

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

### Accommodation and Compliance Series: Rehabilitation Act

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## JAN'S Accommodation and Compliance Series

### Introduction

The Rehabilitation Act replaces the Vocational Rehabilitation Act:

- to extend and revise the authorization of grants to states for vocational rehabilitation services, with special emphasis on services to individuals with the most severe disabilities,
- to expand special federal responsibilities and research and training programs with respect to individuals with disabilities,
- to create linkage between state vocational rehabilitation programs and workforce investment activities carried out under title I of the *Workforce Investment Act* of 1998,
- to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the federal government,
- and for other purposes.

[Rehabilitation Act of 1973, Sections 501 and 505](#): Section 501 prohibits employment discrimination against individuals with disabilities in the federal sector. Section 505 contains provisions governing remedies and attorney's fees under Section 501.

[Rehabilitation Act of 1973, Section 503](#): Section 503 requires that any contract in excess of \$10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with disabilities. Also find more information on the [OFCCP Final Rule to Improve Job Opportunities for Individuals with Disabilities](#), which makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741.

[Rehabilitation Act of 1973, Section 504](#): Section 504 states that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

[Rehabilitation Act of 1973, Section 508](#): Section 508 requires that Federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public.

The Equal Employment Opportunity Commission resource, [Employment Protections Under the Rehabilitation Act of 1973: 50 Years of Protecting Americans with Disabilities in the Workplace](#), includes additional information about the Rehabilitation Act for workers and employers, including examples of best practices and links to relevant agency publications.

## Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

### **A federal agency's policy was to allow employees to telework once per week.**

An employee with a disability needed to telework 2-3 times a week because of fatigue. Because section 501 of the Rehabilitation Act requires federal agencies to consider allowing telework as an accommodation, the agency allowed the employee to telework the extra days needed.

### **A federal employee with quadriplegia needed a personal attendant to help him use the restroom and eat his lunch.**

Under the affirmative action requirements for section 501 of the Rehabilitation Act, the employer provided the personal attendant.

### **An analyst for a federal government agency had a progressive neurological disorder.**

His supervisor had been helping him do his job to the point the analyst was only doing 50% of what he was supposed to do. When a new supervisor came in, the analyst asked to continue to be allowed to do only the job duties he had been doing. Under section 501 of the Rehabilitation Act, federal agencies can require employees to perform the essential functions of their jobs so the agency and the employee worked together to come up with accommodation ideas so the analyst could fully perform his job.

### **A federal attorney with bipolar disorder was having trouble getting along with her new supervisor, which was exacerbating her medical condition.**

She asked to be reassigned to another supervisor. Because section 501 of the Rehabilitation Act does not require federal agencies to provide new supervisors as an accommodation, the employer worked with the attorney and the supervisor to come up with a way to effectively modify supervisory methods.

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