

From: [Dale A. Christopher](#)
To: [LORI GRANT](#)
Cc: [VANESSA WILLIAMS](#); [Grace A. Clark](#)
Subject: RE: NFC's FY 2021 Workforce Data Tables
Date: Thursday, July 21, 2022 12:12:32 PM

Thank you, Lori!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

Equity Processed by EEOC

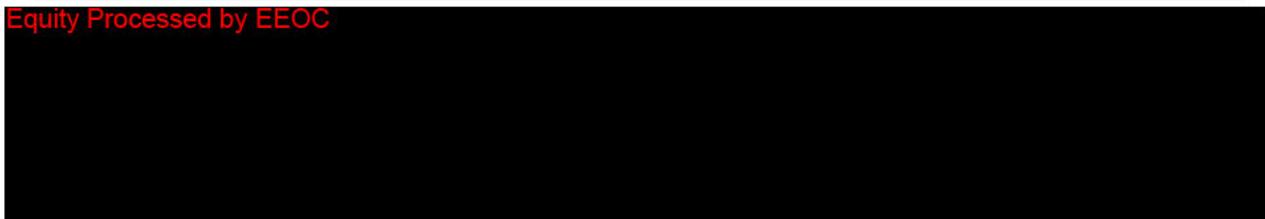


From: Dale A. Christopher <dachrist@oge.gov>
Sent: Wednesday, July 20, 2022 10:31 AM
To: LORI GRANT <LORI.GRANT@EEOC.GOV>
Cc: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>; Grace A. Clark <gaclark@oge.gov>
Subject: RE: NFC's FY 2021 Workforce Data Tables

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Hi Lori,
Yes, please upload the NFC data in FedSep.
Thank you,
Dale Christopher

Equity Processed by EEOC



To: Dale A. Christopher <dachrist@oge.gov>
Cc: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

Subject: NFC's FY 2021 Workforce Data Tables

Good afternoon,

I apologize for the lengthy delay in providing the updated workforce data tables from NFC. I have attached the draft FY 2021 tables for your agency. While you are reviewing the draft tables, please consider this information:

- The draft tables were generated in our test site, which does not include the latest mission-critical occupations and alternate pay plans from FedSEP. The final tables will include the current data in FedSEP.
- The final NFC tables will not include the Schedule A data on table B1 this year. We expect to add this data for next year's report.

If you would like us to upload the NFC data in FedSEP, please let me know by July 27th.

Sincerely,

Lori Grant, Assistant Director (She/Her)

Agency Oversight Division

U.S. Equal Employment Opportunity Commission

Office of Federal Operations

Federal Sector Programs

131 M Street, N.E.

Washington, DC 20507

(202) 921-3015

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From: [Sidney Williams](#)
To: [VANESSA WILLIAMS](#)
Cc: [Dale A. Christopher](#); [Grace A. Clark](#)
Subject: FW: Technical Assistance Teleconference, 1 March 2022
Date: Thursday, March 17, 2022 1:22:15 PM
Attachments: [ANTI-HARASSMENT-POLICY.REVISED-\(PER-EEOC-TECHNICAL-ASSISTANCE-PRE-MEETING-ON-MARCH-1-2022\).docx](#)
[REASONABLE-ACCOMMODATION-POLICY.REVISED-\(IN-ACCORDANCE-WITH-EEOC-TECHNICAL-ASSISTANCE-TEAM-PHONE-CONFERENCE-ON-MARCH-1-2022\).docx](#)

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Good morning Vanessa:

Per our telephone conversation this past Wednesday, I want to clarify that the attached revisions to OGE's website will be posted via our internal procedures once you have approved them. Thank you.

Very respectfully,

Sidney K. Williams

HR Attorney-Advisor

Administrative Operations Branch

Compliance Division

U. S. Office of Government Ethics

202 482-9209 (office)

(b) (6) (cell)

SWilliam@oge.gov

7:30 am – 4 pm

From: Sidney Williams

Sent: Monday, March 14, 2022 2:36 AM

To: 'VANESSA WILLIAMS' <VANESSA.WILLIAMS@EEOC.GOV>; Jack MacDonald <jjmacdon@oge.gov>

Cc: 'Marqui.Willoughby@EEOC.gov' <Marqui.Willoughby@EEOC.gov>

Subject: Technical Assistance Teleconference, 1 March 2022

Good morning Vanessa:

Per the subject teleconference, please find attached the agreed upon revisions to OGE's anti-harassment and reasonable accommodation policies. Please note that the anti-harassment was revised to clearly state that "reprisal" is a basis for a claim, and the reasonable accommodation policy (see section XII, (1), page 12) was revised to designate a Disability Coordinator. Additionally, per you direction to post additional information on our website on how to file a Section 508, Rehabilitation Act complaint, our notice has been revised to state:

Complaint Procedures Under Executive Order 13160, Section 504 of the Rehabilitation Act or Section 508 of the Rehabilitation Act FILING A FORMAL COMPLAINT

Anyone wishing to file a complaint may submit a written complaint in any form to OGE's EEO Officer at U.S. Office of Government Ethics, 1201 New York Ave., Suite 500, Washington, DC, 20005-3917. In order to be accepted by the Agency, the complaint must be "complete." A "complete" complaint includes the complainant's

name, address, and phone number and provides sufficient detail to inform the Agency of the issue. The complaint should include a short description of events, conditions, or behavior that the complainant believed were discriminatory, the reasons the complainant believed that he/she was discriminated against, and the injury or damages suffered as a result. Additionally, the complaint must be signed by the complainant or by someone authorized to sign on the complainant's behalf.

As I am not sure that I have Marqui's correct email address, please forward this message to him for additional review of our prescribed compliance. Thank you for your assistance in this matter.

Very respectfully,

Sidney K. Williams

HR Attorney-Advisor

Administrative Operations Branch

Compliance Division

U. S. Office of Government Ethics

202 482-9209 (office)

(b) (6) (cell)

SWilliam@oge.gov

7:30 am – 4 pm

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March , 2022

TO: OGE Employees

FROM: Emory A. Rounds, III
Director

SUBJECT: OGE Policy Statement on Anti-Harassment

The Office of Government Ethics (OGE) is committed to providing a work environment that is free from harassment and to taking steps to prevent harassment in the workplace as early as possible. Therefore, it is OGE's policy to take immediate and appropriate action when the agency is made aware of allegations of harassment or determines that harassment has occurred.

Harassment is defined as any unwelcome verbal or physical conduct, based on an employee's race, color, sex (including pregnancy), national origin, age, religion, disability, sexual orientation, status as a parent, genetic information or gender identity, which can reasonably be considered to adversely affect the employee's work environment, or an employment decision affecting an employee based upon the employee's acceptance or rejection of such conduct. Anti-discrimination laws also prohibit harassment against individuals in retaliation or reprisal for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws. While isolated incidents generally do not constitute harassment, a pattern of incidents may meet the threshold of creating a hostile work environment. In addition, a single incident that is sufficiently severe may constitute harassment. As used under this policy, the term harassment includes sexual harassment.

It is the responsibility of all OGE employees to promptly report possible incidents of harassment to their immediate supervisor or, if the immediate supervisor is the target of the allegation, to their second-level supervisor. Alternatively, an employee may report an allegation of harassment to the Human Resources Attorney-Advisor. Upon receipt of a report or complaint of alleged harassment, management will ensure that the allegations are investigated. If it is determined that the allegations of harassment are substantiated, appropriate corrective and/or disciplinary actions will be taken, up to and including removal of the offender. OGE's goal with regard to findings of harassment is to both take corrective action and to ensure that no further Harassing conduct occurs.

OGE management officials have a duty to foster and maintain a non-hostile work environment, and can be held accountable for not only their own behavior, but also that of their employees. If an employee engages in harassing conduct towards another employee, and the matter comes to management's attention, management must take prompt action. Further, if an employee complains to management about alleged harassment, management is obligated to ensure that an investigation of the allegation is undertaken regardless of whether the complaint conforms to a particular format, or is made in writing. Any such investigation will be conducted thoroughly and impartially by the Bureau of Fiscal Services (BFS). Additionally, BFS will begin the investigation within 10 days of receiving notice of the harassing conduct and OGE management will ensure





that corrective action will be taken within 60 days of the completion of the investigation, as appropriate. Management officials have a duty to carry out their responsibilities under this policy. Failure to do so may result in disciplinary action.

OGE employees are encouraged to come forward and report to an appropriate management official any behavior they view as harassment before it becomes severe or pervasive. Employees are also responsible for taking advantage of any preventative or corrective opportunities provided by OGE or to otherwise avoid harm. Employees who make a report of harassing conduct or who assist in any inquiry regarding such a report are protected from retaliation, which is not tolerated at OGE. In addition, all reports of harassment will be kept confidential to the fullest extent possible without impeding an investigation into the allegations.

This policy is separate and distinct from any administrative grievance process or statutory complaint process that also covers allegations of harassment, such as the EEO complaint process. To initiate an EEO complaint, an employee alleging sexual harassment or harassment based on another protected EEO category must contact an EEO counselor within 45 days of the alleged incident of harassment, notwithstanding any actions taken by management officials pursuant to this policy. EEO counseling services for OGE employees are provided by the United States Postal Service (USPS). Any employee wishing to initiate the EEO complaint process may do so by contacting a USPS EEO counselor by phone at 813-739-2037.



**OFFICE OF GOVERNMENT ETHICS
REASONABLE ACCOMMODATION POLICY
AND PROCEDURES FOR INDIVIDUALS WITH
DISABILITIES**

I. General Provisions

A. Introduction

In accordance with the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the U.S. Office of Government Ethics (OGE) is committed to providing reasonable accommodation to its qualified employees or applicants with disabilities. Reasonable accommodation is any change in the work environment (or the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits or privileges of employment.

OGE will process requests for reasonable accommodation submitted by employees or applicants for OGE employment and will provide reasonable accommodation, where appropriate, in accordance with the time frames set forth in these procedures. OGE will make available to job applicants and employees a copy of these procedures in written and accessible formats that meet an individual's particular need.

B. Scope

These procedures apply to any OGE employee with a disability who seeks accommodation to perform the essential functions of his or her current position or who needs accommodation in order to enjoy the benefits and privileges of employment at OGE. The procedures also apply to an OGE employment applicant who needs assistance in the application process (applicant).

II. Definitions

Decision Maker

An individual who is responsible for determining whether to grant or deny a request for reasonable accommodation. This person is typically the requesting individual's supervisor/manager. However, sometimes, for example, when a request is related to building accessibility or is made by a job applicant, other parties may have the final say in the decision.

Disability

A physical or mental impairment which substantially limits one or more of an employee's or applicant's major life activities; or having a record or history of such an impairment; or being regarded as having such an impairment. Generally, a transitory condition (expected to last 6 months or less) is not considered to be a disability.

A disability may include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or any mental psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities (such as dyslexia or dyspraxia).

Non-visible/non-obvious disabilities

In some circumstances, a disability may not be visible or apparent to other people. Such non-visible/non-obvious disabilities include partial sensory impairments such as low vision or hearing loss; chronic health conditions like arthritis, asthma or diabetes; mental health conditions; learning disabilities; and serious illness, such as cancer.

Targeted disabilities

A subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. These barriers are often due to myths, fears, and stereotypes about such disabilities. Examples of targeted disabilities include deafness, blindness, paralysis, and missing extremities.

Essential Function

A fundamental duty or task that is integral to the position in question or job to be performed by the employee or applicant seeking reasonable accommodation. Determination of the essential job 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. A function can be essential if, among other things: the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the individual was hired based on his or her ability to perform it.

Extenuating Circumstances

Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, a delay caused by a supplier's inability to deliver a product in a timely manner because of manufacturing delays could be considered an extenuating circumstance.

Interactive Process

The process by which the individual requesting a reasonable accommodation, the employee's supervisor or manager, and any other appropriate parties communicate with each other about the request for reasonable accommodation and related issues, including, the need for medical documentation to support a requested accommodation, potential alternative accommodations and timeframes for providing an accommodation.

Major Life Activities

Major life activities under the Rehabilitation Act/ADAAA include caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Whether an activity is considered a major life activity is not determined by reference to whether it is of central importance to daily life. The term “major” is not to be interpreted strictly to create a demanding standard for disability.

Personal Assistance Services

Services that help someone perform basic activities like removing and putting on clothing, eating and using the restroom. Personal assistant services are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities. Job-related task services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act as long as the provision of such services does not impose an undue hardship on the employer.

Personal Assistance Service Provider

An employee or independent contractor whose primary job functions include provision of personal assistance services.

Qualified Individual with a Disability

An employee or applicant with a disability who satisfies the skill, experience, education and other job-related requirements for the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

Any change in the work environment or the way things are usually done to help a person with a disability apply for a job, perform the duties of a job or enjoy the benefits and privileges of employment. The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability unless doing so would cause an undue hardship to the employer.

Reassignment

A form of reasonable accommodation that, absent undue hardship, may be provided to non-probationary employees who, because of a disability are unable to perform the essential functions of their job, with or without a reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the positions.

Undue Hardship

Significant difficulty or expense to the agency that would result or is likely to result, from a proposed reasonable accommodation. If a requested accommodation would cause undue hardship, OGE is not required to provide that particular accommodation. Determination of undue hardship must always be made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, the impact of the accommodation on the operation of the agency, and other relevant considerations.

III. Delegation of Authority

The Director of OGE shall ensure that an effective process for handling a request for reasonable accommodation is established. The Director shall designate the Director of Equal Employment Opportunity to oversee the reasonable accommodation program agency-wide.

A. Director of Equal Employment Opportunity will:

- (1) Establish procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
- (2) Analyze and evaluate the effectiveness of the process for responding to requests for accommodation.
- (3) Coordinate as necessary with OGE's Budget Officer and/or Chief of Staff to ensure that sufficient resources are provided by OGE for effective implementation and management of a process for responding to requests for reasonable accommodation.
- (4) Ensure supervisors and managers receive reasonable accommodation training as designated by OGE in accordance with Executive Order 13164 and EEOC Management Directive-715.
- (5) Provide guidance to and coordinate with supervisors and managers in processing requests, and in facilitating and ensuring accurate tracking and reporting of reasonable accommodation provisions to employees with disabilities at OGE.
- (6) Provide an annual report on all reasonable accommodation and disability program activities to the Director of OGE and the Chair of the EEOC in accordance with MD-715 on or before February 28, annually.
- (7) Manage employment matters affecting people with disabilities and serve as technical advisor to OGE workforce on all disability issues. Responsibilities include providing general guidance on disability employment, developing and/or delivering disability related training, and

approving and assisting with the processing of reasonable accommodation requests.

- (8) Engage in an interactive process with supervisors, managers, applicants, and employees on determinations of reasonable accommodation requests, whether the accommodation requests are received from agency officials or directly from the employee.
- (9) Answer questions from the requester regarding the process, and the rules and regulations governing reasonable accommodation.
- (10) Provide guidance to managers and supervisors on statutory and regulatory requirements of reasonable accommodation and related issues.
- (11) Provide guidance on effective accommodations, such as whether additional information is needed from requester, whether a disability is a covered disability, whether the requester is a qualified individual with a disability requiring reasonable accommodation, and whether a request for reasonable accommodation presents an undue hardship to the agency.
- (12) Provide guidance to employees with disabilities and their supervisors to assist with identifying internal and external resources available to help facilitate the selection of an effective accommodation.

IV. Requesting a Reasonable Accommodation

- (1) A request for reasonable accommodation is a statement that an individual seeks an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins when the request for accommodation is made.
- (2) A request for reasonable accommodation can be made not just by the individual with a disability, but also by a family member, health professional, or other representative who is acting on the individual's behalf.
- (3) An applicant or an employee may request a reasonable accommodation orally or in writing. In the case of an employee, requests should be made to the employee's supervisor or manager. An applicant may make a request for a reasonable accommodation to the hiring manager.
- (4) An individual does not need to fill out any specific form for the interactive process to begin.

- (5) A request for reasonable accommodation does not have to use any special words such as “reasonable accommodation,” “disability” or “Rehabilitation Act” and an individual need not have a particular accommodation in mind before making a request.
- (6) When an individual makes a request for a type of accommodation that will be needed on a repeated basis – such as, a sign language interpreter, CART Services, or readers – the individual is not required to submit a written request each time the accommodation is needed. Once the accommodation is approved for the first time, the employee may obtain the accommodation by notifying their supervisor or manager.

A. Evaluating the Request and the Interactive Process

- (1) The supervisor or manager will contact the applicant or employee who has made the request within 7 business days after the initial oral or written accommodation request is received to begin discussing the request.
- (2) The supervisor or manager is responsible for processing the request, engaging early in the interactive process and periodically throughout the process, and making the decision to grant or deny the requested accommodation or offer some alternative accommodation. Contact information for all OGE supervisors and managers can be found on OGE’s intranet site for employees making a request. In the case of applicants, the EEO Director, Dale Christopher, will make the final decision and can be reached at 202-482-9224 or at dachrist@oge.gov.
- (3) The procedure for processing the request involves a dialogue between the supervisor or manager and the employee or applicant, and may include consultation with other OGE officials, such as the EEO Director. After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. Communication is a priority throughout the reasonable accommodation process. While the employee or applicant seeking a reasonable accommodation is expected to communicate about his or her needs in identifying and requesting a reasonable accommodation, the supervisor or manager involved in the reasonable accommodation process should take a proactive approach in considering possible accommodations, including consulting appropriate resources for assistance. The supervisor or manager and the employee may utilize reasonable accommodation resources to determine the appropriate, effective accommodation, such as the Computer/Electronic Accommodations Program (“CAP”), to provide needs assessment and assistive computer/electronic technology, devices and services. OGE’s EEO Director will serve as the point of contact with CAP.

- (4) The following are examples of reasonable accommodations and are provided as guidance for supervisors and managers in recognizing reasonable accommodation requests:
 - a. Modifications or adjustments to a job application or contract solicitation process to permit an individual with a disability to be considered for a position (i.e. providing forms in alternative formats like large print or Braille and/or providing a sign language interpreter);
 - b. modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (i.e. providing sign language interpreters; making existing facilities accessible; job restructuring or part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and/or reassignment to a vacant position); and
 - c. modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment.

V. **Requests for Medical Information**

- (1) When a disability and/or need for accommodation is not obvious, the supervisor or manager may require that the individual provide reasonable documentation about the disability and their functional limitations. The information provided by the individual should be sufficient to explain: (1) the nature of the individual's disability; (2) the need for reasonable accommodation; and (3) how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace.
- (2) The supervisor or manager may also request supplemental documentation when the information already submitted is insufficient to document the disability and/or the functional limitations it causes.
- (3) OGE has the right to have medical information reviewed by a medical expert chosen by the agency at the agency's expense.
- (4) The supervisor or manager *may not* request medical information where: (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided sufficient information to document the existence of the disability and the individual's functional limitations.
- (5) In making the request for medical documentation, the supervisor or manager will be guided by principles set forth in the ADA Amendments Act of 2008 and EEOC's Final Rules implementing the ADAAA of March 2011. Specifically, the ADA Amendments Act directs that the definition of disability be construed broadly and that the determination of whether an

individual has a “disability” generally should not require extensive analysis.

- (6) In some instances, the supervisor or manager may need to request additional medical information to determine if an individual’s impairment is a disability, or to determine what would be an effective accommodation. If additional medical information is required, the supervisor or manager may give the individual a list of questions to give the health care provider to answer.
- (7) Requesting additional medical information will stay the time for processing the reasonable accommodation request until sufficient medical information is provided. If an individual fails or refuses to provide medical information that has been requested, the interactive process will be deemed concluded. The failure or refusal of an employee or applicant to provide medical information that has been requested will be grounds for denial of a reasonable accommodation request.
- (8) If a delay in processing a reasonable accommodation request is attributable to the need to obtain or evaluate medical documentation and OGE has not yet determined that the individual is entitled to an accommodation, OGE may provide an accommodation on a temporary basis. In such a case, the supervisor or manager will notify the individual in writing that an accommodation is being provided on a temporary basis pending a decision on the accommodation request.

VI. Confidentiality of Medical Information Submitted to OGE

- (1) Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential and may only be disclosed to individuals who have a need to know of the medical information. All medical information including information about functional limitations and reasonable accommodation needs that OGE obtains in connection with a request for reasonable accommodation, must be kept by the supervisor or manager in a Medical Folder, separate from the individual’s Official Personnel or Applicant File. The same requirements apply to electronic files. An OGE employee who obtains or relies on such medical information is strictly bound by these confidentiality requirements.
- (2) The supervisor or manager may share certain information with other OGE officials only to the degree necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the supervisor or manager will inform the recipients of the information about the confidentiality requirements. In most situations, OGE will need to reveal the name of the requester and/or the division in which the requester

works, and reveal the employee's or applicants functional limitations.

- (3) In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows: (1) supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodation(s); (2) first aid and safety personnel may be told if the disability might require emergency treatment; (3) government officials to investigate the agency's compliance with the Rehabilitation Act; (4) workers' compensation offices or insurance carriers; and (5) agency EEO officials may be given the information to maintain records.

VII. Time Frames for Decision on a Request for Reasonable Accommodation

- (1) The reasonable accommodation process begins as soon as the oral or written request for the accommodation is received by the requester's supervisor or manager. Contact with the employee or applicant who has made the request should generally take place within 7 business days after the initial oral or written request is received to begin discussing the accommodation request.
- (2) Absent extenuating circumstances, a request for reasonable accommodation will be granted or denied within 30 business days from when the oral or written request is received. It is the policy of OGE to process requests for reasonable accommodation and provide accommodation, where appropriate, in as short a time as is practicable. Where an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act. However, the time necessary to process a request will depend upon the nature of the accommodation requested and whether it is necessary to obtain supporting information, or support from other entities, such as CAP. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.
- (3) OGE will work to expedite the processing of requests for reasonable accommodations that are needed sooner than the 30-day time frame. Expedited processing for reasonable accommodation requests may be required if the accommodation is needed, for example: (1) to enable an individual with a disability to apply for a job; or (2) the accommodation is needed for a specific agency activity that is scheduled to occur shortly.
- (4) Failure to meet this deadline solely because the supervisor or manager did not timely begin the interactive process when the request was received is

not ordinarily an extenuating circumstance that would extend the time limit.

- (5) Where the supervisor or manager believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability, to identify functional limitations, or to determine whether a requested or alternative accommodation will enable the employee to perform the essential functions of the position in question, the 30-day period may be extended provided that the request for medical information is made within the 30-day period. If medical documentation is needed, the decision shall be made and accommodation (if granted) shall be provided within 30 business days from the date the decision maker receives the relevant information.
- (6) When all the known facts and circumstances make it is reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately, OGE will provide the individual with an interim accommodation that allows the individual to perform some or all of the essential functions of the job, absent undue hardship.
- (7) Where there is a delay in either processing a request for accommodation or providing an accommodation, the individual will be notified of the reason for delay, including any extenuating circumstances that justify the delay.

VIII. Resolution of the Reasonable Accommodation Request

- (1) All decisions regarding a request for reasonable accommodation (including a decision to provide an alternate reasonable accommodation) will be communicated to an individual applicant or employee in writing. If the request for accommodation is granted, the supervisor or manager should communicate about implementation of the accommodation with the individual. If the request is approved, but the accommodation cannot be provided immediately, the supervisor or manager will inform the individual in writing of the projected time for providing the accommodation.
- (2) If OGE offers an alternative accommodation than the one requested, the supervisory or manager should explain in writing both the reasons for the denial of the individual's specific requested accommodation and why the agency believes that the alternative accommodation will be effective.
- (3) Reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a reasonable

accommodation. OGE must consider providing reassignment to a vacant position as a reasonable accommodation, when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position. Supervisors should coordinate with OGE executive leadership and other supervisors/hiring managers, as well as conduct a search using USAJobs.gov, in order to identify potential available vacancies when considering reassignment as a reasonable accommodation.

- (4) If the supervisor or manager denies a request for accommodation, the supervisor or manager must provide, in writing, the specific reasons for the denial; notify the individual of their right to file an EEO complaint; instruct them how to file such a complaint; and explain that the individual must initiate contact with an EEO counselor within 45 days of denial, regardless of whether the individual participates in an informal dispute resolution process. OGE encourages the use of the voluntary informal dispute resolution process to allow individuals to obtain prompt reconsideration of denials of accommodation requests.
- (5) Where the supervisor has denied a specific requested accommodation, but has offered an alternative accommodation which was not agreed to during the interactive process, the supervisor or manager should explain both the reasons for the denial of the requested accommodation and the reasons that the alternative accommodation should be effective.

IX. Personal Assistance Services

- (1) Personal assistance services are services that help employees with “targeted disabilities” perform basic activities such as eating, removing and putting on a coat, and using the restroom. These services only include assistance with basic human functions, and are only required if they enable the employee to do his or her job up to normal standards. They are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf, or readers for individuals who are blind or have learning disabilities. These job-related tasks services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act, as long as the provision of such services does not impose an undue hardship.
- (2) Personal assistance services differ from medical services and services that are typically performed by someone who often has the job title of “personal assistant.” Personal assistance services are non-medical services. These services are needed by individuals whose specific disabilities make it difficult to perform such activities on their own.

- (3) Although distinguishable from requests for reasonable accommodation, requests for personal assistance services will be initiated, processed and otherwise addressed in the same manner as described in this document.
- (4) OGE may deny a request for personal assistance services if the difficulty or cost of providing the service would cause an undue hardship for the agency. To determine whether providing personal assistance services would cause an undue hardship, OGE will use the same process used in determining whether a reasonable accommodation poses an undue hardship.

X. Monitoring the Accommodation

- (1) Once a request for a reasonable accommodation has been granted, the supervisor or manager should evaluate whether the accommodation is working and effective 30 days after it becomes operational. If the employee or supervisor/manager believes that any accommodation needs modification, the employee or the supervisor/manager may request to revisit the accommodation at any time.

XI. Appeal Rights

- (1) If an individual wishes to file an EEO complaint upon receipt of a final decision regarding his or her request for accommodation, the individual must contact an EEO counselor.
- (2) OGE has entered into a contract with the United States Postal Service (USPS) for the provision of EEO services. To get in touch with an EEO counselor, an individual should contact:

Gail M. Leary, EEO Services Analyst, USPS

Phone – (b)(6)

Email – (b)(6)

XII. Tracking, Reporting and Training

- (1) Upon completion of the accommodation process, the supervisor or manager involved must provide all information, including medical information that was received as part of processing the request to the Human Resources Attorney-Advisor/Disability Coordinator of OGE's Agency Operations Branch, who will maintain the information separate from the individual's Official Personnel or Applicant Folder.

- (2) OGE will record the following information with regard to each request for reasonable accommodation: (1) the specific reasonable accommodation; (2) the job (occupational series, grade level, and agency component) sought by requesting applicant or held by the employee; (3) whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; (4) whether the request was granted or denied; (5) the identity of the deciding official; (6) the basis of the denial; and (7) the number of days taken to process the request.
- (3) OGE will keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to EEOC upon EEOC's request.
- (4) Individuals may contact their supervisor or manager or the EEO Director, as appropriate, to track the processing of requests for reasonable accommodation.
- (5) **Electronic Tracking Application: HOLD**
- (6) Appropriate training on this policy must be provided to all managers, supervisors and employees. At a minimum, supervisors and managers should take advantage of the resource materials available on EEOC's public website, including EEOC *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act* (July 27, 2000), and EEOC *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act* (revised October 17, 2002).
- (7) Officials who decide requests for accommodation or make hiring decisions should be aware that in order to deny an accommodation based on cost, they must consider all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation. These officials should contact the EEO Director with any questions related to arranging for the use of agency resources to provide an accommodation.

XIII. Inquiries and Distribution

- (1) Any employee wanting further information concerning these procedures may contact Dale Christopher, OGE's EEO Director at

202-482-9224 or dachrist@oge.gov.

- (2) These procedures and the contact information shall be distributed to all employees upon issuance and will be available on the OGE's website and intranet. They will also be distributed to all new employees as part of their orientation.

XIV. Effective Date

These procedures replace OGE's Reasonable Accommodation Procedures for Individuals with Disabilities dated July 23, 2021. These revised procedures are effective as of March , 2022.

From: [Dale A. Christopher](#)
To: [VANESSA WILLIAMS](#)
Cc: [Sidney Williams](#); [Grace A. Clark](#); [GUL CHAUDHRY](#)
Subject: RE: TA Follow-Up Due: 03/15/2022
Date: Tuesday, March 1, 2022 4:57:08 PM

CAUTION: The sender of this message is external to the EEOC network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@eoc.gov.

Thank you, Vanessa (and Gul):

It was great meeting with both of you this morning. We'll make sure to get you any additional best practice/deficiency resolving information NLT the 15th and we look forward to working with you moving forward.

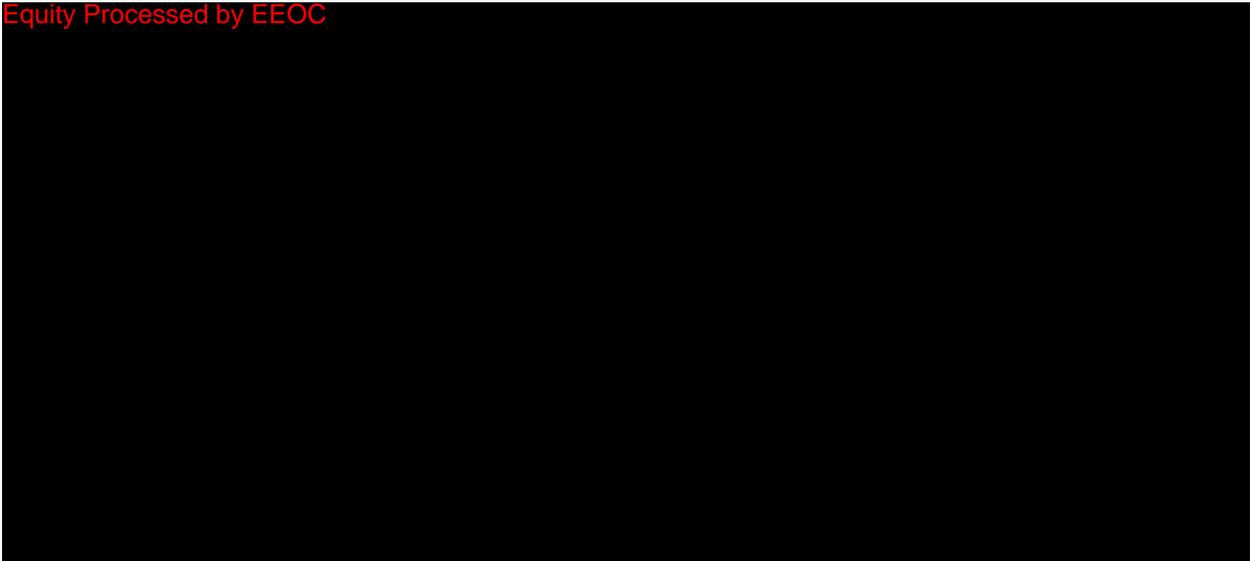
Have a pleasant evening,

Chip

Equity Processed by EEOC



Equity Processed by EEOC



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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Friday, February 25, 2022 12:48 PM

To: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

Cc: Sidney Williams <swilliam@oge.gov>; Grace A. Clark <gaclark@oge.gov>

Subject: Compliance Response

Happy Friday, Vanessa:

I understand from Grace and Sidney that you had a very productive discussion leading up to our technical assistance meeting next week. One thing that apparently arose during that discussion was that you hadn't seen our compliance response related to the previous technical assistance review EEOC conducted of OGE's program. Attached for your information is the compliance response letter that I submitted to Mr. Brooks on March 24, 2020.

We look forward to meeting with you next week!

Regards,

Dale

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From: [Dale A. Christopher](#)
To: [VANESSA WILLIAMS](#)
Cc: [Sidney Williams](#); [Grace A. Clark](#)
Subject: Compliance Response
Date: Friday, February 25, 2022 1:49:09 PM
Attachments: [Final TA Response Letter.pdf](#)

Happy Friday, Vanessa:

I understand from Grace and Sidney that you had a very productive discussion leading up to our technical assistance meeting next week. One thing that apparently arose during that discussion was that you hadn't seen our compliance response related to the previous technical assistance review EEOC conducted of OGE's program. Attached for your information is the compliance response letter that I submitted to Mr. Brooks on March 24, 2020.

We look forward to meeting with you next week!

Regards,

Dale

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March 24, 2020

Dexter Brooks
Associate Director, Federal Sector Programs
U.S. Equal Employment Opportunity Commission
P. O. Box 77960
Washington, D.C. 20013

Dear Mr. Brooks:

On May 14, 2019, the U.S. Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO), held a technical assistance meeting with the U.S. Office of Government Ethics (OGE) to review the status of its compliance with federal EEO laws, regulations, and management directives. This letter serves as OGE's required Compliance Report in response to the EEOC September 10, 2019, letter summarizing the results of EEOC's technical assistance review.

Best Practices and Other Noteworthy Activities

OGE is pleased that EEOC identified and commended OGE for several best workplace practices related to OGE's EEO program, including the mandatory training OGE managers were provided in 2019, which specifically focused on medical documentation requests and covered best practices in requesting, using, and storing medical information. EEO lauded OGE for its efforts in strengthening its disability program.

EEOC also noted that OGE had corrected program deficiencies since EEO's previous feedback letter, dated August 3, 2018, noting in particular that:

- OGE has submitted its reasonable accommodations procedures to EEOC for review;
- OGE has submitted its personal assistance services procedures to EEOC for review;
- The EEO Director reports directly to the agency head;
- OGE has appointed a disability program coordinator; and
- The agency collects the required applicant flow data.

Deficiencies and Recommendations from Technical Assistance Review

EEOC's technical assistance review also identified some areas of OGE's EEO program that required improvement. The following is a summary of the deficiencies and recommendations stemming from EEOC's review and detailed in the September 10, 2019, letter, followed by the actions OGE has taken or plans to take to address the recommendations.



1. Non-Compliant Anti-Harassment Policy

EEOC's September 2019 letter explained that agency anti-harassment procedures should contain, at a minimum, the following elements:

- a. A clear explanation of prohibited conduct;
- b. Assurance that employees who make claims of harassment or provide information related to such claims will be protected against retaliation;
- c. A clearly described complaint process that provides accessible avenues for complainants;
- d. Assurance that to the extent possible, the agency will protect the confidentiality of the individuals bringing harassment claims;
- e. A complaint process that provides a prompt, thorough, and impartial investigation; and
- f. Assurance that the agency will take immediate and appropriate corrective action when it determines that harassment has occurred.

According to the letter, EEOC's review of OGE's anti-harassment policy, *OGE Policy Statement on Anti-Harassment* (February 14, 2019), determined that the policy does not satisfy elements (a), (c), and (e).

First, EEOC noted that the list of protected bases in the second paragraph does not include reprisal. Once reprisal is added to the list, the policy will comply with element (a).

OGE Response

OGE has revised its anti-harassment policy to add reprisal to the list of protected bases. (*See Attachment 1*)

Second, EEOC stated that agencies must begin an investigation within 10 days of receiving notice of the harassing conduct and take corrective action in less than 60 days.

OGE Response

OGE has revised its anti-harassment policy to include the recommended timeframes for beginning an investigation and taking appropriate corrective action. (*See Attachment 1*)

Third, EEOC noted that the third paragraph of the policy states that OGE employees must report incidents of harassment to supervisors or other appropriate management officials. EEOC recommended that OGE clearly identify specific officials (e.g., immediate supervisor, chain of command, Human Resource (HR) staff, and/or EEO staff). EEOC also explained that during the technical assistance review, EEOC officials learned that the Department of Treasury's Bureau of Fiscal Services (BFS) handles much of OGE's HR functions. EEOC added that during the review, the OGE EEO Director stated that BFS would also be responsible for investigating its anti-harassment claims. EEOC therefore recommended that OGE should include BFS as an avenue to report allegations of harassment.

EEOC's also noted that with respect to element (e), the fourth paragraph of the policy states that management will take prompt action to investigate the alleged harassment; however, the document does not explain that the investigation will be thorough and impartial. EEOC also noted that the policy establishes that management is responsible for the investigations, which may not appear to be impartial depending on the role of the supervisor. Since BFS will actually be conducting the investigations, EEOC urges OGE to identify BFS in the policy as an impartial third party that will conduct thorough investigations.

OGE Response

OGE has updated its anti-harassment policy to make clear that any allegation of alleged harassment will be investigated thoroughly and impartially. OGE also added language to the revised policy to indicate that BFS will be conducting the investigation. However, as OGE's expectation is that employees are to report allegations of harassment to their immediate supervisor--or second-level supervisor if the immediate supervisor is the target of the allegation-- who in turn would refer the allegation to BFS for investigation, OGE did not include BFS as an avenue to report allegations of harassment in the policy. (*See Attachment 1*)

Fourth, as to the implementation of the anti-harassment program, EEOC reported that they learned during the technical assistance meeting that the OGE EEO Director is not involved in harassment investigations; however, the OGE stated in Part G of its FY 2018 MD-715 report that its anti-harassment efforts are within EEO. They added that OGE does not have an anti-harassment coordinator. As such, EEOC expressed concern that OGE has not established a sufficient firewall between the EEO Director and the anti-harassment program. To avoid the EEO Director from becoming a witness in an EEO complaint, the EEO Director cannot act as the decision-maker in the anti-harassment program. If the anti-harassment program resides within the EEO office, the firewall is a procedure to prevent the EEO Director from involvement in the day-to-day functions of that program, particularly the decision-making process.

OGE Response

As previously explained, the EEO Director is solely involved in the administrative and programmatic aspects of the OGE EEO program. He is not, nor has he ever been, involved in harassment allegations and does not serve as a decision-maker in any aspect of these investigations. To the extent that a harassment investigation uncovers evidence of wrongdoing on the part of any OGE employee, the matter will be referred to the employee's management chain for further action.

Finally, EEOC noted that in Part G, question C.2.a.6 of its FY 2018 MD-715 report, OGE stated that it has not developed formal anti-harassment training materials. The lack of training materials means the agency is deficient in providing examples of disability-based harassment. Moreover, EEOC expressed concern that the lack of training materials may impede managers and supervisors from receiving sufficient anti-harassment training. This training is critical for all managers and supervisors regarding the terms of the anti-harassment policy and their role in the complaint process.

OGE Response

OGE does not have the staff to directly provide training to its employee on EEO matters and relies on contract providers and prepared presentations for EEO training. OGE provided live, in-person anti-harassment training as part of its biennial No FEAR Act training in 2018 and will again provide this training in 2020. OGE also provided supervisors with additional No FEAR training in 2019, a component of which focused on anti-harassment. While not directly related to anti-harassment, OGE also notes that in 2019 all supervisors received in-person training entitled, “Connecting with Respect,” which was delivered by an outside vendor. This training is designed to help create enduring cultures of respect and civility and, among other things, explains the impact that stereotypes have on our actions and decisions.

While OGE is unaware of any statutory or regulatory requirement to have formal anti-harassment training materials, we will ensure that such materials are prepared and disseminated in conjunction with its 2020 No FEAR training.

2. Lack of Comprehensive Plan to Achieve Goals for PWD and PWTD

After reviewing OGE’s FY 2018 affirmative action plan (AAP), EEOC commended OGE for adopting and reaching most of the hiring goals for persons with disabilities (PWD) and persons with targeted disabilities (PWTD). EEOC noted, however, that OGE has not met the 2% hiring goal for PWTD in the GS-11 through SES cluster. Therefore, the September 2019 EEOC letter stated that until OGE meets all of the goals, the agency must implement a plan to increase the hiring of PWTD.

In its FY 2017 MD-715 report, OGE also acknowledged that the agency has not developed a plan to train all managers on the use of hiring authorities that take disability into account. In its response to our notice letter, OGE stated the agency has begun researching appropriate training for its managers.

OGE Response

OGE appreciates that in its letter, EEOC noted that OGE has begun outreach efforts to affinity groups, universities, and other organizations that assist people with disabilities with their job search. OGE will take under advisement EEOC’s recommendation that we collaborate with BFS in utilizing programs, such as the Workforce Recruitment Program and OPM’s Talent Portal in USAJobs, to identify qualified PWTD as vacancies occur and to establish contacts with organizations, such as American Job Centers, State Vocational Rehabilitation Agencies, the Veterans’ Vocational Rehabilitation and Employment Program, Centers for Independent Living, and Employment Network Service Providers.

In response to EEOC’s second finding in this area, in FY 2019, OGE contracted with the Federal Employment Law Training Group to conduct a webinar on the Schedule A hiring authority. OGE will remain on the lookout for additional training opportunities related to hiring opportunities that take disability into account.

3. Failure to Conduct Barrier Analysis

According to EEOC's September 2019 letter, MD-715 requires all agencies, regardless of size, to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group. The letter goes on to state that a number of Part G questions assess whether agencies conduct barrier analysis. In Part G, question D.2.b of its FY 2018 MD-715 report, OGE stated that it regularly examines the impact of policies, procedures, and practices. The agency also explained in Part E that it is conducting an ongoing assessment to identify barriers. However, OGE reported in question B.6.b that it did not conduct barrier analysis in FY 2018. As demonstrated by the questions below, OGE has not established a process for conducting barrier analysis:

- B.6.b – Senior managers do not participate in the barrier analysis process;
- B.6.c – Senior managers do not assist in developing EEO action plans when barriers are identified;
- C.4.a – The HR Director and EEO Director do not meet regularly to assess whether programs, policies, and procedures conform to EEOC guidance;
- C.4.b – The agency has not established timetables to review its merit promotion program, employee recognition/awards program, and employee development/training program at regular intervals;
- D.1.a – The agency does not have a process for identifying triggers in the workplace; and
- D.2.a – The agency does not have a process for analyzing identified triggers for barriers.

The EEOC letter then explained that for the last three years, OGE has acknowledged in Part G that the agency lacks sufficient resources to conduct a thorough barrier analysis of its workforce. In particular, OGE noted that EEO responsibilities are collateral duties, which limits dedicated time to this initiative. In its response to EEOC's notice letter, OGE stated the agency has performed barrier analyses in the past, although it could not attest to the thoroughness of its analysis due to limited resources.

Given OGE's limited resources, we urge the agency to utilize a diversity council with members from throughout the agency. Participation in the diversity council would involve members of senior management in the barrier analysis process. For example, the council could meet quarterly to discuss triggers found in the agency workforce and develop plans to remove any identified barriers. The council could then share its findings with all senior managers, who could offer additional feedback.

After reviewing Part H of OGE's FY 2018 MD-715 report, EEOC found that OGE created plans for the barrier analysis-related deficiencies, but did not include an objective, responsible official, or planned activities in the plans. EEOC stated that it expects OGE to demonstrate meaningful progress in implementing its Part H plans to correct these deficiencies and in conducting barrier analysis each year.

OGE Response

OGE will consider EEOC's recommendations with regard to establishing a process for conducting barrier analysis to address the deficiencies EEOC identified in OGE's FY 2018 MD-715 report, including identifying an objective, responsible official and planned activities. OGE's implementation of these recommendations will be reflected the next MD-715 report, now due May 15, 2020.

4. Lack of System to Track and Monitor EEO Complaints

In its letter, EEOC stated that in accordance with 29 C.F.R. § 1614.602(a), agencies must provide their EEO complaint data to EEOC. To collect the complaint data, MD-715 requires agencies to use a complaint tracking and monitoring system that allows identification of the location and status of complaints, and the length of time that has elapsed at each stage of the process. Moreover, agencies must have a system in place to accurately, collect, monitor, and analyze complaints data.

The letter goes on to say that for the past three years, OGE has acknowledged in Part G that it does not have a system to track and monitor EEO complaints. Rather, OGE noted that with so few complaints at the agency, it currently uses a calendar to track complaint stages. In its response to our notice letter, OGE explained that an agency of OGE's size and small number of complaints does not require a detailed tracking and monitoring system. The agency can routinely develop status reports containing this information upon request with little difficulty. Nonetheless, EEOC remains concerned that OGE's use of a calendar to track complaints may not be transferable in the event of personnel turnover and may be susceptible to Privacy Act violations.

In Part H of its next MD-715 report, EEOC expects OGE to establish a detailed plan and demonstrate meaningful progress toward correcting this deficiency. In particular, we urge OGE to establish a plan to utilize a program, such as Microsoft Access, SharePoint or Microsoft Excel, to create a password protected complaint log.

OGE Response

OGE reiterates that it has always provided timely and accurate complaint data to EEOC in the past. OGE also notes that it uses a contract services provider (currently the United States Postal Service) to process EEO complaints. For this reason, using an internal tracking system as recommended by the EEOC is not a practical method for tracking complaint activity because the information is not maintained at OGE. Nonetheless, OGE will take this recommendation under consideration and will consult with the Postal Service to devise a plan for addressing this issue. OGE will report the plan in Part H of its next MD-715 report, now due May 15, 2020.

5. Lack of a Disciplinary Policy and/or Table of Penalties

EEOC's regulation, 29 CFR § 1614.102(a)(6), requires agencies to maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies, which includes taking appropriate disciplinary action against employees

who engage in discriminatory practices. In Part G, question C.5.a of its FY 2018 MD-715 report, OGE acknowledged that the agency does not have a disciplinary policy and/or table of penalties. Although OGE created a plan in Part H to correct this deficiency, the plan did not include an objective, responsible official, or planned activities. If OGE does not issue a disciplinary policy during FY 2019, EEOC stat that it expects OGE to establish a detailed plan and demonstrate meaningful progress toward correcting this deficiency.

OGE Response

In response to this recommendation, OGE has added a new section to its disciplinary policy. Specifically, this section, entitled “DISCIPLINE AFTER A FINDING OF DISCRIMINATION” has been added as a subchapter to OGE’s Human Resources Manual. (*See Appendix 2*)

OGE thanks EEOC for its assistance and recommendations and looks forward to its continued support as OGE strives to administer an effective EEO program. If you or members of your staff would like to discuss this response, please free to contact me at 202-482-9224 or at dachrist@oge.gov.

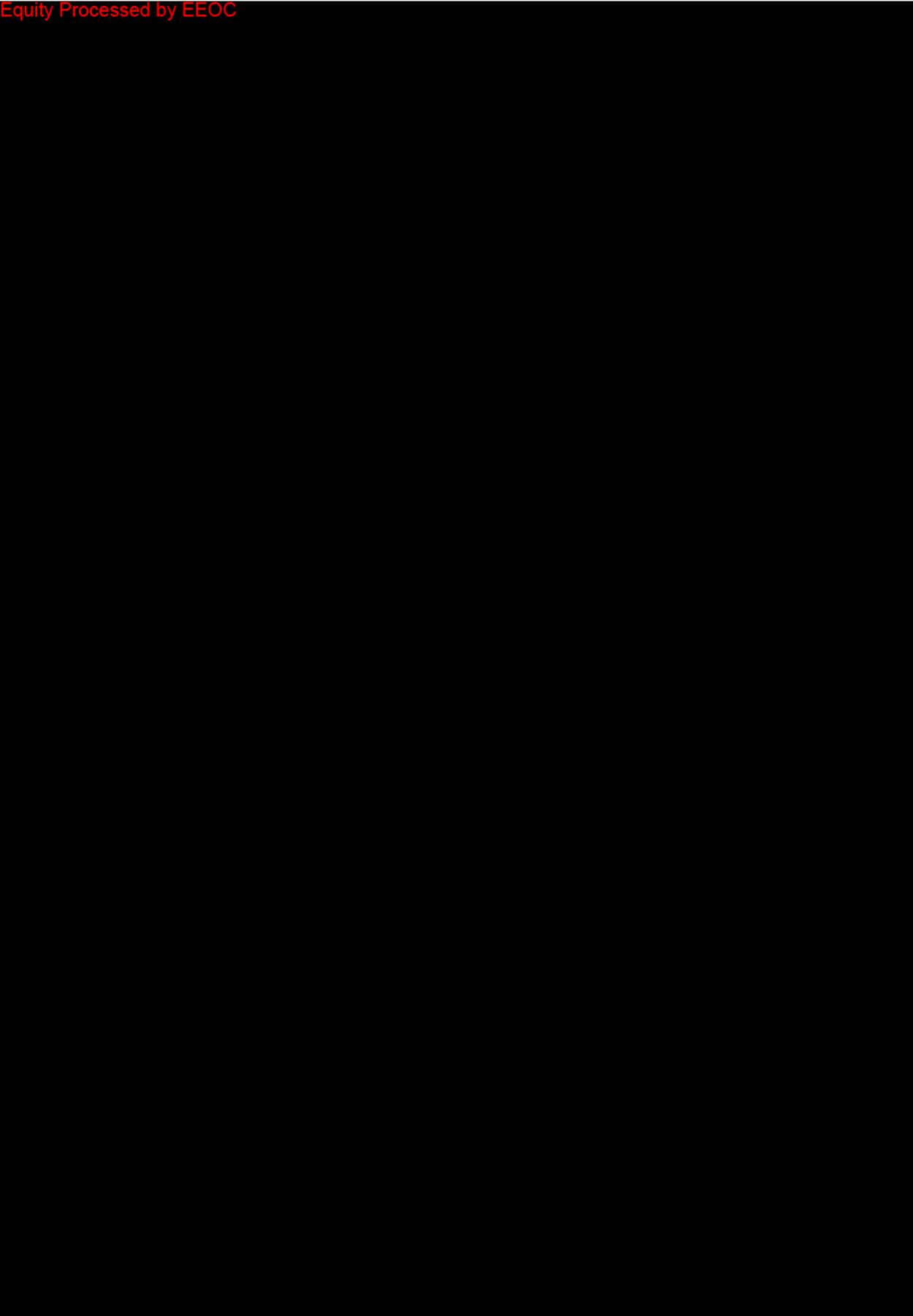
Sincerely,

DALE
CHRISTOPHER

Digitally signed by
DALE CHRISTOPHER
Date: 2020.03.24
15:35:29 -04'00'

Dale A. Christopher, Jr.
Deputy Director for Compliance and
EEO Director

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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Monday, February 14, 2022 3:34 PM

To: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

Cc: Sidney Williams <swilliam@oge.gov>; Grace A. Clark <gaclark@oge.gov>

Subject: RE: Pre-TA Chat

Good afternoon, Vanessa:

It was a pleasure speaking with you last week. As promised during that discussion, this morning my colleagues, Grace Clark and Sidney Williams, cc'd here, briefly reviewed the deficient items identified in EEOC's notification letter. As also discussed, Ms. Clark and Mr. Williams have kindly agreed to serve as OGE POCs leading up the date of the actual technical assistance meeting. Both are eager to discuss with you ways that OGE might address some of the identified deficiencies prior to the meeting, or at the very least, prior to the issuance of your final report.

Thank you again for your offer to assist us in bringing our program into compliance and feel free to reach out to my esteemed colleagues to get that ball rolling.

Regards,

Dale

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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Friday, February 4, 2022 3:35 PM

To: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

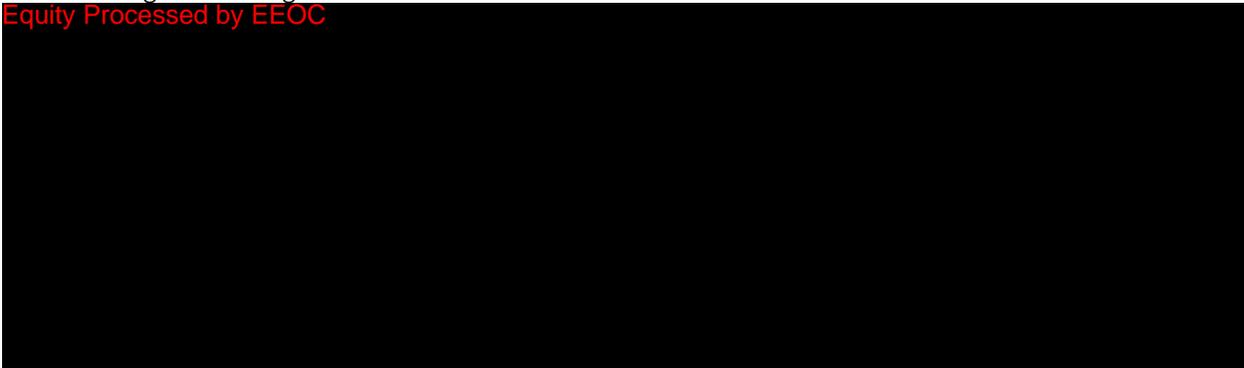
Subject: RE: Pre-TA Chat

How bout 11:30 on Thursday?

Sent from my Galaxy

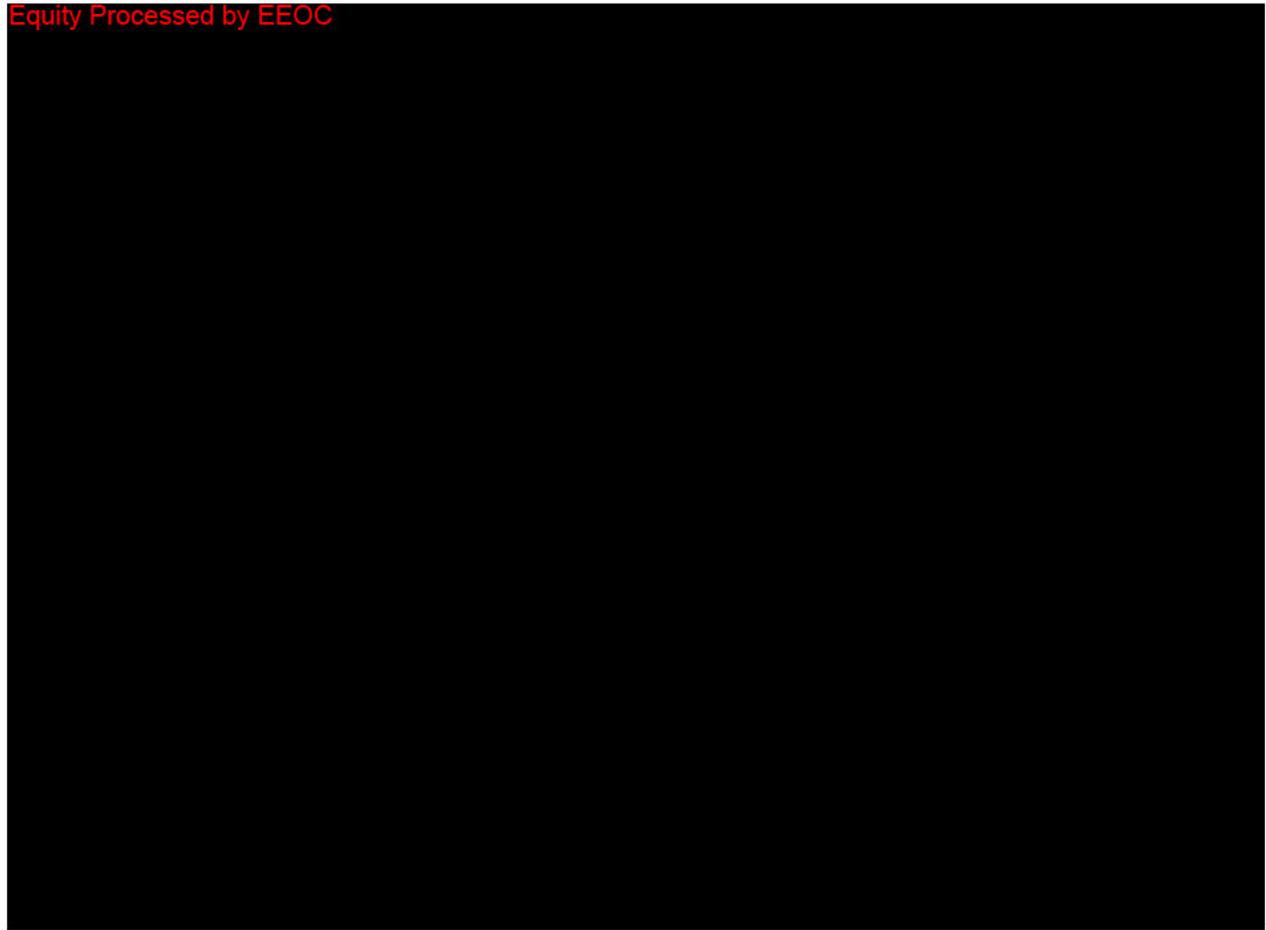
----- Original message -----

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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Thursday, January 27, 2022 4:20 PM

To: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

Cc: GUL CHAUDHRY <GUL.CHAUDHRY@EEOC.GOV>; Grace A. Clark <gaclark@oge.gov>; Sidney Williams <swilliam@oge.gov>

Subject: RE: Scheduling: Technical Assistance Visit (OGE) 2022

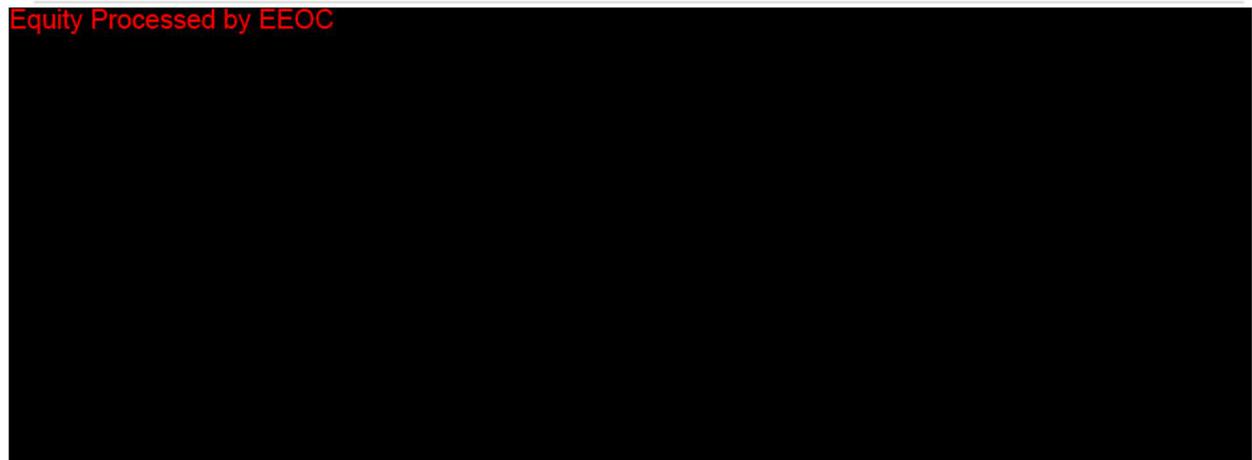
Good evening, Vanessa:

OGE would prefer to meet on March 1 at 10:30 if that's still an option.

Thank you,

Dale

Equity Processed by EEOC



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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Wednesday, January 26, 2022 10:28 AM

To: VANESSA WILLIAMS <VANESSA.WILLIAMS@EEOC.GOV>

Cc: GUL CHAUDHRY <GUL.CHAUDHRY@EEOC.GOV>

Subject: RE: Scheduling: Technical Assistance Visit (OGE) 2022

Hello, Ms. Williams:

I am coordinating with the other folks on this end whom I'd like to participate in this meeting. I'll let you know asap about what dates/times would work best for us. Shouldn't take long.

Regards,

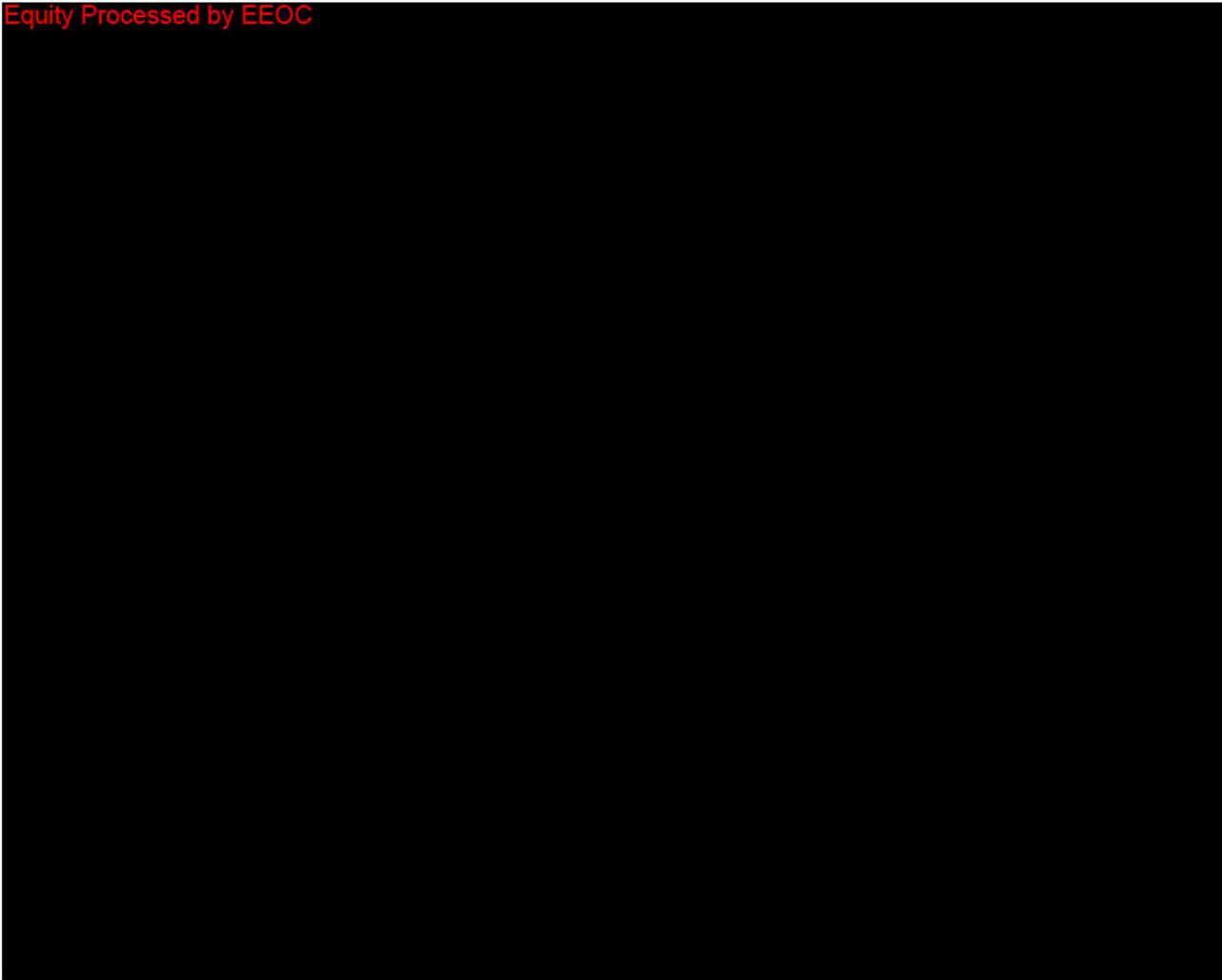
Dale

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From: Dale A. Christopher <dachrist@oge.gov>

Sent: Friday, July 23, 2021 4:35 PM

To: LORI GRANT <LORI.GRANT@EEOC.GOV>

Cc: CRYSTAL GRANT <CRYSTAL.GRANT@EEOC.GOV>; NAKEITHA ANYAMELE-LATNEY <NAKEITHA.ANYAMELE-LATNEY@EEOC.GOV>; Diana Veilleux <djveille@oge.gov>; Shelley K. Finlayson <skfinlay@oge.gov>; Sidney Williams <swilliam@oge.gov>

Subject: RE: Feedback on OGE's RA Procedures

Good afternoon,

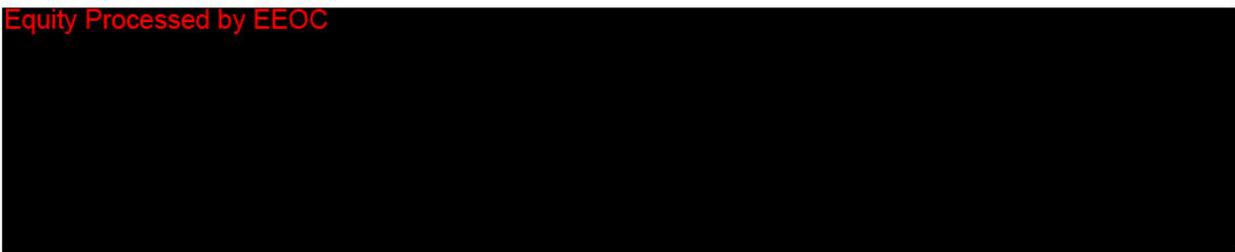
Attached please find the U.S. Office of Government Ethics' Reasonable Accommodation Procedures, revised to incorporate feedback provided by EEOC on June 4, 2021.

As always, please let me know if you have any questions.

Regards,

Dale Christopher

Equity Processed by EEOC



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From: [Dale A. Christopher](#)
To: [LORI GRANT](#)
Cc: [CRYSTAL GRANT](#); [NAKEITHA ANYAMELE-LATNEY](#); [Diana Veilleux](#); [Shelley K. Finlayson](#); [Sidney Williams](#)
Subject: RE: Feedback on OGE's RA Procedures
Date: Friday, July 23, 2021 4:36:11 PM
Attachments: [Revised RA Policy 7-23-21.pdf](#)

Good afternoon,

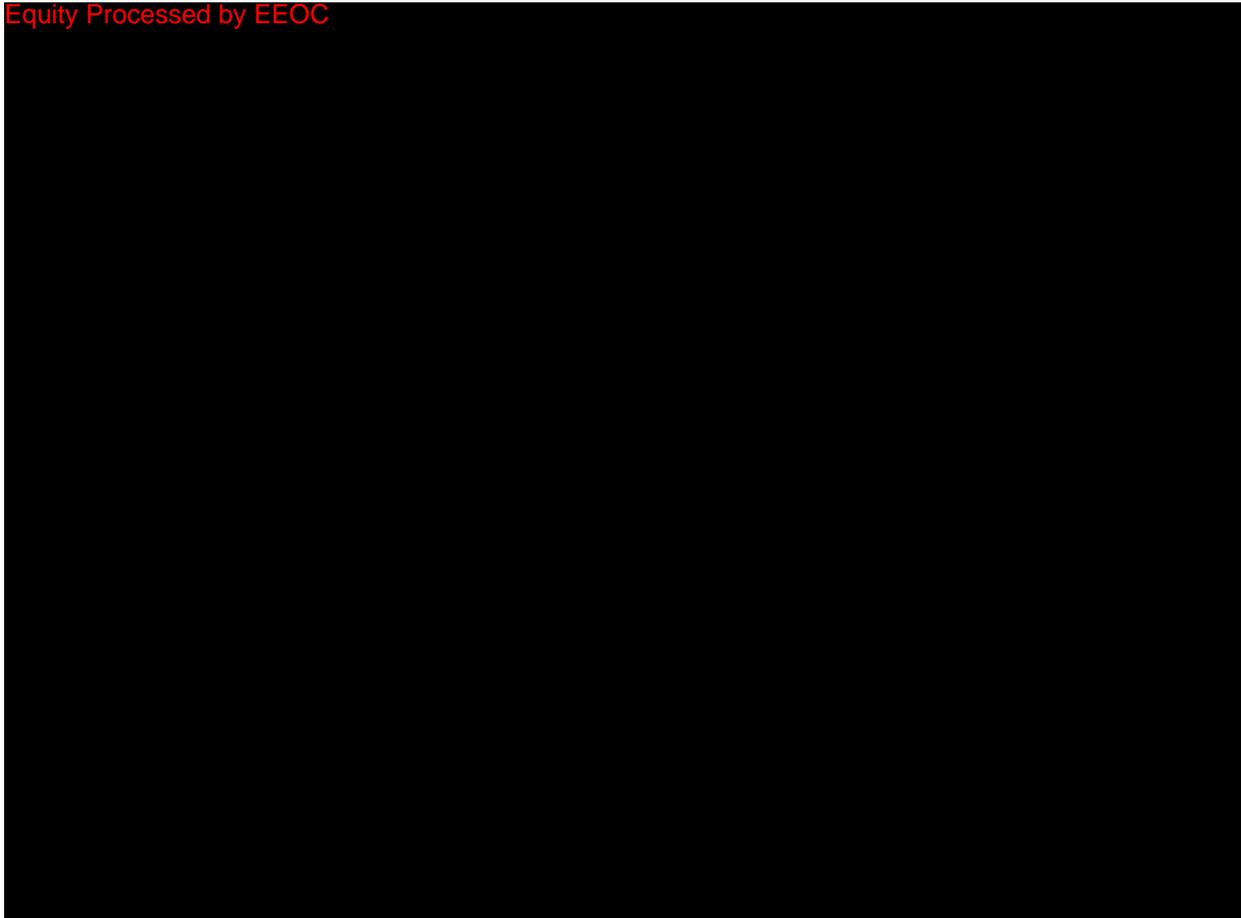
Attached please find the U.S. Office of Government Ethics' Reasonable Accommodation Procedures, revised to incorporate feedback provided by EEOC on June 4, 2021.

As always, please let me know if you have any questions.

Regards,

Dale Christopher

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**OFFICE OF GOVERNMENT ETHICS
REASONABLE ACCOMMODATION POLICY
AND PROCEDURES FOR INDIVIDUALS WITH
DISABILITIES**

I. General Provisions

A. Introduction

In accordance with the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the U.S. Office of Government Ethics (OGE) is committed to providing reasonable accommodation to its qualified employees or applicants with disabilities. Reasonable accommodation is any change in the work environment (or the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits or privileges of employment.

OGE will process requests for reasonable accommodation submitted by employees or applicants for OGE employment and will provide reasonable accommodation, where appropriate, in accordance with the time frames set forth in these procedures. OGE will make available to job applicants and employees a copy of these procedures in written and accessible formats that meet an individual's particular need.

B. Scope

These procedures apply to any OGE employee with a disability who seeks accommodation to perform the essential functions of his or her current position or who needs accommodation in order to enjoy the benefits and privileges of employment at OGE. The procedures also apply to an OGE employment applicant who needs assistance in the application process (applicant).

II. Definitions

Decision Maker

An individual who is responsible for determining whether to grant or deny a request for reasonable accommodation. This person is typically the requesting individual's supervisor/manager. However, sometimes, for example, when a request is related to building accessibility or is made by a job applicant, other parties may have the final say in the decision.

Disability

A physical or mental impairment which substantially limits one or more of an employee's or applicant's major life activities; or having a record or history of such an impairment; or being regarded as having such an impairment. Generally, a transitory condition (expected to last 6 months or less) is not considered to be a disability.

A disability may include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or any mental psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities (such as dyslexia or dyspraxia).

Non-visible/non-obvious disabilities

In some circumstances, a disability may not be visible or apparent to other people. Such non-visible/non-obvious disabilities include partial sensory impairments such as low vision or hearing loss; chronic health conditions like arthritis, asthma or diabetes; mental health conditions; learning disabilities; and serious illness, such as cancer.

Targeted disabilities

A subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. These barriers are often due to myths, fears, and stereotypes about such disabilities. Examples of targeted disabilities include deafness, blindness, paralysis, and missing extremities.

Essential Function

A fundamental duty or task that is integral to the position in question or job to be performed by the employee or applicant seeking reasonable accommodation. Determination of the essential job 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. A function can be essential if, among other things: the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the individual was hired based on his or her ability to perform it.

Extenuating Circumstances

Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, a delay caused by a supplier's inability to deliver a product in a timely manner because of manufacturing delays could be considered an extenuating circumstance.

Interactive Process

The process by which the individual requesting a reasonable accommodation, the employee's supervisor or manager, and any other appropriate parties communicate with each other about the request for reasonable accommodation and related issues, including, the need for medical documentation to support a requested accommodation, potential alternative accommodations and timeframes for providing an accommodation.

Major Life Activities

Major life activities under the Rehabilitation Act/ADAAA include caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Whether an activity is considered a major life activity is not determined by reference to whether it is of central importance to daily life. The term “major” is not to be interpreted strictly to create a demanding standard for disability.

Personal Assistance Services

Services that help someone perform basic activities like removing and putting on clothing, eating and using the restroom. Personal assistant services are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities. Job-related task services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act as long as the provision of such services does not impose an undue hardship on the employer.

Personal Assistance Service Provider

An employee or independent contractor whose primary job functions include provision of personal assistance services.

Qualified Individual with a Disability

An employee or applicant with a disability who satisfies the skill, experience, education and other job-related requirements for the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

Any change in the work environment or the way things are usually done to help a person with a disability apply for a job, perform the duties of a job or enjoy the benefits and privileges of employment. The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability unless doing so would cause an undue hardship to the employer.

Reassignment

A form of reasonable accommodation that, absent undue hardship, may be provided to non-probationary employees who, because of a disability are unable to perform the essential functions of their job, with or without a reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the positions.

Undue Hardship

Significant difficulty or expense to the agency that would result or is likely to result, from a proposed reasonable accommodation. If a requested accommodation would cause undue hardship, OGE is not required to provide that particular accommodation. Determination of undue hardship must always be made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, the impact of the accommodation on the operation of the agency, and other relevant considerations.

III. Delegation of Authority

The Director of OGE shall ensure that an effective process for handling a request for reasonable accommodation is established. The Director shall designate the Director of Equal Employment Opportunity to oversee the reasonable accommodation program agency-wide.

A. Director of Equal Employment Opportunity will:

- (1) Establish procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
- (2) Analyze and evaluate the effectiveness of the process for responding to requests for accommodation.
- (3) Coordinate as necessary with OGE's Budget Officer and/or Chief of Staff to ensure that sufficient resources are provided by OGE for effective implementation and management of a process for responding to requests for reasonable accommodation.
- (4) Ensure supervisors and managers receive reasonable accommodation training as designated by OGE in accordance with Executive Order 13164 and EEOC Management Directive-715.
- (5) Provide guidance to and coordinate with supervisors and managers in processing requests, and in facilitating and ensuring accurate tracking and reporting of reasonable accommodation provisions to employees with disabilities at OGE.
- (6) Provide an annual report on all reasonable accommodation and disability program activities to the Director of OGE and the Chair of the EEOC in accordance with MD-715 on or before February 28, annually.
- (7) Manage employment matters affecting people with disabilities and serve as technical advisor to OGE workforce on all disability issues. Responsibilities include providing general guidance on disability employment, developing and/or delivering disability related training, and

approving and assisting with the processing of reasonable accommodation requests.

- (8) Engage in an interactive process with supervisors, managers, applicants, and employees on determinations of reasonable accommodation requests, whether the accommodation requests are received from agency officials or directly from the employee.
- (9) Answer questions from the requester regarding the process, and the rules and regulations governing reasonable accommodation.
- (10) Provide guidance to managers and supervisors on statutory and regulatory requirements of reasonable accommodation and related issues.
- (11) Provide guidance on effective accommodations, such as whether additional information is needed from requester, whether a disability is a covered disability, whether the requester is a qualified individual with a disability requiring reasonable accommodation, and whether a request for reasonable accommodation presents an undue hardship to the agency.
- (12) Provide guidance to employees with disabilities and their supervisors to assist with identifying internal and external resources available to help facilitate the selection of an effective accommodation.

IV. Requesting a Reasonable Accommodation

- (1) A request for reasonable accommodation is a statement that an individual seeks an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins when the request for accommodation is made.
- (2) A request for reasonable accommodation can be made not just by the individual with a disability, but also by a family member, health professional, or other representative who is acting on the individual's behalf.
- (3) An applicant or an employee may request a reasonable accommodation orally or in writing. In the case of an employee, requests should be made to the employee's supervisor or manager. An applicant may make a request for a reasonable accommodation to the hiring manager.
- (4) An individual does not need to fill out any specific form for the interactive process to begin.

- (5) A request for reasonable accommodation does not have to use any special words such as “reasonable accommodation,” “disability” or “Rehabilitation Act” and an individual need not have a particular accommodation in mind before making a request.
- (6) When an individual makes a request for a type of accommodation that will be needed on a repeated basis – such as, a sign language interpreter, CART Services, or readers – the individual is not required to submit a written request each time the accommodation is needed. Once the accommodation is approved for the first time, the employee may obtain the accommodation by notifying their supervisor or manager.

A. Evaluating the Request and the Interactive Process

- (1) The supervisor or manager will contact the applicant or employee who has made the request within 7 business days after the initial oral or written accommodation request is received to begin discussing the request.
- (2) The supervisor or manager is responsible for processing the request, engaging early in the interactive process and periodically throughout the process, and making the decision to grant or deny the requested accommodation or offer some alternative accommodation. Contact information for all OGE supervisors and managers can be found on OGE’s intranet site for employees making a request. In the case of applicants, the EEO Director, Dale Christopher, will make the final decision and can be reached at 202-482-9224 or at dachrist@oge.gov.
- (3) The procedure for processing the request involves a dialogue between the supervisor or manager and the employee or applicant, and may include consultation with other OGE officials, such as the EEO Director. After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. Communication is a priority throughout the reasonable accommodation process. While the employee or applicant seeking a reasonable accommodation is expected to communicate about his or her needs in identifying and requesting a reasonable accommodation, the supervisor or manager involved in the reasonable accommodation process should take a proactive approach in considering possible accommodations, including consulting appropriate resources for assistance. The supervisor or manager and the employee may utilize reasonable accommodation resources to determine the appropriate, effective accommodation, such as the Computer/Electronic Accommodations Program (“CAP”), to provide needs assessment and assistive computer/electronic technology, devices and services. OGE’s EEO Director will serve as the point of contact with CAP.

- (4) The following are examples of reasonable accommodations and are provided as guidance for supervisors and managers in recognizing reasonable accommodation requests:
 - a. Modifications or adjustments to a job application or contract solicitation process to permit an individual with a disability to be considered for a position (i.e. providing forms in alternative formats like large print or Braille and/or providing a sign language interpreter);
 - b. modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (i.e. providing sign language interpreters; making existing facilities accessible; job restructuring or part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and/or reassignment to a vacant position); and
 - c. modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment.

V. Requests for Medical Information

- (1) When a disability and/or need for accommodation is not obvious, the supervisor or manager may require that the individual provide reasonable documentation about the disability and their functional limitations. The information provided by the individual should be sufficient to explain: (1) the nature of the individual's disability; (2) the need for reasonable accommodation; and (3) how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace.
- (2) The supervisor or manager may also request supplemental documentation when the information already submitted is insufficient to document the disability and/or the functional limitations it causes.
- (3) OGE has the right to have medical information reviewed by a medical expert chosen by the agency at the agency's expense.
- (4) The supervisor or manager *may not* request medical information where: (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided sufficient information to document the existence of the disability and the individual's functional limitations.
- (5) In making the request for medical documentation, the supervisor or manager will be guided by principles set forth in the ADA Amendments Act of 2008 and EEOC's Final Rules implementing the ADAAA of March 2011. Specifically, the ADA Amendments Act directs that the definition of disability be construed broadly and that the determination of whether an

individual has a “disability” generally should not require extensive analysis.

- (6) In some instances, the supervisor or manager may need to request additional medical information to determine if an individual’s impairment is a disability, or to determine what would be an effective accommodation. If additional medical information is required, the supervisor or manager may give the individual a list of questions to give the health care provider to answer.
- (7) Requesting additional medical information will stay the time for processing the reasonable accommodation request until sufficient medical information is provided. If an individual fails or refuses to provide medical information that has been requested, the interactive process will be deemed concluded. The failure or refusal of an employee or applicant to provide medical information that has been requested will be grounds for denial of a reasonable accommodation request.
- (8) If a delay in processing a reasonable accommodation request is attributable to the need to obtain or evaluate medical documentation and OGE has not yet determined that the individual is entitled to an accommodation, OGE may provide an accommodation on a temporary basis. In such a case, the supervisor or manager will notify the individual in writing that an accommodation is being provided on a temporary basis pending a decision on the accommodation request.

VI. Confidentiality of Medical Information Submitted to OGE

- (1) Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential and may only be disclosed to individuals who have a need to know of the medical information. All medical information including information about functional limitations and reasonable accommodation needs that OGE obtains in connection with a request for reasonable accommodation, must be kept by the supervisor or manager in a Medical Folder, separate from the individual’s Official Personnel or Applicant File. The same requirements apply to electronic files. An OGE employee who obtains or relies on such medical information is strictly bound by these confidentiality requirements.
- (2) The supervisor or manager may share certain information with other OGE officials only to the degree necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the supervisor or manager will inform the recipients of the information about the confidentiality requirements. In most situations, OGE will need to reveal the name of the requester and/or the division in which the requester

works, and reveal the employee's or applicants functional limitations.

- (3) In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows: (1) supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodation(s); (2) first aid and safety personnel may be told if the disability might require emergency treatment; (3) government officials to investigate the agency's compliance with the Rehabilitation Act; (4) workers' compensation offices or insurance carriers; and (5) agency EEO officials may be given the information to maintain records.

VII. Time Frames for Decision on a Request for Reasonable Accommodation

- (1) The reasonable accommodation process begins as soon as the oral or written request for the accommodation is received by the requester's supervisor or manager. Contact with the employee or applicant who has made the request should generally take place within 7 business days after the initial oral or written request is received to begin discussing the accommodation request.
- (2) Absent extenuating circumstances, a request for reasonable accommodation will be granted or denied within 30 business days from when the oral or written request is received. It is the policy of OGE to process requests for reasonable accommodation and provide accommodation, where appropriate, in as short a time as is practicable. Where an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act. However, the time necessary to process a request will depend upon the nature of the accommodation requested and whether it is necessary to obtain supporting information, or support from other entities, such as CAP. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.
- (3) OGE will work to expedite the processing of requests for reasonable accommodations that are needed sooner than the 30-day time frame. Expedited processing for reasonable accommodation requests may be required if the accommodation is needed, for example: (1) to enable an individual with a disability to apply for a job; or (2) the accommodation is needed for a specific agency activity that is scheduled to occur shortly.
- (4) Failure to meet this deadline solely because the supervisor or manager did not timely begin the interactive process when the request was received is

not ordinarily an extenuating circumstance that would extend the time limit.

- (5) Where the supervisor or manager believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability, to identify functional limitations, or to determine whether a requested or alternative accommodation will enable the employee to perform the essential functions of the position in question, the 30-day period may be extended provided that the request for medical information is made within the 30-day period. If medical documentation is needed, the decision shall be made and accommodation (if granted) shall be provided within 30 business days from the date the decision maker receives the relevant information.
- (6) When all the known facts and circumstances make it is reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately, OGE will provide the individual with an interim accommodation that allows the individual to perform some or all of the essential functions of the job, absent undue hardship.
- (7) Where there is a delay in either processing a request for accommodation or providing an accommodation, the individual will be notified of the reason for delay, including any extenuating circumstances that justify the delay.

VIII. Resolution of the Reasonable Accommodation Request

- (1) All decisions regarding a request for reasonable accommodation (including a decision to provide an alternate reasonable accommodation) will be communicated to an individual applicant or employee in writing. If the request for accommodation is granted, the supervisor or manager should communicate about implementation of the accommodation with the individual. If the request is approved, but the accommodation cannot be provided immediately, the supervisor or manager will inform the individual in writing of the projected time for providing the accommodation.
- (2) If OGE offers an alternative accommodation than the one requested, the supervisory or manager should explain in writing both the reasons for the denial of the individual's specific requested accommodation and why the agency believes that the alternative accommodation will be effective.
- (3) Reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a reasonable

accommodation. OGE must consider providing reassignment to a vacant position as a reasonable accommodation, when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position.

- (4) If the supervisor or manager denies a request for accommodation, the supervisor or manager must provide, in writing, the specific reasons for the denial; notify the individual of their right to file an EEO complaint; instruct them how to file such a complaint; and explain that the individual must initiate contact with an EEO counselor within 45 days of denial, regardless of whether the individual participates in an informal dispute resolution process. OGE encourages the use of the voluntary informal dispute resolution process to allow individuals to obtain prompt reconsideration of denials of accommodation requests.
- (5) Where the supervisor has denied a specific requested accommodation, but has offered an alternative accommodation which was not agreed to during the interactive process, the supervisor or manager should explain both the reasons for the denial of the requested accommodation and the reasons that the alternative accommodation should be effective.

IX. Personal Assistance Services

- (1) Personal assistance services are services that help employees with “targeted disabilities” perform basic activities such as eating, removing and putting on a coat, and using the restroom. These services only include assistance with basic human functions, and are only required if they enable the employee to do his or her job up to normal standards. They are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf, or readers for individuals who are blind or have learning disabilities. These job-related tasks services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act, as long as the provision of such services does not impose an undue hardship.
- (2) Personal assistance services differ from medical services and services that are typically performed by someone who often has the job title of “personal assistant.” Personal assistance services are non-medical services. These services are needed by individuals whose specific disabilities make it difficult for them to perform such activities on their own.
- (3) Although distinguishable from requests for reasonable accommodation, requests for personal assistance services will be initiated, processed and

otherwise addressed in the same manner as described in this document.

- (4) OGE may deny a request for personal assistance services if the difficulty or cost of providing the service would cause an undue hardship for the agency. To determine whether providing personal assistance services would cause an undue hardship, OGE will use the same process used in determining whether a reasonable accommodation poses an undue hardship.

X. Monitoring the Accommodation

- (1) Once a request for a reasonable accommodation has been granted, the supervisor or manager should evaluate whether the accommodation is working and effective 30 days after it becomes operational. If the employee or supervisor/manager believes that any accommodation needs modification, the employee or the supervisor/manager may request to revisit the accommodation at any time.

XI. Appeal Rights

- (1) If an individual wishes to file an EEO complaint upon receipt of a final decision regarding his or her request for accommodation, the individual must contact an EEO counselor.
- (2) OGE has entered into a contract with the United States Postal Service (USPS) for the provision of EEO services. To get in touch with an EEO counselor, an individual should contact:

Gail M. Leary, EEO Services Analyst, USPS

Phone - (b)(6)

Email - (b)(6)

XII. Tracking, Reporting and Training

- (1) Upon completion of the accommodation process, the supervisor or manager involved must provide all information, including medical information that was received as part of processing the request to the Attorney-Advisor (Human Resources) of OGE's Agency Operations Branch, who will maintain the information separate from the individual's Official Personnel or Applicant Folder.
- (2) OGE will record the following information with regard to each request for reasonable accommodation: (1) the specific reasonable accommodation; (2) the job (occupational series, grade level, and

agency component) sought by requesting applicant or held by the employee; (3) whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; (4) whether the request was granted or denied; (5) the identity of the deciding official; (6) the basis of the denial; and (7) the number of days taken to process the request.

- (3) OGE will keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to EEOC upon EEOC's request.
- (4) Individuals may contact their supervisor or manager or the EEO Director, as appropriate, to track the processing of requests for reasonable accommodation.
- (5) **Electronic Tracking Application: HOLD**
- (6) Appropriate training on this policy must be provided to all managers, supervisors and employees. At a minimum, supervisors and managers should take advantage of the resource materials available on EEOC's public website, including EEOC *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act* (July 27, 2000), and EEOC *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act* (revised October 17, 2002).
- (7) Officials who decide requests for accommodation or make hiring decisions should be aware that in order to deny an accommodation based on cost, they must consider all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation. These officials should contact the EEO Director with any questions related to arranging for the use of agency resources to provide an accommodation.

XIII. Inquiries and Distribution

- (1) Any employee wanting further information concerning these procedures may contact Dale Christopher, OGE's EEO Director at 202-482-9224 or dachrist@oge.gov.
- (2) These procedures and the contact information shall be distributed to

all employees upon issuance and will be available on the OGE's website and intranet. They will also be distributed to all new employees as part of their orientation.

XIV. Effective Date

These procedures replace OGE's Reasonable Accommodation Procedures for Individuals with Disabilities dated May 4, 2021. These revised procedures are effective as of July 23, 2021.

From: [Dale A. Christopher](#)
To: [RA Procedures](#)
Cc: [CRYSTAL GRANT](#); [Diana Veilleux](#); [Sidney Williams](#); [Grace A. Clark](#); [LORI GRANT](#); [Shelley K. Finlayson](#)
Subject: OGE Revised Reasonable Accommodation Procedures
Date: Tuesday, May 4, 2021 3:01:28 PM
Attachments: [OGE Revised RA Policy 5-4-21.pdf](#)
[RARecResponse.pdf](#)

Good afternoon,

Attached please find the U.S. Office of Government Ethics' (OGE) reasonable accommodation procedures, revised in response to EEOC's feedback letter dated February 4, 2021, as well as a transmittal letter addressed to Ms. Lori Grant, Assistant Director, Agency Oversight Division.

Regards,

Dale Christopher

EEO Director

OGE

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

**OFFICE OF GOVERNMENT ETHICS
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AND PROCEDURES FOR INDIVIDUALS WITH
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Extenuating Circumstances

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Reassignment

A form of reasonable accommodation that, absent undue hardship, may be provided to non-probationary employees who, because of a disability are unable to perform the essential functions of their job, with or without a reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the positions.

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Significant difficulty or expense to the agency that would result or is likely to result, from a proposed reasonable accommodation. If a requested accommodation would cause undue hardship, OGE is not required to provide that particular accommodation. Determination of undue hardship must always be made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, the impact of the accommodation on the operation of the agency, and other relevant considerations.

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- (1) Establish procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
- (2) Analyze and evaluate the effectiveness of the process for responding to requests for accommodation.
- (3) Coordinate as necessary with OGE's Budget Officer and/or Chief of Staff to ensure that sufficient resources are provided by OGE for effective implementation and management of a process for responding to requests for reasonable accommodation.
- (4) Ensure supervisors and managers receive reasonable accommodation training as designated by OGE in accordance with Executive Order 13164 and EEOC Management Directive-715.
- (5) Provide guidance to and coordinate with supervisors and managers in processing requests, and in facilitating and ensuring accurate tracking and reporting of reasonable accommodation provisions to employees with disabilities at OGE.
- (6) Provide an annual report on all reasonable accommodation and disability program activities to the Director of OGE and the Chair of the EEOC in accordance with MD-715 on or before February 28, annually.
- (7) Manage employment matters affecting people with disabilities and serve as technical advisor to OGE workforce on all disability issues. Responsibilities include providing general guidance on disability employment, developing and/or delivering disability related training, and

approving and assisting with the processing of reasonable accommodation requests.

- (8) Engage in an interactive process with supervisors, managers, applicants, and employees on determinations of reasonable accommodation requests, whether the accommodation requests are received from agency officials or directly from the employee.
- (9) Answer questions from the requester regarding the process, and the rules and regulations governing reasonable accommodation.
- (10) Provide guidance to managers and supervisors on statutory and regulatory requirements of reasonable accommodation and related issues.
- (11) Provide guidance on effective accommodations, such as whether additional information is needed from requester, whether a disability is a covered disability, whether the requester is a qualified individual with a disability requiring reasonable accommodation, and whether a request for reasonable accommodation presents an undue hardship to the agency.
- (12) Provide guidance to employees with disabilities and their supervisors to assist with identifying internal and external resources available to help facilitate the selection of an effective accommodation.

IV. Requesting a Reasonable Accommodation

- (1) A request for reasonable accommodation is a statement that an individual seeks an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins when the request for accommodation is made.
- (2) An applicant or an employee may request a reasonable accommodation orally or in writing. In the case of an employee, requests should be made to the employee's supervisor or manager. An applicant may make a request for a reasonable accommodation to the hiring manager.
- (3) An individual does not need to fill out any specific form for the interactive process to begin.
- (4) A request for reasonable accommodation does not have to use any special words such as "reasonable accommodation," "disability" or "Rehabilitation Act" and an individual need not have a particular accommodation in mind before making a request.

- (5) When an individual makes a request for a type of accommodation that will be needed on a repeated basis – such as, a sign language interpreter, CART Services, or readers – the individual is not required to submit a written request each time the accommodation is needed. Once the accommodation is approved for the first time, the employee may obtain the accommodation by notifying their supervisor or manager.

A. Evaluating the Request and the Interactive Process

- (1) The supervisor or manager will contact the applicant or employee who has made the request within 10 business days after the initial oral or written accommodation request is received to begin discussing the request.
- (2) The supervisor or manager is responsible for processing the request, engaging early in the interactive process and periodically throughout the process, and making the decision to grant or deny the requested accommodation or offer some alternative accommodation. Contact information for all OGE supervisors and managers can be found on OGE's intranet site.
- (3) The procedure for processing the request involves a dialogue between the supervisor or manager and the employee or applicant, and may include consultation with other OGE officials, such as the EEO Director. After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. Communication is a priority throughout the reasonable accommodation process. While the employee or applicant seeking a reasonable accommodation is expected to communicate about his or her needs in identifying and requesting a reasonable accommodation, the supervisor or manager involved in the reasonable accommodation process should take a proactive approach in considering possible accommodations, including consulting appropriate resources for assistance. The supervisor or manager and the employee may utilize reasonable accommodation resources to determine the appropriate, effective accommodation, such as the Computer/Electronic Accommodations Program ("CAP"), to provide needs assessment and assistive computer/electronic technology, devices and services. OGE's EEO Director will serve as the point of contact with CAP.

V. Requests for Medical Information

- (1) When a disability and/or need for accommodation is not obvious, the supervisor or manager may require that the individual provide reasonable documentation about the disability and their functional limitations. The information provided

by the individual should be sufficient to explain: (a) the nature of the individual's disability; (b) the need for reasonable accommodation; and (c) how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace.

- (2) The supervisor or manager may also request supplemental documentation when the information already submitted is insufficient to document the disability and/or the functional limitations it causes.
- (3) OGE has the right to have medical information reviewed by a medical expert chosen by the agency at the agency's expense.
- (4) The supervisor or manager *may not* request medical information where: (a) both the disability and the need for reasonable accommodation are obvious; or (b) the individual has already provided sufficient information to document the existence of the disability and the individual's functional limitations.
- (5) In making the request for medical documentation, the supervisor or manager will be guided by principles set forth in the ADA Amendments Act of 2008 and EEOC's Final Rules implementing the ADAAA of March 2011. Specifically, the ADA Amendments Act directs that the definition of disability be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis.
- (6) In some instances, the supervisor or manager may need to request additional medical information to determine if an individual's impairment is a disability, or to determine what would be an effective accommodation. If additional medical information is required, the supervisor or manager may give the individual a list of questions to give the health care provider to answer.
- (7) Requesting additional medical information will stay the time for processing the reasonable accommodation request until sufficient medical information is provided. If an individual fails or refuses to provide medical information that has been requested, the interactive process will be deemed concluded. The failure or refusal of an employee or applicant to provide medical information that has been requested will be grounds for denial of a reasonable accommodation request.
- (8) If a delay in processing a reasonable accommodation request is attributable to the need to obtain or evaluate medical documentation and OGE has not yet determined that the individual is entitled to an accommodation, OGE may provide an accommodation on a temporary basis. In such a case, the

supervisor or manager will notify the individual in writing that an accommodation is being provided on a temporary basis pending a decision on the accommodation request.

VI. Confidentiality of Medical Information Submitted to OGE

- (1) Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential and may only be disclosed to individuals who have a need to know of the medical information. All medical information including information about functional limitations and reasonable accommodation needs that OGE obtains in connection with a request for reasonable accommodation, must be kept by the supervisor or manager in a Medical Folder, separate from the individual's Official Personnel or Applicant File. The same requirements apply to electronic files. An OGE employee who obtains or relies on such medical information is strictly bound by these confidentiality requirements.
- (2) The supervisor or manager may share certain information with other OGE officials only to the degree necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the supervisor or manager will inform the recipients of the information about the confidentiality requirements. In most situations, OGE will need to reveal the name of the requester and/or the division in which the requester works, and reveal the employee's or applicants functional limitations.
- (3) In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows: first aid and safety personnel may be informed when appropriate, if the disability might require emergency treatment or assistance in evacuation, and authorized government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

VII. Time Frames for Decision on a Request for Reasonable Accommodation

- (1) The reasonable accommodation process begins as soon as the oral or written request for the accommodation is received by the requester's supervisor or manager. Contact with the employee or applicant who has made the request should generally take place within 10 business days after the initial oral or written request is received to begin discussing the accommodation request.
- (2) Absent extenuating circumstances, a request for reasonable

accommodation will be granted or denied within 30 business days from when the oral or written request is received. It is the policy of OGE to process requests for reasonable accommodation and provide accommodation, where appropriate, in as short a time as is practicable. Where an accommodation can be provided in less than the maximum time frame, failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act. However, the time necessary to process a request will depend upon the nature of the accommodation requested and whether it is necessary to obtain supporting information, or support from other entities, such as CAP. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.

- (3) OGE will work to expedite the processing of requests for reasonable accommodations that are needed sooner than the 30-day time frame. Expedited processing for reasonable accommodation requests may be required if the accommodation is needed, for example: (a) to enable an individual with a disability to apply for a job; or (b) the accommodation is needed for a specific agency activity that is scheduled to occur shortly.
- (4) Failure to meet this deadline solely because the supervisor or manager did not timely begin the interactive process when the request was received is not ordinarily an extenuating circumstance that would extend the time limit.
- (5) Where the supervisor or manager believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability, to identify functional limitations, or to determine whether a requested or alternative accommodation will enable the employee to perform the essential functions of the position in question, the 30-day period may be extended provided that the request for medical information is made within the 30-day period. If medical documentation is needed, the decision shall be made and accommodation (if granted) shall be provided within 30 business days from the date the decision maker receives the relevant information.
- (6) 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, OGE will provide the individual with an interim accommodation that allows the individual to perform some or all of the essential functions of the job, absent undue hardship.

- (7) Where there is a delay in either processing a request for accommodation or providing an accommodation, the individual will be notified of the reason for delay, including any extenuating circumstances that justify the delay.

VIII. Resolution of the Reasonable Accommodation Request

- (1) All decisions regarding a request for reasonable accommodation (including a decision to provide an alternate reasonable accommodation) will be communicated to an individual applicant or employee in writing. If the request for accommodation is granted, the supervisor or manager should communicate about implementation of the accommodation with the individual. If the request is approved, but the accommodation cannot be provided immediately, the supervisor or manager will inform the individual in writing of the projected time for providing the accommodation.
- (2) If OGE offers an alternative accommodation than the one requested, the supervisor or manager should explain in writing both the reasons for the denial of the individual's specific requested accommodation and why the agency believes that the alternative accommodation will be effective.
- (3) Reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a reasonable accommodation. OGE must consider providing reassignment to a vacant position as a reasonable accommodation, when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position.
- (4) If the supervisor or manager denies a request for accommodation, the supervisor or manager must provide, in writing, the specific reasons for the denial; notify the individual of their right to file an EEO complaint; instruct them how to file such a complaint; and explain that the individual must initiate contact with an EEO counselor within 45 days of denial, regardless of whether the individual participates in an informal dispute resolution process. OGE encourages the use of the voluntary informal dispute resolution process to allow individuals to obtain prompt reconsideration of denials of accommodation requests.
- (5) Where the supervisor has denied a specific requested accommodation, but has offered an alternative accommodation which was not agreed to during the interactive process, the supervisor or manager should explain both the reasons for the denial of the requested accommodation and the reasons that the alternative accommodation should be effective.

IX. Personal Assistance Services

- (1) Personal assistance services are services that help employees with “targeted disabilities” perform basic activities such as eating, removing and putting on a coat, and using the restroom. These services only include assistance with basic human functions, and are only required if they enable the employee to do his or her job up to normal standards. They are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf, or readers for individuals who are blind or have learning disabilities. These job-related tasks services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act, as long as the provision of such services does not impose an undue hardship.
- (2) Personal assistance services differ from medical services and services that are typically performed by someone who often has the job title of “personal assistant.” Personal assistance services are non-medical services. These services are needed by individuals whose specific disabilities make it difficult for them to perform such activities on their own.
- (3) Although distinguishable from requests for reasonable accommodation, requests for personal assistance services will be initiated, processed and otherwise addressed in the same manner as described in this document.
- (4) OGE may deny a request for personal assistance services if the difficulty or cost of providing the service would cause an undue hardship for the agency. To determine whether providing personal assistance services would cause an undue hardship, OGE will use the same process used in determining whether a reasonable accommodation poses an undue hardship.

X. Monitoring the Accommodation

- (1) Once a request for a reasonable accommodation has been granted, the supervisor or manager should evaluate whether the accommodation is working and effective 30 days after it becomes operational. If the employee or supervisor/manager believes that any accommodation needs modification, the employee or the supervisor/manager may request to revisit the accommodation at any time.

XI. Appeal Rights

- (1) If an individual wishes to file an EEO complaint upon receipt of a final decision regarding his or her request for accommodation, the individual must contact an EEO counselor.
- (2) OGE has entered into a contract with the United States Postal Service (USPS) for the provision of EEO services. To get in touch with an EEO counselor, an individual should contact:

Gail M. Leary, EEO Services Analyst, USPS

Phone – (b)(6)

Email – (b)(6)

XII. Tracking, Reporting and Training

- (1) Upon completion of the accommodation process, the supervisor or manager involved must provide all information, including medical information, that was received as part of processing the request to the Attorney-Advisor (Human Resources) of OGE's Agency Operations Branch, who will maintain the information separate from the individual's Official Personnel or Applicant Folder.
- (2) **Electronic Tracking Application: HOLD**
- (3) Appropriate training on this policy must be provided to all managers, supervisors and employees. At a minimum, supervisors and managers should take advantage of the resource materials available on EEOC's public website, including *EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act* (July 27, 2000), and *EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act* (revised October 17, 2002).
- (4) Officials who decide requests for accommodation or make hiring decisions should be aware that in order to deny an accommodation based on cost, they must consider all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation. These officials should contact the EEO Director with any questions related to arranging for the use of agency resources to provide an accommodation.

XIII. Inquiries and Distribution

- (1) Any employee wanting further information concerning these procedures may contact Dale Christopher, OGE's EEO Director at 202-482-9224 or dachrist@oge.gov.
- (2) These procedures and the contact information shall be distributed to all employees upon issuance and will be available on the OGE's website and intranet. They will also be distributed to all new employees as part of their orientation.

XIV. Effective Date

These procedures replace OGE's Reasonable Accommodation Procedures for Individuals with Disabilities dated June 20, 2018. These revised procedures are effective as of May 4, 2021.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



May 4, 2021

Lori Grant
Assistant Director, Agency Oversight Division
Equal Employment Opportunity Commission
Office of Federal Operations
Federal Sector Programs
131 M Street, N.E.
Washington, D.C. 20507

Dear Ms. Grant:

The U.S. Office of Government Ethics (OGE) has revised its written procedures governing the process of requesting reasonable accommodation under Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended, 29 U.S.C. § 791 *et seq.*, and Executive Order 13164 to incorporate the recommendations contained in the Equal Employment Opportunity Commission's (EEOC) feedback letter to OGE, dated February 4, 2021. We found the feedback letter to be quite helpful and generally revised our reasonable accommodation procedures consistent with the recommendations contained therein, with two notable exceptions.

First, Section A of the feedback letter notes that OGE's prior procedures, dated June 27, 2001, included forms as attachments; however, OGE did not submit such forms with its current procedures. OGE is not currently asking individuals to fill out any particular form when requesting a reasonable accommodation.

Second, with regard to the recommendations in Section G of the feedback letter dealing with information tracking, OGE has identified an existing web-based internal application that we are working to modify to serve as an electronic system for tracking and maintaining reasonable accommodation request information. OGE will advise EEOC immediately once the application goes online and will again revise the reasonable accommodation procedures accordingly.

Thank you as always for your ongoing assistance and please let me know if you have any questions. I can be reached at 202-482-9224 or dachrist@oge.gov.

Sincerely,

DALE
CHRISTOPHER

Dale A. Christopher, Jr.
EEO Director

Digitally signed by
DALE CHRISTOPHER
Date: 2021.05.04
14:59:41 -04'00'



March 23, 2020

MEMORANDUM

TO: OGE Employees

FROM: Emory A. Rounds, III
Director

SUBJECT: OGE Policy Statement on Anti-Harassment

The Office of Government Ethics (OGE) is committed to providing a work environment that is free from harassment and to taking steps to prevent harassment in the workplace as early as possible. Therefore, it is OGE's policy to take immediate and appropriate action when the agency is made aware of allegations of harassment or determines that harassment has occurred.

Harassment is defined as any unwelcome verbal or physical conduct, based on an employee's race, color, sex (including pregnancy), national origin, age, religion, disability, sexual orientation, status as a parent, genetic information or gender identity, which can reasonably be considered to adversely affect the employee's work environment, or an employment decision affecting an employee based upon the employee's acceptance or rejection of such conduct. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws. While isolated incidents generally do not constitute harassment, a pattern of incidents may meet the threshold of creating a hostile work environment. In addition, a single incident that is sufficiently severe may constitute harassment. As used under this policy, the term harassment includes sexual harassment.

It is the responsibility of all OGE employees to promptly report possible incidents of harassment to their immediate supervisor or, if the immediate supervisor is the target of the allegation, to their second-level supervisor. Upon receipt of a report or complaint of alleged harassment, management will ensure that the allegations are investigated. If it is determined that the allegations of harassment are substantiated, appropriate corrective and/or disciplinary actions will be taken, up to and including removal of the offender. OGE's goal with regard to findings



of harassment is to both take corrective action and to ensure that no further harassing conduct occurs.

OGE management officials have a duty to foster and maintain a non-hostile work environment, and can be held accountable for not only their own behavior, but also that of their employees. If an employee engages in harassing conduct towards another employee, and the matter comes to management's attention, management must take prompt action. Further, if an employee complains to management about alleged harassment, management is obligated to ensure that an investigation of the allegation is undertaken regardless of whether the complaint conforms to a particular format, or is made in writing. Any such investigation will be conducted thoroughly and impartially by the Bureau of Fiscal Services (BFS). Additionally, BFS will begin the investigation within 10 days of receiving notice of the harassing conduct and OGE management will ensure that corrective action will be taken within 60 days of the completion of the investigation, as appropriate. Management officials have a duty to carry out their responsibilities under this policy. Failure to do so may result in disciplinary action.

OGE employees are encouraged to come forward and report to an appropriate management official any behavior they view as harassment before it becomes severe or pervasive. Employees are also responsible for taking advantage of any preventative or corrective opportunities provided by OGE or to otherwise avoid harm. Employees who make a report of harassing conduct or who assist in any inquiry regarding such a report are protected from retaliation, which is not tolerated at OGE. In addition, all reports of harassment will be kept confidential to the fullest extent possible without impeding an investigation into the allegations.

This policy is separate and distinct from any administrative grievance process or statutory complaint process that also covers allegations of harassment, such as the EEO complaint process. To initiate an EEO complaint, an employee alleging sexual harassment or harassment based on another protected EEO category must contact an EEO counselor within 45 days of the alleged incident of harassment, notwithstanding any actions taken by management officials pursuant to this policy. EEO counseling services for OGE employees are provided by the United States Postal Service (USPS). Any employee wishing to initiate the EEO complaint process may do so by contacting a USPS EEO counselor by phone at 813-739-2037.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



September 26, 2018

Dexter Brooks
Associate Director
Federal Sector Programs
U.S. Equal Employment Opportunity Commission
P.O. Box 77960
Washington, DC 20013

Dear Mr. Brooks:

The letter serves as a Compliance Report in response to your letter dated August 3, 2018, regarding the U.S. Equal Employment Opportunity Commission's (EEOC) review of the U.S. Office of Government Ethics' (OGE) Affirmative Action Plan (AAP).

In your letter, you state that EEOC disapproves OGE's AAP because OGE did not adequately complete the following minimum requirements: (1) issue compliant reasonable accommodation procedures; and (2) post personal assistance services (PAS) procedures on its public website. The following summarizes OGE's progress in correcting these two deficiencies, as well as its plans for addressing EEOC's feedback on other aspects of OGE's AAP.

Reasonable Accommodation Procedures

Your letter states that OGE has not submitted its revised reasonable accommodation procedures to EEOC for review, as required by 29 C.F.R. § 1614.203(d)(3), and therefore, EEOC has disapproved OGE's AAP.

In response, on September 20, 2018, I submitted OGE's updated reasonable accommodation procedures to EEOC at raprocedures@eeoc.gov for review and approval.

Personal Assistance Services

Your letter also notes that OGE's personal assistance services (PAS) procedures had not been submitted to EEOC and had not been posted on OGE's public website as of January 3, 2018, as required by 29 C.F.R. § 1614.203(d)(5)(v).

As noted above, on September 20, 2018, I submitted OGE's updated reasonable accommodation procedures to EEOC for review and approval. OGE's procedures for requesting and approving/disapproving personal assistance services will be the same as for reasonable accommodation requests and are addressed within the reasonable accommodation procedures, as

allowed by 29 CFR § 1614.203(d)(5)(C)(v). Once the reasonable accommodation/PAS procedures are approved by EEOC, OGE will post them on its public website.

Additional EEOC Feedback

Finally, your letter provides feedback on other aspects of OGE's AAP and recommends that OGE incorporate this feedback in its next MD-715 report. I, as OGE's EEO Director, in coordination with my staff, will carefully consider these additional recommended actions and incorporate them, as feasible and appropriate, into OGE's next MD-715.

Regards,

A handwritten signature in black ink, appearing to read "D.A.C.", written in a cursive style.

Dale A. Christopher, Jr.
Deputy Director for Compliance and
EEO Director

From: [Dale A. Christopher](#)
To: [RA Procedures](#)
Cc: [Grace A. Clark](#); [DEXTER BROOKS \[he/him/his\]](#); [LORI GRANT](#)
Subject: FW: Reasonable Accommodation Procedures for Review
Date: Thursday, September 20, 2018 3:43:15 PM
Attachments: [Final Reasonable Accommodation Procedures.docx](#)

Oops, here are the procedures.

From: Dale A. Christopher
Sent: Thursday, September 20, 2018 3:41 PM
To: 'raprocedures@eeoc.gov'
Cc: Grace A. Clark; 'dexter.brooks@eeoc.gov'; 'LORI GRANT'
Subject: Reasonable Accommodation Procedures for Review

Good afternoon,

Pursuant to Section 2 of Executive Order 13164 and in response to EEOC's August 3, 2018 letter regarding its review of the U.S. Office of Government Ethics (OGE) Affirmative Action Plan, attached for your review are OGE's reasonable accommodation procedures.

Also, please note that OGE's procedures for requesting and approving/disapproving personal assistance services will be the same as for reasonable accommodation requests and as such are addressed in the attached reasonable accommodation procedures, as allowed by 29 CFR 1614.203(d)(5)(C)(v).

Regards,

Dale Christopher

Deputy Director for Compliance and
EEO Director
U.S. Office of Government Ethics

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

**OFFICE OF GOVERNMENT ETHICS
REASONABLE ACCOMMODATION POLICY
AND PROCEDURES FOR INDIVIDUALS WITH
DISABILITIES**

I. General Provisions

A. Introduction

In accordance with the Rehabilitation Act of 1973 (29 U.S.C. § 701 *et seq.*), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the U.S. Office of Government Ethics (OGE) is committed to providing reasonable accommodation to its qualified employees or applicants with disabilities. Reasonable accommodation is any change in the work environment (or the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits or privileges of employment.

OGE will process requests for reasonable accommodation submitted by employees or applicants for OGE employment and will provide reasonable accommodation, where appropriate, in accordance with the time frames set forth in these procedures.

B. Scope

These procedures apply to any OGE employee with a disability who seeks accommodation to perform the essential functions of his or her current position or who needs accommodation in order to enjoy the benefits and privileges of employment at OGE. The procedures also apply to an OGE employment applicant who needs assistance in the application process (applicant).

II. Definitions

Decision Maker

An individual who is responsible for determining whether to grant or deny a request for reasonable accommodation. This person is typically the requesting individual's supervisor/manager. However, sometimes, for example, when a request is related to building accessibility or is made by a job applicant, other parties may have the final say in the decision.

Disability

A physical or mental impairment which substantially limits one or more of an employee's or applicant's major life activities; or having a record or history of such an impairment; or being regarded as having such an impairment. Generally, a transitory condition (expected to last 6 months or less) is not considered to be a disability.

A disability may include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or any mental psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities (such as dyslexia or dyspraxia).

Non-visible/non-obvious disabilities

In some circumstances, a disability may not be visible or apparent to other people. Such non-visible/non-obvious disabilities include partial sensory impairments such as low vision or hearing loss; chronic health conditions like arthritis, asthma or diabetes; mental health conditions; learning disabilities; and serious illness, such as cancer.

Targeted disabilities

A subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. These barriers are often due to myths, fears, and stereotypes about such disabilities. Examples of targeted disabilities include deafness, blindness, paralysis, and missing extremities.

Essential Function

A fundamental duty or task that is integral to the position in question or job to be performed by the employee or applicant seeking reasonable accommodation. Determination of the essential job 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. A function can be essential if, among other things: the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the individual was hired based on his or her ability to perform it.

Extenuating Circumstances

Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, a delay caused by a supplier's inability to deliver a product in a timely manner because of manufacturing delays could be considered an extenuating circumstance.

Interactive Process

The process by which the individual requesting a reasonable accommodation, the employee's supervisor or manager, and any other appropriate parties communicate with each other about the request for reasonable accommodation and related issues, including, the need for medical documentation to support a requested accommodation, potential alternative accommodations and timeframes for providing an accommodation.

Major Life Activities

Major life activities under the Rehabilitation Act/ADAAA include caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Whether an activity is considered a major life activity is not determined by reference to whether it is of central importance to daily life. The term “major” is not to be interpreted strictly to create a demanding standard for disability.

Personal Assistance Services

Services that help someone perform basic activities like removing and putting on clothing, eating and using the restroom. Personal assistant services are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities. Job-related task services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act as long as the provision of such services does not impose an undue hardship on the employer.

Personal Assistance Service Provider

An employee or independent contractor whose primary job functions include provision of personal assistance services.

Qualified Individual with a Disability

An employee or applicant with a disability who satisfies the skill, experience, education and other job-related requirements for the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

Any change in the work environment or the way things are usually done to help a person with a disability apply for a job, perform the duties of a job or enjoy the benefits and privileges of employment. The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability unless doing so would cause an undue hardship to the employer.

Reassignment

A form of reasonable accommodation that, absent undue hardship, may be provided to non-probationary employees who, because of a disability are unable to perform the essential functions of their job, with or without a reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the positions.

Undue Hardship

Significant difficulty or expense to the agency that would result or is likely to result, from a

proposed reasonable accommodation. If a requested accommodation would cause undue hardship, OGE is not required to provide that particular accommodation. Determination of undue hardship must always be made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, the impact of the accommodation on the operation of the agency, and other relevant considerations.

III. **Delegation of Authority**

The Director of OGE shall ensure that an effective process for handling a request for reasonable accommodation is established. The Director shall designate the Director of Equal Employment Opportunity to oversee the reasonable accommodation program agency-wide.

A. **Director of Equal Employment Opportunity will:**

- (1) Establish procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
- (2) Analyze and evaluate the effectiveness of the process for responding to requests for accommodation.
- (3) Coordinate as necessary with OGE's Budget Officer and/or Chief of Staff to ensure that sufficient resources are provided by OGE for effective implementation and management of a process for responding to requests for reasonable accommodation.
- (4) Ensure supervisors and managers receive reasonable accommodation training as designated by OGE in accordance with Executive Order 13164 and EEOC Management Directive-715.
- (5) Provide guidance to and coordinate with supervisors and managers in processing requests, and in facilitating and ensuring accurate tracking and reporting of reasonable accommodation provisions to employees with disabilities at OGE.
- (6) Provide an annual report on all reasonable accommodation and disability program activities to the Director of OGE and the Chair of the EEOC in accordance with MD-715 on or before February 28, annually.
- (7) Manage employment matters affecting people with disabilities and serve as technical advisor to OGE workforce on all disability issues. Responsibilities include providing general guidance on disability employment, developing and/or delivering disability related training, and approving and assisting with the processing of reasonable accommodation requests.

- (8) Engage in an interactive process with supervisors, managers, applicants, and employees on determinations of reasonable accommodation requests, whether the accommodation requests are received from agency officials or directly from the employee.
- (9) Answer questions from the requester regarding the process, and the rules and regulations governing reasonable accommodation.
- (10) Provide guidance to managers and supervisors on statutory and regulatory requirements of reasonable accommodation and related issues.
- (11) Provide guidance on effective accommodations, such as whether additional information is needed from requester, whether a disability is a covered disability, whether the requester is a qualified individual with a disability requiring reasonable accommodation, and whether a request for reasonable accommodation presents an undue hardship to the agency.
- (12) Provide guidance to employees with disabilities and their supervisors to assist with identifying internal and external resources available to help facilitate the selection of an effective accommodation.

IV. Requesting a Reasonable Accommodation

- (1) A request for reasonable accommodation is a statement that an individual seeks an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins when the request for accommodation is made.
- (2) An applicant or an employee may request a reasonable accommodation orally or in writing. In the case of an employee, requests should be made to the employee's supervisor or manager. An applicant may make a request for a reasonable accommodation to the hiring manager.
- (3) A request for reasonable accommodation does not have to use any special words such as "reasonable accommodation," "disability" or "Rehabilitation Act."

A. Evaluating the Request and the Interactive Process

- (1) The supervisor or manager will contact the applicant or employee who has made the request within 10 business days after the initial oral or written accommodation request is received to begin discussing the request.

- (2) The supervisor or manager is responsible for processing the request, engaging in an interactive process, and making the decision to grant or deny the requested accommodation or offer some alternative accommodation.
- (3) The procedure for processing the request involves a dialogue between the supervisor or manager and the employee or applicant, and may include consultation with other OGE officials, such as the EEO Director. After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. Communication is a priority throughout the reasonable accommodation process. While the employee or applicant seeking a reasonable accommodation is expected to communicate about his or her needs in identifying and requesting a reasonable accommodation, the supervisor or manager involved in the reasonable accommodation process should take a proactive approach in considering possible accommodations, including consulting appropriate resources for assistance. The supervisor or manager and the employee may utilize reasonable accommodation resources to determine the appropriate, effective accommodation, such as the Computer/Electronic Accommodations Program (“CAP”), to provide needs assessment and assistive computer/electronic technology, devices and services. OGE’s EEO Director will serve as the point of contact with CAP.

V. Requests for Medical Information

- (1) If the need for the accommodation is not obvious or already known, the supervisor or manager may request medical information that supports the existence of a disability and the functional limitations imposed by the disability.² A disability is obvious or already known when it is clearly visible or the individual previously provided sufficient medical information showing that the condition met the definition of disability. In either case, the supervisor or manager is not precluded from requesting medical information if it is necessary to evaluate the appropriateness of either a specific reasonable accommodation request made by an employee or applicant, or an alternative reasonable accommodation being considered by the supervisor or manager.
- (2) In making the request for medical documentation, the supervisor or manager

² The Genetic Information Nondiscrimination Act, of 2008 (GINA) prohibits employers from requesting genetic information of an employee or a family member of an employee, except as specifically allowed by this law. When making a request for medical information, OGE will not seek any genetic information when responding to a request for medical information.

will be guided by principles set forth in the ADA Amendments Act of 2008 and EEOC's Final Rules implementing the ADAAA of March 2011. Specifically, the ADA Amendments Act directs that the definition of disability be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis.

- (3) In some instances, the supervisor or manager may need to request additional medical information to determine if an individual's impairment is a disability, or to determine what would be an effective accommodation. If additional medical information is required, the supervisor or manager may give the individual a list of questions to give the health care provider to answer.
- (4) Requesting additional medical information will stay the time for processing the reasonable accommodation request until sufficient medical information is provided. If an individual fails or refuses to provide medical information that has been requested, the interactive process will be deemed concluded. The failure or refusal of an employee or applicant to provide medical information that has been requested will be grounds for denial of a reasonable accommodation request.
- (5) If a delay in processing a reasonable accommodation request is attributable to the need to obtain or evaluate medical documentation and OGE has not yet determined that the individual is entitled to an accommodation, OGE may provide an accommodation on a temporary basis. In such a case, the supervisor or manager will notify the individual in writing that an accommodation is being provided on a temporary basis pending a decision on the accommodation request.

VI. Confidentiality of Medical Information Submitted to OGE

- (1) Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential and may only be disclosed to individuals who have a need to know of the medical information. All medical information including information about functional limitations and reasonable accommodation needs that OGE obtains in connection with a request for reasonable accommodation, must be kept by the supervisor or manager in a Medical Folder, separate from the individual's Official Personnel or Applicant File. The same requirements apply to electronic files. An OGE employee who obtains or relies on such medical information is strictly bound by these confidentiality requirements.
- (2) The supervisor or manager may share certain information with other OGE

officials only to the degree necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the supervisor or manager will inform the recipients of the information about the confidentiality requirements. In most situations, OGE will need to reveal the name of the requester and/or the division in which the requester works, and reveal the employee's or applicants functional limitations.

- (3) In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows: first aid and safety personnel may be informed when appropriate, if the disability might require emergency treatment or assistance in evacuation, and authorized government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

VII. **Time Frames for Decision on a Request for Reasonable Accommodation**

- (1) The reasonable accommodation process begins as soon as the oral or written request for the accommodation is received by the requester's supervisor or manager. Contact with the employee or applicant who has made the request should generally take place within 10 business days after the initial oral or written request is received to begin discussing the accommodation request.
- (2) Absent extenuating circumstances, a request for reasonable accommodation will be granted or denied within 30 business days from when the oral or written request is received. It is the policy of OGE to process requests for reasonable accommodation and provide accommodation, where appropriate, in as short a time as is practicable. However, the time necessary to process a request will depend upon the nature of the accommodation requested and whether it is necessary to obtain supporting information, or support from other entities, such as CAP. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.
- (3) Failure to meet this deadline solely because the supervisor or manager did not timely begin the interactive process when the request was received is not ordinarily an extenuating circumstance that would extend the time limit.
- (4) Where the supervisor or manager believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability, to identify functional limitations, or to determine whether a

requested or alternative accommodation will enable the employee to perform the essential functions of the position in question, the 30-day period may be extended provided that the request for medical information is made within the 30-day period. If medical documentation is needed, the decision shall be made and accommodation (if granted) shall be provided within 30 business days from the date the decision maker receives the relevant information.

VIII. Resolution of the Reasonable Accommodation Request

- (1) All decisions regarding a request for reasonable accommodation (including a decision to provide an alternate reasonable accommodation) will be communicated to an individual applicant or employee in writing. If the request for accommodation is granted, the supervisor or manager should communicate about implementation of the accommodation with the individual. If the request is approved, but the accommodation cannot be provided immediately, the supervisor or manager will inform the individual in writing of the projected time for providing the accommodation.
- (2) If OGE offers an alternative accommodation than the one requested, the supervisory or manager should explain in writing both the reasons for the denial of the individual's specific requested accommodation and why the agency believes that the alternative accommodation will be effective.
- (3) If the supervisor or manager denies a request for accommodation, the supervisor or manager must provide, in writing, the specific reasons for the denial, e.g., the accommodation poses an undue hardship and why, the medical documentation was inadequate and additional documentation was not provided, the proposed accommodation would require lowering a performance or production standard or eliminate an essential function of the position, etc. Where the supervisor has denied a specific requested accommodation, but has offered an alternative accommodation which was not agreed to during the interactive process, the supervisor or manager should explain both the reasons for the denial of the requested accommodation and the reasons that the alternative accommodation should be effective.

IX. Personal Assistance Services

- (1) Personal assistance services are services that help employees with "targeted disabilities" perform basic activities such as eating, removing and putting on a coat, and using the restroom. These services only include assistance with basic human functions, and are only required if they enable the employee to do his or her job up to normal standards. They are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for

individuals who are deaf, or readers for individuals who are blind or have learning disabilities. These job-related tasks services are already required as reasonable accommodations under the part of Section 501 of the Rehabilitation Act, as long as the provision of such services does not impose an undue hardship.

- (2) Personal assistance services differ from medical services and services that are typically performed by someone who often has the job title of “personal assistant.” Personal assistance services are non-medical services. These services are needed by individuals whose specific disabilities make it difficult for them to perform such activities on their own.
- (3) Although distinguishable from requests for reasonable accommodation, requests for personal assistance services will be initiated, processed and otherwise addressed in the same manner as described in this document.
- (4) OGE may deny a request for personal assistance services if the difficulty or cost of providing the service would cause an undue hardship for the agency. To determine whether providing personal assistance services would cause an undue hardship, OGE will use the same process used in determining whether a reasonable accommodation poses an undue hardship.

X. Monitoring the Accommodation

- (1) Once a request for a reasonable accommodation has been granted, the supervisor or manager should evaluate whether the accommodation is working and effective 30 days after it becomes operational. If the employee or supervisor/manager believes that any accommodation needs modification, the employee or the supervisor/manager may request to revisit the accommodation at any time.

XI. Appeal Rights

- (1) If an individual wishes to file an EEO complaint upon receipt of a final decision regarding his or her request for accommodation, the individual must contact an EEO counselor.
- (2) OGE has entered into a contract with the United States Postal Service (USPS) for the provision of EEO services. To get in touch with an EEO counselor, an individual should contact:

Gail M. Leary, EEO Services Analyst, USPS

Phone – (b)(6)

Email – (b)(6)

XII. Tracking, Reporting and Training

- (1) Upon completion of the accommodation process, the supervisor or manager involved must provide all information, including medical information, that was received as part of processing the request to the Attorney-Advisor (Human Resources) of OGE's Agency Operations Branch, who will maintain the information separate from the individual's Official Personnel or Applicant Folder.
- (2) Appropriate training on this policy must be provided to all managers, supervisors and employees.

XIII. Inquiries and Distribution

- (1) Any employee wanting further information concerning these procedures may contact Dale Christopher, OGE's EEO Director at 202-482-9224 or dachrist@oge.gov.
- (2) These procedures and the contact information shall be distributed to all employees upon issuance and will be available on the OGE's website and intranet. They will also be distributed to all new employees as part of their orientation.

XIV. Effective Date

These procedures replace OGE's Reasonable Accommodation Procedures for Individuals with Disabilities dated June 27, 2001. These revised procedures are effective as of September 20, 2018.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



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U.S. GOVERNMENT ETHICS

The Honorable Jenny R. Yang
Chair
Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, D.C. 20507-0100

Dear Madame Chair:

Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (No FEAR or Act) (Pub L. No. 107-174), requires that each Federal agency submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Oversight and Government Reform, each committee of Congress with jurisdiction relating to the Office of Government Ethics (OGE), the Attorney General, and the Chair, Equal Employment Opportunity Commission. The Office of Personnel Management's regulations that implement the No FEAR Act, 5 C.F.R. Part 724.302, also require the submission of this annual report to the Director of OPM.

The Act holds Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws relating to federal employment. This report contains data concerning equal employment opportunity (EEO) complaints activity at OGE, including, if any, Federal court cases, and resulting disciplinary actions during Fiscal Year (FY) 2014.

This serves as OGE's FY 2014 annual report pursuant to the No FEAR Act (5 C.F.R. §§ 724.302(a)(1)-(a)(9)).

If you have any questions about the contents of this report, please contact Grace A. Clark, at (202) 482-9225 or gaclark@oge.gov.

Sincerely,

A handwritten signature in black ink that reads "Walter M. Shaub, Jr." in a cursive style.

Walter M. Shaub, Jr.
Director

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Annual Report for Fiscal Year 2014
Under the
Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002

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UNITED STATES OFFICE OF GOVERNMENT ETHICS

About OGE

The United States Office of Government Ethics (OGE), established by the Ethics in Government Act of 1978 (EIGA), provides overall direction, oversight, and accountability of Executive Branch policies designed to prevent and resolve conflicts of interest. OGE is also charged with promoting high ethical standards of conduct for Executive Branch employees. Specifically, OGE: promulgates and maintains enforceable standards of ethical conduct for approximately 4 million civilian employees and uniformed service members in over 130 Executive Branch agencies and the White House; oversees a financial disclosure system that reaches more than 28,000 public financial disclosure filers and over 325,000 confidential financial disclosure filers; ensures that Executive Branch ethics programs are in compliance with laws and regulations; provides education and training to the more than 5,700 ethics officials; conducts outreach to the general public, the private sector, and civil society; and shares good practices with, and provides technical assistance to, state, local, and foreign governments, and international organizations.

OGE's greatest resource is its multi-disciplinary staff of attorneys, ethics and finance experts, and support staff. OGE is a very lean organization, with fewer than 82 full-time equivalents (FTEs), and accomplishes its Executive Branch-wide responsibilities by organizing cross-functional teams to perform such diverse tasks as working with Presidential nominees for appointments requiring Senate confirmation to resolve potential financial conflicts of interest, training Executive Branch ethics officials, and enhancing oversight of Executive Branch ethics programs.

ANNUAL REPORT FOR FISCAL YEAR 2014

The information set forth below concerns OGE's Equal Employment Opportunity Program for fiscal year 2014. It is reported pursuant to 5 C.F.R. Part 724, Subpart C references to the specific paragraphs in this Subpart at 5 C.F.R. §§724.302(a)(1) through (a)(9).

1. Federal Court Cases Arising Under the Federal Antidiscrimination or Whistleblower Laws

OGE had no Federal court cases, pending or resolved, arising under the Federal Antidiscrimination or Whistleblower Laws in fiscal year 2014.

2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgment Fund and any Budget Adjustments Relating to the Judgment Fund

OGE had no Federal court cases, judgment fund reimbursements, or adjustments to agency budgets to meet reimbursement requirements in fiscal year 2014.

3. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or whistleblower Laws

No employees were disciplined in fiscal year 2014 for reasons related to discrimination, retaliation, or harassment.

4. Final Year-End No FEAR Act Data for FY 2014

OGE's final year-end No FEAR Act data for FY 2014 is at **Appendix 1**.

5. Employees Disciplined Whether or Not in Connection with Federal Court Cases in Federal Court

No OGE employees received formal discipline in 2014.

6. OGE's Disciplinary Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

OGE is committed to maintaining a workplace that promotes productivity, professionalism, and an environment that protects the dignity of all of its workers. In the case of an alleged misconduct, if an investigation substantiates that an employee has engaged in conduct that is inconsistent with federal anti-discrimination laws, or whistleblower laws, the employee will be subject to appropriate corrective and/or disciplinary actions, up to and including dismissal.

7. Analysis of the Information Provided in Paragraphs (a)(1) through (6)

As OGE has no negative findings and status to report on, it is not possible for OGE to conduct the analysis required under section 724.302(a)(6). Nonetheless, OGE will continue to be proactive to ensure that supervisors and managers receive appropriate information about Federal anti-discrimination and Whistleblower laws, and that any complaints are either resolved or processed expeditiously. To ensure that OGE's EEO complaint process is efficient, fair, and impartial, OGE contracts its EEO counseling and investigative functions to the Office of Resolution Management, Department of Veterans Affairs. OGE will continue to evaluate ways to bolster its civil rights program.

8. Adjustments Made to the Budget of the Agency to Comply with its Judgment Fund Reimbursement Obligations

Because OGE has not had any court cases, or pending settlements from the Judgment Fund, there has not been a need to make adjustments to its budget during the reporting period.

9. No FEAR Act Training Plan

OPM requires that Federal agencies train all of its employees on their rights and remedies under the Federal antidiscrimination, and Whistleblower Protection laws. An agency must train all of its new employees within 90 days of hire and provide refresher training to all employees every two years as required by 5 C.F.R. § 724.203

OGE has and will continue to provide initial training by way of live or web-based training (with paper copy handouts) to its new employees within 90 days of joining the agency, and refresher training every two years to every agency employee. This training will be provided by OGE's Equal Employment Opportunity Officer, a guest lecturer, or web-based. As appropriate, attendance will be mandatory and documented.

APPENDICES

Appendix A...Final Year-End No FEAR Act Data for FY 2014

Appendix B...Policy Statement on EEO, dated March 28, 2014

Appendix C...Policy Statement on Anti-Harassment, dated
March 28, 2014

APPENDIX

A

COMPLAINT ACTIVITY	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014	#	%
Number of Complaints Filed	1	1	0	0	1	0	
Number of Complainants	1	1	0	0	1	0	
Repeat Filers	0	0	0	0	0	0	

Complaints by Basis	Comparative Data					2015 Thru Q4
	Previous Fiscal Year Data					
	2010	2011	2012	2013	2014	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	(b)(6) risk of reidentification due to size of agency					
Color	(b)(6) risk of reidentification due to size of agency					
Religion	(b)(6) risk of reidentification due to size of agency					
Reprisal	(b)(6) risk of reidentification due to size of agency					
Sex	(b)(6) risk of reidentification due to size of agency					
National Origin	(b)(6) risk of reidentification due to size of agency					
Equal Pay Act	(b)(6) risk of reidentification due to size of agency					
Age	(b)(6) risk of reidentification due to size of agency					
Disability	(b)(6) risk of reidentification due to size of agency					
Genetic Information	(b)(6) risk of reidentification due to size of agency					
Non-EEO	(b)(6) risk of reidentification due to size of agency					

Complaints by Issue	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014	#	%
<i>Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal total complaints filed.</i>							
Appointment/Hire	(b)(6) risk of reidentification due to size of agency						
Assignment of Duties	(b)(6) risk of reidentification due to size of agency						
Awards	(b)(6) risk of reidentification due to size of agency						
Conversion to Full-time	(b)(6) risk of reidentification due to size of agency						
Disciplinary Action	(b)(6) risk of reidentification due to size of agency						
Demotion	(b)(6) risk of reidentification due to size of agency						
Reprimand	(b)(6) risk of reidentification due to size of agency						
Removal	(b)(6) risk of reidentification due to size of agency						
Suspension	(b)(6) risk of reidentification due to size of agency						
Other	(b)(6) risk of reidentification due to size of agency						
Duty Hours	(b)(6) risk of reidentification due to size of agency						
Evaluation Appraisal	(b)(6) risk of reidentification due to size of agency						
Examination/Test	(b)(6) risk of reidentification due to size of agency						
Harassment	(b)(6) risk of reidentification due to size of agency						
Non-Sexual	(b)(6) risk of reidentification due to size of agency						
Sexual	(b)(6) risk of reidentification due to size of agency						
Medical Examination	(b)(6) risk of reidentification due to size of agency						
Pay (Including Overtime)	(b)(6) risk of reidentification due to size of agency						
Promotion/Non-Selection	(b)(6) risk of reidentification due to size of agency						
Reassignment	(b)(6) risk of reidentification due to size of agency						
Denied	(b)(6) risk of reidentification due to size of agency						
Directed	(b)(6) risk of reidentification due to size of agency						
Reasonable Accommodation	(b)(6) risk of reidentification due to size of agency						
Reinstatement	(b)(6) risk of reidentification due to size of agency						
Retirement	(b)(6) risk of reidentification due to size of agency						
Termination	(b)(6) risk of reidentification due to size of agency						
Terms/Conditions of Employment	(b)(6) risk of reidentification due to size of agency						
Time and Attendance	(b)(6) risk of reidentification due to size of agency						
Training	(b)(6) risk of reidentification due to size of agency						
Other	(b)(6) risk of reidentification due to size of agency						

Processing Time	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014		
Complaints pending during fiscal year	1.00	2	1	0	1		
Average number of days in investigation	30.00	0	0	0	120	#	%
Average number of days in final action	180.00	130	60	0	0	0	0
Complaint pending during fiscal year where hearing was requested	1.00	1	0	0	1	0	0
Average number of days in investigation	30.00	0	0	0	120	0	0
Average number of days in final action	60.00	0	0	0	0	0	0
Complaint pending during fiscal year where hearing was not requested	0.00	0	1	0	0	0	0
Average number of days in investigation	0.00	0	0	0	0	0	0
Average number of days in final action	0.00	130	60	0	0	0	0

Complaints Dismissed by Agency	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014		
Total Complaints Dismissed by Agency	0	0	0	0	0	0	0
Average days pending prior to dismissal	0	0	0	0	0	0	0
Complaints Withdrawn by Complainants							
Total Complaints Withdrawn by Complainants	0	1	1	0	0	0	0

Total Final Actions Finding Discrimination	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014		
	#	%	#	%	#	#	%
Total Number Findings	0		0		0	0	
Without Hearing	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data						
	Previous Fiscal Year Data					2015 Thru Q4	
	2010	2011	2012	2013	2014	#	%
	#	%	#	%	#	#	%
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.							
Total Number Findings	(b)(6) risk of reidentification due to size of agency						
Race							
Color							
Religion							
Reprisal							
Sex							
National Origin							
Equal Pay Act							
Age							
Disability							
Genetic Information							
Non-EEO							
Findings After Hearing							
Race							
Color							
Religion							
Reprisal							
Sex							
National Origin							
Equal Pay Act							
Age							
Disability							
Genetic Information							
Non-EEO							
Findings Without Hearing							
Race							
Color							
Religion							
Reprisal							
Sex							
National Origin							
Equal Pay Act							
Age							
Disability							
Genetic Information							
Non-EEO							

Findings of Discrimination Rendered by Issue	Comparative Data						
	Previous Fiscal Year Data					2015 Thru Q4	
	2010	2011	2012	2013	2014	#	%
	#	%	#	%	#	#	%
Total Number Findings	(b)(6) risk of reidentification due to size of agency						
Appointment/Hire							
Assignment of Duties							
Awards							
Conversion to Full-time							
Disciplinary Action							
Demotion							
Reprimand							
Suspension							
Removal							
Other							
Duty Hours							
Evaluation Appraisal							
Examination/Test							
Harassment							
Non-Sexual							
Sexual							
Medical Examination							
Pay (Including Overtime)							
Promotion/Non-Selection							
Reassignment							
Denied							
Directed							
Reasonable Accommodation							
Reinstatement							
Retirement							

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014		
Total complaints from previous Fiscal Years	0	1	1	0	0	0	0
Total Complainants	0	2	1	0	1	0	0
Number complaints pending							
Investigation	0	0	0	0	0	0	0
Hearing	0	0	0	0	1	0	0
Final Action	0	1	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	0	0

Complaint Investigations	Comparative Data					2015 Thru Q4	
	Previous Fiscal Year Data						
	2010	2011	2012	2013	2014		
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	1	0	0

APPENDIX

B



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

2014 MAR 28 AM 11:50

MEMORANDUM

TO: OGE Employees

FROM: Walter M. Shaub, Jr.
Director

A handwritten signature in black ink, appearing to read "Walter M. Shaub, Jr.", written over the printed name.

SUBJECT: Policy Statement on Equal Employment Opportunity (EEO)

It is the policy of the Office of Government Ethics (OGE) to provide equal opportunity for employees and applicants for employment, and to prohibit any discrimination in its programs, policies, practices, and activities because of race, color, religion, sex, sexual or other harassment based on a protected EEO category, national origin, age, disability, genetics, sexual orientation, gender identity, or status as a parent. This prohibition includes reprisal for participation in protected EEO activities, such as filing a discrimination complaint. Further, the prohibition against discrimination includes, but is not limited to, agency programs and activities such as recruitment, hiring, assignment, professional development, terms and conditions of employment, and career advancement.

If an employee believes he or she has been the victim of any form of unlawful employment discrimination, the employee has the right to file a complaint of discrimination. **To initiate an EEO complaint, an employee must contact an EEO counselor within 45 days of the incident giving rise to the complaint.** EEO counseling services for OGE employees are provided by the Office of Resolution Management at the Department of Veterans Affairs. Any employee wishing to initiate the EEO complaint process may do so by contacting an EEO Counselor by phone at 1-888-566-3982. An employee who has questions or concerns about harassment in the workplace, including sexual harassment, should review OGE's Anti-Harassment Policy Statement for guidance.

The cornerstone of an effective EEO program is based on demonstrated commitment from agency leadership, proactive prevention of unlawful discrimination, and the establishment of policies, procedures, and practices which ensure the prompt resolution of discrimination issues as they arise. One of our main objectives at OGE is to have a workplace that is inclusive and supportive of diversity, that is free from any form of harassment or hostility, where everyone is treated with dignity and respect, and where employees can work and advance without regard to factors that are not related to their ability to successfully perform assigned duties and responsibilities. To that end, I expect each OGE employee to work to strengthen the agency's commitment toward being a model workplace, and I thank you for your efforts.

APPENDIX

C



United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

2014 MAR 28 AM 11: 50

MEMORANDUM

TO: OGE Employees

FROM: Walter M. Shaub, Jr. *Walter M. Shaub, Jr.*
Director

SUBJECT: OGE Policy Statement on Anti-Harassment

The Office of Government Ethics (OGE) is committed to providing a work environment that is free from harassment, and to taking steps to prevent harassment in the workplace as early as possible. Therefore, it is OGE's policy to take immediate and appropriate action when the agency is made aware of allegations of harassment or determines that harassment has occurred.

Harassment is defined as any unwelcome verbal or physical conduct, based on an employee's race, color, gender, national origin, age, disability, sexual orientation, status as a parent, genetic information or gender identity, which can reasonably be considered to adversely affect the employee's work environment, or an employment decision affecting an employee based upon the employee's acceptance or rejection of such conduct. While isolated incidents generally do not constitute harassment, a pattern of incidents may meet the threshold of creating a hostile work environment. In addition, a single incident that is sufficiently severe may constitute harassment. As used under this policy, the term harassment includes sexual harassment.

It is the responsibility of all OGE employees to promptly report possible incidents of harassment to their supervisors or other appropriate management official. Upon receipt of a report or complaint of alleged harassment, management will ensure that the allegations are investigated. If it is determined that the allegations of harassment are substantiated, appropriate corrective and/or disciplinary actions will be taken, up to and including removal of the offender. OGE's goal with regard to findings of harassment is to both take corrective action and to ensure that no further harassing conduct occurs.

OGE management officials have a duty to foster and maintain a non-hostile work environment, and can be held accountable for not only their own behavior, but also that of their employees. If an employee engages in harassing conduct towards another employee, and the matter comes to management's attention, management must take prompt action. Further, if an employee complains to management about alleged harassment, management is obligated to investigate the allegation regardless of whether the complaint conforms to a particular format, or is made in writing. Management officials have a duty to carry out their responsibilities under this policy. Failure to do so may result in disciplinary action.

OGE employees are encouraged to come forward and report to an appropriate management official any behavior they view as harassment before it becomes severe or pervasive. Employees are also responsible for taking advantage of any preventative or corrective opportunities provided by OGE or to otherwise avoid harm. Employees who make a report of harassing conduct or who assist in any inquiry regarding such a report are protected from retaliation, which is not tolerated at OGE. In addition, all reports of harassment will be kept confidential to the fullest extent possible without impeding an investigation into the allegations.

This policy is separate and distinct from any administrative grievance process or statutory complaint process that also covers allegations of harassment, such as the EEO complaint process. To initiate an EEO complaint, an employee alleging sexual harassment or harassment based on another protected EEO category must contact an EEO counselor within 45 days of the alleged incident of harassment, notwithstanding any actions taken by management officials pursuant to this policy. EEO counseling services for OGE employees are provided by the Office of Resolution Management at the Department of Veterans Affairs. Any employee wishing to initiate the EEO complaint process may do so by contacting an EEO Counselor by phone at 1-888-566-3982.



APR 17 2015

The Honorable Jenny R. Yang
Chair
Equal Employment Opportunity Commissions
131 M Street, N.E.
Washington, D.C. 20507-0100





United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

DEC 05 2014

The Honorable Jacqueline A. Berrien
Chair
Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, D.C. 20507-0100

RECEIVED
DEC 18 2014
EEOC/OFO

Dear Madame Chair:

Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, (No FEAR or Act) (Pub L. No. 107-174), requires that each Federal agency submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Oversight and Government Reform, each committee of Congress with jurisdiction relating to the Office of Government Ethics (OGE), the Attorney General, and the Chair, Equal Employment Opportunity Commission. The Office of Personnel Management's regulations that implement the No FEAR Act, 5 C.F.R. Part 724.302, also require the submission of this annual report to the Director of OPM.

The Act holds Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws relating to federal employment. This report contains data concerning equal employment opportunity (EEO) complaints activity at OGE, including, if any, Federal court cases, and resulting disciplinary actions during Fiscal Year (FY) 2013.

This serves as OGE's annual report pursuant to the No FEAR Act (5 C.F.R. §§ 724.302(a)(1)-(a)(9)).

If you have any questions about the contents of this report, please call Grace A. Clark at (202) 482-9225.

Sincerely,

Walter M. Shaub, Jr.
Director

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Annual Report for Fiscal Year 2013
Under the
Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002

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UNITED STATES OFFICE OF GOVERNMENT ETHICS

About OGE

The United States Office of Government Ethics (OGE) provides overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. OGE's mission directly supports the President's goal of responsibly governing the Nation.

OGE was established by the Ethics in Government Act of 1978 and provides overall leadership and oversight of the executive branch ethics program. To carry out its leadership and oversight responsibilities, OGE promulgates and maintains enforceable standards of ethical conduct for approximately 2.7 million civilian employees in over 130 executive branch agencies and the White House; oversees a financial disclosure system that reaches more than 28,000 public and over 325,000 confidential financial disclosure report filers; ensures that executive branch ethics programs are in compliance with applicable ethics laws and regulations; provides education and training to the more than 5,600 ethics officials executive branch-wide; conducts outreach to the general public, the private sector, and civil society; and shares model practices with, and provides technical assistance to, state, local, and foreign governments, and international organizations.

OGE's greatest resource is its multi-disciplinary staff of attorneys, ethics and finance experts and support staff. OGE is a lean organization with approximately 80 full-time equivalents, and accomplishes its responsibilities by organizing cross-functional teams to perform such diverse tasks as working with Presidential nominee for appointments requiring Senate confirmation to resolve conflicts of interest, training executive branch ethics officials and enhancing oversight of the executive branch ethics program.

ANNUAL REPORT FOR FISCAL YEAR 2013

The information set forth below concerns OGE's Equal Employment Opportunity Program for fiscal year 2013. It is reported pursuant to 5 C.F.R. Part 724, Subpart C references to the specific paragraphs in this Subpart at 5 C.F.R. §§724.302(a)(1) through (a)(9).

1. Federal Court Cases Arising Under the Federal Antidiscrimination or Whistleblower Laws

OGE had no Federal court cases, pending or resolved, arising under the Federal Antidiscrimination or Whistleblower Laws in fiscal year 2013.

2. Status or Disposition of Federal Court Cases Including the Amount of Money Required to be Reimbursed to the Judgment Fund and any Budget Adjustments Relating to the Judgment Fund

OGE had no Federal court cases, judgment fund reimbursements, or adjustments to agency budgets to meet reimbursement requirements in fiscal year 2013.

3. Employees Disciplined for Conduct Inconsistent with Federal Antidiscrimination or whistleblower Laws

No employees were disciplined in fiscal year 2013 for reasons related to discrimination, retaliation, or harassment.

4. Final Year-End No FEAR Act Data for FY 2013

OGE's final year-end No FEAR Act data for FY 2013 is at **Appendix 1**.

5. Employees Disciplined Whether or Not in Connection with Federal Court Cases in Federal Court

No OGE employees received formal discipline in 2013.

6. OGE's Disciplinary Policy for Conduct Inconsistent with Federal Antidiscrimination or Whistleblower Laws

OGE is committed to maintaining a workplace that promotes productivity, professionalism, and an environment that protects the dignity of all of its workers. In the case of an alleged misconduct, if an investigation substantiates that an employee has engaged in conduct that is inconsistent with federal anti-discrimination laws, or whistleblower laws, the employee will be subject to appropriate corrective and/or disciplinary actions, up to and including dismissal.

7. Analysis of the Information Provided in Paragraphs (a)(1) through (6)

As OGE has only negative numbers and status to report on, it is not possible for OGE to conduct the analysis required under section 724.302(a)(6). Nonetheless, OGE will continue to be proactive to ensure that supervisors and managers receive appropriate information about Federal anti-discrimination and Whistleblower laws, and that any complaints are either resolved or processed expeditiously. To ensure that OGE's EEO complaint process is efficient, fair, and impartial, OGE contracts its EEO counseling and investigative functions to the Office of Resolution Management, Department of Veterans Affairs. OGE will continue to evaluate ways to bolster its civil rights program.

8. Adjustments Made to the Budget of the Agency to Comply with its Judgment Fund Reimbursement Obligations

Because OGE has not had any court cases, or pending settlements from the Judgment Fund, there has not been a need to make adjustments to its budget during the reporting period.

9. No FEAR Act Training Plan

OPM requires that Federal agencies train all of its employees on their rights and remedies under the Federal antidiscrimination, and Whistleblower Protection laws. An agency must train all of its new employees within 90 days of hire and provide refresher training to all employees every two years as required by 5 C.F.R. § 724.203

OGE has and will continue to provide initial training by way of live or web-based training (with paper copy handouts) to its new employees within 90 days of joining the agency, and refresher training every two years to every agency employee. This training will be provided by OGE's Equal Employment Opportunity Officer or a guest lecturer. As appropriate, attendance will be mandatory and documented.

APPENDICES

Appendix 1...Final Year-End No FEAR Act Data for FY 2013

Appendix 2...Policy Statement on EEO, dated March 28, 2014

Appendix 3...Policy Statement on Anti-Harassment, dated
March 28, 2014

COMPLAINT ACTIVITY 29 C.F.R. § 1614.704(a)-(c)	COMPARATIVE DATA					2014 Thru Q4
	PREVIOUS FISCAL YEARS					
	2009	2010	2011	2012	2013	
Number of Complaints Filed	0	1	1	0	0	
Number of Complainants	0	1	1	0	0	
Repeat Filers	0	0	0	0	0	

COMPLAINTS BY BASIS 29 C.F.R. § 1614.704(d)	PREVIOUS FISCAL YEARS					2014 Thru Q4
	2009	2010	2011	2012	2013	
Race	(b)(6) risk of reidentification due to size of agency					
Color						
Religion						
Reprisal						
Sex						
National Origin						
Equal Pay Act						
Age						
Genetic Information						
Disability						
Non-EEO						

COMPLAINTS BY ISSUE 29 C.F.R. § 1614.704(e)	PREVIOUS FISCAL YEARS					2014 Thru Q4
	2009	2010	2011	2012	2013	
Appointment/Hire	(b)(6) risk of reidentification due to size of agency					
Assignment of Duties						
Awards						
Conversion to Full-time						
Demotion						
Reprimand						
Removal						
Suspension						
Letter of Counseling						
Other						
Duty Hours						
Evaluation Appraisal						
Examination/Test						
Non-Sexual						
Sexual						
Medical Examination						
Pay (Including Overtime)						
Promotion/Non-Selection						
Reassignment						
Denied						
Directed						
Reasonable Accommodation						
Reinstatement						
Retirement						
Termination						
Terms/Conditions of Employment						
Time and Attendance						
Training						
Other						

29 C.F.R. § 1614.704(f) Processing Time	Previous Fiscal Year Data					2014 Thru Q4
	2009	2010	2011	2012	2013	
Complaints pending during fiscal year	0	1	2	1	0	
Average number of days in investigation stage	0	30	0	0	0	
Average number of days in final action stage	0	180	130	60	0	
Complaint pending during fiscal year where hearing was requested	0	1	1	0	0	
Average number of days in investigation stage	0	30	0	0	0	
Average number of days in final action stage	0	80	0	0	0	
Complaint pending during fiscal year where hearing was not requested	0	0	0	1	0	
Average number of days in investigation stage	0	0	0	0	0	
Average number of days in final action stage	0	0	130	60	0	

29 C.F.R. § 1614.704(g) COMPLAINTS DISMISSED BY AGENCY	Previous Fiscal Year Data					2014 Thru Q4
	2009	2010	2011	2012	2013	
Total Complaints Dismissed by Agency	0	0	0	0	0	
Average days pending prior to dismissal	0	0	0	0	0	
Complaints Withdrawn by Complainants	0	0	1	1	0	
Total Complaints Withdrawn by Complainants	0	0	1	1	0	

Total Final Actions Finding Discrimination	Previous Fiscal Year Data										2014 Thru Q4	
	2009		2010		2011		2012		2013		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	0		0		0		0		0			
Without Hearing	0		0		0		0		0			
With Hearing	0		0		0		0		0			

29 C.F.R. § 1614.704(i) Findings of Discrimination Rendered by Basis	Previous Fiscal Year Data										2014 Thru Q4	
	2009		2010		2011		2012		2013		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	(b)(6) risk of reidentification due to size of agency											
Race	(b)(6) risk of reidentification due to size of agency											
Color	(b)(6) risk of reidentification due to size of agency											
Religion	(b)(6) risk of reidentification due to size of agency											
Reprisal	(b)(6) risk of reidentification due to size of agency											
Sex	(b)(6) risk of reidentification due to size of agency											
National Origin	(b)(6) risk of reidentification due to size of agency											
Equal Pay Act	(b)(6) risk of reidentification due to size of agency											
Age	(b)(6) risk of reidentification due to size of agency											
Disability	(b)(6) risk of reidentification due to size of agency											
Non-EEO	(b)(6) risk of reidentification due to size of agency											

Findings After Hearing	(b)(6) risk of reidentification due to size of agency		
Race			
Color			
Religion			
Reprisal			
Sex			
National Origin			
Equal Pay Act			
Age			
Disability			
Non-EEO			
Findings Without Hearing			
Race			
Color			
Religion			
Reprisal			
Sex			
National Origin			
Equal Pay Act			
Age			
Disability			
Non-EEO			

29 C.F.R. § 1614.704(j) Findings of Discrimination Rendered by Issue	Previous Fiscal Year Data										2014 Thru Q4	
	2009		2010		2011		2012		2013		#	%
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	(b)(6) risk of reidentification due to size of agency											
Appointment/Hire												
Assignment of Duties												
Awards												
Conversion to Full-time												
Disciplinary Action												
Demotion												
Reprimand												
Suspension												
Removal												
Other												
Duty Hours												
Evaluation Appraisal												
Examination/Test												
Harassment												
Non-Sexual												
Sexual												
Medical Examination												
Pay (Including Overtime)												
Promotion/Non-Selection												
Reassignment												
Denied												
Directed												
Reasonable Accommodation												
Reinstatement												
Retirement												
Termination												
Terms/Conditions of												
Time and Attendance												
Training												
Other												
Findings After Hearing												
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Harassment	(b)(6) risk of reidentification due to size of agency
Non-Sexual	
Sexual	
Medical Examination	
Pay (Including Overtime)	
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Reassignment	
Denied	
Directed	
Reasonable Accommodation	
Reinstatement	
Retirement	
Termination	
Terms/Conditions of Employment	
Time and Attendance	
Training	
Other	

29 C.F.R. § 1614.704(k) Pending Complaints Filed in Previous Fiscal Years by Status	Previous Fiscal Year Data					2014 Thru Q4
	2009	2010	2011	2012	2013	
Total complaints from previous Fiscal Years	0	0	1	1	0	
Total Complaintants	0	0	2	1	0	
Number complaints pending	0	0	1	0	0	
Investigation	0	0	0	0	0	
Hearing	0	0	0	0	0	
Final Action	0	0	1	0	0	
Appeal with EEOC Office of Federal Operations	0	0	0	0	0	

29 C.F.R. § 1614.704(l) Complaint Investigations	Previous Fiscal Year Data					2014 Thru Q4
	2009	2010	2011	2012	2013	
Pending Complaints Where Investigations Exceeds Required Time Frames	0	0	0	0	0	



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

2014 MAR 28 AM 11:50

MEMORANDUM

TO: OGE Employees

FROM: Walter M. Shaub, Jr.
Director

A handwritten signature in black ink, appearing to read "Walter M. Shaub, Jr.", written over the printed name.

SUBJECT: Policy Statement on Equal Employment Opportunity (EEO)

It is the policy of the Office of Government Ethics (OGE) to provide equal opportunity for employees and applicants for employment, and to prohibit any discrimination in its programs, policies, practices, and activities because of race, color, religion, sex, sexual or other harassment based on a protected EEO category, national origin, age, disability, genetics, sexual orientation, gender identity, or status as a parent. This prohibition includes reprisal for participation in protected EEO activities, such as filing a discrimination complaint. Further, the prohibition against discrimination includes, but is not limited to, agency programs and activities such as recruitment, hiring, assignment, professional development, terms and conditions of employment, and career advancement.

If an employee believes he or she has been the victim of any form of unlawful employment discrimination, the employee has the right to file a complaint of discrimination. **To initiate an EEO complaint, an employee must contact an EEO counselor within 45 days of the incident giving rise to the complaint.** EEO counseling services for OGE employees are provided by the Office of Resolution Management at the Department of Veterans Affairs. **Any employee wishing to initiate the EEO complaint process may do so by contacting an EEO Counselor by phone at 1-888-566-3982.** An employee who has questions or concerns about harassment in the workplace, including sexual harassment, should review OGE's Anti-Harassment Policy Statement for guidance.

The cornerstone of an effective EEO program is based on demonstrated commitment from agency leadership, proactive prevention of unlawful discrimination, and the establishment of policies, procedures, and practices which ensure the prompt resolution of discrimination issues as they arise. One of our main objectives at OGE is to have a workplace that is inclusive and supportive of diversity, that is free from any form of harassment or hostility, where everyone is treated with dignity and respect, and where employees can work and advance without regard to factors that are not related to their ability to successfully perform assigned duties and responsibilities. To that end, I expect each OGE employee to work to strengthen the agency's commitment toward being a model workplace, and I thank you for your efforts.



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