

SEC OPERATING PROCEDURES

U.S. Securities and Exchange Commission
Office of Human Resources
Washington, D.C. 20549

SECOP 6-80
July 14, 2022

REASONABLE ACCOMMODATION PROGRAM

These operating procedures implement the U.S. Securities and Exchange Commission's (SEC) policy governing the processing and, where appropriate, the implementation of requests for reasonable accommodation of individuals with disabilities, including qualified employees, applicants for employment, and visitors on official SEC business in accordance with section 501 of Public Law 93-112, "Rehabilitation Act of 1973," as amended (codified at 29 U.S.C. § 791); Public Law 110-325, "ADA Amendments Act of 2008," as amended (codified at 42 U.S.C. § 12101, et seq.); Executive Order 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation;" U.S. Equal Employment Opportunity Commission (EEOC) regulations implementing section 501 of the Rehabilitation Act of 1973; and supplemental guidance established by the EEOC.

These operating procedures apply to covered individuals with disabilities, including qualified SEC employees, applicants seeking employment at the SEC, and visitors on official SEC business who require reasonable accommodation. They do not apply to contractors assigned to support the SEC or requests for the Temporary Medical Telework Program.

Nothing in these operating procedures is intended to deviate from any negotiated agreement(s) including, but not limited to, the Collective Bargaining Agreement (CBA) and memorandums of understanding. To the extent there is a conflict, the negotiated agreement(s) will apply for bargaining unit employees.

These operating procedures shall be reviewed at least once every 4 years to ensure the contents remain relevant and reflect current federal laws, rules, and regulations, and the SEC policies and operating procedures.

Summary of Changes. These operating procedures cancel and supersede the "SEC Accommodation Procedures, SEC Disability Accommodation Process," guide dated June 2015 and all other previously issued SEC guidance for the Reasonable Accommodation Program.

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James P. McNamara
Chief Human Capital Officer
Office of Human Resources

SEC OPERATING PROCEDURES REASONABLE ACCOMMODATION PROGRAM

1. Purpose and Scope

1.1. These operating procedures implement the U.S. Securities and Exchange Commission's (SEC) policy provided in SEC Administrative Regulation SECR 6-80, "Reasonable Accommodation Program," and set forth procedures governing the processing and, where appropriate, the implementation of requests for reasonable accommodation (as defined in subsection 2.17. below) by employees, applicants for employment, and visitors on official SEC business with disabilities in accordance with section 501 of Public Law 93-112, "Rehabilitation Act of 1973," as amended (codified at 29 U.S.C. § 791); Public Law 110-325, "ADA Amendments Act of 2008," as amended (codified at 42 U.S.C. § 12101, et seq.); and Executive Order 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation"; U.S. Equal Employment Opportunity Commission (EEOC) regulations implementing section 501 of the Rehabilitation Act of 1973; and supplemental guidance established by the EEOC.

1.2. For reasonable accommodation policies that are not specifically covered in these operating procedures, the SEC will follow the policies and procedures of the EEOC. These operating procedures supplement Executive Order 14035, "Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce"; Executive Order 13164; EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, and 29 CFR part 1614. These documents are available on the EEOC's website at <https://www.eeoc.gov/>.

1.3. These operating procedures cancel and supersede the "SEC Accommodation Procedures, SEC Disability Accommodation Process," guide dated June 2015 and all other previously issued SEC guidance for the Reasonable Accommodation Program.

1.4. The EEOC approved SEC Operating Procedures SECOP 6-80, "Reasonable Accommodation Program," on March 12, 2021.

2. Definitions

These terms and their definitions are for the purposes of these operating procedures.

2.1. **Approved Reasonable Accommodation** – Deciding official (as defined in subsection 2.2. below) makes an informed decision to grant the specific reasonable accommodation request (RA request; as defined in subsection 2.20. below) as described by the requesting individual or provide a comparably effective alternative accommodation.

2.2. **Deciding Official (also referred to as the "Disability Program Officer" [DPO])** – An individual who has delegated authority to grant or deny requests for reasonable accommodation submitted by covered individuals with disabilities, including qualified SEC

employees, applicants seeking employment at the SEC, and visitors on official SEC business in accordance with section 501 of the Rehabilitation Act of 1973.

2.3. Denied Reasonable Accommodation – An informed decision by the DPO, or designee(s), to disapprove the specific RA request as described by the requesting individual and not to offer an alternative reasonable accommodation.

2.4. Disability – A physical or mental impairment (as defined in subsection 2.10. below) that substantially limits one or more of the major life activities (as defined in subsection 2.14. below); a record of such an impairment; or being regarded as having such an impairment.

2.5. Disability Program Officer (see Deciding Official) –The individual, or designee(s), in the SEC Office of Human Resources (OHR) who serves as the deciding official for reasonable accommodation requests submitted by applicants, visitors, and employees and has delegated authority to grant or deny reasonable accommodation requests submitted by qualified employees, applicants seeking employment at the SEC, and visitors on official SEC business with disabilities based on the Rehabilitation Act of 1973. In addition, the DPO, or designee(s), oversees the administration of the RA Program.

2.6. Essential Functions – Those job duties that are so fundamental to the position that the employee holds or desires that they cannot do the job appropriately without performing them. 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 is hired based on that person's ability to perform the function. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic or standardized position description.

2.7. Extenuating Circumstances – Factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation or limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation (e.g., identified software is not compatible with existing equipment).

2.8. Federal Occupational Health (FOH) – Designated physician or health care provider under contract with the SEC to provide medical review and consultation on request(s) for reasonable accommodation under the Rehabilitation Act of 1973.

2.9. Genetic Information – As defined in section 201(4) of Public Law 110-233, "Genetic Information Nondiscrimination Act of 2008," as amended (codified in 42 U.S.C. § 2000ff), includes information concerning the manifestation of disease/disorder in family members ("family medical history"), information about an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received services, and genetic information of a fetus carried by an individual or the individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

2.10. **Impairment** – Includes any physiological disorder or condition, such as cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness (major depression, bipolar disorder, anxiety disorders), schizophrenia, and specific learning disabilities.

2.11. **Individual With a Disability** – A person who has an impairment (physical or mental) that substantially limits one or more of that person's major life activities, has a record of impairment, or is regarded as having such impairment.

2.12. **Interactive Process** – The flexible process by which the individual requesting an accommodation, the supervisor, and the DPO, or designee(s), and/or Reasonable Accommodation Coordinator (RAC; as defined in subsection 2.19. below) discuss the request for reasonable accommodation to determine whether an accommodation is needed, and to identify potential effective accommodations for the employee.

2.13. **Interim Reasonable Accommodation** – Any temporary or short-term reasonable accommodation put in place to assist the employee, and/or assess the effectiveness of a potential accommodation or until a longer-term solution is identified and becomes available.

2.14. **Major Life Activities** – Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Major life activities also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, digestive, bladder, bowel, neurological, brain, circulatory, respiratory, endocrine, and reproductive functions.

2.15. **Personal Assistance Services (PAS)** – Services that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living, like removing and putting on clothing, eating, and using the restroom.

2.16. **Qualified Individual** – An individual with a disability (as defined in subsection 2.11. above) who has the skills, experience, education, and other requirements of the job the individual holds or desires, and can perform the essential functions (as defined in subsection 2.6. above) of the position with or without reasonable accommodation.

2.17. **Reasonable Accommodation (RA)** – A change or adjustment that enables a qualified person with a disability (as defined in subsection 2.4. above) to apply for a job, perform the essential job functions, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodation:

2.17.1. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille);

2.17.2. Modifications or adjustments to enable a qualified individual (as defined in subsection 2.16. above) with a disability to perform the essential functions of the job (such as providing sign language interpreters) or to gain access to the workplace; and

2.17.3. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an organization or providing alternate methods for meeting an essential function).

2.18. **Reasonable Accommodation Agreement** – The official form which outlines the conditions of the approved reasonable accommodation (as defined in subsection 2.1. above) granted by the DPO, or designee(s).

2.19. **Reasonable Accommodation Coordinator(s)** – Individual(s) in the SEC, Office of Human Resources (OHR) assigned to process a request for reasonable accommodation from a qualified employee, applicant seeking employment, or visitor on official SEC business (or an individual acting on their behalf). Typically this assigned staff member will work with the employee's immediate supervisor or any SEC employee with whom an applicant or visitor has contacted in connection with the RA request, in order to propose a recommendation to the DPO, or designee(s).

2.20. **Reasonable Accommodation Request (RA Request)** – A statement (oral or written) that an individual (i.e., employee, applicant, or visitor) needs an adjustment or change in the application process, to perform the essential duties of their position, or to enjoy the benefits or privileges of the workplace for a reason related to a disability.

2.21. **Reassignment** – A form of reasonable accommodation that is provided to an employee who, because of a disability, can no longer perform the essential functions of the job with or without reasonable accommodation or if the only effective accommodation would cause undue hardship (as defined in subsection 2.28. below). Reassignments are made only to vacant funded positions and to employees who are qualified for the new position. If the employee is qualified for the position, the employee will be reassigned to the position noncompetitively. Other types of accommodations are considered or granted to accommodate an employee prior to granting a reassignment.

2.22. **Receiving Official** – The first individual to be notified by the requestor (as defined in subsection 2.24. below) or the requestor's third-party representative (as defined in subsection 2.27. below) of the need for reasonable accommodation. This may be the employee's immediate supervisor or management in the employee's chain of command, the DPO, or designee(s), or RAC. In the case of an applicant for employment, this may include a human resources specialist or hiring manager, or for a visitor on official SEC business, an SEC employee.

2.23. **Reconsideration** – An appeal request by an employee to reconsider the denied reasonable accommodation decision made by the DPO, or designee(s). The employee may present additional information or documentation in support of the reconsideration request. Reconsideration, including information in support of appeals, should be presented within 10 business days of the written denial notification.

2.24. **Requestor** – Any employee, applicant seeking employment at SEC, visitor on official SEC business with a disability, or an individual acting on that person’s behalf who requests a reasonable accommodation.

2.25. **Service Animal** – Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability.

2.26. **Targeted Disability** – A disability that is designated as a “targeted disability or health condition” on the Office of Personnel Management Standard Form 256, “Self Identification of Disability,” or falls under one of the first 12 categories of disability listed in Part A of question 5 of the EEOC's “Demographic Information on Applicants” form (Office of Management and Budget [OMB] No. 3046–0046).

2.27. **Third-Party Representative** – A person identified by the employee or applicant seeking employment, or visitor on official SEC business with a disability to represent them during the reasonable accommodation process. A family member, health professional, attorney, or other representative may, with proper authorization from the employee, applicant, or visitor, request an accommodation on their behalf.

2.28. **Undue Hardship** – An accommodation requiring significant difficulty or expense incurred by a covered entity when considered in light of various factors such as the agency’s size, financial resources, the nature and cost of the reasonable accommodation needed, and the impact of the reasonable accommodation on the agency’s operations. A determination regarding whether an undue hardship exists is made on a case-by-case basis.

3. Procedures

The following requirements apply to the Reasonable Accommodation Program for SEC federal employees, applicants seeking employment at the SEC, and visitors on official SEC business with disabilities. Reasonable Accommodation Program policy, operating procedures, forms, and other relevant program information are available on the askHR portal or the sec.gov website.

3.1. SEC’s Reasonable Accommodation Program: The obligation to provide a reasonable accommodation is a statutory requirement authorized under the Rehabilitation Act of 1973 and [Executive Order 13164](#). To satisfy this requirement, the SEC will administer this program pursuant to the statutory provisions mentioned above. The reasonable

accommodation process starts when an oral or written request is made to the agency as described in subsection 3.2. below.

3.2. Reasonable Accommodation Requests

3.2.1. Recognizing Requests

3.2.1.1. An individual can make an RA request to an SEC management official (i.e., OHR, first-level supervisor/hiring manager, etc.), and the employee need not explicitly use words such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” The requesting individual must advise an SEC receiving official (as defined in subsection 2.22. above and described in subsection 3.2.2.2. below) of their need for accommodation.

3.2.1.2. This request can be made orally or in writing, even if the employee or the requestor has not previously disclosed the existence of a disability.

3.2.1.3. Form SEC 2937, “Reasonable Accommodation Request,” is needed for recordkeeping purposes to document the RA request and the nature of the disability. However, employees, applicants, and visitors with disabilities are not required to use this form to initiate the reasonable accommodation.

3.2.2. Initiating Requests

3.2.2.1. The employee, applicant, and visitor (or their representative) may make an RA request at any time.

3.2.2.2. The RA process will begin as soon as an individual makes a request for a reasonable accommodation to any of the following receiving officials: (1) a supervisor or manager in the individual’s chain-of-command, (2) DPO, or designee(s), (3) any agency employee connected with the application process, or (4) any other individual designated by the agency to accept such requests.

3.2.2.3. To enable the SEC to keep accurate records of individuals with disabilities’ RA request, the receiving official should follow-up an oral request with written notification to the DPO, or designee(s), as described below.

3.2.2.4. Employees or applicants with disabilities are asked to document their need for a reasonable accommodation on form SEC 2937, “Reasonable Accommodation Request,” and submit it to reasonableaccommodation@sec.gov. This form enables the employee or applicant to state the nature of the disability and the desired accommodation. The requestor is not required to state the particular reasonable accommodation in mind before making the request.

3.2.2.4.1. If an employee or applicant chooses not to submit a request using the form, the receiving official must submit the request on the employee or applicant's behalf.

3.2.2.4.2. Third-party representative(s) who submit RA requests on behalf of employees with a disability should provide written notice to reasonableaccommodation@sec.gov. Third-party representative(s) who submit requests on behalf of the employee/requestor with a disability should communicate that authorization from the employee/requestor has been given in order for the SEC to begin processing the request.

3.2.2.4.3. If a supervisor receives direct notification of the need for a reasonable accommodation from an employee or the employee's representative, the supervisor should notify the DPO, or designee(s), within 1 business day of notification in order to initiate the reasonable accommodation process.

3.2.2.4.4. To the extent reasonably possible, an employee with a disability must be contacted by the DPO, or designee(s), to confirm that the employee wants a reasonable accommodation before action is taken on the request.

3.2.2.5. Employees requesting a similar type of accommodation on a repeated basis are not asked to submit form SEC 2937, "Reasonable Accommodation Request," for each subsequent occasion in which they need the same or similar reasonable accommodation (e.g., interpreter, reader, and/or personal assistance services [as defined in subsection 2.15. above]).

3.2.2.5.1. However, employees must give advance notice for each subsequent occasion the reasonable accommodation is needed, unless it is needed on a recurring basis.

3.2.2.5.2. If the reasonable accommodation is needed on a recurring basis, the supervisor should ensure that appropriate arrangements are made without requiring a request in advance of each occasion.

3.2.2.6. When an applicant with a disability requests a reasonable accommodation, the request will be considered if made to any agency employee with whom the applicant has contacted in connection with the application process.

3.2.2.6.1. Generally, such requests should be received by a hiring manager. In either case, the receiving official must notify the DPO, or designee(s), of the RA need and submit an RA request via email to

reasonableaccommodation@sec.gov on behalf of the applicant with a disability.

3.2.2.6.2. Third-party representative(s) who makes an RA request on behalf of the applicant with a disability should send written notice to reasonableaccommodation@sec.gov. The third-party representative(s) who submit a requests on behalf of the applicant with a disability should communicate that authorization from the applicant has been given in order for the SEC to begin processing the request.

3.2.2.6.3. To the extent reasonably possible, an applicant with a disability must be contacted by the DPO, or designee(s), to confirm that the applicant wants a reasonable accommodation before action is taken on the request.

3.2.3. Acknowledging Requests

3.2.3.1. The DPO, or designee(s), will acknowledge an RA request via email to the requestor.

3.2.3.2. If the employee's, applicant's, or visitor's disability is not apparent from the RA request or otherwise known to the DPO, or designee(s), the requestor will be asked to provide supporting medical documentation from an appropriate healthcare professional.

3.2.3.3. The medical documentation must contain sufficient information to make a determination regarding a requestor's eligibility for reasonable accommodation as a person with a disability as described in subsection 3.2.4. below.

3.2.4. Medical Documentation

3.2.4.1. When a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the DPO, or designee(s), or RAC, the requestor will be asked to submit sufficient medical documentation describing the disability and the functional limitations to reasonableaccommodation@sec.gov.

3.2.4.1.1. Documentation must substantiate that the individual has a disability and needs a reasonable accommodation. Sufficient medical documentation should describe the nature, severity, and duration of the impairment, the activity or activities that the impairment limits, the extent to which the impairment limits the employee's ability to perform the activity or activities, and should also substantiate why the requested reasonable accommodation is needed.

3.2.4.1.2. Medical documentation must explain the nature of the individual's disability, the individual's need for reasonable accommodation, and how the requested accommodation, if any, will assist or enable the qualified individual with a disability to perform the essential functions of the position, apply for a job, or enjoy the benefits and privileges of the workplace.

3.2.4.1.3. If a determination is made by the DPO, or designee(s), or RAC that medical documentation is needed from the requestor to evaluate the RA request, the requestor will be notified in writing.

3.2.4.1.4. Any request for medical information, including genetic information (as defined in subsection 2.9. above), must comply with the Genetic Information Nondiscrimination Act of 2008 (commonly referred to as "GINA") and will be maintained in accordance with Privacy Act requirements.

3.2.4.2. Once medical documentation is received, the DPO, or designee(s), or RAC will acknowledge receipt and evaluate the documentation in order to determine if a disability exists and the most effective reasonable accommodation.

3.2.4.2.1. In some circumstances, the DPO, or designee(s), or RAC may request supplemental medical documentation or confidentially consult with recognized, external experts (e.g., the FOH; as defined in subsection 2.8. above) for review of the documentation to enable the DPO, or designee(s), or RAC to determine the most effective reasonable accommodation.

3.2.4.2.1.1. The employee has an obligation to provide sufficient medical documentation as described in subsection 3.2.4.1.1. above.

3.2.4.2.1.2. If the medical documentation requested and/or provided is insufficient, the DPO, or designee(s), or RAC may ask for further supplemental medical information in writing and will explain the specific deficiencies in the documentation that need to be corrected or supplemented, e.g., the need to clearly explain the nature of the disability, its effect on a major life activity or activities, or the need for the particular accommodation(s).

3.2.4.2.2. Review of medical documentation by external experts (e.g., the FOH) requires authorization of disclosure by the employee, applicant, or visitor with a disability prior to release of the information. The OHR will provide the applicable medical release form to the

requestor, as required. The release shall not extend to a release of the requestor's complete medical records and shall include supplemental medical information as described in *Section II: Medical Documentation* of form SEC 2937, "Reasonable Accommodation Request."

3.2.4.2.3. If the individual seeking the reasonable accommodation does not provide appropriate medical documentation or does not cooperate in the agency's efforts to obtain such documentation, the SEC may deny the RA request after explaining in writing why the information is insufficient and giving the requestor an opportunity to provide sufficient documentation. Failure to provide appropriate medical documentation or cooperate in the agency's efforts to obtain such documentation constitutes failure to participate in the interactive process (as defined in subsection 2.12. above) by the requestor (refer to subsection 3.2.5. below).

3.2.4.3. The DPO, or designee(s), or RAC may consult with employees; applicants; visitors; supervisors/hiring managers; representatives of the OHR, Office of Support Operations (OSO), Office of Information Technology (OIT), and Office of Financial Management (OFM); and external experts to discuss the RA request or to determine an equally effective alternative accommodation for decision by the DPO, or designee(s), as appropriate.

3.2.4.4. Confidentiality and Disclosure of Medical Documentation

3.2.4.4.1. All medical information obtained in connection with the reasonable accommodation process will be kept confidential in accordance with applicable laws and SEC regulations and will only be shared on a need-to-know basis. All SEC employees who receive such information are strictly bound by these confidentiality requirements.

3.2.4.4.2. The DPO, or designee(s), or RAC will respond to all requests for disclosure of medical information for the Reasonable Accommodation Program and provide guidance as necessary.

3.2.4.4.2.1. Medical documentation collected for RA requests will only be shared with individuals having a need-to-know to carry out the official duties of their position (i.e., DPO or RAC, external experts (e.g., the FOH), individuals involved in first aid and safety personnel, government officials investigating the compliance with the Rehabilitation Act of 1973, and in certain circumstances, the Office of the General Counsel (OGC) in connection with providing legal advice and representation.)

3.2.4.4.2.2. Supervisors and managers may not collect, maintain, or access any medical documentation pertaining to an employee's RA request. Instead, the DPO, or designee(s), or RAC will advise about work restrictions impacting the duties of the position and the necessary accommodation(s).

3.2.4.4.2.3. Whenever medical information is disclosed, the individual disclosing information must inform the recipients of the information about the confidentiality requirements that apply.

3.2.4.4.3. All records received in connection with an RA request, including information about the individual's functional limitations and reasonable accommodation needs, will be maintained by the DPO, or designee(s), or RAC and kept separate from the employee's personnel folder or in the case of a job applicant, the human resources staffing file.

3.2.4.4.4. The fact that an applicant, visitor, or employee has requested a reasonable accommodation, or that a reasonable accommodation is being provided is confidential information and should be shared on a need-to-know basis.

3.2.5. The Interactive Process

3.2.5.1. The interactive process begins upon receipt of the (oral or written) RA request. The DPO, or designee(s), or RAC will make a determination based on medical documentation, as to whether the individual has a physical or mental impairment that substantially limits a major life activity. The employee or applicant with a disability must be qualified to perform the essential duties of the position with or without a reasonable accommodation.

3.2.5.1.1. If the employee or applicant meets the criteria described in subsection 3.2.5.1. above, the DPO, or designee(s), or RAC will assess the medical documentation to determine the limitations of the medical condition and to identify a potentially effective reasonable accommodation.

3.2.5.1.2. The employee or applicant (or third-party representative) and the supervisor of the employee or hiring manager for the job applicant should participate in discussions to help identify an effective accommodation, to the extent possible. If the requestor is amenable a discussion with the supervisor and requestor may be held jointly to identify potentially effective accommodations.

3.2.5.2. Ongoing Communication During the Interactive Process

3.2.5.2.1. The DPO, or designee(s), or RAC, in consultation with the supervisor, should analyze and determine the essential duties of the position to explore the types of accommodations that would be most effective to address the employee's medical limitations.

3.2.5.2.2. The employee, supervisor, the DPO, or designee(s), and/or RAC must actively exchange information in order to reach a resolution within established timeframes as discussed in subsection 3.3.3. below.

3.2.5.2.3. Communication is critical when a specific problem or barrier exists, a need for accommodation is not obvious, or where there may be a number of alternatives to accommodate the person with a disability.

3.2.5.2.4. In cases where the disability, the need for accommodation, and type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the DPO, or designee(s), and requester should talk to each other to make sure that there is a full exchange of relevant information.

3.3. Providing the Reasonable Accommodation

3.3.1. Once the DPO, or designee(s), makes a decision on the RA request, it will be communicated to the requestor.

3.3.1.1. The SEC is not required to provide the reasonable accommodation requested by the employee, applicant, or visitor. However, the DPO, or designee(s), will provide a comparably effective accommodation, absent undue hardship.

3.3.1.2. When the facts and circumstances known to the agency make it reasonably likely that the individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the DPO, or designee(s), shall authorize an interim reasonable accommodation (as defined in subsection 2.13. above) to enable the qualified employee with a disability to perform some or all of the essential functions of the job and/or enjoy the benefits and privileges of the job or to permit a qualified job applicant with a disability to participate in the employment process, absent undue hardship.

3.3.1.2.1. The DPO, or designee(s), may provide an interim reasonable accommodation to facilitate the employee's work, permit an applicant to apply for a job, or provide equal access to the benefits

and privileges of the workplace without imposing an undue hardship on the SEC.

3.3.1.2.2. The DPO, or designee(s), or RAC in consultation with the employee and their supervisor, applicant and the hiring manager, or the SEC official hosting the visitor will monitor an interim reasonable accommodation to ensure it does not take the place of the final approved reasonable accommodation and that all necessary steps to secure the approved reasonable accommodation are taken.

3.3.1.2.3. In the event the interim RA results in being ineffective for the employee, applicant, or visitor, or the SEC, the interactive process shall be reengaged to find a new interim RA.

3.3.2. Reasonable Accommodation Types. The DPO, or designee(s), may consider and provide a variety of items to accommodate employees with disabilities to enable the employee to perform the essential functions of the job or receive equal employment benefits and privileges as enjoyed by similarly situated employees without disabilities absent undue hardship. The SEC may also consider and provide accommodations to qualified applicants seeking employment at the SEC and visitors on official SEC business, absent hardship. The list of accommodations described in subsections 3.3.2.1. through 3.3.2.11. below is intended to provide examples of the types of reasonable accommodations that may be provided by the SEC to employees, applicants, and visitors. The examples shared in this subsection are not all inclusive.

3.3.2.1. Examples of Reasonable Accommodations for Individuals Who Are Deaf or Hard of Hearing

3.3.2.1.1. The SEC will accommodate employees, applicants and visitors who have disabilities affecting their speech or communication and may provide assistive technology, services, and/or other accommodations to facilitate effective communication.

3.3.2.1.2. Reasonable accommodations may include telecommunication devices for deaf individuals (TTY's), sign language interpreters and computer-assisted real-time transcription services.

3.3.2.2. Examples of Reasonable Accommodations for Individuals Who are Blind or Visually Impaired

3.3.2.2.1. The SEC will accommodate employees, applicants, and visitors who are visually impaired and may provide screen readers and assistive technology to ensure compatibility with the SEC network and other SEC issued computers, software, and devices, pursuant to the

provisions of section 508 of the Rehabilitation Act of 1973. The SEC may also provide an aide/assistant/attendant to assist the requestor.

3.3.2.2.2. All SEC publications and training materials will be made available in accessible formats (e.g., large print, Braille), as requested.

3.3.2.3. Examples of Reasonable Accommodations for Individuals With Disabilities Affecting Mobility

3.3.2.3.1. The SEC may provide office equipment to employees who have disabilities affecting mobility including desks, and other ergonomic equipment.

3.3.2.3.2. The SEC office worksites may be made accessible by adding ramps, automatic door openers, and accessible toilet stalls, and clearing hallways of obstructions.

3.3.2.4. Examples of Reasonable Accommodations for Individuals With Cognitive or Other Physical Disabilities

3.3.2.4.1. The SEC may provide alternatives to the traditional structured work environment to allow employees with mental or psychiatric illness to work full-time without compromising the quality and quantity of their work at the SEC, their health, or their ability to obtain frequent medical treatment, as necessary.

3.3.2.4.2. Where an employee provides sufficient medical documentation of need, the DPO, or designee(s), may grant flexible work schedules, the ability to telework and extended leave as possible accommodations. These accommodations will be considered on a case-by-case basis and require consideration of the impact on the mission/workload of the agency and other relevant factors.

3.3.2.5. Service Animals. The SEC permits use of service animals (as defined in subsection 2.25. above) for employees, applicants, and visitors with disabilities on a case-by-case basis with sufficient documentation of the need from an appropriate medical practitioner.

3.3.2.6. Job Restructuring. The SEC may redefine the job duties of an employee with a disability as a reasonable accommodation. An employee must be able to perform the essential functions of the job, but where it is possible to remove certain non-essential duties from an employee's work requirements, this may be done. Job restructuring will be evaluated and granted on a case-by-case basis and must be determined to be an effective reasonable accommodation.

3.3.2.7. Personal Assistance Service (PAS). PAS are provided to SEC employees with a targeted disability (as defined in subsection 2.26. above). Although distinguishable from other types of reasonable accommodation, requests for PAS will be initiated, processed, and otherwise addressed in the same manner.

3.3.2.7.1. An employee with a targeted disability may request PAS by sending an email to reasonableaccommodation@sec.gov. PAS may be requested during work hours (including telework) and for job-related travel.

3.3.2.7.2. The need for PAS services varies among severely physically disabled persons depending on the individual's circumstances and will be provided on a case-by-case basis.

3.3.2.7.3. Additional information about PAS can be obtained from the askHR portal or by sending an email to reasonableaccommodation@sec.gov.

3.3.2.8. Intermittent/Ongoing Accommodations

3.3.2.8.1. If an employee needs an accommodation on an intermittent basis, the employee does not need to make a new RA request each time. For example, a deaf employee may need an interpreter while attending meetings or training sessions.

3.3.2.8.2. Employees should make the request for specific instances of a reasonable accommodation with sufficient lead time to provide the reasonable accommodation in these instances. Employees are requested to notify the DPO, or designee(s), at least 5 business days in advance of the need/event to ensure the availability of the requested service.

3.3.2.9. Reassignment. Reassignment (as defined in subsection 2.21. above) is the accommodation of last resort and will only be made available to SEC employees and is not available as an accommodation for job applicants.

3.3.2.9.1. Non-competitive reassignment to a suitable funded vacant position can be an appropriate accommodation in the event the DPO, or designee(s), determine no other reasonable accommodation exists to permit the employee with a disability to perform the essential functions of their current position or if the only effective accommodation would cause undue hardship.

3.3.2.9.1.1. The employee must be qualified for the new position. This means that they: (1) satisfy the required skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position with or without an RA.

3.3.2.9.1.2. When reassignment is appropriate, supervisors and the DPO, or designee(s), will attempt to identify jobs to which an individual can be reassigned. The SEC is not required to create a new position.

3.3.2.9.1.3. In this process, the SEC is required to reassign an employee with a disability to another funded vacant position for which the employee is qualified, based on the pool of vacant positions available at the time of the job search within the agency.

3.3.2.9.1.4. The employee does not need to be the best qualified individual for the position in order to be reassigned to it. If a position is identified as suitable, the OHR will reassign the individual to the position.

3.3.2.9.2. Prior to initiating the job search process, the employee must submit to the DPO, or designee(s), or RAC an updated resume to be used for determining positions for which they may qualify and job preference or limit information to be placed on the job search in terms of grade and/or geographic location.

3.3.2.9.3. In considering whether there are positions available for reassignment, the DPO, or designee(s), shall work with the Assistant Director (AD), Talent Acquisition Group (TAG), or designee(s), as well as the individual requesting the accommodation to identify positions that will become available within 6 consecutive pay periods from the date the search is initiated and for which the employee may be qualified.

3.3.2.9.3.1. The SEC will first focus on positions that are equivalent to the employee's current position (i.e., series, grade, occupation, pay and other relevant factors) in their home division/office and in the same geographic location.

3.3.2.9.3.2. If there are no funded vacant equivalent positions in the employee's home division/office, the SEC may consider equivalent positions outside of the employee's home division/office within the SEC.

3.3.2.9.3.3. If there are no funded vacant equivalent positions, the SEC may consider vacant lower level positions for which the employee is qualified in other occupations.

3.3.2.9.3.4. Reassignment may be made to a funded vacant position outside of the employee's commuting area if the employee is willing to relocate.

3.3.2.9.3.5. As with other transfers not required by management, the SEC will not pay for the employee's relocation costs associated with a reassignment.

3.3.2.10. Reasonable Accommodation Outside of the Office Location. All SEC-meetings, conferences, seminars, and training programs held either in public or private facilities must be accessible to individuals with disabilities. Managers and supervisors are responsible for assuring that all their employees can equally participate in office functions (e.g., staff meetings, training, awards ceremonies, and other work functions).

3.3.2.11. Reasonable Accommodation for Job Applicants. Accommodations for job applicants may include providing an accessible location for job interviews, sign language interpreters, providing other assistive devices, and other accommodations that may be needed in the application process.

3.3.3. Reasonable Accommodation Processing Timeframes. The time necessary to process an RA request will depend on the nature of the accommodation requested and whether it is necessary to obtain medical documentation. The SEC will act as quickly as possible to process RA requests and implement approved reasonable accommodation(s). Failure to provide a reasonable accommodation in a timely manner may result in a violation of the Rehabilitation Act of 1973.

To the extent possible, if there is a delay in providing an approved reasonable accommodation, the SEC will provide the individual with an interim reasonable accommodation that allows the individual to perform some or all of the aspects of the essential functions of the job, absent undue hardship.

The time limit for either providing or denying an accommodation starts on the date that the first RA request is made to the agency. At a minimum, requests shall be processed as outlined in subsections 3.3.3.1. and 3.3.3.2. below.

3.3.3.1. RA Requests Not Involving Extenuating Circumstances. If the RA request does not require medical documentation from the employee, the request shall be processed and the accommodation approved and provided as soon as

reasonably possible but not more than 45 business days from the date the DPO, or designee(s), receives the request.

3.3.3.1.1. Where a particular RA can be provided in less than the maximum amount of time permitted as described in subsection 3.3.3.1. above, all involved parties (i.e., DPO; RAC; supervisor; OHR, TAG; OSO; OIT; OFM, etc.) must work collaboratively to ensure that the reasonable accommodation is provided within 45 business days.

3.3.3.1.2. Examples of accommodations that can reasonably be provided within the 45 business days include:

3.3.3.1.2.1. A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the employee needs more time to read the material and prepare for the meeting.

3.3.3.1.2.2. An employee, who takes certain prescribed medication(s), might find it difficult to arrive at the office by 10:00 a.m. and requests to be allowed to start work at 10:30 a.m. and still put in an 8-hour work day.

3.3.3.1.2.3. An employee who has mobility issues might find it difficult to commute to the office and requests to telework full-time.

3.3.3.2. Requests Involving Extenuating Circumstances. When extenuating circumstances (as defined in subsection 2.7. above) are present, the time for processing an RA request and providing the accommodation will be extended, as necessary. However, such extensions should be rare.

3.3.3.2.1. Typical extenuating circumstances may include:

3.3.3.2.1.1. There is an outstanding initial or follow-up request for medical documentation or the medical information that has been provided is being evaluated by external experts (e.g., the FOH).

3.3.3.2.1.2. The purchase of equipment may take longer than 45 business days because of requirements under the Federal Acquisition Regulation.

3.3.3.2.1.3. Equipment is not in stock, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed

goods or services and another vendor is not immediately available.

3.3.3.2.1.4. New staff need to be hired or contracted for, or the accommodation involves the removal of architectural barriers.

3.3.3.2.1.5. The implementation of the accommodation requires/involves union negotiations.

3.3.3.3. Where there is a delay in either processing or implementing a reasonable accommodation, the DPO, or designee(s), or RAC will notify the individual of the reason for the delay, including the extenuating circumstances that justify the delay.

3.3.3.4. Expedited processing may be necessary in certain circumstances and occurs when an RA request requires an expedited review and decision in a time frame that is shorter than 45 business days. The DPO, or designee(s), will act promptly to make a decision on the RA request. Typical situations may include:

3.3.3.4.1. To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, there may be a need to expedite an RA request in order to ensure that an applicant for employment with a disability has an equal opportunity to apply for a job.

3.3.3.4.2. To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place on the next business day after the request is received.

3.3.4. Implementing the Reasonable Accommodation Decision

3.3.4.1. After completing a review of all relevant medical documentation and information, the DPO, or designee(s), will make a decision on the RA request which may include the following:

3.3.4.1.1. Approval of the RA request;

3.3.4.1.2. Providing a comparable effective interim and/or alternative accommodation; or

3.3.4.1.3. Denial of the RA request.

3.3.4.2. The DPO, or designee(s), or RAC will notify the requestor and supervisor of the decision, which will be documented on form SEC 2938, "Reasonable Accommodation Agreement." Applicants should contact the DPO, or designee(s), or RAC to obtain information about the status of their RA requests.

3.3.4.3. If the DPO, or designee(s), provides the individual with an alternative reasonable accommodation, the requestor will be apprised of the reasons the DPO, or designee(s), believes the alternative accommodation will be equally effective.

3.4. Reasonable Accommodation Denials. An individual whose RA request has been denied or granted an alternative accommodation by the DPO, or designee(s), may seek reconsideration (as defined in subsection 2.23. above) of that decision. The DPO, or designee(s), will provide the requestor with a written explanation stating the specific reasons for the denial or granted alternative accommodation.

3.4.1. Undue Hardship. A determination of undue hardship means that the SEC finds that a specific accommodation would result in significant and adverse impact to the SEC's operations, resources, workforce, and budget. When evaluating whether undue hardship exists, the SEC will follow the standards outlined in the Rehabilitation Act of 1973, EEOC regulations and guidance such as "Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act."

3.4.2. Relationship of RA Program Policies and Procedures to Statutory and Collective Bargaining Claims. The administrative regulation and these operating procedures are in addition to the collective bargaining protections for persons with disabilities in the SEC's workforce. Requirements governing the initiation of statutory and collective bargaining claims remain unchanged. The time frames for processing administrative complaint claims also remain unchanged by the administrative regulation or these operating procedures. In addition, individuals who allege violations of antidiscrimination laws, must initiate a request for EEO counseling within 45 days from the matter alleged to be discriminatory. Such claims may be based on failure to provide a reasonable accommodation, denial of a reasonable accommodation, retaliation for opposing discrimination or participating in the EEO complaint process."

3.4.2.1. Executive Order 13164 does not create new rights for employees or applicants for employment nor does it limit an individual's rights under the Rehabilitation Act of 1973. The requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

3.4.2.2. An individual may choose to pursue statutory or collective bargaining remedies for denial of reasonable accommodation. Such individual must:

3.4.2.2.1. For statutory remedies, contact an EEO counselor in the SEC, Office of Equal Employment Opportunity (OEEEO) within 45 calendar days from the date of receipt of the written notice of denial for reasonable accommodation; or

3.4.2.2.2. For collective bargaining remedies, file a written grievance in accordance with the provisions of the SEC Collective Bargaining Agreement.

3.5. Requests for Reconsideration

3.5.1. Informal Dispute Resolution. The SEC provides a voluntary mechanism through which an individual can request reconsideration of a denied reasonable accommodation (as defined in subsection 2.3. above), regardless of whether the person has started the equal employment opportunity (EEO) complaint process.

3.5.1.1. Internal Appeal Process. Individuals whose RA request resulted in an alternative accommodation decision by the DPO, or designee(s), may seek reconsideration of that decision.

3.5.1.2. All reconsideration requests and supporting materials, including any additional medical documentation or information, must be submitted in writing to the DPO, or designee(s), within 10 business days from the date that the decision was issued. The reconsideration requests should be submitted to reasonableaccommdation@sec.gov.

3.5.1.2.1. Upon receipt of the initial reconsideration request, the DPO, or designee(s), will review the request and all related documentation and make a decision on the reconsideration request.

3.5.1.2.2. If the reconsideration request is denied by the DPO, or designee(s), the individual who requested the reasonable accommodation may submit an appeal to the AD, Total Rewards Group (TRG), or designee(s), for final decision on the reconsideration request.

3.5.1.2.3. In either instance, the DPO, or designee(s), or RAC will issue the reasonable accommodation reconsideration decision to the requestor within 15 business days from the date the request for reconsideration is received. In all cases, the DPO, or designee(s), will retain a case file to document actions taken.

3.5.2. Informal requests do not affect time limits for pursuing other available administrative remedies as described in subsection 3.4.2. above. The DPO, or designee(s), or RAC will inform the requestor of their right to file an EEO complaint with the OEEO pursuant to 29 CFR part 1614, statutory and SEC collective bargaining procedures and provide instructions on how to file such complaints.

3.6. Tracking and Reporting Reasonable Accommodation Requests

3.6.1. The SEC is required to monitor and evaluate the effectiveness of its Reasonable Accommodation Program. The DPO, or designee(s), will maintain appropriate records and documentation to substantiate an employee's disability in accordance with applicable laws and regulations. The OHR will periodically review the program and issue written reports regarding the status of the agency's reasonable accommodation procedures, including recommendations for improvement. The reports may not contain confidential information about specific requests for reasonable accommodation but will include general information sufficient to provide a qualitative assessment of the agency's disability program.

3.6.2. Supporting documentation, specifically relating to medical information, must not become part of an employee's Official Personnel Folder. The tracking system will contain the following data:

3.6.2.1. The number of RA requests by type that have been requested in the application process and whether those requests have been granted or denied;

3.6.2.2. The jobs (occupational series, grade level, and operating division/function) for RA requests;

3.6.2.3. The types of RA requests;

3.6.2.4. The number of RA requests, by type, for each job that have been approved, and the number of RA requests by type, that have been denied; and

3.6.2.5. The amount of time taken to process each RA request.

3.6.3. The DPO, or designee(s), will prepare an annual report and submit it to the OEEO based on their specified format and reporting time frames for program evaluation under the Equal Employment Opportunity Management Directive 715 (MD-715).

3.6.4. The OEEO and the DPO, or designee(s), will analyze the data in the annual report to provide a qualitative assessment of the Reasonable Accommodation Program including any recommendations for improvement of the agency's reasonable accommodation policies and operating procedures.

3.7. Reasonable Accommodation Program Information and Distribution

3.7.1. Any person wanting more information concerning these reasonable accommodation operating procedures may contact the DPO, or designee(s), via email at reasonableaccommodation@sec.gov.

3.7.2. These procedures can be viewed on the OHR's askHR portal and on the agency's external website located at www.sec.gov.

3.7.3. All employees shall be informed of the procedures herein upon issuance.

3.8. Program Evaluation. The OHR may perform a self-assessment of the agency's use of the Reasonable Accommodation Program to ensure consistency with, and adherence to, applicable federal laws, rules, and regulations, and the SEC policies and operating procedures.

3.9. Records Management. The SEC will maintain records pertaining to the execution and administration of the disability accommodation program in accordance with all applicable federal laws, rules, and regulations regarding the confidentiality of records including the Privacy Act of 1974 (codified at 5 U.S.C. § 552a), the records schedules of the SEC, and National Archives and Records Administration's (NARA) General Records Schedules (GRS). These records will be maintained until they become inactive, at which time they will be retired in accordance with the SEC records schedules and as prescribed by the NARA's GRS.

4. Responsibilities

4.1. Chief Human Capital Officer , Office of Human Resources (OHR), shall:

4.1.1. Establish policy and procedures for the Reasonable Accommodation Program.

4.1.2. Provide executive oversight and direction for the Reasonable Accommodation Program to ensure that the SEC is a model employer for employees and applicants with disabilities and is in compliance with all statutes, regulations, the SEC policies, and EEOC requirements.

4.1.3. Provide administrative support and establish controls to ensure effective implementation of the Reasonable Accommodation Program.

4.1.4. Delegate the administration and oversight of the Reasonable Accommodation Program.

4.2. Assistant Director, OHR, Total Rewards Group (TRG), or designee(s), shall:

4.2.1. Monitor RA requests to ensure consideration is being applied appropriately and equitably across the agency.

4.2.2. Serve as an alternate DPO for all reasonable accommodation decisions to grant or deny requests for reasonable accommodation submitted by qualified employees, applicants for employment at the SEC, and visitors on official business to the SEC with disabilities.

4.2.3. Review and decide on reconsideration requests for all DPO decisions to deny or offer an alternative to RA requests.

4.3. Branch Chief; OHR; TRG; Performance, Reasonable Accommodation, and Work Life Branch, or designee(s), shall:

4.3.1. Provide general oversight and direction and serves as the DPO for the Reasonable Accommodation Program.

4.3.2. Serve as the primary deciding official to review, evaluate, and grant/deny requests for reasonable accommodation submitted by qualified employees, applicants seeking employment at the SEC, and visitors on official SEC business with disabilities based on the Rehabilitation Act of 1973.

4.3.3. Develop and implement policy and related operating procedures governing the administration and use of the Reasonable Accommodation Program.

4.3.4. Ensure that the policy is implemented consistently throughout the SEC and is communicated to management and employees.

4.3.5. Oversee the development and implementation of training and communications regarding the Reasonable Accommodation Program.

4.3.6. Designate a TRG employee(s) to serve as the RA Coordinator (RAC).

4.3.7. Generally serve as a receiving official to receive and acknowledge employees, applicants, and visitor's requests for reasonable accommodation.

4.3.8. Ensure that standards for evaluating medical information are met.

4.3.9. Confer and coordinate actions with the OHR, TAG for employees being reassigned as a reasonable accommodation and to provide reasonable accommodations for applicants with disabilities seeking employment.

4.3.10. Consult with the OEEO and the OHR, TAG when reporting information related to the efforts regarding the hiring of individuals with disabilities and Reasonable Accommodation Program activities and decisions to ensure compliance with the EEOC guidelines and annual evaluation and reporting requirements.

4.3.11. Measure program effectiveness and validate appropriate internal controls for ensuring the confidentiality of medical information in accordance federal statutes, laws, and the SEC regulations.

4.3.12. Restrict discussions of reasonable accommodation matters and related information to individuals with a legitimate need-to-know basis.

4.4. Reasonable Accommodation Coordinator; OHR; TRG; Performance, Reasonable Accommodation, and Work Life Branch, or designee(s), shall:

4.4.1. Acknowledge, review and process RA requests in accordance with the provisions of the administrative regulation and related operating procedures for the Reasonable Accommodation Program.

4.4.2. Provide day-to-day administration of the Reasonable Accommodation Program to include initiating the interactive process and notifying the requestors and supervisors of the DPO's decision on the RA request.

4.4.3. Process RA requests by evaluating medical information to determine if the requestor's medical condition meets the legal definition of a disability pursuant to the provisions of the Rehabilitation Act of 1973.

4.4.4. Provide notice of medical sufficiency to requestors and supervisors related to the RA request and decision.

4.4.5. Consult with external experts (e.g., the FOH) to obtain independent assessments of medical information for employees', applicants', and visitors' requests for reasonable accommodation, as appropriate.

4.4.6. Confer with the OIT, OA, OFM, and OSO to implement approved requests for reasonable accommodation, as appropriate.

4.4.7. Develop and provide program information, policy and/or procedural guidance, and training to employees and supervisors, in collaboration with the DPO, or designee(s), regarding the Reasonable Accommodation Program regulations and statutes.

4.4.8. Restrict discussions regarding Reasonable Accommodation Program matters and related information to the DPO, or designee(s), or other SEC official(s) with a legitimate need-to-know.

4.4.9. Compile and maintain data to evaluate agency's performance in responding to RA requests.

4.5. Assistant Director, OHR, Talent Acquisition Group, or designee(s), shall:

4.5.1. Ensure vacancy announcements contain appropriate notices to applicants regarding the agency's Reasonable Accommodation Program including appropriate contact information for accommodation-related matters.

4.5.2. Serve as a receiving official for job applicants who request an RA (as applicable) and promptly notify the DPO, or designee(s), via email at reasonableaccommodation@sec.gov upon receipt of an oral or written RA request from applicants.

4.5.3. Provide guidance and support when RA requests involve reassignment or reallocation of employee work assignments, change in position description, or other adjustments required.

4.5.4. Consult with the OEEO and the DPO, or designee(s), when reporting information related to the agency's efforts regarding the hiring of individuals with disabilities and Reasonable Accommodation Program activities and decisions to ensure compliance with the EEOC guidelines and annual reporting requirements.

4.5.5. Restrict discussions regarding reasonable accommodation matters and related information to the DPO, or designee(s), or other SEC official(s) with a legitimate need-to-know.

4.5.6. Designate a TAG employee(s) to serve as the HR-Coordinator to conduct the job search and identify available vacant, funded, positions associated with the Reasonable Accommodation Program reassignment process at the request of the DPO, or designee(s).

4.6. Chief Information Officer, Office of Information Technology, or designee(s), shall:

4.6.1. Provide information technology software and equipment for approved reasonable accommodations in a timely manner set forth with the conditions of the reasonable accommodation agreement (as defined in subsection 2.18. above) to qualified individuals with disabilities pursuant to the provisions of the SEC Reasonable Accommodation Program and other IT related agency policy and operating guidance.

4.6.2. Distribute, track, and collect all equipment and accountable property distributed to employees, applicants, or visitors, with approved reasonable accommodations.

4.6.3. Attend regular meetings with the DPO, or designee(s), and other relevant OHR officials to identify assistive technology software and/or equipment to support the needs of qualified individuals with disabilities medical limitations, discuss delivery status and/or scheduled implementation of approved reasonable accommodation items, and other relevant Reasonable Accommodation Program issues, as necessary.

4.6.4. Collaborate with the OHR in order to meet timeliness requirements for the SEC Reasonable Accommodation Program.

4.7. Director, Office of Support Operations, or designee(s), shall:

4.7.1. Ensure that SEC facilities are compliant with applicable federal laws, statutes, and agency regulations.

4.7.2. Implement approved reasonable accommodations for building-related accommodations throughout the agency.

4.7.3. Provide furniture and office equipment for approved reasonable accommodations in a timely manner set forth with the conditions of the reasonable accommodation agreement to qualified individuals with disabilities pursuant to the provisions of the SEC Reasonable Accommodation Program and other OSO-related agency policy.

4.7.4. Distribute, track, and collect all items issued to employees with approved reasonable accommodations.

4.7.5. Attend regular meetings with the DPO, or designee(s), and other relevant OHR officials to identify assistive devices and ensure SEC facilities adequately support the needs of qualified individuals with disabilities medical limitations, discuss delivery status and/or implementation for approved reasonable accommodation items, and other relevant Reasonable Accommodation Program issues, as necessary.

4.7.6. Collaborate with the OHR in order to meet timeliness requirements for the SEC Reasonable Accommodation Program.

4.8. Director, Office of Acquisitions, or designee(s), shall:

4.8.1. Ensure that all contracts executed by the OA for the use of facilities, such as leased buildings and hotels for training programs and conferences, reflect the obligation that such facilities be accessible to all participants including those with disabilities in accordance with applicable federal laws, statutes, and agency regulations.

4.8.2. Provide contracting support mechanisms for the provision of reasonable accommodation, such as interpreter, personal, and reader services.

4.8.3. Collaborate with the OHR in order to meet timeliness requirements for the SEC Reasonable Accommodation Program.

4.9. Chief Financial Officer, Office of Financial Management, or designee(s), shall:

4.9.1. Take appropriate steps to ensure that the SEC has adequate funding for the Reasonable Accommodation Program.

4.9.2. Provide travel-related allowances approved via the Reasonable Accommodation Program when possible and practical as determined by the OFM.

4.9.3. Track all travel-related allowances provided for employees with approved reasonable accommodations.

4.9.4. Collaborate with the OHR in order to meet timeliness requirements for the SEC Reasonable Accommodation Program.

4.10. General Counsel, Office of the General Counsel, or designee(s), shall provide advice and counsel on reasonable accommodation issues and decisions to the OHR, supervisors, and managers as needed to ensure that the SEC is a model employer for employees and applicants with disabilities and efforts to provide reasonable accommodations are in compliance with federal statutes, laws, regulations, and EEOC guidance.

4.11. Director, Office of Equal Employment Opportunity, or designee(s), shall:

4.11.1. Examine, report, and maintain statistics on the SEC's Reasonable Accommodation Program activities and support the design and implementation of the Agency's Affirmative Action Plan for persons with disabilities pursuant to 29 CFR § 1614.203.

4.11.2. Review Reasonable Accommodation Program policy and corresponding operating procedures and provide feedback to align with the SEC equal opportunity goals or principles.

4.11.3. Provide information about the administrative EEO complaint process to employees, including complainants, the OHR, and supervisors and managers who may be involved in claims of discrimination related to RA requests.

4.11.4. Provide support to the DPO, or designee(s), regarding data collection and reporting requirements on the SEC Reasonable Accommodation Program related activities.

4.12. First-Level Supervisors/Hiring Managers, or designee(s), shall:

4.12.1. Comply with the terms of the administrative regulation and these operating procedures for the Reasonable Accommodation Program.

4.12.2. Promptly notify the DPO, or designee(s), at reasonableaccommodation@sec.gov upon receipt of an oral or written RA request from a requestor(s).

4.12.3. Participate in the interactive process regarding RA requests and respond timely to the DPO, or designee(s), in support of efficient administration of the Reasonable

Accommodation Program. This includes, but is not limited to, providing a detailed description of the essential duties held by the qualified employee with a disability in order to determine if the reasonable accommodation is or would be effective.

4.12.4. Consult with the OGC and OHR when RA requests may implicate performance-related concerns.

4.12.5. Confer with the DPO, or designee(s), prior to implementing or suspending any approved reasonable accommodation.

4.12.6. Seek guidance from the DPO, or designee(s), if there are any questions regarding implementation of an approved reasonable accommodation.

4.12.7. Restrict discussions of reasonable accommodation matters and related information to the DPO, or designee(s), or other SEC official(s) with a legitimate need to know.

4.13. Requestors (i.e., employees, applicants for employment at the SEC, visitors on official SEC business) shall:

4.13.1. Comply with the terms of the administrative regulation and these operating procedures for the Reasonable Accommodation Program.

4.13.2. Submit RA requests using the designated forms, system, or approved alternative method. Participate in the interactive process regarding RA requests.

4.13.3. Submit all medical documentation supporting requests to the DPO, or designee(s), in the designated confidential medical information system.

4.13.4. Inform their supervisors and the DPO, or designee(s), when approved reasonable accommodations are no longer effective or necessary, per the requirements of the Reasonable Accommodation Program policy and operating procedures.

4.13.5. Return all SEC-issued IT equipment, furniture, or other items when the need for the reasonable accommodation ends, as applicable.