, position, what they are requesting. It gives some information that is out of the VA handbook, and then it gives you some links to the job accommodation network. And these links are to the actual limitations that the healthcare provider has annotated on the form for that particular employee. Then it will give the DMO some options on what type of accommodations may be to offer the employee based on the limitations that the medical provider put on the form and it'll give additional information pertinent to the case so let's say the employee previously had an RA maybe a year ago for an ergonomic chair, and today, they are asking for a sit and stand desk. So it's important, if you are given more ergonomic equipment to say okay, they are asking for a sit and stand desk, let me show and make sure the DMA knows, because we don't want the DMO's bending their wheels if that is something they already provided, so they are not going to the process in the interactive meeting with the employee. So, the interactive process and discussion, this is the communication between the DMO and the employee, the DRAC will provide the DMO with the information that came from the medical provider. But, the DMO does not provide the actual medical documentation to the DMO. We will only provide the DMO with the information that they need to process the request. And that does not include the employee's condition. The request, during the interactive process and discussion, the discussion is conducted to review the position, the employees essential functions, the limitations and the possible accommodations to remove any work based barriers. This process may require more than one discussion. So, if the DMO goes into the interactive discussion with the employee and the employee comes up and says they were giving you more information that maybe wasn't in the medical and maybe you need to think about what's going on with that or ponder on it, then you may have to end the interactive communication and reengage with the employee after you have figured out how you can best accommodate the employee based on the new information. Evidence indicating the reasonable accommodation could have been achieved through active communication can lead to disability discrimination and there is a case out there if anybody wants to look it up. So basically, you want to make sure that if an employee asks for an accommodation and the DRAC sends you guidance to engage with the employee about their request, their limitations and how best to accommodate them, that process has to be done. In order for the agency to remove some of the liability away from the agency, so we want to make sure we do this process and we give you a little bit of guidance on how to conduct the meeting. So, pre-interactive process, DMO actions prior to requesting a meeting with the employee about the RA request, the employees participation is required, you cannot have an interactive discussion with yourself. You need the employee to be a part of the process. The employee may authorize or request representation with notice. However, this is a nondisciplinary meeting. The employee is expecting to engage in the interactive meeting and answer questions on their own behalf. Prior to meeting, the DRAC will provide , like I have previously said, the DMO with information about the employee functional limitations and the accommodations that were recommended by the HCP. The DMO will prepare a meeting, and conduct a meeting with the employee about the request, what the limitations are, understanding the essential functions of the position if that is required for this particular accommodation. And prepare any questions. Understanding and identifying the essential functions of the position, the DMO should know these things before going into the meeting, and the DMO will research the job accommodation network links that are provided in the guidance document prior to attending the meeting. During the interactive meeting with the employee, the DMO should provide an overview of the process, explain their role as the decision-maker, discuss the limitations provided by the DRAC . You won't need to discuss the medical condition or the diagnosis or disability. That information will not be provided to you by the DRAC, and you shouldn't know it. You will discuss the RA requested and any comments regarding the RA and discuss the essential functions of the employees position and nonessential functions. The DMO is not required to make a decision during the interactive meeting, but will do so as soon as possible after the discussion. Like I said before, sometimes you go into the interactive meetings and the employee may provide you with some information that maybe you haven't thought of or didn't know, so you won't be able to make that decision in that meeting. And it's not required that you do so, so it's best that you have the meeting, you state the limitations, you state the essential functions of the employees position, you get an understanding from the employee about what they are requesting and any other information the employee was to provide, and after you have ended the meeting, then you can go into the system and make your decision. What happens after the interactive process? The DMO will prove -- approve the request as is or you can approve an alternate accommodation, as long as it is effective accommodation. An alternate accommodation is not considered a denial. There is some information where it says altered accommodation is not a denial. If the DMO wants to deny an RA request for any reason, don't want to provide an alternative, then you must consult with the office of General Counsel or the national reasonable accommodation coordinator before you can deny the request. Once an accommodation is determined, VA form 0857F will be completed, once you go into to make your decision, that form will auto generate for the DRAC and we will be able to get the form, make sure it has the right information, and we will send it to you for review and signature. The determination should be written in such a way that a third party understands the rationale behind the DMO's decision. This is particularly important in cases of denial and where the DMO grants an alternative accommodation. So if you are denying an RA, you should be putting some information on there as to maybe the justification of why you are denying. If you are providing an alternate accommodation, you may want to put information about the alternate accommodation and how it will help the employee complete their essential functions of their position. The employee and the DMO will sign the 0857 F, RA's maybe reviewed annually for effectiveness or within a shorter time frame. Denials based on undue hardship. What reasons would there be to deny an RA based on the undue hardship? If an RA removes an essential function, then the agency is not required to approve it, that can be denied. An agency is not required to lower standards for an employee if other employees are doing the same work and meeting the same performance and production standards in that same or similar position. Undue hardship is also a direct threat, if an employee needs a reasonable accommodation to eliminate the direct threat, it refuses to accept any accommodation, she may not be qualified to remain in the job. The DMO may not deny the request for accommodation for the following reason, the facility cannot fund the cost of the accommodation, the funding is a responsibility of the VA as a whole. And remember, the only person that can deny a reasonable accommodation based on cost is the secretary of the VA. Here is a view of the VA form 0857F, this form will auto generate in our system. It has the employee's name, it will have a review date if the DMO has determined to put a review date it'll have the DMO's name, phone number, email, the accommodation requested, the accommodation being provided, it'll have the general date of when the accommodation will be provided, this may be -- let's say it is approved today for a chair, it depends on how long it will take for the chair to come from the vendor. So generally we will put today's date on there but it may take some times a week, some places it'll take two weeks. It's based on delivery of the equipment. If an alternative accommodation is provided, we will state that we are providing an alternative, whatever it is, and the reason why we believe the alternative accommodation is going to be effective. If there's going to be a denial, there will be a denial justification on there. And the DMO will sign and the employee will sign. Once the determination form is signed by the DMO and employee, the RA coordinator will contact the purchased cardholder if there needs to be anything ordered on behalf of the employee that was approved., We will provide basic information to the purchased cardholder to order the equipment or software or what have you. And these requests will take priority over anything else that the purchased cardholder is working on. Once the equipment arrives, the business should provide the equipment to the employee SNS it is delivered. The DRAC and DMO should be notified of the equipment being ordered and provided, the purchased cardholder completes the 0857i in order to request reimbursement. You are going to also, if you submit the 0857i to the DRAC email account, you're going to also send it with a PDF of the invoice or receipt for the item that you purchased. And the NRAC will process all reimbursements on a quarterly basis. If you have a question about if you submitted a reimbursement, and maybe you're not seeing it, or you just don't think you got it then you can reach out to your DRAC and we will get you information on the status of that. Redress of accommodation determinations, if the employee is not satisfied with the DMO's determination, the employee has the following options, they can request reconsideration within seven calendar days, they do a written request to the DMO or to the DRAC , the second level DMO, the DRAC will provide, if they ask for reconsideration, they will provide the second level DMO with a template and documents to make a decision on the reconsideration requests within 14 days. Other options that the employee has, they can file an EEO complaint, they can go through and file a union agreements grievance. Or, the process can be taken through the alternative dispute resolution. All of this information is located on the VA form 0857F on page 2 and Block 15. If reconsideration is requested, the DRAC will provide the second level DMO with information about the case , and some guidance, and basically a general overview of what has happened with that request up until this point. Reasonable accommodation may be reviewed if the employee or agency deem the RA is ineffective, so if an employee comes to you and says, I got this RA 2 years ago and it's not working, then the employee -- the DMO can review the RA on the employee's behalf to see if there is something else we can do to assist the employee. The accommodation is now proving to be a hardship on the agency, and the agency can review that accommodation. The employee changes jobs, then we will review the RA. When you change jobs, your essential functions change, so an RA that was good in one position may not be good in another position. If the essential functions of the job changes, so if you have maybe a PD update or your job description changes, then an RA may be reviewed. If the initial RA was based on a temporary condition, then we can review it. If the initial RA was based on nonspecific flareups, so sometimes when we get the e-forms, the medical provider is saying that the employee's limitations may be flareups because of their medical condition, we may come back to you to get some specific information on your flareups, if we think that we need to review that. If the employee's health condition improves or if it worsens, then an RA can be reviewed and if the physical environment of the facility changes, then the RA can be reviewed. Specific accommodation request, if an employee or DMO has questions about any specific accommodation requests, then please reach out to your DRAC so they can get you on the right path so that you can move that process along. Reassignment as an RA. Reassignment will come into play for RA requests, once it is deemed that this is the accommodation that we have to go to because all other accommodations that was provided to the employee are not effective. If the DMO has provided everything that they can reasonably think of, everything that the doctor has said may work, and that doesn't impose undue hardship on the agency, then we may have to go through the reassignment process. What happens during the reassignment process is that once the DMO says yes, we are going to go to reassignment, the DMO has to approve, we will search for a vacant position for the employee at the same or lower grade. The position, if we are unable to find a position for the employee during the reassignment process, the employee may be separated from federal service. And there is some case law if anyone wants to look that up. Telework as an RA, that is one of our biggest requests, an agency must allow an employee to work at home if this accommodation is needed and does not cause undue hardship. It has become more popular within the last few years, and of course over the last 2 years because we are all working at home, so that will probably become more of a popular request to telework at home full-time once employees may be given information to return to the office. The agency is not restricted to provide reasonable accommodation only in measures that directly allow an employee to perform the essential functions of his position. The application can extend to work location where commuting impairs the ability of the employee to perform once at work. So if an employee requests an RA to telework, dependent on the medical documentation, the DMO can offer an alternative if the alternative can be just as effective as an employee teleworking. But if there is nothing else that can prevent the workplace barrier, then sometimes telework may have to be the accommodation that the DMO grants. Telework as an RA, determine what accommodations are needed for telework. Once it is approved, does the employee need equipment? Do they need special software? Or different software? Do they need assistive technology? So, before we send an employee home for telework, we want to make sure they have all the tools and equipment they need to telework and perform all these essential functions. Make sure that we have a written telework agreement. The telework agreement once an RA is approved, a copy of the agreement should be provided to the DRAC for the case file. Addressing performance issues when teleworking as a reasonable accommodation, make sure you set clear goals and timelines, make sure accommodations are effective, communicate regularly, resist the urge to remove telework as an RA and work with the employee if there are issues start to pop up. Separate performance issues from accommodation issues. Sometimes when we get some questions, these start to overlap. As always, document your case and if you need assistance, please let us know. Common RA questions, does an employee have to change a person's supervisor as a form of reasonable accommodation? The answer is no. But the supervisor may need to adjust how they communicate or how they deal with the employee but an RA, an agency is not required to change a supervisor as an RA. Must an employer withhold discipline or termination of an employee who, because of a disability, violated a conduct rule that is job-related for the position in question and consistent with business necessity? No. An employer never has to excuse a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity. Final common RA question, is an employer required to provide the RA that the individual wants? If more than one accommodation is effective, the preference of the individual with a disability should be given priority consideration. However, the employer providing the accommodation has the ultimate discussion. So, you as a DMO can choose between effective accommodations, so if the accommodation requested is effective and you have another accommodation that you deem effective, then you can choose which accommodation to provide to the employee. Here are the contact information, Ms. Anne Kaufman and Mr. Chris Wunsch. That concludes our presentation and we are now ready for questions if we have any.

Do not type in the chat box, please type in the middle box at the bottom, there's a place for you to type your answer, you will only see your questions but the presenters can see all of the questions and if they run out of time, anything that cannot be answered, they can compile everything and send it to an email to everyone. So please type your questions in the middle box at the very bottom, thank you very much.

Okay, we have a question in the box, it says what happens if the DMO does not complete the essential functions analysis? So, if the DRAC has determined that the essential functions analysis is needed for that case file, and they request that the DMO complete the essential functions analysis and the DMO is hesitant or not providing that, then the DRAC will work with the DMO to understand why they are not providing that and if all fails, then the Mashable reasonable accommodation quarter may get involved because essentially, before we can close out a case, we say that we have all the documents that we need and if the essential functions analysis has not been provided, we cannot essentially closeout the case. So we might have to get the NRAC involved. Are employees able to request an RA for a sit to stand desk or ergonomic chair teleworking? An employee can request whatever they deem would be an essential accommodation for them to perform their duties. Yes, if an employee is teleworking, they can request a sit to stand desk or ergonomic chair, just send the request to the appropriate box and we will start that process for you. Another question, if you have an approved RA and they relocate to another RO, do you have to resubmit the RA again? This is one of those things, if you are going from a V SR position to a VS our position, the answer could be no. But if you are going from one VSR position to another , and your functions are changing, then generally your RA will follow you but your new DMO will make a determination in collaboration with the DRAC is a review needs to be done and if you are required to submit more documentation, so you will be notified by your DRAC if additional document Tatian is required. But in general, if you go from one VA facility to another, your RA follows you and generally, there is a review done if you're DMO warrants a review. If an employee is approved for telework for three days per week, are they allowed to take their equipment home with them? How about being approved to work at home 100%? So, if you are approved to telework and you have an RA on file for equipment, if the equipment says in office, then it's for an office. If it says for home use, then it is for home use. It is dependent on what your RA states. We would have to look at your request if you have questions about that, please send your questions to our box and we will get you the answer. So, those types of things are specific to an employee so we can't say yes or no for any particular person, we have to look at the case. Can your request be granted to work at home full-time on a temporary basis for 60 days due to being under maximum telework due to the pandemic? If you are on maximum telework, why would you need temporary basis? So if you have a request to work at home for 60 days, during the pandemic? That question is a little bit confusing. Can you request be granted to work at home full-time on a temporary basis for 60 days due to being under maximum telework due to the pandemic. I'm not sure what you're asking but if you are on maximum telework, then you are already being accommodated but if you are saying, if you get a return to work date and you still need an additional 60 days on the temporary basis and you have a disability that would warrant you staying home for an additional 60 days, if we go through the process, the DMO will make that determination. Who is the direct/business need to keep for the submission of an RA, does it include the supervisor? No. If you are requesting an RA, the DMO is the person that will make the decision. So the DMO is the person that will be giving the medical information. Your supervisor may need to know that you were approved for a chair if you're going to be in their section or what have you. But, they would not have been provided the medical information from the D rack -- DRAC. Our medical documents needed for request? Or is the doctors input on the 0857 sufficient for the RA request? So, we don't need medical records if that is what you're asking. But, the 0857E is the form that we need in order to process your reasonable accommodation request. That form, if answered properly, and completely, will give us all the information we need to move your request to the next step of the process. With Max telework to in effect, those with an RA in the office, do we have to provide RA equipment such as chairs and sit to stand desks? So you are saying you have an RA in the office and now you are on maximum telework. If you have an RA in the office and you move to telework and you were in the office mostly prior to the pandemic and your equipment was improved approved for only in office, then you would need to email the district accommodation email box and we will have to look at your information and make a determination on how to proceed. For current COVID situation where an employee has requested a religious exemption for vaccine, and that is approved, and the employee asks now to do full time telework, does that have to be a separate RA request form? Yes, if you have requested a religious exemption to not take the COVID vaccine and all you want to request to work full time telework because of a disability, then you would need to submit that as a separate request and medical documentation will be rewired. Who sets up the sit/stand desk? If you need assistance with that as an RA and that is what you have requested and you are not able, you don't think to handle that, if it is shipped to your home, then your purchase cardholder and DRAC , and the DMO can make arrangements so it can be set up for you. We would just need to know that information up front. If the desk is sent to your physical work location at your regional office, then normally SSD in conjunction with your supervisor will make sure the equipment is set up at your desk. Okay, so yes, if you order a sit/stand desk and it is for teleworking and you need assistance with that when it gets to your home, when we order it, we can request that it comes with set up if that is required. When and who tells the employee what their options are if they do not agree with the RA outcome? Once the DMO sends you the forms, here's my recommended accommodation that I'm approving and you don't agree with it, your options are on the back of the form in block 15. If you have questions about it, then you can ask your DRAC. If we don't at the forms signed back from you, generally the DRAC will ask the employee, is there an issue with the form? That gets the conversation going about the reconsideration process or what your options are as an employee.

We had time, we can download these questions and send them to you so you can distribute the questions to the participants.

Okay, we have four more, I'm sorry, I was not supposed to be the presenter today, Miss Anne Kaufman had an emergency so I had to do this on her behalf, but we will get the rest of the questions sent out or put on the site so you can have answers to them. Or if I didn't get to your question, you can send it to the box and we can get you an answer if that is what you want to do. I want to say thank you to everybody for participating in today's RA practice on behalf of our director, Chris Wunsch, thank you all.

We have come to the end of the training, those were some really great questions, we will definitely follow up and make sure you get the answers to the remaining questions. I would like to say thank you to Gwen for being with us today, and our course advocate, Tracy for her continued support, and of course thank you to all of our participants which we had an amazing response today. We know that time is valuable so we appreciate you, and myself and the HR TT team look forward to seeing you at the next event. Have a great rest of your day.

[Event Concluded]