

# NCUA



# INSTRUCTION

<b>NO.</b> 1270.7 (Rev. 1)	<b>DATE:</b> 3/28/2022
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**SUBJ:** Reasonable Accommodation Policy and Procedures

**TO:** All NCUA Staff

**REF:** 29 United States Code (USC) Section 791 et seq.; 29 Code Federal Regulations (CFR) Part 1614.203, as amended; Title I (Employment) of the Americans with Disabilities Act (ADA) and amendments to it by the ADA Amendments Act of 2008 (ADAAA); 42 USC §§ 12101 et seq.; 29 CFR part 1630; Executive Order (E.O.)13164, 65 Federal Register 46565; and the Rehabilitation Act of 1973, as amended.

**ENCL:** (1) Reasonable Accommodation Resource List  
(2) NCUA Form 1686 - Reasonable Accommodation Forms, Parts A - E

**1. PURPOSE.**

The purpose of this instruction is to outline the policy and procedures for managing requests for reasonable accommodations for employees and applicants with disabilities and for managing requests for personal assistance services for persons with targeted disabilities who require assistance to perform basic activities of daily living.

**2. CANCELLATION.**

NCUA Instruction 1270.7 (REV), Reasonable Accommodation Procedures, dated July 2, 2015, is cancelled and replaced by this revised instruction.

**3. BACKGROUND.**

E.O. 13164 requires federal agencies establish written procedures for processing requests for reasonable accommodation. The Executive Order guides agencies in implementing the Rehabilitation Act of 1973, as amended, which requires employers to provide reasonable accommodation to qualified employees and applicants for employment, except when such accommodation would cause undue hardship.

This instruction, originally issued on October 4, 2002, and revised on July 2, 2015, is revised to include the provisions of the amended regulations found at 29 CFR §1614.203(d)(5). These regulations require agencies to provide personal assistance services to individuals who need them because of certain disabilities, and to provide more effective guidelines for processing and monitoring reasonable accommodation requests.

#### 4. **POLICY.**

The NCUA's policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended, and the 29 CFR § 1614.203, as amended. This policy applies to NCUA employees and applicants for employment. The NCUA is committed to providing reasonable accommodations to its employees and applicants for employment to ensure qualified individuals with disabilities enjoy full access to equal employment opportunity. The NCUA will process requests for reasonable accommodation in a prompt, fair, and efficient manner. The Reasonable Accommodation Program is managed by the Office of Human Resources (OHR). The NCUA will provide reasonable accommodations:

- A. When an applicant with a disability needs a reasonable accommodation to a job application process to be considered for a job;
- B. When an employee with a disability needs a reasonable accommodation to enable them to perform the essential functions of the job at an acceptable level or to gain access to the workplace; and
- C. When an employee with a disability needs a reasonable accommodation to enjoy equal benefits and privileges of employment.

Please note that if circumstances dictate, the NCUA may develop a streamlined or alternate process for requesting reasonable accommodations.

#### 5. **KEY TERMS.**<sup>1</sup>

**A. Reasonable Accommodation:** The term reasonable accommodation means:

- 1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires;
- 2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or

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<sup>1</sup> Many definitions are provided in 29 CFR §1614.203. Many of the terms included throughout this instruction are from the legal authorities listed in the reference section on the front page.

- 3) Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as similarly enjoyed by other similarly situated employees without disabilities.

A reasonable accommodation may include, but is not limited to, the following:

- Job restructuring;<sup>2</sup>
- Part-time or modified work schedules;
- Reassignment to a vacant position for which the individual is qualified;
- Acquisition or modification of equipment or devices;
- Appropriate adjustment or modifications of examinations, training materials, or policies;
- The provision of qualified readers or interpreters; and
- Other similar accommodations for individuals with disabilities.

**B. Qualified Individual with a Disability:** A qualified individual with a disability is a person who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position that such individual holds or desires, and who, with or without reasonable accommodations, can perform the *essential functions* of such positions.

**C. Disability:** A disability is defined as a:

- 1) Physical<sup>3</sup> or mental<sup>4</sup> impairment that substantially limits<sup>5</sup> one or more major life activities<sup>6</sup>;
- 2) Having a record of such an impairment<sup>7</sup>; or

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<sup>2</sup> Job restructuring does *not* include eliminating essential functions of a position.

<sup>3</sup> Physical impairment. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

<sup>4</sup> Mental Impairment. Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

<sup>5</sup> Substantial Limitation. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered a disability.

<sup>6</sup> Major Life Activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, standing, hearing, speaking, breathing, reading, eating, sleeping, communicating, bending, lifting, concentrating, learning, and working. Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

<sup>7</sup> Record of an Impairment. Having a history of, or misclassified as having, a mental or physical impairment that substantially limits a major life activity, even though the person does not currently have a disability. Individuals in this category may be entitled to reasonable accommodations.

3) Being regarded as having such an impairment.

According to the ADA, a *physical or mental impairment* refers to:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin or endocrine; or
- Any psychological or mental disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Impairments that are episodic or in remission are considered *disabilities* if they would substantially limit a major life activity when active. The ADA also clarifies that the agency makes the determination of whether an impairment substantially limits a major life activity without regard to the effects of mitigating measures. Mitigating measures include medication, medical supplies, low vision devices (excluding ordinary eyeglasses or contact lenses), prosthetics, mobility devices, hearing aids or implantable hearing devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, or learned behavioral or adaptive neurological modifications.

**D. Essential Functions:** Essential functions are the fundamental job duties of the employment position the individual with a disability holds or desires. A function can be *essential* if, among other things:

- The position exists to perform that function;
- There are a limited number of other employees who could perform the function or who the function can be distributed amongst; or
- The function is highly specialized, and the agency hires the individual based on their ability to perform it.

**E. Undue Hardship:** An undue hardship means that an accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business. If a particular accommodation would be an undue hardship, the agency must try to identify another accommodation that will not pose such a hardship. The following factors should be considered to determine undue hardship:

- Nature and cost of the accommodation.
- Overall size of the organizational unit with respect to the number of employees, facilities, and size of the budget.
- The impact of the accommodation on the operation of the agency, including the impact on the ability of other employees to perform their duties and the impact on the organization's ability to conduct business.

Reasonable accommodation decision makers will be made aware of the resources available to provide the accommodation for an employee or applicant. Additionally, the decision maker will receive guidance on any budget associated with providing the accommodation, including any centralized fund the agency may have for this purpose.

If a specific type of reasonable accommodation causes significant difficulty or expense, the NCUA is not required to provide that particular accommodation and may provide an alternative effective accommodation. Undue hardship determinations are required to be made on a case-by-case basis, considering factors such as the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the organization's operations (29 CFR 1630.2(15)(d)). Generalized conclusions will not suffice to support a claim of undue hardship.

A determination of undue hardship regarding expense at the NCUA must factor in the overall financial resources of the agency and all possible resources as opposed to the budget of an individual office or region. The employee's salary, position, or status (e.g. full-time vs. part-time or permanent vs. temporary) are not factors of consideration to establish undue hardship. Whether the accommodation complies with office policy or affects employee morale are not relevant to the undue hardship determination. Employers, however, may be able to show undue hardship where provision of a reasonable accommodation would be unduly disruptive to other employees' ability to work.

**F. Interactive Process:** An informal, flexible dialogue between all parties involved (requestor/employee, decision maker, and reasonable accommodation coordinator) in processing a request. This allows for clarifying the individual's needs, exploring potential accommodations, and ultimately identifying an effective reasonable accommodation(s).

**G. Major Life Activity:** A basic activity most people in the general population can perform with little or no difficulty.

Examples of *major life activities* include, but are not limited to the following:

- Caring for oneself, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, and working; as well as mental and emotional processes such as thinking, concentrating, and interacting with others.
- The operation of a major bodily function includes functions of the immune system, special sensory organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

**H. With or Without Accommodation:** While the requirement to perform *essential job functions* with an accommodation is obvious, that requirement to perform remains in

effect when the employee is “without” an accommodation. An employee may be without an accommodation in the following circumstances: (1) an individual with a disability who does not request/require an accommodation, or (2) who refuses to accept an [offered] effective reasonable accommodation.

- I. Reasonable Accommodation Coordinator (RAC):** The RAC is an employee within the Office of Human Resources. The RAC is a neutral consultant to the NCUA and individuals seeking information regarding any aspect of the reasonable accommodation process. The RAC is not a decision maker.
- J. Targeted Disability:** Historically, employers often exclude qualified individuals with severe disabilities from employment. Targeted disabilities include, but are not limited to, the following: deafness; blindness; missing extremities; partial paralysis; complete paralysis; significant disfigurement, mobility or psychiatric disorders; intellectual disability; developmental disability; traumatic brain injury; dwarfism; seizure-related disorders; and other disability or serious health condition.
- K. Personal Assistance Services:** Non-medical services that help someone perform basic activities, such as eating, taking off and putting on a coat, and using the restroom. Individuals whose specific disabilities make it difficult for them to perform such activities on their own may request these services.
- L. Selective Placement Program Coordinator (SPPC):** The SPPC is an employee within the Office of Human Resources. The SPPC serves as an NCUA resource and liaison for the organization’s Selective Placement Programs matters. These areas may include helping management recruit, hire and accommodate persons with disabilities and ensuring the dissemination of agency vacancy announcements.

## **6. RESPONSIBILITIES.**

### **A. Regional Directors and Office Directors are responsible for:**

- Ensuring compliance with the NCUA’s policies and procedures for the provision of reasonable accommodations.
- Providing leadership within the regions and offices to ensure adequate staff and resources for the provision of reasonable accommodations.
- Ensuring subordinate supervisors and managers receive training on their responsibilities for the provision of reasonable accommodations.
- Ensuring a discrimination-free workplace and equal opportunity for employees and applicants with disabilities.
- Acting as the decision maker in making determinations about accommodation requests from employees.
- Consulting with the OHR RAC for guidance on responding to reasonable accommodation requests.

**B. Managers and supervisors are responsible for:**

- Seeking guidance from the OHR RAC on how to recognize requests for reasonable accommodations.
- Actively engaging in the interactive process with employees who request reasonable accommodations to solicit any additional information needed to make timely determinations on all reasonable accommodation requests.
- Acting as the decision maker when delegated by Regional and Office Directors.
- Ensuring the provision of appropriate reasonable accommodations for applicants and employees with disabilities in coordination with OHR.
- Notifying the RAC after receiving a request for an accommodation and working with agency officials, such as OGC, the RAC or OHR to determine appropriate reasonable accommodations.

**C. Office of Human Resources is responsible for:**

- Developing and issuing policies and procedures for the application of reasonable accommodations.
- Providing oversight of agency programs and activities related to reasonable accommodations.
- Ensuring Regional and Office Directors, other supervisors and managers comply with the policies and guidelines outlined in this instruction.
- Responding to external reviews of the agency's reasonable accommodation program.
- Advising the NCUA's management officials on the reasonable accommodations process for applicants and employees.
- Ensuring training, testing facilities, equipment, and related materials are accessible for employees with disabilities.
- Consulting with outside resources, where necessary, to assess an individual's medical condition or disability and the need for reasonable accommodations. Through contract with Federal Occupational Health, obtaining expert advice on medical conditions, limitations and effective accommodations.
- Exploring and documenting reassignment efforts and counseling employees on disability retirement procedures.
- Providing guidance to supervisors and managers on how to recognize requests for reasonable accommodation.
- Assisting decision makers when needed.

**D. Selective Placement Program Coordinator is responsible for:**

- Providing policy and regulatory guidance to agency managers and supervisors on the NCUA Selective Placement Program.

- Serving as an NCUA resource and liaison for organizations concerned with the recruitment and hiring of persons with disabilities and ensuring the dissemination of agency vacancy announcements to those organizations.
- Coordinating applicant interviews and reasonable accommodations for applicants pursuant to Schedule A hiring authority. Collecting applicant resumes and Schedule A hiring authority documentation.
- Monitoring agency workforce statistics to ensure the agency meets its affirmative employment goals and accomplishes related initiatives.
- Coordinating the NCUA-wide reassignment searches and assisting in placement efforts for qualified employees who can no longer perform their essential functions.

**E. Reasonable Accommodation Coordinator is responsible for:**

- Providing consultation and guidance to NCUA employees and managers regarding procedures for administering reasonable accommodations policies and procedures.
- Synthesizing information collected during the interactive process to answer the following: (1) whether the individual meets the definition of a qualified individual with a disability; (2) whether the requested accommodation would be effective; (3) whether there are alternative effective accommodations; and (4) whether the individual can perform the essential functions of the position with the accommodation.
- Managing the collection of medical documentation and reasonable accommodations forms.
- Maintaining and providing template documents for the use of decision maker.
- Maintaining budget for reasonable accommodations purchases.
- Recording and tracking all accommodations as required by this instruction through the online portal.

**F. The Office of the Chief Financial Officer is responsible for:**

- Ensuring agency buildings, restrooms, conference rooms, ramps, doorways, and other architectural features are physically accessible within the reasonable accommodation standards.

**G. The Office of Continuity and Security Management is responsible for:**

- Ensuring agency evacuation and security procedures include provisions for employees with disabilities.



## **H. The Office of Minority and Women Inclusion (OMWI) is responsible for:**

- Providing informal equal employment opportunity counseling and processing formal complaints of disability and reasonable accommodation discrimination.

## **I. Each employee is responsible for:**

- Assessing whether to request a reasonable accommodation and if so, notifying management of any impairment that may interfere with the performance of essential duties.
- Cooperating with management's efforts to explore, identify, and monitor reasonable accommodation options.
- Providing the agency with timely, accurate, and complete medical and other information necessary to make determinations regarding the reasonable accommodation request.

Employees may also voluntarily update their Official Personnel Folder by submitting an OPM Self-Identification, Standard Form 256, to the Office of Human Resources for any impairment. Submission of the form is optional; however, submitting the form assists the agency in monitoring and reporting on agency affirmative employment programs.

## **7. PROCEDURES.**

The reasonable accommodation process begins as soon as the request is submitted, either orally or in writing. The NCUA will provide information concerning reasonable accommodation to job applicants and employees in written and accessible formats when requested by the individual. Accessible formats are formats that meet the individual's particular needs, including braille, large print, etc. The request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" and could be a request to modify a job application process, work environment, the manner or circumstances under which the position held or desired is customarily performed, or modifications or adjustments that enable a qualified individual with a disability to enjoy equal benefits and privileges of employment. An individual with a disability may request a reasonable accommodation at any time, even if they have not previously disclosed the existence of a disability. The individual who is requesting a reasonable accommodation does not need to have a specific accommodation in mind when submitting their request. Each request requires a response in writing, but does not necessarily mean the employer is required to provide the accommodation. The NCUA may request that an employee or applicant submit a written request for a reasonable accommodation after the employee or applicant makes an oral request.

### **A. Involved Parties.**

- 1) Employee.** An employee may request a reasonable accommodation orally or in writing, at any time, from their supervisor, another supervisor or manager in their immediate chain of supervision, the Regional or Office Director, the RAC, or the

Selective Placement Program Coordinator. The official contacted will notify the RAC within three business days of the request. The RAC will coordinate the request with the appropriate decision maker.

- 2) **Applicant.** Applicants may request a reasonable accommodation orally or in writing, at any time, from OHR or the NCUA staff with whom they have contact. The contacted staff will notify the RAC within three business days of the request. The RAC will coordinate the request with the appropriate decision maker.
- 3) **Representative.** A family member, health professional, or other representative may request an accommodation on behalf of a NCUA employee or applicant. The official contacted will notify the RAC of the request within three business days. The RAC will contact the representative and where necessary, confirm the request with the employee.

**B. Recurring and Ongoing Reasonable Accommodations.** An employee needing the same reasonable accommodation on a recurring basis must submit the “Request for Reasonable Accommodation” form only for the first request. The employee requesting accommodation, however, must give appropriate advance notice (five to ten business days) for each subsequent accommodation. When the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the employee should submit the request to a supervisor or Office/Regional director. The RAC should ensure that an employee’s supervisor makes the appropriate arrangements. In addition, the employee’s supervisor or Office/Regional director must provide the RAC with confirmation of the request.

**C. Written Requests for Recordkeeping Purposes.** Any individual who is requesting accommodations may use one of two mechanisms to request an accommodation:

- 1) **NCUA Online Portal.** A NCUA employee may use the [online portal](#) to submit a request. The RAC or supervisor may direct a requestor to the portal to formalize and clarify the request. To submit a request using the online portal, the employee is required to register and create a profile. To view the request, the supervisor, upon receiving a request, will be required to register in the online portal to view the request and complete the reporting form. Through SharePoint, on the NCUA Central homepage or the Office of Human Resources homepage, employees will be able to access the online portal. Any request submitted through the online portal will generate an automated acknowledgement to the requestor, decision maker, and the RAC. If an NCUA employee other than the decision maker or RAC (such as a colleague or OHR staff member) receives the request for accommodation, they should notify the RAC and direct the employee to contact the RAC.
- 2) **Completing *NCUA Form 1686 - Reasonable Accommodation Form - Part A Reasonable Accommodation Request.*** Employees and applicants may also request an accommodation in writing using the attached [Form 1686, Part A](#). Employees and

applicants should complete the form and forward it and any relevant documents to the RAC. The RAC will then enter the request into the online portal.

If an individual with a disability requires assistance using either of these filing mechanisms, the staff member receiving the request will direct the requestor to the RAC.

**D. Determining the Decision maker.** The NCUA official who receives the request should determine who will be the “decision maker” and forward the request, if necessary, to that person. The decision maker determines whether to grant or deny the accommodation request. If the NCUA official who receives the request is unsure who the decision maker should be, they should confer with the RAC.

- 1) For accommodation requests from employees, the decision makers will be the Regional or Office Director, who may delegate this responsibility to the immediate supervisor.
- 2) For accommodation requests from applicants, when the request is made prior to the interview, the decision maker will be the Chief Human Capital Officer. The applicant may contact [RAMAIL@ncua.gov](mailto:RAMAIL@ncua.gov) for additional details. When requested at the time of interview or later, the decision maker will be the delegated official of the office. Decision makers must designate acting decision makers when they are not available to meet the required timeframes.

The RAC will be available to assist in the decision-making process.

**E. The Interactive Process.** Once the decision maker receives a request, the parties should begin the interactive process to determine what, if any, accommodation to provide. The individual requesting the accommodation, the supervisor, and the NCUA decision maker should discuss the request, the process for determining whether to provide an accommodation, and any alternate accommodations.

- 1) **Purpose.** The interactive process allows the decision maker the ability to assess the limitations of an employee or applicant against the performance of the essential functions of the job. The interactive discussion is required and imperative to the reasonable accommodation process.
- 2) **Prior to the Discussion.** The decision maker may contact the requestor in writing or via electronic mail to acknowledge the receipt of the request and setup a time to conduct the interactive discussion. Managers should review the job description and determine the essential functions of the position, the amount of time spent on performing job functions, and how they are performed (as distinguished from marginal functions) including:
  - Physical requirements for performing the job;
  - Behavioral characteristics essential for job performance;

- Marginal functions not essential to job performance; and
- Minimum qualification requirements essential for the position.

If required, and prior to the meeting, the decision maker should request that the employee forwards their *NCUA Form 1686 - Reasonable Accommodation Form - Part A Reasonable Accommodation Request* to the RAC, along with the following:

- Documentation from a medical professional describing the impairment.
- An opinion from a medical professional that describes the impact of the disability on the employee's ability to perform each essential function of the job.
- Suggestions of reasonable accommodations for the performance of the essential functions affected by the employee's disability.

The decision maker should inform the requestor of the possible need for this information before making a final determination on the reasonable accommodation request.

**3) During the Discussion.** The NCUA decision maker, with the assistance of the RAC, will:

- Explain the decision maker's role in the process;
- Explain the agency's responsibility to provide reasonable accommodation in accordance with the Rehabilitation Act;
- Inform the requestor that they may be required to provide medical documentation to support the need for the accommodation requested;
- Explain that the requestor's medical information will be kept confidential, but may be reviewed by staff who have a need to know; and
- Discuss all options for accommodations and inform the requestor of any temporary accommodations available. The decision maker should ask the employee what limitations or barriers they are experiencing, what specific job tasks or equal opportunities are impacted by the limitations or barrier, and how the accommodation could address or overcome the limitation. The decision maker should also be prepared to explore alternative accommodations with the employee, such as reassignment.

**4) After the Discussion.** The decision maker must document the discussion and provide a description of the discussion within the online portal or on the attached *NCUA Form 1686 - Part C Reasonable Accommodation Reporting Form*.

**5) Requesting Medical Documentation.** In order to provide an effective accommodation, the agency must first determine whether the individual has a defined disability under the Rehabilitation Act, as amended. In situations where it is a known disability and the accommodation is obvious, the agency may not need to seek

additional medical information. Employees may have their medical provider complete the *NCUA Form 1686 - Part B Request for Medical Documentation Form*.

The agency will only request information sufficient to substantiate that the individual is entitled to the accommodation requested. The types of medical information or documentation that may be requested are the following:

- The past, present, and expected continuing nature, severity, and duration of the impairment, i.e., functional limitations, symptoms, side effects or any treatments, etc.
- The activities the impairment limits;
- The extent of the limitations;
- The reason(s) the requestor requires a reasonable accommodation, and how it will assist the requestor in performing the essential functions of the job, applying for employment, or enjoying a benefit in the work environment; and
- Suggestions for reasonable accommodations from the individual's medical provider.

**6) Reviewing and Analyzing Requests for Reasonable Accommodation.** There are two distinct reasonable accommodation request-processing situations as listed below (Situation A and Situation B). With the assistance of the RAC, it is the responsibility of the decision maker to promptly determine which situation applies to the request and notify the RAC of their decision. The individual submitting a request will receive a final decision letter from the decision maker stating whether the request has been granted or denied. For information on the deciding official, contact the RAC at [RAMAIL@ncua.gov](mailto:RAMAIL@ncua.gov).

#### **Situation A Requests: No Process Assistance Needed**

In situations where the medical condition and need for accommodation are obvious or already documented, the decision maker may not need assistance from the RAC in order to approve the request.

The decision maker will document their approval in writing and coordinate the provision of the accommodation with the RAC. The decision maker will also ensure the request is documented in order to report to the RAC each quarter on the office's situation A requests. The decision maker may choose to use tools provided by the RAC, such as the online portal, to document the request, approve the request, and grant the provision.

Once it is determined that a request falls under situation A, the request process ends. The decision maker approves the request and provides the requestor written documentation of the approval. Frequently, in these instances these actions can all occur in the same day.

## **Situation B Requests: Process Assistance Needed**

In Situation B requests, the decision maker believes the request should be denied<sup>8</sup> or requires assistance from the RAC for some or all of the process. In situation B requests, the medical condition and/or need for accommodation are not obvious or already documented.

In these situations, the RAC will assist as a neutral facilitator in documenting, processing, and tracking the request.

Once it is determined that a request falls under Situation B, the RAC will review the request and determine what, if any, further steps are needed in the request process before continuing to the decision process. This process begins with a sufficiency review of the medical documentation.

Parties will direct all requests for medical documentation to the RAC to conduct the sufficiency review. The RAC will review and evaluate medical documentation to determine its adequacy. Using a limited release signed by the requestor, the RAC may consult with the requestor's medical provider or a health practitioner chosen by the NCUA, if necessary. After determining the sufficiency of the medical documentation, the RAC will review the completed reasonable accommodation request and provide regulatory guidance and reasonable accommodation resources, if needed, to the decision maker.

In some Situation B instances, the medical condition and need for a reasonable accommodation may be clear or previously documented. The NCUA will not request medical documentation when both the disability and the need for reasonable accommodation are obvious or previously documented.<sup>9</sup>

The RAC will consider the medical documentation sufficient if it meets the following criteria:

- Describes the nature, severity, and duration of the individual's impairment;
- Lists the activity or activities that the impairment limits;
- Includes the extent to which the impairment limits the individual's ability to perform said activity or activities; and,
- Substantiates the need for the requested accommodation.

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<sup>8</sup> It is required that an RAC be consulted in all instances where a decision maker believes the request should be denied, (in part or whole) to ensure the denial is made on a non-discriminatory/business-related basis and therefore mitigates liability. Such denial will be review by OGC prior to issuance to ensure mitigates liability.

<sup>9</sup> The federal government has identified certain "targeted disabilities" that have historically been used to exclude qualified individuals from employment. By their nature, many "targeted disabilities" will be apparent when interacting with the individual. As such, these conditions are generally considered "obvious" and will not require medical documentation to establish the presence of a disability.

Per the [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act, B \(10-11\)](#), the RAC will consider the documentation insufficient if it meets the following criteria:

- Does not specify the existence of a disability and explain the need for reasonable accommodation;
- Does not specify the functional limitations due to the disability;
- Is provided by a health care professional who does not have the expertise to give an opinion about the individual's medical condition and the limitations imposed by it; or
- Appears to be fraudulent or not credible.

If after receiving the information from the requestor, the agency determines it to be insufficient to decide on an effective accommodation, the decision maker may request further information by any of the following options:

- By providing a standard memo (template provided by the RAC) to the requestor explaining why the information provided is insufficient, identifying additional needed information, and why it is necessary for a reasonable accommodation determination. The requestor may decide to seek information from a medical provider, if they have not already done so.
- By asking the requestor to sign a limited release allowing the NCUA or its contracted medical consultant to contact the individual's health care provider directly or by submitting a list of specific questions.
- By using a health practitioner chosen by the NCUA to examine the requestor.<sup>10</sup> This option is only available after the requestor receives written notification regarding the insufficient information. Further, the NCUA will cover the expense of the health practitioner.

Failure to provide appropriate documentation or to cooperate with the NCUA's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

**7) Confidentiality Requirements Regarding Medical Information Obtained in the Reasonable Accommodation Process.** The Rehabilitation Act of 1973, as amended, requires agencies to maintain medical information obtained in connection with the reasonable accommodation process, including information about functional limitations and accommodation, securely in files separate from the individual's personnel file.

- a) These confidentiality requirements strictly apply to NCUA employees who obtain or receive such information.

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<sup>10</sup> The NCUA, however, will not request any medical examinations prior to a conditional offer of employment.

- b) Medical information required for making job-related decisions will be provided to only those management officials or staff with a demonstrated “need to know” in accordance with the Rehabilitation Act and its amendments.
- c) All records obtained or created during the processing of a request for reasonable accommodation, including medical records, will be kept by the RAC and will be maintained in accordance with the Privacy Act and the requirements of 29 CFR Part 1611.
- d) Nondisclosure of the Genetic Information and Nondiscrimination Act of 2008 (GINA) Protected Information: GINA prohibits employers and other entities covered by GINA Title II from requesting, requiring, or purchasing genetic information of employees or their family members, except as specifically allowed by this law. To comply with GINA, the request for medical information must state that the agency is asking that genetic information not to be provided when responding to the request for medical information, unless the information is allowable as explained below:

Genetic information, as defined by GINA, 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 genetic services, and
  - Genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
- e) Limited circumstances under which medical information may be disclosed. Per 29 CFR §1630.14(d)(4), confidential medical information may be disclosed to:
    - NCUA staff, including supervisors and management, experts, and consultants, who have a need to know about necessary restrictions and the necessary accommodation(s);
    - First aid and safety personnel, if the disability requires an emergency treatment;
    - Government officials to investigate NCUA compliance with the Rehabilitation Act;
    - Workers’ compensation offices or insurance carriers; and
    - Agency EEO officials, to maintain records.

**Rehabilitation Act:** The general prohibition against requesting or requiring genetic information does not apply where an employer requests documentation to



support a request for reasonable accommodation if the request for documentation is lawful.

**8) Time Frames for Processing Requests and Providing Reasonable**

**Accommodations.** The NCUA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, within 20 business days absent extenuating circumstances. The time starts when the requestor initiates their request, regardless of the method used (oral, email, written). The time necessary to process a request will depend on the nature of the accommodation requested and the receipt of sufficient supporting information.

**a) Decision within 20 Business Days.** If a request for an accommodation does not require medical documentation and there are no extenuating circumstances, the decision maker shall process the accommodation request and provide a decision within 10 business days from the date of receiving the request, or sooner, if possible. Since decision makers may need the full 20 days to engage in the interactive process and collect all relevant information about possible accommodations, they should not delay beginning this process. Failure to meet the time requirement solely because a decision maker delayed processing the request is not an extenuating circumstance. Failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act. An example of an accommodation which can be easily provided within the 10-day time period may include an employee with diabetes who sits in an open area and requests breaks during the day to test their blood sugar.

**b) Expedited processing.** A request for reasonable accommodations may require an expedited review and decision in two circumstances. The two circumstances are:

- **To enable an individual to apply for a job.** This includes applying for a job, communicating with agency hiring officials, participating in an interview, and testing. Depending on the timetable for receiving applications, conducting interviews, and making hiring decisions, it may be necessary to expedite a request for reasonable accommodation to ensure that an applicant or employee with a disability has an equal opportunity to the employment process.
- **To enable an individual to engage in an agency activity scheduled to occur soon.** This includes attending a meeting, training program, agency function, etc. In these cases, there may be a need to expedite a request for reasonable accommodation to ensure that an employee with a disability has equal opportunity in the workplace.

**9) Time Stops for Medical Documentation.** The 20-day decision period suspends when the decision maker believes it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations. The decision maker will request the medical information as

soon as possible after their receipt of the request for accommodation, but before the expiration of the 20-day period. On occasion, the need for documentation may not become apparent until after the interactive process has begun, therefore suspending the time limits. If an individual's health professional fails to provide documentation in a timely manner, NCUA will not be expected to adhere to its usual timeline.

- 10) Time Starts upon Receipt of Medical Documentation.** Upon receipt of acceptable medical documentation, the RAC will review and evaluate the documentation, and consult with the appropriate agency representatives. If necessary, the RAC will forward the medical documentation to the agency's medical consultant for review. The consultant should provide a decision within the remaining number of business days from the date the clock suspended due to the request for medical documentation, absent any extenuating circumstances as described in the next section.
- 11) Extenuating Circumstances.** An extenuating circumstance covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. This usually involves factors that are not reasonably anticipated or avoided prior to submitting the accommodation request.

When extenuating circumstances are present, the time for processing an accommodation request and providing the accommodation extends as reasonably necessary. The NCUA limits providing extensions based on extenuating circumstances to situations where they are strictly necessary. All NCUA staff should act as quickly as reasonably possible in processing requests and providing accommodation. The NCUA may not delay processing or providing an accommodation because a particular staff member is unavailable.

Where extenuating circumstances are present, the decision maker must provide the requestor a written explanation for the delay, and the approximate date on which a decision or provision of the reasonable accommodation is expected. The NCUA official should communicate any further developments or changes promptly to the requestor.

The following are non-exhaustive examples of extenuating circumstances:

- There is an outstanding initial or follow-up request for medical information, or the medical consultant is evaluating provided medical information.
- The purchase of equipment may take longer than 20 business days because of regulatory or other requirements.
- Equipment is backordered, the vendor typically used by the NCUA 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.
- The employee with a disability needs to try working with equipment on a trial basis to ensure it is effective before the NCUA buys it.

**12) When Accommodations are Delayed.** If there is a delay in providing an approved accommodation, the decision maker must investigate the possibility of an interim accommodation or temporary measures to assist the employee. If a delay is attributable to certain conditions the NCUA may provide an accommodation on a temporary basis that allows the individual to perform some or all the essential functions of the job, absent an undue hardship. A temporary accommodation may be allowed if:

- there is a need to obtain or evaluate medical documentation and additional information;
- the NCUA has not yet determined if the individual is entitled to an accommodation; or,
- all of the known facts and circumstances make it reasonably likely that the individual will be entitled to an accommodation, but the accommodation cannot be provided immediately.

In such a case, the decision maker will notify the individual in writing that the agency will provide the accommodation on a temporary basis pending a decision on the accommodation request. The NCUA decision makers who approve such temporary measures are responsible for assuring they do not take the place of a permanent accommodation and that the agency continue to take all necessary steps to secure the permanent accommodation.

**F. Granting a Reasonable Accommodation Request.** The decision maker should immediately notify the applicant or employee when granting the accommodation request. The decision maker will also complete the attached *NCUA Form 1686 - Part D Decision of Request for Reasonable Accommodation* or take the necessary steps within the online portal. If the agency cannot immediately provide the accommodation, the decision maker must inform the individual of the projected timeframe for providing the accommodation. All decisions to grant reasonable accommodation must be in writing and clearly state the specific accommodation(s) to be provided.

**G. Denial of Reasonable Accommodation Request.** When denying an accommodation request, the decision maker must enter the decision within the online portal or complete *NCUA Form 1686 - Part E Denial of Reasonable Accommodation Request* and provide a copy to the individual who requested the accommodation. The decision maker must write the explanation for denying the accommodation in plain language, clearly stating the specific reasons for the denial. The RAC will provide a template for the denial of an accommodation request. For information on the deciding official contact the RAC at [RAMAIL@ncua.gov](mailto:RAMAIL@ncua.gov).

Where the decision maker has denied a specific requested accommodation, but offered an alternative accommodation, not agreed to during the interactive process, the denial notice

should explain both the reasons for the denial of the requested accommodation and the reasons that the decision maker believes the chosen accommodations are effective.

Reasons for denying the accommodation request may include the reasons listed below. However, each reason must include a detailed explanation for denying the request. For example, why the accommodation would not be effective or why it would result in undue hardship. All denials and alternative accommodation letters must be reviewed for legal sufficiency by the Office of General Counsel prior to issuance. The Office of General Counsel must expedite these reviews in order to ensure timely processing of a Reasonable Accommodation request.

- The requested accommodation would not be effective.
- Providing the requested accommodation would result in undue hardship. Before making an “undue hardship” determination, the decision maker must have explored whether other effective accommodations exist which would not impose undue hardship. The decision maker should also consult with the RAC. A determination of undue hardship means the NCUA finds a specific accommodation would result in significant difficulty or expense or would fundamentally alter the nature of NCUA’s operations.
- Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- The requested accommodation would require the removal of an essential function.
- The requested accommodation would require the lowering of a performance or production standard.

In addition, the written notice of denial informs the individual that they have the right to file an EEO complaint or may have rights to pursue a Merit Systems Protection Board (MSPB) appeal, or negotiated grievance under the Collective Bargaining Agreement, Section 33, and Article 6. The notice also explains the NCUA’s procedures available for informal dispute resolution.

**H. Reassignments.** There are specific considerations in the interactive process when responding to a request for reassignment. The agency must consider reassignment as a "last resort" accommodation if there are no effective accommodations to enable the employee to perform the essential functions of their current job, or if all other possible accommodations would impose undue hardship. Reassignments to a vacant position for which an employee is deemed qualified is the reasonable accommodation and not just permission to compete for such a position. Reassignment is a form of reasonable accommodation provided, absent undue hardship, to an employee who, because of a disability, can no longer perform the essential functions of the position they hold, with or without reasonable accommodation.

- 1) Reassignment is available only to employees and not to applicants. In addition, the agency must only consider reassignment to a vacant position. The law does not

require that agencies create new positions or move employees from their jobs in order to create a vacancy.

- 2) In considering positions available for reassignment, the decision maker will work with OHR and the individual requesting the accommodation to identify:
    - All vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and
    - All positions OHR believes will become vacant over the next 20 business days and for which the employee may be qualified. The agency will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the NCUA will consider vacant lower level positions for which the individual is qualified.
  - 3) The agency may reassign the employee to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, the NCUA is not obligated to pay for the employee's relocation costs.
- I. Reconsideration.** If an individual requests reconsideration, they should first ask the decision maker to reconsider the decision. The individual may present additional information in support of their request. The decision maker will respond to the request for reconsideration within 20 business days absent extenuating circumstances. An individual's participation in the alternative dispute resolution processes (i.e., mediation) does not satisfy the requirements for bringing a claim under EEO or MSPB.
- J. The Mediation Program.** If an employee receives a denial to a reasonable accommodation request or receives a decision for an alternative accommodation, the employee may request to participate in the Mediation Program. This informal process does not affect the timeframe for initiating proceedings under the EEO procedures set forth at Title 29 CFR, Part 1614, or any other dispute resolution process. To initiate the EEO process, the employee must contact the OMWI EEO Intake Line at (703) 518-6325 or email at [eeomail@ncua.gov](mailto:eeomail@ncua.gov) within 45 days of receiving the last denial letter or the letter granting the alternative accommodation. The deadline to initiate the EEO process begins on the date of the last denial letter issued.
- K. Information Tracking and Reporting.** If the requestor submits the request outside of the online portal, the decision maker will ensure the attached *NCUA Form 1686 Reasonable Accommodation Information Reporting Form* is properly completed, signed, and submitted to the RAC within ten business days of the decision. An applicant or employee who has submitted their request electronically for a reasonable accommodation may track the status of their request through the online portal. If the individual has submitted a request through email, the individual may track their request by sending an email to the designated RAC. The decision maker should attach copies of all

information, including medical information received, as part of processing the request. The NCUA is required to keep all records gathered during the reasonable accommodation process to ensure compliance with nondiscrimination and affirmative action requirements imposed under section 501 of the Rehabilitation Act. The NCUA records will be provided to the EEOC upon request. The RAC will maintain these records for the length of the employee's tenure with the NCUA or five years, whichever is longer.

The RAC will maintain statistics for reporting purposes to include the following:

- The number of granted and denied reasonable accommodations, by type, requested in the application process.
- The positions (occupational series, grade level, and organization location) of employees or applicants who requested reasonable accommodations.
- The specific reasonable accommodation requested, if any.
- The number of approved reasonable accommodations, by type, for each position and the number of denied requests, by type.
- Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment.
- The name and title of the decision maker.
- The reasons for denial of requests for reasonable accommodation.
- The amount of time taken to process each request for reasonable accommodation.
- The sources of technical assistance consulted in trying to identify possible reasonable accommodations.

**L. Relationship of Procedures to Statutory Claims.** This policy is in addition to statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims, including timeframes for filing such claims, remain unchanged.

An individual who chooses to pursue statutory remedies for denial of reasonable accommodation may choose one of the following options:

- For an EEO complaint, contact the NCUA's OMWI EEO Intake Line at (703) 518-6325 or email at [eeomail@ncua.gov](mailto:eeomail@ncua.gov) within 45 days from the date of receipt of the written notice of denial.
- For an MSPB appeal, initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in Title 5 CFR 1201.3.

**M. Direct Services.** Some accommodations necessitate the use of services from another trained professional. The most common types of direct services are sign language interpreters, captioning and real-time writers, and personal assistants.

- 1) Sign Language Interpreting/Captioning and Real Time Services – Sign language interpreters/captioning and real-time writers facilitate communication for members of

the Deaf/Hard of Hearing community. The Office of Human Resources manages these services. Any interpreting/captioning needs identified by the RAC or management official will be processed like any other request and services will be procured through OHR. If a region has an individual contract with a local sign language interpreting service/Communication Access Realtime Translation (CART) provided, the region may process the request and procure the services.

- 2) Personal Assistance Services (PAS)** – Personal assistants are individuals who assist people with targeted disabilities in performing activities of daily living that an individual would typically perform if they did not have a disability and that is not otherwise required as a reasonable accommodation, including removing and putting on clothing, eating, and using the restroom. These services do not include medical services.

PAS does not help individuals with disabilities perform specific job functions, such as reviewing documents. PAS differ from sign language interpreters and CART writers who enable individuals who are deaf/hard of hearing to communicate with coworkers, which are required as reasonable accommodations to perform the essential functions of a job. A request for PAS is outside of the purview of the reasonable accommodation process in that there is no requirement that the employee need the service to perform the essential function of the job.

The NCUA is only required to provide PAS to an individual if:

- The individual is a current employee with a targeted disability;
  - The individual requires the services because of the targeted disability;
  - The individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodation have been provided; and
  - Providing PAS will not impose an undue hardship on the agency.
- a) PAS during work-related travel.** When an agency’s assignment of work-related travel results in an employee’s inability to rely on their usual source of PAS during both work and off-work hours, the NCUA is always required to provide PAS during that work-related travel. Additionally, even if an employee’s usual PAS provider is available during work-related travel, the NCUA is required to pay any additional costs related to providing PAS while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation. PAS are not required for an employee’s commute to work.
- b) PAS during agency-sponsored events.** The NCUA is required to provide PAS for employees to participate in onsite agency-sponsored events, to the same extent as the agency must provide reasonable accommodations.
- c) The NCUA may use federal employees or contractors to perform PAS.**

- d) The agency will process requests for PAS like any other request for reasonable accommodation.
  - 3) Other Types of Direct Assistance – Other situations where an employee may need direct services as an accommodation may include but are not limited to job coaches, ergonomists, and organizers. The agency will process requests for other types of direct assistance like any other requests for accommodation.
8. **EFFECTIVE DATE.** This Instruction is effective immediately and will remain in effect until canceled.

Larry Fazio  
Executive Director



## Reasonable Accommodation Resource List

1. **Department of Defense Computer/Electronic Accommodations Program (CAP).** As a partnership agency, CAP conducts assessments, provide information, referrals and assist non-DoD agencies in determining the appropriate assistive technology and assistive devices to purchase by their agency. The Disability Program Manager, which is in NCUA's Office of Minority and Women Inclusion, is the point of contact and can be reached at (703)518-6325.
  - (703)-614-8416 (Voice/TTY).
  - <http://www.cap.mil/Default.aspx>
2. **U.S. Equal Employment Opportunity Commission.** Provides technical assistance and reasonable accommodation guidance.
  - 1-800-669-4000 (Voice)
  - 1-800-669-6820 (TTY)
  - 1-844-234-5122 (ASL Video Phone)
  - [http://www.eeoc.gov/laws/types/disability\\_guidance.cfm](http://www.eeoc.gov/laws/types/disability_guidance.cfm)
3. **Job Accommodation Network (JAN).** JAN provides free consulting services for federal employers, including one-on-one consultations about all aspects of job accommodations, compliance assistance with section 501 of the Rehabilitation Act, information about federal initiatives and hiring programs, and referral to federal resources.
  - 1-800-232-9675 (Voice/TTY)
  - <http://askjan.org/empl/index.htm#fed>
4. **ADA Disability and Business Technical Assistance Centers (DBTACs).** The Mid-Atlantic ADA Center provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of businesses, government entities, organizations, and individuals in the Mid-Atlantic Region.
  - 1-800-949-4232 (Voice/TT)
  - <http://www.adainfo.org/>
5. **Disability.gov.** A federal government website for information on disability programs and services nationwide.
  - <https://www.disability.gov>
6. **FEDS.** FEDS is an assembly of current, former, and retired federal employees and people with disabilities, who have an interest in improving the federal governments rate of employing, retaining, and advancing people with disabilities.
  - <http://www.fedsfirst.com/>
7. **RESNA Technical Assistance Project.** RESNA is the premier professional membership organization dedicated to promoting the health and well-being of people with disabilities through increasing access to technology solutions.
  - (202) 367-1121 (Voice)
  - <http://www.resna.org/>

**PART A**  
**REASONABLE ACCOMMODATION REQUEST FORM**

Log No. \_\_\_\_\_

**Please check one:**

**Employee**

**Applicant A**

**I. REQUESTOR'S INFORMATION**

- 1) **Name:**
- 2) **Telephone number where you can be reached:**
- 3) **Email Address:**
- 4) **Mailing Address:**
- 5) **Employee Title/Series/Grade:**
- 6) **Employee's Office and Supervisor's Name or Location of Vacancy:**
- 7) **Date of Request:**
- 8) **Medical Documentation:**
  - Attached**
  - Previously provided**
  - Will follow**

**The Agency may require reasonable information/documentation where the disability and/or need for accommodation is not obvious or otherwise known.**

- 
- 1) **Reasonable Accommodation needed for: (Check one)**
    - Application Process**
    - Performing Job Functions or Accessing the Work Environment**
    - Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event):**
  - 2) **Describe the reasonable accommodation you are requesting?**
  - 3) **I have a mental or physical impairment described as:**

- 4) My mental or physical impairment substantially limits the following major life activity(ies):

\_\_\_\_\_  
Requestor's Signature

\_\_\_\_\_  
Date

**Privacy Act Statement**

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**The Genetic Information Nondiscrimination Act of 2008 (GINA)**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**PART B**  
**REQUEST FOR MEDICAL INFORMATION**

**I. Personal Information**

- 1) **Name of Employee:**
  
- 2) **Name of Medical Provider:**
  
- 3) **Address of Medical Provider:**
  
- 4) **Telephone Number of Medical Provider:**

**II. Questions to help determine whether an employee has a disability.**

- 1) **What is the physical or mental impairment?**
  
- 2) **How does the employee's limitation(s) interfere with their ability to perform the job function(s) or access a benefit of employment?**
  
- 3) **What major life activity (s) (includes major bodily functions) is/are affected?**

**III. Questions to help determine effective accommodations options.**

*If an employee has a disability and needs an accommodation because of the disability, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship. The following questions may help determine effective accommodations:*

- 1) **Do you have any suggestions regarding possible accommodations to improve job performance or accessing benefits of employment?**
  
- 2) **How would your suggestions improve the employee's job performance, or help the employee/applicant enjoy benefits of employment?**

**IV. Other comments.**

\_\_\_\_\_  
Medical Professional's Signature

\_\_\_\_\_  
Date

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**PART C**  
**REASONABLE ACCOMMODATION REPORTING FORM**

Log No. \_\_\_\_\_

**Enter the following information about the employee or applicant who requested the reasonable accommodation:**

- 1) Requester's Name:**
  
- 2) Office & Location:**
  
- 3) Current position or, if an applicant, desired position of the individual requesting Reasonable Accommodation (including position title, series, grade level, and office):**
  
- 4) Reasonable Accommodation:**  

Approved (See Part D)       Denied (See Part E for further rights)
  
- 5) Date Reasonable Accommodation received:**
  
- 6) Date Interactive Discussion initiated:**
  
- 7) Name & Title of person who received initial request:**
  
- 8) Date Reasonable Accommodation request referred to Decision Maker:**
  
- 9) Name & Title of Decision Maker:**
  
- 10) Date Reasonable Accommodation approved or denied:**
  
- 11) Date Reasonable Accommodation provided:**

12) If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why:

13) Type(s) of reasonable accommodation provided (if different from what was requested):

14) Comments.

---

Decision maker Signature

---

Date

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**PART D**  
**DECISION OF REQUEST FOR REASONABLE ACCOMMODATION**

*This document will comprise of details of the granted accommodation for the individual.*

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**PART E**  
**DENIAL OF REASONABLE ACCOMMODATION REQUEST**

1) **Name of Individual requesting reasonable accommodation:**

2) **Type(s) of reasonable accommodation requested:**

3) **Request denied because: (May check more than one box)**

- Accommodation Ineffective**
- Accommodation Would Cause Undue Hardship**
- Medical Documentation Inadequate**
- Accommodation Would Require Removal of an Essential Function**
- Accommodation Would Require Lowering of Performance or Production Standard**
- Other (Please identify) \_\_\_\_\_**

4) **Detailed Reason(s) for the denial of reasonable accommodation.**

5) **If the individual proposed one type of reasonable accommodation which is being denied but rejected an offer of a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and why you believe the chosen accommodation would be effective.**

6) **If an individual wish to request reconsideration of this decision, they may take the following steps:**

- a) **The individual may seek review of the decision by submitting a request to the Office of Human Resources (OHR) Director. The OHR Director will forward, within three (3) business days, the request to the next-level official in the decision maker's chain of command who was not involved in the processing of the original request. The applicant or employee must seek such review within five (5) business days of receipt of the written decision.**
- b) **Absent extenuating circumstances, the reviewing official should render a decision within five business days of receipt of the request.**

- 7) An individual who chooses to pursue statutory remedies for denial of reasonable accommodation may choose one of the following options:
- a) For an EEO complaint, contact the NCUA’s Office of Minority and Women Inclusion’s Intake Line at 703-518-6325 within 45 days from the date of receipt of the written notice of denial.
  - b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
  - c) To file an appeal with the Merit Systems Protection Board (MSPB), the appeal must be initiated within 30 days of an appealable adverse action as defined in Title 5 CFR 1201.3.

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Decision maker Signature

---

Date

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