

## I-2-0-8. Accommodations Under Section 504 of the Rehabilitation Act of 1973

Last Update: 9/2/14 (Transmittal I-2-120)

### A. Background

#### 1. 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 his or her disability, excluded from participation in, denied the benefits of, or subjected to discrimination under the programs and activities they conduct.

The Social Security Administration (SSA) will provide accommodations that give individuals with disabilities an equal opportunity to obtain a comparable result, gain a comparable benefit, or reach a comparable level of achievement in a program or activity as a nondisabled individual. However, when SSA provides an accommodation, it does not mean that the accommodation will produce the identical result or level of achievement for all individuals.

**NOTE:** A decision to recognize a person as a "qualified individual with a disability" and to provide an accommodation for that person (when requested) does not insinuate or constitute an allowance for Social Security benefits or Supplemental Security Income payments, or acknowledgment of disability for administering Social Security programs.

#### 2. Applicability of Section 504.

Section 504:

- Applies to all Federal agencies and organizations that receive Federal financial assistance; and
- Prohibits discrimination against qualified individuals with disabilities.

#### 3. Persons Not Covered under Section 504.

Section 504 does not apply to:

- Agency employees, when interacting with the agency as a member of that workforce, e.g. in his or her official capacity;
- Applicants for employment;
- Non-qualified individuals, e.g., individuals who do not meet the "essential eligibility requirements" for the receipt of services or participation in programs or activities;
- Persons not seeking participation in or benefit of SSA programs and activities; and

- Vendors or contractors performing work functions or related activities under those contracts or blanket purchase agreements. This includes medical or vocational experts, interpreters, and hearing reporters or contract hearing reporters.

#### 4. The Americans with Disabilities Act

While there are many parallels between the Rehabilitation Act and the Americans with Disabilities Act (ADA) passed in 1990, the ADA applies to state and local governments, public accommodations, commercial facilities, transportation, telecommunications, and the U.S. Congress. However, Federal agencies may look to the ADA for additional guidance regarding issues not addressed under Section 504 and its regulations, such as which animals may qualify as service animals and what is required for an animal to be recognized as a service animal.

### B. Accommodations

#### 1. Providing Accommodations to Members of the Public

We presume that individuals with disabilities are capable of conducting business with SSA without an accommodation unless they request an accommodation. When a member of the public who has a disability informs us that he or she requires an accommodation, we will make every reasonable effort to meet that need. In determining what accommodation to provide an individual, SSA will consider his or her request unless a more effective accommodation exists.

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

- Call SSA's National 800 Number
- Visit a local field office or hearing office;
- Contact, either by telephone or in writing, the hearing office where he or she proposes to receive the accommodation;
- Request notices in an alternate format through [ssa.gov](http://ssa.gov) using the current internet Special Notice Options (SNO) process for individuals who are blind or visually impaired.

**NOTE:** For additional information about the SNO process, see Hearing, Appeals and Litigation Law (HALLEX) manual I-2-3-50.

#### 2. Standard Accommodations

On request, hearing offices will provide standard accommodations to individuals with disabilities who require them to conduct business with SSA. Standard accommodations are generally available locally and do not require special handling or approval by a manager.

Agency-wide 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.

**NOTE:** Not all offices have the ability to immediately provide a listed standard accommodation. Some offices may need to

arrange for staff or equipment to facilitate the requested standard accommodation. When this occurs, staff should inform the requestor of the likely delay in providing the requested accommodation. Do not deny standard accommodations because staff or equipment need to be obtained, although the requestor may choose to select a more readily available alternative.

#### a. Locally Available Accommodations

Some offices may provide accommodations that other offices cannot. Examples of locally available standard accommodations include:

- A Social Security employee who knows American Sign Language;
- A Social Security employee who is a qualified sign language interpreter;
- UbiDuo face to face communicator;
- Bariatric chair;
- CapTel service;
- Assistive listening system or device, such as an audio loop or wireless FM system;
- Speech to text translation service, such as real-time court reporting or computer assisted real-time translation.

**NOTE:** As much as possible, accommodations will be amenable to the requestor. Do not force a requestor to accept an alternative accommodation in lieu of his or her preferred accommodation merely because the requested accommodation may cost more (within reason) or merely because the request is inconvenient to hearing office staff.

#### b. Alternative Service Policy

Providing meaningful access under Section 504 does not take priority over the safety of agency employees and visitors or the security of SSA facilities. SSA also is responsible for ensuring the agency's operational effectiveness.

Individuals that SSA restricts from in-person service must continue to use alternative services, such as the National 800 Number and SSA online services. Requesting an accommodation under Section 504 does not supersede the restriction.

**NOTE:** See HALLEX I-1-9-5, I-1-9-10, and Administrative Instruction Manual System, General Administration Manual 12.08 for additional information about the Alternative Service policy.

### 3. Non-Standard Accommodations

In some instances, a member of the public may indicate that a standard accommodation is insufficient to provide meaningful access. If so, he or she has the option to request a different, non-standard accommodation. A non-standard accommodation is one that SSA does not routinely provide. Employees must consult with management on non-standard accommodation requests.

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

### C. Documenting Accommodation Requests

#### 1. iAccommodate

iAccommodate is an intranet application used to record and report accommodation requests (including standard accommodations and SNO) and, when applicable, to refer non-standard accommodation requests to the Center for Section 504 Compliance (Center).

**NOTE:** For additional information about the SNO process, refer to HALLEX I-2-3-50.

#### 2. Handling New Requests for Accommodation

Hearing office employees will follow the process set forth below to provide requested standard and non-standard accommodations. Staff will document all claimant requests for recurring or future accommodations in the remarks section of a claimant's record in the Case Processing and Management System (CPMS).

##### a. Request for a Standard Accommodation:

Is the requested accommodation readily available in the office that day?	<b>YES...</b>	Provide the accommodation or arrange to provide the accommodation on the date and time requested.  Document any accommodations provided in iAccommodate.  If a claimant requests a recurring or future accommodation, document the request in the claimant's CPMS record in addition to iAccommodate.
	<b>NO...</b>	Ask the requesting party if an alternative standard accommodation is acceptable. If so, provide that accommodation and document in iAccommodate and CPMS.  If the requested accommodation requires borrowing equipment or staff from another office: <ul style="list-style-type: none"> <li>• Note the request in a CPMS remark and send the request to the lending office.</li> <li>• Management will contact the Center for 504 Compliance to</li> </ul>

		<p>explore alternatives or to request assistance in arranging the availability of the requested equipment or staff if a local office is not able to provide the requested accommodation in the appropriate timeframe.</p> <ul style="list-style-type: none"> <li>• For accommodations that require hiring a vendor or contractor, note the request in a CPMS remark and prepare the call order pursuant to current office policy.</li> </ul>
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**b. Request for a Non-Standard Accommodation:**

Did you offer the individual a standard or locally available accommodation?	<b>YES...</b>	Does the individual agree that a standard or locally available accommodation will provide meaningful access?	<b>YES...</b>	Follow the process for "Request for Standard Accommodation" above.
			<b>NO...</b>	Move to next section, "Have you consulted with your management staff and determined that the request can be accommodated with minimal disruption?"
Have you consulted with your management staff and determined that the request can be accommodated with minimal disruption?	<b>NO...</b>	Offer the individual a standard accommodation.		
	<b>YES...</b>	Provide the accommodation or arrange to provide the accommodation at the date and time requested. Document any accommodations provided in iAccommodate, as well as in the claimant's CPMS record.		
	<b>NO...</b>	Can it be provided with minimal cost and minimal disruption?	<b>YES...</b>	Provide the accommodation or arrange to provide the accommodation

				at the date and time requested. Document any accommodations provided in iAccommodate as well as in the claimant's CPMS record.
			<b>NO...</b>	Report the requested accommodation to the designated management official and refer the request to the Center for necessary action.

**c. Referrals to the Center for Section 504 Compliance**

When it is necessary to refer an accommodation request to the Center for Section 504 Compliance through iAccommodate, the Center will review the individual's circumstances and the requested accommodation to determine how the agency can accommodate the individual. The Center will work through a regional point-of-contact (POC) to gather additional information when necessary. The Center's goal is to make a determination within two weeks; however, complex requests may take up to six weeks. The regional POC will notify the hearing office of the Center's determination. The Center will also provide written notice of its determination to the individual who requested the accommodation. The Center can also assist offices in obtaining accommodations they determine the agency should provide.

**D. HO Considerations**

**1. Case workup**

When working up a case, hearing office staff will check iAccommodate to determine if the claimant has previously requested an accommodation. Relevant accommodation requests include those marked as repeating and those requested specifically for the hearing level. Review any claimant correspondence to determine if the claimant or his or her representative has submitted an accommodation request independently.

**2. Scheduling hearings**

When scheduling a case for hearing, staff will make a note of any requests for accommodations from the claimant, representative, or non-expert

witness. Staff will process those requests as indicated in C.2. above, if not previously added to iAccommodate.

**NOTE:** As noted in A.3. above, not every person is entitled to request an accommodation under Section 504.

## **E. Filing a Complaint**

Individuals have the right 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  
Civil Rights Complaint Adjudication Office  
6401 Security Boulevard  
Room 617 Altmeyer Building  
Baltimore, MD 21235

