Disability Compliance and Reasonable Accommodation
and
Personal Assistance Services
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REASONABLE ACCOMMODATION HANDBOOK
The Export-Import Bank of the United States of America

PURPOSE

To revise the Export-Import Bank’s Disability Compliance and Reasonable Accommodation (EXIM’s DACRA) Handbook so that policy and procedures for requesting, assessing, and responding to requests for reasonable accommodation are consistent with current law. These are EXIM’s procedures for processing, determining eligibility for, or otherwise handling reasonable accommodation requests submitted by EXIM employees, their authorized representatives, applicants for employment, and contract personnel in limited circumstances.

APPLICABILITY AND SCOPE

EXIM's DACRA Handbook covers the policy and procedures for requesting, assessing, and responding to requests for reasonable accommodation from employees or applicants for employment, and contract personnel in limited circumstances.

AUTHORITY

EXIM’s DACRA Handbook is prepared pursuant to Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, and Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.

RESPONSIBLE OFFICE

Chief Human Capital Officer, Division of Human Capital

SUPERSESSION

This DCRA Handbook supersedes the DCRA Handbook (dated December 1, 2012).

INTRODUCTION

EXIM’s DCRA Handbook sets forth the procedures for requesting, assessing and responding to requests for reasonable accommodation. Further, it delineates responsibilities and outlines the process for reconsideration in the case an individual is not satisfied with a reasonable accommodation decision.

The provisions of this Handbook apply to all EXIM employees, applicants seeking employment with EXIM, and contract personnel in limited circumstances. A copy of this Handbook will be made available in accessible formats upon request.

As laws and regulatory guidance continue to evolve, it may be necessary to update this Handbook to ensure continued legal compliance.

The following laws govern the employment of individuals with disabilities:
The ADAAA provides a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities and enforceable standards for addressing discrimination. The ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. Thus, the effect of these changes lessens the burden for an individual seeking protection under the ADA to establish that a disability exists within the meaning of the ADA. For more information see https://www.eeoc.gov/laws/statutes/adaaa_info.cfm.

Sections 501 and 505 of the Rehabilitation Act of 1973 makes it illegal to discriminate against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation requires federal agencies to establish effective written procedures for processing requests for reasonable accommodation.

Effective January 3, 2018, the EEOC amended its regulations under Section 501 of the Rehabilitation Act. Codified at 29 CFR 1614.203, these regulations require agencies to meet a number of requirements designed to improve the recruitment, hiring, retention and advancement of individuals with disabilities in the federal workforce. One of these requirements is to provide Personal Assistance Services (PAS) to employees with targeted disabilities.

**POLICY STATEMENT**

EXIM ensures that employees with disabilities may enjoy the benefits and privileges of employment equal to those enjoyed by similarly-situated employees without disabilities by providing reasonable accommodations in accordance with applicable law. EXIM does not tolerate unlawful discrimination, in any form, against an individual because of his or her disability. On the contrary, EXIM seeks to foster an environment free from unlawful discrimination, harassment and retaliation in which employees may succeed and contribute.

**OVERVIEW**

A. **Requests for PAS.** The process for requesting PAS, the process for determining whether such services are required, and the agency’s right to deny such requests when provision of the services would pose an undue hardship, are the same for reasonable accommodations as described below.

B. **Requests that do not involve reasonable accommodation or PAS.** EXIM Officials have broad discretion to assist an employee in the performance of official duties. Assistance can
be given to an employee who has not been determined by the Reasonable Accommodations Coordinator (RAC) to have a disability as defined under the ADAAA. EXIM encourages employees needing assistance to first meet with their supervisor to discuss available options. For example, EXIM supervisors/managers, subject to applicable budgetary, procurement, and other policy restrictions, may:

1. Approve the purchase and use of office equipment or supplies, such as an anti-glare screen to fit over a computer monitor for an employee assigned to a workstation who is bothered by the glare from an overhead light; provided the equipment or supplies do not exceed $100.00.

2. Authorize an employee to participate in one of the family-friendly work programs offered by EXIM (e.g., leave flexibilities, gliding, 5-4/9, or maxiflex work schedules, the telework program.)

3. Take actions to assist an employee, who does not have a disability as defined under the ADAAA, provided the assistance does not exceed $100.00 and does not fall into one of the following categories:
   a. Office furniture (e.g., the purchasing of orthopedic/ergonomic chairs);
   b. Furniture reconfiguration (e.g., raising/lowering desk);
   c. Construction (e.g., automated door openers);
   d. Computer assistive technology (e.g., visual magnification systems, teletypewriters, telephone amplifiers, alternative input devices, speech recognition systems, computer software); or
   e. Interpreter services.

Note: EXIM supervisors/managers should contact the OHC if they have questions regarding allowable assistance.

ROLES AND RESPONSIBILITIES

THE CHAIRMAN SHALL:
- Ensure that an effective process for responding to requests for reasonable accommodation is established.
- Allocate budgetary resources necessary to establish a centralized fund to cover the cost of equipment, services and or training necessary to provide reasonable accommodations and or to effectively implement the reasonable accommodation process.

THE CHIEF HUMAN CAPITAL OFFICER (CHCO) SHALL:
- Serve as the Designated Management Official (DMO).
- Provide oversight of the processing of reasonable accommodation requests.
- Appoint a RAC.
- Ensure managers and supervisors are aware of their role in processing requests for reasonable accommodation.
- Approve decisions regarding requests for reasonable accommodation.
THE REASONABLE ACCOMMODATION COORDINATOR (RAC) SHALL:

- Serve as Exim’s primary point of contact for reasonable accommodation procedures and provide guidance to agency personnel.
- Process requests for reasonable accommodations, including the review of each request and the related documentation for completeness; and issue a recommended decision on each request for reasonable accommodation.
- Engage in the interactive process with the requester and interface with the supervisor(s), in responding to requests for reasonable accommodation.
- In consultation with requester and/or experts, identify the appropriate equipment and or device to be purchased through the Centralized Reasonable Accommodation Fund.
- Serve as the Agency's liaison responsible for interfacing with and securing equipment/devices provided through the Computer/Electronic Accommodations Program (CAP) in response to requests for reasonable accommodation.
- Submit decisions regarding requests for reasonable accommodation to the DMO for approval.
- Coordinate with Chief, Facility Services, as necessary, to procure specified equipment and or devices not offered through the CAP as provided for in a reasonable accommodation decision.
- Monitor and periodically evaluate the effectiveness of the process for responding to requests for reasonable accommodation.
- Track and maintain records of requests for reasonable accommodation; compile summary data for reporting purposes. Records will be kept in a system separate and apart from the OPF system.
- In accordance with the Privacy Act and the Rehabilitation Act, maintain custody and control of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and ensure maintenance apart from the OPF system.

THE MANAGERS AND SUPERVISORS SHALL:

- Inform the requester of the process for requesting a reasonable accommodation.
- At the direction of the RAC, participate in or provide information to support the interactive process.
- Become aware of the resource materials available on EEOC’s public website, including EEOC Enforcement Guidance:
  - Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act (July 27, 2000): Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA | U.S. Equal Employment Opportunity Commission (eeoc.gov)

THE EMPLOYEES WITH DISABILITIES SHALL:

- Request or make known their need for reasonable accommodation to the RAC, their supervisor, or to the Office of Equal Opportunity and Diversity Programs. The requester should complete Form RA-1, Request for Reasonable Accommodation.
- Engage in the interactive process by working collaboratively with the RAC to identify the
reasonable accommodation that will assist them in performing the essential functions of their job, enable them to participate in EXIM activities, and or enjoy the full benefits and privileges of employment.

- If the disability is not obvious or sufficient medical information has not previously been submitted, provide requested medical information from their health care provider in a timely manner.
- Sign the Notice of Completion upon receipt of the equipment and or device provided in response to the request for an accommodation.
- Request a copy of the Handbook in a written or accessible format, if needed.

THE APPLICANTS SHALL:
- Request or make known to the Office of Human Capital (OHC) their need for reasonable accommodation during the application process or the Agency official with whom he or she has contact. (2) Engage in the interactive process by working collaboratively with the RAC to identify the accommodation that will provide the assistance needed during application process. (3) If the disability is not obvious, provide requested medical information from their health care provider in a timely manner. (4) Request a copy of the Handbook in a written or accessible format, if needed.

THE CHIEF ACQUISITION OFFICER SHALL:
- Ensure that proper coding is applied to the purchase card assigned to procure equipment and devices not offered through the CAP.

THE DIRECTOR OF CAPITAL PLANNING AND FACILITIES SERVICES SHALL:
- Administer EXIM’s Centralized Reasonable Accommodation Fund for the procurement of equipment and devices not offered through the CAP. This includes such items as ergonomic furniture; air purifiers, etc.
- Ensure that all RA requests approved for the purchase of equipment and office furniture not offered through the CAP are fulfilled in a timely manner.

THE DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY PROGRAMS SHALL:
- Provide oversight of any complaints of discrimination filed on the basis of disability resulting from the denial of a reasonable accommodation.

UNDERSTAND DISABILITY AND REASONABLE ACCOMMODATION

A. What is a disability?

According to the ADAAA, a person can demonstrate that he or she has a disability in one of three ways:

1. A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning); or
2. A person may be disabled if he or she has a history of a disability (such as cancer that is in remission); or
3. A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and
Note: Pregnancy itself is not considered a disability under the law. Nonetheless, a pregnant individual may be entitled to a reasonable accommodation for limitations resulting from pregnancy-related conditions that constitute a disability or for limitations resulting from the interaction of the pregnancy with an underlying impairment.

B. **What is a reasonable accommodation?**

Reasonable accommodation is the legal term that describes any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

There are many types of reasonable accommodations depending upon the nature of the disability. Therefore, identifying the most appropriate accommodation must be determined on a case-by-case basis.

Depending upon the situation, reasonable accommodations may include such actions as:

1. Making existing facilities readily accessible to and usable by individuals with disabilities;
2. Granting part-time or modified work schedules;
3. Acquiring or modifying equipment or devices;
4. Appropriately adjusting or modifying examinations, training materials, or policies to make them accessible;
5. Providing readers, interpreters and other auxiliary aids and assistive technologies; and
6. Reassignment to a vacant position for which the individual is qualified, as a last resort.

C. **Who has a right to a reasonable accommodation?**

Employees and applicants for employment with a disability who need reasonable accommodation to perform the essential functions of their job are entitled to this benefit.

Contract personnel may be provided reasonable accommodation in limited circumstances. Contract personnel should contact their employer to request an accommodation who will communicate with EXIM’s RAC. EXIM, as legally appropriate and necessary, will jointly engage in the interactive process with the contractor and his or her employer.

**REASONABLE ACCOMMODATION PROCEDURE**

A. **Who may make a request?**

An employee or applicant for employment may request a reasonable accommodation. Additionally, a family member, health professional, or other representative may, on behalf of an employee or applicant, request reasonable accommodation.
B. When may I make a request?

You have the right to make a request for reasonable accommodation at any time, even if you have not previously disclosed existence of a disability. It is your responsibility to make your request known. EXIM will not assume an individual has a disability or needs reasonable accommodation, unless the need for reasonable accommodation is obvious.

C. To whom should I make a request?

1. If you are an employee: A request for reasonable accommodation should be made to the RAC who is responsible for evaluation and processing such requests. Additionally, a request may be made to your immediate supervisor or through the Office of Equal Opportunity and Diversity Programs (EODP) who will appropriately forward your request to the RAC for action.
2. If you are an applicant: A request for reasonable accommodation may be made to an EXIM official with whom you have contact during the hiring process typically in OHC. Your request will be forwarded to the RAC for evaluation and processing of the request.

D. How do I request a reasonable accommodation?

There are no "magic words" you need to use to make a request for reasonable accommodation; however, requestors are encouraged to make their intent clear to avoid unnecessary confusion or misunderstanding. Requests can be made to your supervisor or to the RAC. Supervisors must begin the process of notifying the RAC upon receipt of an oral or written request for an accommodation. You may convey, in your own words, either orally or in writing, that you need an adjustment or change at work for a reason related to a medical condition. Once you make a request for reasonable accommodation, you will be asked to:

1. Complete a Form RA-1, Confirmation of Request for Reasonable Accommodation, to ensure that your request is clear and may be appropriately tracked.
2. The processing of your request will be determined as of the date you make the oral or written request, not the date of submission of the Form RA-1. If you choose not to complete a Form RA-1, the RAC or DMO may do so, for the purposes of tracking your request.
3. If the reasonable accommodation you request is needed on a repeated basis, e.g., a sign language interpreter, you do not need to submit a Form RA-1 each time the accommodation is needed.

E. Do I have to specify the exact accommodation I want?

No. As detailed below, the RAC will work with you and or your health care provider to determine an effective accommodation, if available.

F. Do I have to submit a doctor’s certification or other documentation with my request?

It depends. If more specific information concerning your disability and request for reasonable accommodation is required, you may be asked to provide medical
documentation from your health care provider or to allow the RAC to communicate with such persons. As such, you will be requested to complete a Form RA-2.

PROCESSING REASONABLE ACCOMMODATIONS REQUESTS

A. **What happens once I make a reasonable accommodation request?**

   If your request is made to your supervisor or to the Office of EEO, your request will be forwarded to the RAC for evaluation and a decision regarding your request. If the accommodation requested requires more information in order to determine the best approach to responding to your request, then the RAC will engage in an interactive process with you to determine how to respond to the request.

   Note: For the purposes of tracking and accountability this also includes such accommodations as ergonomic chairs and air purifiers.

B. **What is the interactive process?**

   The interactive process is a proactive, informal process by which you, the supervisor and the RAC communicate with each other to determine how best to respond to your request. During the interactive process, it may be necessary, for example, to analyze job functions to establish essential and nonessential job tasks, identify barriers to job performance, consult with you to learn your precise limitations and discover the types of accommodations that would be most effective. You will be consulted directly where the specific limitation, problem or barrier is unclear; where an effective accommodation is not obvious; or where a choice exists between different possible reasonable accommodations.

C. **What are my responsibilities during the interactive process?**

   You are required to engage in the interactive process in good faith. You are responsible for responding to reasonable requests for information, including assistance in securing medical documentation from your health care providers. Also, you should be willing to try different possible accommodations and discuss alternative solutions.

D. **What are my rights during the interactive process?**

   1. You have the right not to respond to requests for medical information that you feel are unreasonable. For example, you have the right to refuse requests for medical information that you believe is not relevant to your disability or reasonable accommodation request. Also, you have the right to refuse requests for medical information where the need for reasonable accommodation is obvious or you feel you have already provided sufficient information to document the existence of your disability and functional limitations.

   2. You have the right to request information that will assist your health care provider in understanding the nature of your job, the essential functions which you are required to perform and any other relevant information.
3. You have the right not to be harassed due to your disability or retaliated against because you requested reasonable accommodation.

E. How does the interactive process work and what medical information can be requested of me?

1. The interactive process commences after you submit your request for reasonable accommodation. If you desire, you may provide medical documentation concerning your disability, limitations and possible accommodations; or as necessary, the RAC may request that you provide additional medical information from your health care provider.

2. Medical documentation in support of an accommodation may be requested only where the disability and/or need for accommodation are not obvious or already known. In those instances, supporting documentation may be requested in order to establish the need for reasonable accommodation.

3. If not obvious and/or already known, medical information related to your disability and any functional limitations you have as a result of the disability may be requested. This may include, but is not limited to:
   a. The past, present and future expected nature, severity and duration of your impairment;
   b. The activities the impairment limits;
   c. The extent to which the impairment limits your ability to perform any activities;
   d. Why you require reasonable accommodation, or the particular accommodation requested; and
   e. How the reasonable accommodation requested will assist you to apply for a job, perform the essential functions of your job, or enjoy a benefit of the workplace.

4. The Equal Employment Opportunity Commission ("EEOC") allows employers to ask employees requesting reasonable accommodation for a limited medical release allowing the employer to submit medical questionnaires to the employee's treating health care professionals. EXIM may ask you to submit a Form RA-2, Medical Questionnaire Concerning Disability and Reasonable Accommodation Request completed by your Health Care Professional.

5. Failure to cooperate in this process may constitute bad faith participation in the interactive process and result in denial of your reasonable accommodation request.

   Note: The RAC and the DMO are EXIM officials responsible for requesting and evaluating medical documentation in support of requests for reasonable accommodation.

6. EXIM participates in the Department of Defense's Computer/Electronics Accommodations ("CAP") Program. CAP's services assist federal agencies in creating work environments that are more accessible to employees with hearing, visual, dexterity, cognitive and communication impairments.

F. From whom can information concerning my disability and work limitations be requested?
Such information may be obtained from any appropriate health care professional such as doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

G. **What if the medical documentation provided by my healthcare professional is insufficient?**

1. Sufficient medical documentation is required in order to make a sound, reasoned and informed decision on your reasonable accommodation request. If documentation provided by you or by your health care professional in response to the request for information is insufficient, there are allowances for requesting further information or clarification of information already provided. Documentation is insufficient if it does not clearly explain the nature of your disability or the need for reasonable accommodation or does not otherwise clarify how the requested accommodation will assist you in performing the essential functions of your job, enjoy the benefits and privileges of the workplace, or assist an applicant in the application process.

2. Medical information that is reasonably necessary to establish that you are an individual with a disability who needs a reasonable accommodation may be requested. Medical documentation cannot be requested in instances where:
   
   a. Both the disability and need for reasonable accommodation are obvious; or
   b. You have already provided sufficient information to document the existence of a disability and functional limitations.

3. An independent health care provider may be enlisted to analyze the medical documentation provided by you and your health care professional in order to make a determination on your reasonable accommodation request in certain circumstances. EXIM will bear any expense involved in having your medical information reviewed by its medical expert.

H. **Is there any other information that may be requested from me during the interactive process?**

Yes. You may be asked questions concerning your job duties and limitations; and possible accommodations. In addition, you may be asked any relevant questions necessary to understand your situation and make a decision on your request.

I. **When does the interactive process end?**

The interactive process concludes when all the information necessary to make a sound, reasoned, and informed decision on your reasonable accommodation request has been provided.
SPECIAL PROVISIONS RELATED TO PAS

A. What is a targeted disability?

Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to employment, which for some people may include lack of access to PAS in the workplace, that are above and beyond the barriers faced by people with the broader range of disabilities. The federal government calls these “targeted disabilities.” Examples of targeted disabilities include deaf or serious difficulty hearing; missing extremities; dwarfism; and partial or complete paralysis.

B. What is a PAS?

Personal Assistance Services (PAS) means “assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom.” PAS allow individuals to perform activities of daily living that an individual would typically perform if he or she did not have a disability.

PAS do not include medical services such as administering shots. PAS do not help individuals with targeted disabilities perform his or her own job functions such as reviewing documents or answering questions that come through a call-in center. PAS differ from services that help an individual to perform job-related tasks, such as sign language interpreters who enable individuals who are deaf to communicate with coworkers, and readers who enable individuals who are blind or have learning disabilities to read printed text. Those services may be requested as a reasonable accommodation.

An employee with a targeted disability who can perform the essential functions of his or her position may request a PAS through the Reasonable Accommodation Process. Applicants for employment are not entitled to PAS.

C. What are the Criteria for entitled to PAS?

1. Be an employee of EXIM;
2. Have a targeted disability;
3. Require the services because of a targeted disability; and
4. Be able to perform the essential functions of the job

D. Do I have to participate in the interactive process for a PAS request?

Yes. In determining whether a requesting individual is entitled to PAS and the nature of the requested services, EXIM may ask the employee what types of PAS he or she needs using the same interactive process described in subsection above. The interactive process for PAS should be brief in most cases.
E. Will I need to provide medical documentation to support a PAS request?

Where it is obvious that an employee has a targeted disability and needs the requested services, the agency may not require the individual to provide medical documentation in support of the request.

F. How will provider preference be considered?

When hiring a PAS provider who will be assigned to a single individual, the agency must give primary consideration to the employee’s choice to the extent permitted by law. However, the agency may choose a different provider if, for example, the individual’s preferred provider is not qualified or less qualified than another applicant, for reasons of cost or convenience, or if the agency decides to have appropriate existing employees provide PAS for reasons of cost or convenience.

REASSIGNMENT AS REASONABLE ACCOMMODATION

A. What is reassignment?

1. Reassignment is a form of reasonable accommodation that may be provided to an employee who, because of a disability, can no longer perform the essential functions of the position he or she holds, with or without reasonable accommodation, unless such reassignment would place an undue hardship on the agency.

2. Reassignment is a reasonable accommodation of last resort that will be considered if there are no effective accommodations that would enable the employee to perform the essential functions of his or her current job (or if all other possible accommodations would cause an undue hardship on the agency). Reassignment is unavailable if it would impose an undue hardship on the agency.

B. Are there restrictions on when reassignment is available?

Yes. Reassignment may be made only to a vacant position; the agency is not required to create a new position or move an employee on the agency's current staff roster from his or her job to create a vacancy. Reassignment is a potential reasonable accommodation available only to current EXIM employees; it is unavailable to applicants. EXIM has no legal requirement to reassign an employee to a higher-graded position.

C. Are there eligibility requirements for the reassigned position?

Yes. To be eligible, you must be qualified for the new position. That is, you must:

1. Satisfy the requisite skill, experience, education and other job-related requirements of the position; and

2. Be able to perform the essential functions of the position, with or without reasonable accommodation.
D. **How is the search for a reassignment conducted?**

If you are entitled to reassignment, the CHCO is responsible for conducting an appropriate job search. The CHCO or designee will consult with you to determine whether there are limits on the search you would like EXIM to conduct, whether you are qualified for a particular job, or whether you would need reasonable accommodation to perform the essential functions of the new job. The search will be restricted to identifying vacant positions for which you are qualified at the same or lower grade than your current position. If reassignment is appropriate and available, you will not have to compete for the new position.

**DECISIONS ON REASONABLE ACCOMMODATION REQUESTS**

A. **Approval of Request and Provision of Accommodation**

1. A final disposition ordinarily should be made within 30 business days of the reasonable accommodation request. The time limit begins to run when an accommodation is requested and paused from the moment medical documentation is requested until the documentation is received by the agency.

2. Regarding requests that do not require medical documentation, a final disposition ordinarily should be made within 15 days or less of the reasonable accommodation request.

3. Providing reasonable accommodation should occur no later than 15 business days from the final disposition of the request, barring extenuating circumstances.

4. As soon as the supervisor or deciding official determines that reasonable accommodation will be provided, the decision should be immediately communicated in writing to the employee or applicant who made the request. If an accommodation can be made in less time than authorized in these procedures, every effort should be made to do so. Failure to do so may result in a violation of the Rehabilitation Act.

5. If a supervisor or deciding official fails to respond to a request for accommodation within 15 business days, an employee may contact the second line supervisor, SVP, CHCO, RAC, or EEO office.

6. The agency will not be expected to adhere to its usual timelines if an individual’s health professional fails to provide needed documentation in a timely manner.

7. Accommodation requests may be expedited for reasonable accommodations that are needed sooner than the maximum timeframe. The request must be made in writing and sent to the supervisor, CHCO, SVP, RAC, or EEO office. Valid examples of why a request would need to be expedited are: (1) to enable an individual with a disability to apply for a job; or (2) the accommodation is needed for a specific agency activity that is scheduled to occur shortly.
B. Notification of Delays and Temporary Measures

1. When processing the request or providing the accommodation will take longer than anticipated, such as when equipment must be back-ordered or there are other legitimate delays, the supervisor or deciding official must inform the individual of the reason for the delay and keep that individual informed of the date on which the process should be completed and when he or she will receive the accommodation.

2. When a delay occurs, the supervisor must provide a temporary accommodation absent an undue hardship to enable the employee to perform the essential functions of the job.

RECONSIDERATION OF A REASONABLE ACCOMMODATION DECISION

A. Will I be notified of a decision on my request?

You will be provided a written decision on your reasonable accommodation request. Denials of reasonable accommodation requests will be made via an official written notice, in an accessible format when requested, and will specify such information as:

1. The reason(s) for denial;
2. The identity of the individual or office that made the decision;
3. If a specific accommodation has been denied, and another offered in its place, the reasons for denial and the reasons it is believed that the chosen accommodation will be effective; and
4. Your right to reconsideration via an informal dispute resolution process and the right to file an EEO complaint.

B. Do I have to accept a reasonable accommodation I do not want?

No. You cannot be required to accept an accommodation. If, however, you need a reasonable accommodation to perform an essential function of your job or to eliminate a direct threat, and you refuse to accept an effective accommodation, your request will be closed.

C. What can I do if my request for reasonable accommodation is denied?

1. The purpose of the interactive process is to encourage as much communication as possible to eliminate the need for further evaluation once a decision has been reached. Therefore, every attempt should be made to resolve any differences or disagreements during the interactive process.

2. If you are unable to resolve differences at the interactive process stage, an informal dispute resolution process is available to address concerns regarding reasonable accommodation requests. Within 10 calendar days of a decision, you may request in
writing that the CHCO (DMO) review the decision for reconsideration. The DMO will render a written decision within 10 calendar days of receiving your request for reconsideration.

D. **What is my request for reasonable accommodation is denied and I feel it is discriminatory?**

In accordance with the principles of Equal Employment Opportunity, EXIM supports every employee's right to be protected and safeguarded from any form of discrimination, and to be provided accommodation as required by law.

If you believe you have been discriminated against based on your disability, or in the denial of your reasonable accommodation request, you may file a complaint of discrimination with OEODP within 45 calendar days of the alleged discriminatory act or the denial. For additional information on filing a discrimination complaint, you may consult EXIM's EEO Policy or contact the OEODP.

**ADDITIONAL INFORMATION FOR APPLICANTS**

A. **May I be asked if I have a disability?**

No. During an interview, a medical examination or inquiries as to whether an applicant is an individual with a disability or inquiries as to the nature or severity of such a disability are prohibited.

B. **May I be asked whether I can perform job related functions?**

Yes. You may be asked about your ability to perform job-related functions (both essential and marginal).

C. **May I be asked if I need reasonable accommodation when I have not made a request?**

All applicants may be informed of what the hiring process entails and may be asked whether they require reasonable accommodation in order to participate in the process.

D. **May I be asked to take a medical exam?**

Yes. You may be required to take a medical examination after an offer of employment has been made but prior to the commencement of employment. An offer of employment may be conditioned on the results of such examination, as long as all entering employees are subjected to such an examination regardless of disability. Medical records obtained as a result of such exams are subject to the same privacy rights described below.

**MEDICAL DOCUMENTATION AND PRIVACY**

A. **Who is entitled to see the medical documentation I submit in support of my**
reasonable accommodation request?

1. Relevant medical information may be shared with only personnel with “a need to know” and involved in determining whether to grant your reasonable accommodation request. This may include your supervisor(s), the RAC, the DMO, the Office of the General Counsel, worker’s compensation office, insurance carriers, and any medical provider contracted to assist in making a decision on your request.

2. Supervisors and managers who need to know may be told about necessary restrictions on the work or duties and the necessary accommodation(s). For example, if an individual requests assistive technology for his computer as a reasonable accommodation, an agency technology expert may be consulted regarding the appropriate computer equipment. Most likely, the expert will be informed of the functional limitations, but not the underlying medical condition concerning your functional limitations.

3. First aid and safety personnel may be alerted if emergency treatment may be required.

4. Appropriate government officials may be given information necessary to investigate EXIM's compliance with the Rehabilitation Act.

B. Where will the medical documentation submitted in support of my reasonable accommodation request be maintained?

Any medical information you submit will be maintained in a confidential file, separate and apart from your OPF. The only persons entitled to access to such files are those listed above, on a need to know basis. Your records are subject to the confidentiality provisions of the Rehabilitation Act of 1973 and the Privacy Act of 1974.

C. How long will the medical documentation submitted in support of my reasonable accommodation request be maintained?

As allowed by federal law, your medical documentation will be maintained for the duration of your employment at EXIM.

D. Will the medical documentation submitted in support of my reasonable accommodation request be tracked?

Yes. Tracking information may be maintained for as long as is necessary to serve the purpose of the reasonable accommodation program.

In accordance with Executive Order 13164, executive agencies are required to track the following information:

1. The number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied.

2. The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested.
3. The types of reasonable accommodations that have been requested for each of those jobs.

4. The number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied.

5. The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied.

6. The reasons for denial of requests for reasonable accommodation.

7. The amount of time taken to process each request for reasonable accommodation; and

8. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

E. Tracking/Reporting Reasonable Accommodation Information

1. EXIM should maintain all relevant records regarding an accommodation request for the duration of the individual's employment. These records are confidential. They must be kept in a reasonable accommodation file separate from the individual's personnel file or supervisor's desk file. The respective EEO office will also develop cumulative records, without individual identifiers, based on the records maintained by the supervisors/deciding officials, RACs, or other designated record keeper. These cumulative records will be kept for a minimum of 3 years.

2. Reporting: Specifically, the following information should be documented and maintained about each request for accommodation:

   a. The specific reasonable accommodation requested, if any.

   b. The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee.

   c. Whether the accommodation was needed to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of employment.

   d. Whether the request was granted (which may include an accommodation different from the one requested) or denied.

   e. The identity of the deciding official.

   f. If denied, the basis for the denial; and
g. The number of days taken to process the request.

APPENDICES

A. DEFINITIONS

**Computer Electronic Accommodation Program**

*(CAP)* A program under the direction of the Assistant Secretary of Defense for Health Affairs was established as the centrally funded Department of Defense (DOD) program that provides assistive technology to allow DOD and federal employees with disabilities to access electronic and information technology. The CAP provides assistive technology for employees with disabilities in the following categories: Blind/Low Vision; Cognitive; Communication; Deaf/Hard of Hearing; and Dexterity. See http://www.cap.mil for information about the CAP.

**Disability**

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Regarded as or believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).

**Extenuating Circumstances**

Factors that preclude EXIM from providing a reasonable accommodation within the specified timeframe. Examples of extenuating circumstances include, but are not limited to, delays due to backordered equipment/devices; and or, delays by the vendor.

**Interactive Process**

A proactive, informal process by which EXIM communicates with the individual requesting the accommodation to determine how best to respond to request.

**Major Bodily Functions**

Include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Major Life Activities**

Include, but are not limited to such functions as, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

**Physical or Mental Impairment**

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

**Qualified Individual with a Disability**
An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Personal Assistance Services (PAS)**
Non-medical services that help someone perform basic activities like eating, helping an individual take off and put on a coat, and use the restroom. They are not the same services that help the individual perform job related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities. Personal assistance services must be provided to employees who need them because of a targeted disability unless doing so would impose an undue hardship on the agency as defined below.

**Reasonable Accommodation**
1. An adjustment or alteration that enables a qualified individual with a disability an equal opportunity to apply for a job, perform job duties, or enjoy benefits and privileges of employment; or

2. 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; or

3. 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 a qualified individual with a disability to perform the essential functions of that position; or

4. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

**Substantially Limits**
1. Unable to perform a major life activity that the average person in the general population can perform.

2. Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

3. The following factors should be considered in determining whether an individual is substantially limited in a major life activity:
   a. The nature and severity of the impairment;
   b. The duration or expected duration of the impairment; and
c. The permanent or long-term impact, or the expected permanent or long-term impact of or resulting from the impairment.

**Undue Hardship**

An action requiring significant difficulty or expense, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
3. The overall financial resources of the covered entity; the overall size of the business of the covered entity with respect to the number of its employees; the number, type and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity.

**B. REASONABLE ACCOMMODATIONS FORMS**

**Form RA-1 (Confirmation of Request for Reasonable Accommodation)**

![RA-1.pdf](RA-1.pdf)

**Form RA-2 (Medical Questionnaire Concerning Disability and Reasonable Accommodation Request)**

![RA-2.pdf](RA-2.pdf)

**Form RA-3 (Reasonable Accommodation Information Report)**

![ra-3.pdf](ra-3.pdf)