

SEC ADMINISTRATIVE REGULATION

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

**SECR 6-80
July 14, 2022**

REASONABLE ACCOMMODATION PROGRAM

This administrative regulation establishes the U.S. Securities and Exchange Commission's (SEC) policy governing the processing and, where appropriate, the implementation of requests for reasonable accommodation of 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 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.

This administrative regulation applies 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. It does not apply to contractors assigned to support the SEC or requests for the Temporary Medical Telework Program.

This administrative regulation 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. This administrative regulation cancels and supersedes 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 ADMINISTRATIVE REGULATION
REASONABLE ACCOMMODATION PROGRAM**

1. Policy

It is the policy of the U.S. Securities and Exchange Commission (SEC):

- 1.1. To be a model employer for employees and applicants with disabilities.
- 1.2. To provide a reasonable accommodation (as defined in subsection 4.7. below) to covered individuals with disabilities, including qualified SEC employees, applicants seeking employment at the SEC, and visitors on official SEC business on a case-by-case basis unless the SEC can demonstrate that doing so would pose an undue hardship (as defined in subsection 4.8. below) on the operation of its programs.
- 1.3. To provide assistance when a qualified employee with a disability (as defined in subsection 4.1. below) requests an accommodation to enable the employee to perform the essential functions (as defined in subsection 4.2. below) of the job or gain access to the full job benefits and privileges of employment and equal opportunity in accordance with the law.
- 1.4. To reasonably accommodate qualified job applicants with disabilities to enable them to have an equal opportunity to participate in the application process.
- 1.5. To maintain appropriate confidentiality of all medical-related information collected during the reasonable accommodation process.

2. Purpose and Scope

- 2.1. This administrative regulation establishes the SEC's 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.
- 2.2. For reasonable accommodation policies that are not specifically covered in this administrative regulation and/or related operating procedures under SEC Operating Procedures SECOP 6-80, "Reasonable Accommodation Program," the SEC will follow the policies and procedures of the EEOC.

This policy supplements Executive Order 14035, "Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce," Executive Order 13164, "Requiring Federal

Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation,” the 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/>.

2.3. This administrative regulation cancels and supersedes the “SEC Accommodation Procedures, SEC Disability Accommodation Process,” guide dated June 2015, and all other previously issued SEC guidance for the Reasonable Accommodation Program.

2.4. Background: Executive Order 13164 directs all federal agencies to establish procedures to facilitate the provision of reasonable accommodation to employees and job applicants with disabilities. Pursuant to this Executive order and continuing obligations under section 501 of the Rehabilitation Act of 1973, the SEC is committed to providing reasonable accommodation to qualified individuals (as defined in subsection 4.6. below) with disabilities so that they can perform the essential job functions, enjoy equal benefits and privileges of employment, and access public programs similar to other non-disabled individuals.

2.5. This policy supports Goal 3, “Elevate the SEC’s performance by enhancing our analytical capabilities and human capital development” of the SEC’s “Strategic Plan, Fiscal Years 2018-2022.”

3. Applicability

3.1. This administrative regulation and related operating procedures apply to covered individuals with disabilities, including qualified SEC employees, applicants seeking employment at the SEC, and visitors on official SEC business with disabilities who require reasonable accommodation.

3.2. This administrative regulation and related operating procedures apply to individuals who have medical conditions that meet the legal definition of a disability according to the Americans with Disabilities Act Amendments Act of 2008. Refer to subsection 4.1. below for the definition of a disability.

3.3. This administrative regulation and related operating procedures do not apply to contractors assigned to support the SEC or employees’ requests to telework due to medical circumstances under the SEC’s Temporary Medical Telework Program, because there is no requirement for employees to meet the legal definition for having a disability under the Rehabilitation Act of 1973. Refer to SEC Administrative Regulation SECR 6-59, “Temporary Medical Telework Program.”

3.4. Nothing in this administrative regulation or the related 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.

4. Definitions

These terms and their definitions are for the purposes of this administrative regulation.

4.1. **Disability** – A physical or mental impairment (as defined in subsection 4.3. below) that substantially limits one or more of the major life activities (as defined in subsection 4.5. below); a record of such an impairment; or being regarded as having such an impairment.

4.2. **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.

4.3. **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.

4.4. **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.

4.5. **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.

4.6. **Qualified Individual** – An individual with a disability (as defined in subsection 4.4. above) who has the skills, experience, education, and other requirements of the job the individual holds or desires, and can perform the essential functions of the position with or without reasonable accommodation.

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

4.7.1. 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);

4.7.2. Modifications or adjustments to enable a qualified individual 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,

4.7.3. 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).

4.8. **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.

5. General Procedures

Guidance and operating procedures to implement the policy for the Reasonable Accommodation Program are described in SEC Operating Procedures SECOP 6-80, “Reasonable Accommodation Program.”

6. Authority

- Section 552a of Title 5, United States Code
- Section 791 of Title 29, United States Code
- Chapters 21F and 126 of Title 42, United States Code
- Executive Order 13164, “Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation,” July 26, 2000
- Executive Order 13583, “Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce,” August 18, 2011
- Executive Order 14035, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce,” June 25, 2021
- Part 1201 of Title 5, Code of Federal Regulations, current edition
- Parts 1614 and 1630 of Title 29, Code of Federal Regulations, current edition
- U.S. Equal Employment Opportunity Commission, “Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation,” October 20, 2000
- U.S. Equal Employment Opportunity Commission, “Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act,” October 17, 2002

- U.S. Office of Personnel Management, “The Guide to Processing Personnel Actions,” current edition
- National Archives and Records Administration, General Records Schedule 2.3: “Employee Relations Records,” current edition
- SEC Administrative Regulation SECR 6-59, “Temporary Medical Telework Program,” January 5, 2016, as amended
- SEC Administrative Regulation SECR 24-10, “Information and Communication Technology (ICT) Section 508/Accessibility Program,” May 15, 2018, as amended
- Collective Bargaining Agreement Between U.S. Securities and Exchange Commission and the National Treasury Employees Union, current edition