

Social Security

Program Operations Manual System (POMS)

BASIC (07-14)

GN 00211.001 Section 504 of the Rehabilitation Act of 1973: Standard and Non-Standard Accommodations

Citations:

Public Law 93-112 , as amended;

29 U.S.C. § 794 ;

45 CFR part 85

A. Background of Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities. Federal agencies and organizations that receive Federal financial assistance are required to ensure that no otherwise qualified individual with a disability is, solely by reason of disability, excluded from participation in, denied the benefits of, or subjected to discrimination under the programs and activities they conduct.

Individuals with disabilities may:

- be blind or visually impaired;
- have cognitive or learning impairments;
- be deaf or hard of hearing;
- have mobility or physical concerns;
- have psychological or emotional impairments; or
- have any other disabling conditions that require accommodation.

Qualified individuals with disabilities are persons with disabilities who meet the normal and essential eligibility requirements of the program or activity.

Members of the public who have disabilities that prevent them from having meaningful access to the programs we administer or services we provide, may request accommodations that will enable them to participate in or receive the benefits of our programs and services.

A decision to provide an accommodation for an individual (when requested) based on a disability does not constitute:

- An allowance for Social Security benefits,
- An allowance for Supplemental Security Income payments, or
- An acknowledgement of disability for administering Social Security programs.

B. Accommodation requests- standard and non-standard

We presume that individuals with disabilities are capable of doing business with the Social Security Administration (SSA) without an accommodation unless they make a request. We cannot presume that a person needs an accommodation based solely on his or her diagnosis. When a member of the public has a disability that prevents or limits his or her ability to participate in an agency program or activity and informs us that he or she needs an accommodation that will enable participation in a program for which he or she is otherwise qualified, we will make every effort to meet that need.

Individuals needing such accommodation must make a request for an accommodation. You should ask the individual to explain how or why the requested accommodation would enable him or her to participate in the program or activity, unless the need for the accommodation is obvious. Usually, the person who needs the accommodation makes the request, but we may also receive requests from friends, relatives, and representatives of the individual with the disability. If so, we should verify with the individual that he or she believes the accommodation would be effective. Nothing in the Rehabilitation Act or its implementing regulations requires an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit that the individual chooses not to accept.

Individuals may request one or more accommodations. To request an accommodation, an individual may:

- call our National 800 Number;

- visit a local field office (FO), including a Social Security Number Card Center, or hearing office (HO);
- call an FO or HO where they would like to receive the accommodation; or
- write to an FO or HO where they would like to receive the accommodation.

NOTE: Individuals do not have to prove a disability when requesting an accommodation. We accept accommodations requests based on the individual's alleged disability.

1. Standard accommodations

Upon request, FOs and HOs routinely provide standard accommodations to individuals with disabilities who need them to conduct business with us. Standard accommodations do not require special handling or approval by a member of management. We provide standard accommodations in all SSA offices. Standard accommodations include:

- Certified and Qualified Sign Language Interpreter;
- Certified and Qualified Video Remote Sign Language Interpreter;
- Handwritten notes; and
- Lip reading or speech reading.

Be mindful that some requests may require advance notice. When this occurs, staff should inform the requestor of the likely delay in providing the requested accommodation. You should not deny an individual a standard accommodation for this reason, although the requestor may choose to select a more readily available alternative.

a. Locally available accommodations

Your office may be able to provide accommodations that other offices cannot. For example, your local office may have a bariatric chair available for members of the public, even though bariatric chairs are not available in every office. Examples of locally available accommodations include:

- A Social Security employee who is a Qualified Sign Language Interpreter;
- A Social Security employee who knows American Sign Language;
- Bariatric chair;
- CapTel service;
- Assisted listening device, or hearing loop;

- Real-time court reporting; and
- Ubi Duo face-to-face communicator.

As with standard accommodations, some locally available accommodations will also need advance notice.

b. Special notice options for blind or visually impaired individuals

Special Notice Options (SNO) for individuals who are blind or visually impaired are considered standard accommodations. SNO options include:

- Standard print notices sent by first-class mail;
- Standard print notices sent by certified mail;
- Standard print notices sent by first-class mail with a follow-up telephone call;
- Standard print notices and Braille notices sent by first-class mail;
- Standard print notices and data compact discs that contain a Microsoft Word file sent by first-class mail;
- Standard print notices and audio compact discs that contain a voice recording of the notice sent by first-class mail; and
- Standard print notices and large print (18-point font) notices sent by first-class mail.

Individuals may select only one SNO option. Requests for more than one SNO option, or for an individual with an impairment type other than blind or visually impaired, are considered non-standard accommodation requests, and should be referred to the Center for Section 504 Compliance.

Individuals who are blind or visually impaired may also request notices in an alternate format online through ssa.gov using the current internet SNO process.

NOTE: For additional information about the SNO process, refer to NL 01001.000, Special Notice Options for the Blind or Visually Impaired.

2. Non-standard accommodations for members of the public

In some instances, a qualified individual with a disability may indicate that a standard accommodation is insufficient to provide meaningful access. If the standard accommodations we offer do not provide the qualified individual with meaningful access, he or she has the option to request a different, non-standard accommodation. A non-standard accommodation is one that we do not routinely provide. Employees should consult with management on non-standard accommodation requests.

When a standard accommodation is inadequate, we should first offer alternative service options, such as eServices or contacting the National 800 Number. If the individual indicates that neither our alternative service options nor our standard accommodations, including locally available options, will be effective, you must consider their request for a non-standard accommodation.

3. Alternative service policy

Providing meaningful access under Section 504 does not take priority over the safety of our employees and our visitors. We are responsible for ensuring the safety of:

- our employees;
- visitors to our offices;
- our facilities; and
- the operational effectiveness of the agency.

Individuals the agency restricts from in-person service must continue to use alternative services, such as the National 800 Number and SSA online services.

NOTE: For additional information about the alternative service policy, refer to AIMS GAM 12.08.

C. Accepting accommodation requests

When an individual with a disability says he or she is not able to communicate effectively with SSA because of his or her disability, the individual is generally in the best position to identify the accommodation he or she needs to communicate effectively. SSA must give primary consideration to the individual's request unless another effective accommodation exists. Therefore, we created a process to allow individuals to request standard and non-standard accommodations.

1. iAccommodate

iAccommodate is an application used to record and report accommodation requests (including standard special notice options, SNO) and, when applicable, refer non-standard accommodation requests to the Center for Section 504 Compliance (Center). You will find the application on IMAIN, titled "Person Information (Identity, Contact, Accommodation)." You will only document accommodations provided by SSA. If individuals provide their own accommodation, you will not document that in our system. For example, if an individual

who is blind or visually impaired brings a service dog into the office, you do not need to document that as an accommodation the agency provided.

NOTE: You cannot use the intranet application to record accommodations for individuals without Social Security Numbers and individuals who have a date of death on the Numident. This does not preclude the office from accommodating the individual and following current operating policy.

2. Instructions for accepting accommodation requests

Please use the following decision tree when you receive a request for an accommodation:

Individual Requests a Standard Accommodation		
Is the requested accommodation readily available in the office that day?	<p>IF YES...</p> <p>Provide the accommodation and document in iAccommodate that you provided the requested accommodation.</p>	
	<p>IF NO...</p> <p>Can you provide it in the near future (e.g., providing interpreter services)?</p>	<p>IF YES...</p> <p>Make an appointment for the individual to return when the accommodation will be available, and where necessary, make arrangements to ensure that the accommodation will be in place for the appointment (e.g., contracting for interpreter services).</p> <p>When the individual returns, and you provide the accommodation, document it in iAccommodate.</p>
		IF NO...

		<p>Make sure no alternative standard accommodations or service delivery options are acceptable to the individual.</p> <p>Move to "Individual Requests a Non-Standard Accommodation."</p>
Individual Requests a Non-Standard Accommodation		
Did you inform the individual of other standard accommodations available?	<p>IF YES...</p> <p>Did the individual say that any of the standard accommodations will provide effective communication ?</p>	<p>IF YES...</p> <p>Follow the "Request for Standard Accommodation" process above.</p>
		<p>IF NO...</p> <p>Move to "Have you consulted with your management staff and determined that you can provide the requested accommodation that day with minimal disruption?"</p>
	<p>IF NO...</p> <p>Offer the individual a standard accommodation.</p>	
Have you consulted with your management staff and determined that you can provide the requested accommodation that day with minimal disruption?	<p>IF YES...</p> <p>Provide the accommodation and document in iAccommodate that you provided the requested accommodation.</p>	

	<p>IF NO...</p> <p>Can you provide it in the near future with minimal cost and disruption to the office with the approval of your manager?</p>	<p>IF YES...</p> <p>Make an appointment for the individual to return when the accommodation is available, and where necessary, make arrangements to ensure that the accommodation will be in place for the appointment.</p> <p>When the individual returns, and you provide the accommodation, document it in iAccommodate.</p>
		<p>IF NO...</p> <p>Refer the accommodation request to the Center for Section 504 Compliance using iAccommodate.</p>

3. Referring a non-standard request to the Center for Section 504 Compliance

When you refer a request to the Center for Section 504 Compliance **through iAccommodate**, the Center reviews the individual’s circumstances and the accommodation that the individual requested in order to determine how the agency can accommodate the individual. The Center will contact the individual requestor for additional information when necessary and will work through a regional point-of-contact (POC) to gather additional information from you or your managers when that is necessary. You can find your regional POC on the Center’s Section 504 Resource Page under “Contacts.” You should work through your regional POC if you need an accommodation request status update from the Center, or when an individual would like to cancel a request you have already submitted to the Center.

The Center’s goal is to make a determination within 2 weeks; however, complex requests may take up to 6 weeks. The regional POC will notify your office of the Center’s determination. The Center will also notify the individual who requested the accommodation of the outcome of his or her request in writing. If the Center determines that the servicing office should have a specific auxiliary aid the individual says is necessary for effective communication, the Center will assist the office in obtaining it.

If the Center determines that providing a requested accommodation would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, the Center must submit the matter to the Commissioner or the Commissioner's designee for decision.

There are no appeal rights associated with accommodation requests. If the Center denies an individual's request, he or she may:

- submit a request for a different accommodation; or
- submit a request for the same accommodation with new information as to why that accommodation is necessary.

4. Filing a discrimination complaint

Individuals have the right at any time to file a complaint of discrimination against SSA based on disability. Individuals may file a complaint using Form SSA-437 (Discrimination Complaint Form) or by writing a letter that includes the information requested in the form. Individuals must mail the signed form or letter to:

*Social Security Administration
Program Discrimination Complaint Adjudication Office
Room 617 Altmeyer Building
6401 Security Boulevard
Baltimore, MD 21235*

D. References

- DI 11005.075 Difficult Interviewing Situations
- DI 11005.076 Interviewing People with a Mental Impairment(s)
- GN 00203.009 Difficult Interviewing Situations
- GN 00203.013 Interviewing People Who Act Hostile

To Link to this section - Use this URL:
<http://policy.ssa.gov/poms.nsf/lnx/0200211001>

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