



**NASA
Procedural
Requirements**

NPR 3713.1C
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Subject: Reasonable Accommodations Procedures for Individuals with Disabilities

Responsible Office: Office of Diversity and Equal Opportunity

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Preface

P.1 Purpose

- a. This directive establishes responsibilities and requirements for all NASA employees, including managers, supervisors, and job applicants for employment with NASA, who request, receive, coordinate, review, process, or decide requests for reasonable accommodations at NASA Headquarters (HQ) and the NASA Centers, including Component Facilities.
- b. This NPR is intended to assist NASA in fulfilling its obligation to ensure that individuals with disabilities who are qualified, that is, able to perform the essential functions of the job with or without reasonable accommodation, and who request reasonable accommodation, receive a timely and proper response.¹
- c. Further, this NPR establishes criteria for collecting and annually reporting data on the numbers and types of reasonable accommodation requests received and processed at NASA Headquarters and the NASA Centers, including Component Facilities.

P.2 Applicability

- a. This NPR is applicable to NASA HQ and NASA Centers, including Component Facilities and Technical and Service Support Centers.
- b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms: “may” or “can” denote discretionary privilege or permission, “should” denotes a good practice and is recommended, but is not required, “will” denotes expected outcome, and “are/is” denotes descriptive material.
- c. In this directive, all document citations are assumed to be the latest version, unless otherwise noted.

P.3 Authority

- a. Rehabilitation Act of 1973, Sections 501, 504, and 508 of, as amended, 29 U.S.C. §§ 791, 794, 794d.
- b. Americans with Disabilities Amendments Act of 2008, 42 U.S.C. § 12101.
- c. Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation, E.O. 13164, 3 CFR § 286 (2000).
- d. The Architectural Barriers Act (ABA) of 1968 (42 U.S.C. § 4151), *et seq.*

¹ See Appendix A for definitions of key terminology, such as reasonable accommodation, essential functions, qualified, and individual with a disability.

P.4 Applicable Documents and Forms

- a. Privacy Act of 1974, as amended, 5 U.S.C. § 552a.
- b. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff, *et seq.*
- c. Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, *et seq.*
- d. Privacy Act-NASA Regulations, 14 CFR § 1212.
- e. Nondiscrimination on the Basis of Handicap, 29 CFR § 32.
- f. Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, 29 CFR § 1630.2(p)(2).
- g. Regulations under the Genetic Information Nondiscrimination Act of 2008, 29 CFR § 1635.
- h. How must Federal agencies assign priority to parking spaces in controlled areas? 41 CFR § 102-74.285.
- i. How must Federal agencies assign available parking spaces to their employees? 41 CFR § 102-74.305.
- j. NPR 1441.1, NASA Records Management Program Requirements.
- k. NPR 3713.1C, Reasonable Accommodations Procedures.
- l. NASA Form (NF) 1534, Privacy Act Cover Sheet.
- m. NF 1699 or its equivalent, Confirmation of Request for Reasonable Accommodation.
- n. NF 1699A or its equivalent, Disposition of Reasonable Accommodation Request.
- o. NF 1699C or its equivalent, Reassignment Preference Form.
- p. NPR 9710.1, Travel Requirements.

P.5 Measurement/Verification

Compliance with the requirements of this NPR shall be verified by:

(1) The Agency's Office of Diversity and Equal Opportunity (ODEO) shall prepare a reasonable accommodations report annually, no later than October 31st of every calendar year, to be utilized in NASA's equal employment opportunity (EEO) strategic planning, for example, development of the Model EEO Agency Plan (Management Directive-715 Report).

(2) The report shall contain information regarding requests for reasonable accommodation, presented in

the aggregate, as detailed in Section 5.2.

P.6 Cancellation

NPR 3713.1B, Reasonable Accommodations Procedures, dated March 2, 2015.

Chapter 1. Policy

1.1 NASA Policy

1.1.1 NASA is dedicated to improving the recruitment, promotion, and retention of qualified individuals with disabilities by providing the information and resources necessary to support them and to accomplish the Agency's mission. The Agency is required to provide and is committed to providing timely and effective reasonable accommodations to the known physical or mental limitations of individuals (employees and job applicants) who meet the statutory definition of a qualified individual with a disability, unless to do so would cause undue hardship to the Agency.

1.1.2 A reasonable accommodation is any change made in the work environment to assist a qualified individual with a disability to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment.² Definitions of this and other key terms associated with the reasonable accommodations process are located in Appendix A.

1.1.3 All reasonable accommodation requests shall be considered and granted on a case-by-case basis by NASA employees with delegated authority to serve as a NASA Decision Maker in this process.

1.1.4 The Agency is not obligated to provide requesting individuals with the accommodation of his/her choice, but with one that is reasonable, effective, and does not impose an undue hardship on the Agency. (See Section 3.4.2.)

1.1.5 This policy applies to job applicants for employment and full-time and part-time employees.³

1.1.6 This policy also applies to individuals hired under disability-specific hiring authorities.

² For requests relating to benefits and privileges of employment beyond supervisory control, such as use of fitness centers, employees should direct their requests to the Center Disability Program Manager for processing.

³ NASA has obligations to ensure facilities and program accessibility to non-employees in some circumstances. These obligations are addressed in other Agency policy (see NPD/NPR 2081.1).

Chapter 2. Roles and Responsibilities

2.1 Employees

2.1.1 Employees may make a reasonable accommodation request to: (1) a supervisor or manager in the individual's chain of command; (2) the Center EEO Office; or (3) any other individual designated by the Agency to accept such requests (e.g., the Center Disability Program Manager (DPM)). (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Section 3.1.1.)

2.1.2 Employees requesting a reasonable accommodation shall be responsible for:

- a. Notifying his/her supervisor, a supervisor or manager in his/her chain of command, Center EEO Office, or the Center DPM of any disability or medical condition that may interfere with the performance of the essential functions of his/her job, and making an oral or written request for a reasonable accommodation. The decision whether to grant or deny an employee's reasonable accommodation request is made by the Decision Maker in consultation with the Center DPM. (See Section 2.3.)
- b. Completing NASA Form (NF) 1699 or its equivalent and seeking assistance from his/her supervisor, a supervisor or manager in his/her chain of command for this purpose, as necessary. (See Appendix F.) If the employee does not complete NF 1699, it shall be completed by the Decision Maker as prescribed in Section 3.1.8. The employee shall be responsible for promptly reviewing the completed NF 1699 or its equivalent and signing it to acknowledge that the form accurately reflects the requested accommodation.⁴ (See Section 3.1.8.)
- c. Participating in the interactive process described in Section 3.2.2 with the Decision Maker regarding his/her functional limitations and the need for an accommodation. The employee's responsibilities in the interactive process include:
 - (1) Suggesting reasonable accommodation possibilities that can be explored;
 - (2) Cooperating with management efforts to identify effective accommodations and/or alternate placements, if necessary; and
 - (3) Promptly providing reasonable supporting medical documentation on the physical and/or mental impairment or medical condition to be accommodated and how it relates to the essential functions of his/her position.⁵ (See Appendix A for definition of "reasonable medical documentation.") Employees should understand that if the Agency asks for reasonable supporting medical documentation, their

⁴ All reference to NASA Forms or NFs refers to the forms or their electronic equivalents. NASA Forms are under revision by the OCIO Information Management Program team, including NF 1699. In the future, this information may be collected using a different format that will be made available to users.

⁵ Employees or their representatives should let their supervisor know of any potential delays in providing adequate medical documentation.

request for a reasonable accommodation shall not be processed until they provide the supporting documentation. (See Sections 3.2.4, 3.2.7, and 3.3.) Failure to timely provide reasonable supporting medical documentation shall likely result in the Decision Maker's denial of the request. (See Section 3.2.11 - Non-Responsiveness.)

2.1.3 Employees should understand that under Federal law they are not entitled to the accommodation of their choice, but they are entitled to an effective accommodation that does not impose an undue hardship on the Agency.

2.2 Job Applicants

2.2.1 Job applicants may make a reasonable accommodation request to any Agency employee connected with the Agency's application process. (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Section 3.1.2.)

2.2.2 Job applicants requesting a reasonable accommodation shall be responsible for:

- a. Notifying the Agency employee connected with the Agency's application process of any disability or medical condition that may need to be accommodated during this process. The NASA employee receiving the request is responsible for communicating this request to the Human Resource Specialist (HRS) identified on the vacancy announcement. The HRS (Decision Maker) is responsible for determining whether to grant or deny a reasonable accommodation request from a job applicant. This decision should be made in consultation with the Center DPM. An example would be a request for sign language interpretation. (See 29 C.F.R. § 1614.203(d)(3)(i)(D); and Section 3.1.1.)
- b. Completing NF 1699 or its equivalent and seeking assistance from the HRS or Center DPM, as necessary. (See Appendix F.) If the job applicant does not complete NF 1699 or its equivalent, it shall be completed by the HRS as prescribed in Section 3.1.8. The job applicant shall be responsible for promptly reviewing the completed NF 1699 or its equivalent and signing it to acknowledge that the form accurately reflects the requested accommodation.⁶ (See Section 3.1.8.)
- c. Participating in the interactive process described in Section 3.2.2 with the HRS regarding his/her functional limitations and the need for an accommodation.

2.3 Decision Makers

2.3.1 The Decision Maker shall be responsible for deciding whether to grant or deny a reasonable accommodation request. For accommodation requests made by employees, the designated Decision Maker is the employee's supervisor or manager in the employee's chain of command. For accommodation requests made by job applicants, the designated Decision Maker is the HRS identified

⁶ All reference to NASA Forms or NFs refers to the forms or their electronic equivalents. NASA Forms are under revision by the OCIO Information Management Program team, including NF 1699. In the future, this information may be collected using a different format that will be made available to users.

on the vacancy announcement. (See Sections 3.1, 3.2 and 3.3.)⁷

2.3.2 When employees or job applicants orally make a reasonable accommodations request and do not make the request in writing, the Decision Maker shall be responsible for ensuring that the reasonable accommodation request is formally documented. The Decision Maker is responsible for transferring the details of an oral request to NF 1699 or its equivalent, as soon as possible, but no later than five calendar days from the date the request is received and promptly providing copies of the NF 1699 or its equivalent to the requestor for review and signature. The processing date of an oral request in the NF 1699 or its equivalent shall be the date that the request is made by the employee or applicant.

2.3.3 Throughout this process, the Decision Maker shall consult with the DPM. The DPM is highly encouraged to consult with the Center Reasonable Accommodations Team throughout this process, as appropriate. (See Section 2.8.)

2.3.4 When a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation may be obvious or the individual may suggest a reasonable accommodation based upon his/her own life experience. When an appropriate accommodation is not readily apparent, the Decision Maker shall make a reasonable effort to identify one or more accommodations with the requestor in the interactive process

2.3.5 The Decision Maker shall engage in the interactive process with employees and job applicants to discuss the requestor's limitations and the need for accommodation. The Decision Maker shall communicate early and periodically throughout the process with individuals who have requested a reasonable accommodation. This discussion is designed to allow the Decision Maker to determine whether the employee is a qualified individual with a disability, and if so, what reasonable accommodation would be appropriate that would not cause an undue hardship to the Agency. (See Section 3.2.2.)

2.3.6 The Decision Maker shall promptly notify the requestor in writing of the final decision to grant or deny the reasonable accommodation request.⁸

2.3.6.1 Where an accommodation is granted, the Decision Maker shall notify the requestor in writing of when and how the accommodation shall be provided.

2.3.6.2 Where an accommodation is denied, the Decision Maker shall notify the requestor in writing and provide reconsideration rights, appeal rights, and rights to seek EEO counseling. Note: Employees and job applicants have the right to contact an EEO counselor at any time during this process to be advised of their rights.

⁷ For requests relating to benefits and privileges of employment beyond supervisory control, such as use of fitness centers, employees should direct their requests to the Center DPM for processing. (See also Section 2.5.3.)

⁸ The Agency is only required to accommodate the known physical or mental limitations of a qualified individual with a disability, unless the Agency can show an undue hardship. Employees must show a nexus between their disability and the need for an accommodation.

2.3.6.3 The Decision Maker shall consider all resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodations. The Decision Maker shall be aware that to deny an accommodation request based solely on cost is not acceptable when another less costly effective accommodation is available, and may result in a violation of the Rehabilitation Act of 1973 and NASA policy. (See the EEOC's Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (October 17, 2002) <https://www.eeoc.gov/policy/docs/accommodation.html>.)

2.3.7 The Decision Maker shall consider requests for reconsideration, including any additional information provided by the requestor, and issue written decisions on such requests within ten calendar days of the date that the request for reconsideration was submitted.

2.3.8 The Decision Maker shall initiate the reasonable accommodations interactive process on their own initiative without being asked, if the following circumstances exist:

- a. The requestor's disability and/or medical condition and need for a reasonable accommodation are obvious to the Decision Maker;
- b. If the Decision Maker knows, or has reason to know, that the requestor is experiencing workplace problems because of the disability and/or medical condition; or
- c. If the Decision Maker knows, or has reason to know, that the disability and/or medical condition prevents the requestor from requesting a reasonable accommodation.

2.3.9 If based on the Decision Maker's inquiry in Section 2.3.8, the individual with a disability states that he/she does not need a reasonable accommodation, NASA shall have fulfilled its obligation. The Decision Maker shall document the interactive discussion and the individual's confirmation that he/she does not need a reasonable accommodation and administratively close the case by completing the NF 1699A or its equivalent, filling in the item pertaining to the reasons for the closure, and providing a copy of the NF 1699A or its equivalent to the individual and the Center DPM.⁹

2.4 Associate Administrator for Diversity and Equal Opportunity

2.4.1 The Associate Administrator (AA), ODEO, shall be responsible for ensuring the effective functioning of the reasonable accommodations policy and procedures, including the development and coordination of information dissemination and training on reasonable accommodations for managers, supervisors, and employees.

2.5 Disability Program Managers

2.5.1 The HQ and Center DPMs shall be responsible for overseeing, coordinating, tracking, and providing advice on the reasonable accommodations process at the Center level.

⁹ See EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship, Q&A No. 40.

2.5.2 The DPM shall:

- a. Receive and maintain records related to all reasonable accommodation requests from employees, job applicants, and Decision Makers.
- b. Notify the appropriate Decision Makers immediately when employees or job applicants make reasonable accommodation request directly to the Center DPM.
- c. Facilitate the implementation of the accommodations process identified in this NPR and provide technical assistance on this NPR to employees, applicants, managers, supervisors, and stakeholders in this process.
- d. Process requests relating to the benefits and privileges of employment, such as use of fitness centers, and employees should direct their requests to the Center DPM for processing. (See Appendix A for a definition of benefits and privileges of employment.)
- e. Request and receive medical documentation in support of the reasonable accommodation request, safeguard the documentation, and shall forward it to the NASA physician for medical evaluation, when appropriate. (See Sections 2.7; 3.3.1.3.)
- f. Engage the Reasonable Accommodations Team (comprised of Center Subject Matter Experts), as appropriate. (See Section 2.8.)
- g. Enter data related to reasonable accommodation requests into the NASA electronic tracking system.
- h. Safeguard the privacy of reasonable accommodation records at all times. (See Section 3.3.4.)
- i. Conduct a periodic review of reasonable accommodation cases, including following up with the Decision Makers and employees to ensure that the accommodation is effective; to confirm that the need for the accommodation continues to exist; and to assure that the accommodation is not causing an undue hardship.
- j. Provide ongoing technical assistance regarding this NPR to employees, applicants, supervisors, managers, and the Center Reasonable Accommodations Team.

2.6 Human Resources Specialists (HRS)

2.6.1 Job applicants may make a reasonable accommodation request to any Agency employee connected with the Agency's application process. (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Section 2.2 and 3.1.2.) The NASA employee receiving the request from the job applicant is responsible for communicating this request to the HRS identified on the vacancy announcement. The HRS is responsible for determining whether to grant or deny a reasonable accommodation request from a job applicant. This decision should be made in consultation with the Center DPM. An example would be a request for sign language interpretation. (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Section 3.1.1.)

2.6.2 The HRS shall ensure that all vacancy announcements include the following statement in

accordance with the U.S. Office of Personnel Management (OPM) guidelines: “Job applicants with a disability who need a reasonable accommodation for any part of the application or hiring process should notify the HRS. The decision on granting reasonable accommodations shall be made on a case-by-case basis.”

2.6.3 The HRS shall begin the interactive process with individuals offered employment under Schedule A, or other disability specific hiring authority, inquiring as to whether the employee requires a reasonable accommodation, prior to reporting to duty.

2.6.4 The HRS shall notify the Center DPM regarding each request for reasonable accommodation made by a job applicant or new hire and partner with the DPM to manage every request consistent with Section 2.6.1 of this NPR.

2.6.5 In employee requests for reasonable accommodation, the DPM shall consult with the HRS to assist supervisors and other members of the Center’s Reasonable Accommodation Team in the reasonable accommodation process, as appropriate based on the scope and the nature of the request.

2.6.6 The HRS shall research vacant, funded positions in support of accommodation cases that involve reassignment as a potential accommodation. (See Section 6.5.)

2.7 NASA Physicians

2.7.1 In cases in which a review of medical documentation is determined appropriate, the NASA physician at each respective Center or a Federal Occupational Health (FOH) consultant¹⁰ shall review the medical documentation to:

- a. Determine whether the requesting individual is able to perform the specific duties of the job held, with or without an accommodation.
- b. Provide detailed information on the employee’s functional limitations to assist the Decision Maker in identifying what types of accommodation(s) would be reasonable and effective. (See Section 3.3.3.3.)
- c. Assist the DPM, the Decision Maker, or the Center Reasonable Accommodations Team in determining whether the requestor can perform the duties of the job held without posing a direct threat to the health or safety of himself/herself or others.

2.8 Reasonable Accommodations Team

2.8.1 This is a team of subject matter experts, including but not limited to the Center DPMs, the Center EEO Directors, and representatives from various Center stakeholders such as the Human Resources Office (HRO), Legal, NASA physicians, Office of the Chief Information Officer (OCIO), Safety and Occupational Health, the Employee Assistance Program, and Facilities. The DPM is highly encouraged to engage members of this team, as appropriate, based on the scope and nature of the reasonable accommodations request.

¹⁰ The term “NASA physician” refers to physicians employed by NASA or by a NASA contractor.

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. All members of the Reasonable Accommodations Team who obtain or receive such information are strictly bound by these confidentiality requirements and the NASA Privacy Procedural Requirements. (See Section 3.3.3.4.)

2.8.2 When this team is convened by the DPM to discuss reasonable accommodation requests, this team shall determine whether supporting reasonable medical documentation is necessary and shall advise the Decision Maker in determining whether to grant or deny the request.

2.9 EEO Directors

2.9.1 The Center EEO Director is responsible for:

- a. Providing oversight and direction of Center reasonable accommodations programs and procedures.
- b. Developing and issuing guidance for the implementation of the reasonable accommodations procedures.
- c. Providing technical assistance on this NPR to employees, applicants, managers, and supervisors.
- d. Conducting appropriate reviews of complaints relating to reasonable accommodations.
- e. Conducting periodic reviews of the process to ensure compliance with this NPR.

Chapter 3. The Reasonable Accommodations Process

3.1 Initiating the Request

3.1.1 Employees may make a request for a reasonable accommodation to: (1) a supervisor or manager in the individual's chain of command; (2) the Center EEO Office; or (4) any other individual designated by the Agency to accept such requests (e.g., the Center DPM).¹¹ (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Sections 2.1.) The decision whether to grant or deny an employee's reasonable accommodation request is made by the employee's supervisor or manager in his/her chain of command ("Decision Maker") in consultation with the Center DPM. (See Section 2.1.)

3.1.2 Job applicants may make a reasonable accommodation request to any Agency employee connected with the Agency's application process. (See 29 C.F.R. § 1614.203(d)(3)(i)(D) and Section 2.2.) The NASA employee receiving the request is responsible for communicating this request to the Human Resource Specialist (HRS) identified on the vacancy announcement. The HRS (Decision Maker) is responsible for determining whether to grant or deny a reasonable accommodation request from a job applicant. This decision should be made in consultation with the Center DPM. An example would be a request for sign language interpretation.

3.1.3 An oral or written request starts the reasonable accommodations process. Oral requests for a reasonable accommodation shall be processed from the date that the requesting individual makes a request to the Agency personnel identified in Sections 3.1.1 and 3.1.2. of this NASA Procedural Requirements (NPR). A request does not have to contain any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A supervisor, manager, or the DPM should ask individuals whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear, but the employee links a request or need for an accommodation to a medical condition.

3.1.3.1 Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This may be a request for a reasonable accommodation.

3.1.3.2 Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This may be a request for a reasonable accommodation.

3.1.3.3 Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

3.1.3.4 Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

¹¹ For purposes of this NPR, the term "Center DPM" is inclusive of the DPM for NASA Headquarters.

3.1.4 An individual with a disability may request a reasonable accommodation at any time, even if the existence of a disability has not been previously disclosed.

3.1.5 A family member, friend, health professional, or other representative may also request a reasonable accommodation on behalf of a NASA employee or applicant, subject to verification by the employee or applicant, when able.

3.1.6 Employees and job applicants are not required to initiate the accommodation request in writing. It is the Agency's preference that employees and job applicants, however, complete and submit NF 1699 or its equivalent, when possible. (See Sec. 2.1.1a(2) and Appendix F.)

3.1.7 If an employee or job applicant makes an oral accommodation request, the Decision Maker shall transfer the request to NF 1699 or its equivalent, as soon as possible, but no later than five calendar days from the date the request is received. The Decision Maker shall then request the employee or applicant to promptly review the completed form and sign it, acknowledging that it accurately represents the employee's or applicant's request.

3.1.8 For reasonable accommodations needed on a repeated basis (e.g., the assistance of sign language interpreters or readers), the NF 1699 or its equivalent should only be completed for the initial request and should clarify that the accommodation is needed on a continuing basis.

3.2 Processing the Request

3.2.1 Timeframes. The supervisor shall process accommodation requests and provide accommodations as expeditiously as possible. Failure to comply with the processing timeframes identified throughout these procedures may result in a violation of the Rehabilitation Act of 1973 and NASA policy.

3.2.1.1 NASA's goal is that reasonable accommodation requests, if approved, shall be provided within 30 calendar days of the date the request was made, unless there are extenuating circumstances. However, the Agency recognizes that requests that need medical documentation or involve other extenuating circumstances may take longer. (See Appendix C, Section C.3.)

3.2.1.2 If extenuating circumstances exist, every effort should be made to ensure prompt processing, such that processing time does not extend beyond 60 calendar days. In such cases, the Center DPM should inform the Agency DPM of the delay for tracking purposes and document the delay in the Agency's Reasonable Accommodations Management System (RAMS). (See Appendix C, Section C.3.)

3.2.2 The Interactive Process. The supervisor and the employee requesting the accommodation shall engage in an interactive discussion, or process, to determine whether the employee is a qualified individual with a disability, and if so, what reasonable accommodation would be appropriate that would not cause an undue hardship to the Agency. This means that the individual requesting the accommodation and the supervisor shall communicate, preferably by discussing the request, the potential accommodations, and how the requested accommodation shall enable the requester to perform the essential functions of the job. The Center DPM will facilitate this process. (See Section 2.5 and 3.2.4.)

3.2.3 Initial Supervisory Steps

3.2.3.1 Within two calendar days of receipt of the request, the supervisor shall acknowledge the request in writing and respond to the requestor by explaining that he/she shall be the deciding official on the request. Within this timeframe, the Decision Maker shall also notify the DPM of the request.

3.2.3.2 Within five calendar days of receipt of the request, the supervisor shall complete an NF 1699 or its equivalent, which shall be provided to the requestor for signature if the request is made in an alternate format. (See Section 3.1.7.)

3.2.3.3 Within ten calendar days of receipt of the individual's request, the Decision Maker shall have an initial discussion with the employee and/or his/her representative to discuss the processing of the request. The Decision Maker shall also notify the Center DPM of the request. The DPM shall notify the employee or applicant that supporting reasonable medical documentation is needed to process the request.

3.2.4 Communication as Priority. Communication is essential throughout the entire process. This means that the applicant or employee requesting the accommodation should also participate, to the extent possible, in helping to identify effective accommodations that are related to the application or selection process and/or the essential functions of the job. Resources available to help both the Decision Maker and the individual requesting the accommodation are listed in Appendix E. As part of the interactive process, the supervisor (or HRS) and the employee (or applicant) requesting the reasonable accommodation shall communicate to ensure a full exchange of relevant information.

3.2.5 Third Party Requests. Prior to proceeding, the supervisor should, if practicable, confirm that the individual with the disability does, in fact, want a reasonable accommodation. For example, it may not be practicable to confirm the request if the individual has been hospitalized with an acute condition.¹² In this situation, the Decision Maker shall process the third party's request to the extent possible and consult directly with the individual needing the accommodation as soon as it is practicable.

3.2.6 Case-by-Case Basis. Every reasonable accommodation request is processed on a case-by-case basis. Where the disability, the need for accommodation, and the type of accommodation to be provided are clear, extensive discussions may not be necessary. The accommodation that suits one individual may not be suitable for another individual with the same disability.

3.2.7 Cases In Which Medical Documentation Is Needed. In more complex cases, such as those cases in which a disability and/or the need for reasonable accommodation are not obvious or otherwise known to the DPM, the DPM shall seek additional information or clarification from the individual requesting the accommodation. The DPM is highly encouraged to engage the Center Reasonable Accommodations Team in complex cases of this nature, as appropriate. (See Section 3.3.)

3.2.7.1 Examples where additional information is reasonably required include the following: where the specific limitations, problems, or barriers are unclear; where there is more than one disability; where an effective accommodation is not obvious; or where the parties are identifying different possible reasonable accommodations.

¹² The employee should still be able to perform the essential functions of the job. 29 CFR § 1630.2(n).

3.2.7.2 In such cases, the Decision Maker, through the DPM, may require supporting reasonable medical documentation from the individual regarding the disability and any functional limitations which are related to the essential functions of the job. (See Section 3.3; Appendix A for definition of “reasonable medical documentation.”) The reasonable medical documentation should come from an appropriate health care or rehabilitation professional.

3.2.7.3 When additional medical information is reasonably necessary, the 30 calendar day time requirement for processing requests for reasonable accommodations shall be put on hold until the medical documentation is received.

3.2.8 Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a timeframe that is shorter than 30 calendar days. (See Appendix A, “Expedited Processing” definition.)

3.2.9 Interim or Partial Accommodations. If the reasonable accommodation shall be delayed and the facts and circumstances make it reasonably likely that the employee shall be entitled to a reasonable accommodation, the Decision Maker shall provide the requesting individual an interim or partial accommodation, absent undue hardship. (See Section 3.2.1.2; Appendix A, “Extenuating Circumstances” definition; Appendix C, Sections C.3. and C.4.)

3.2.10 When a reasonable accommodation can be provided in less than the maximum time permitted under this NPR for processing when extenuating circumstances exist (60 calendar days), failure to provide the accommodation in a prompt manner may result in NASA’s violation of the Rehabilitation Act. (See Section 3.2.1.2.)

3.2.11 Non-Responsiveness

3.2.11.1 To the extent that the Decision Maker fails to respond to a request for reasonable accommodation within the prescribed timeframes (see Section 3.2.1), this may constitute a “denial” of reasonable accommodation. In such cases, employees may appeal this “denial” to their second-level supervisor. (See Section 3.6, regarding appeals of denials of reasonable accommodation.)

3.2.11.2 To the extent that an employee who has requested a reasonable accommodation becomes non-responsive during the process, that is, does not respond to requests for requested documentation after repeated attempts or otherwise fails to continue the interactive discussion, absent extenuating circumstances, the Center DPM shall make reasonable efforts to contact the employee and determine the reasons for the employee’s non-responsiveness. (See Section C.3.) If the employee remains non-responsive 60 calendar days after the original request, the supervisor shall administratively close the case by completing the NF 1699A or its equivalent filling in the item pertaining to the reasons for the closure, and providing a copy of the NF 1699A or its equivalent to the employee.¹³

3.2.12 Confidentiality. The supervisor or any other NASA official who receives information in connection with a request for reasonable accommodation may share information connected with that

¹³ If the request is administratively closed for non-responsiveness, the non-responsive employee is not subsequently precluded from making a new reasonable accommodation request.

request with only those Agency officials with a need to know the information. The supervisor should notify the Center DPM to obtain guidance to ensure that the proper confidentiality procedures have been followed. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. All NASA employees or stakeholders associated with this process who obtain or receive such information are strictly bound by these confidentiality requirements. (See also Section 3.3.4.)

3.3 Processing When Medical Information Is Required

3.3.1 Requesting and Obtaining Medical Information

3.3.1.1 The DPM shall consult with the Reasonable Accommodations Team to determine whether it is necessary to obtain medical information to assess whether the requesting individual has a disability and/or to identify the requesting individual's functional limitations consistent with rules of construction set forth under 42 U.S.C. § 12101 *et seq.* and 29 CFR § 1630. (See Appendix A, “Reasonable Accommodation Team” and “Substantially Limits” definitions.)

3.3.1.2 In cases where medical documentation is necessary, the DPM shall:

- a. Make such request in writing to the requesting individual as soon as possible after receipt of the request for reasonable accommodation.
- b. The written request shall describe the nature of the job and the essential functions the individual is expected to perform. Additionally, the request shall include a copy of the individual’s position description, any other relevant information about his/her job duties, and a limited medical release. (See Sections 3.3.1.4(b), C.5.)
- c. The types of medical documentation that may be requested in connection with a request for reasonable accommodation include:
 - (1) The diagnosis;
 - (2) The nature of the limitations imposed by the individual’s impairment, for example, the condition, manner, duration, or severity of the individual's impairment;¹⁴
 - (3) The activity or activities limited by the impairment; and
 - (4) The reason(s) supporting the request for reasonable accommodation or the particular reasonable accommodation requested – specifically, how the reasonable accommodation would assist the individual in the position, or position applied for, to perform the essential functions of the job, or to enjoy a benefit

¹⁴ See 29 CFR § 1630.2(j)(4)(ii), stating: “Consideration of facts such as condition, manner, or duration may include, among other things, consideration of the difficulty, effort, or time required to perform a major life activity; pain experienced when performing a major life activity; the length of time a major life activity can be performed; and/or the way an impairment affects the operation of a major bodily function.”)

of the workplace.¹⁵

d. Explain to the individual requesting the reasonable accommodation that the failure to timely provide medical information or documentation or to cooperate with NASA's efforts to obtain such documentation may result in a delay in processing the request for reasonable accommodation and ultimately may result in a denial of the requested reasonable accommodation.

e. Ensure consistency with requirements under the Genetic Information Nondiscrimination Act (GINA) of 2008, 42 U.S.C. § 2000ff *et seq.*, such that all requests for medical information warn the employee and/or health care provider from whom the information is requested *not* to provide genetic information including family medical history.¹⁶ (See Section C.6.)

f. Ensure that the individual knows all records pertaining to the request for reasonable accommodation are protected by the Privacy Act. (See Section 3.3.3.4.)

3.3.1.3 The DPM shall safeguard the medical documentation and forward the medical documentation to the NASA physician responsible for review, if a review by a NASA physician is necessary. (See Section 3.3.3.)

3.3.1.4 If the medical documentation provided by the requestor is insufficient to allow the supervisor, with appropriate consultation with the DPM and the Reasonable Accommodations Team, to make an informed decision about whether to grant or deny the request, the Decision Maker may request supplemental documentation through the DPM. The following applies to requests for supplemental documentation:

a. The DPM shall request this information in writing, explaining to the individual seeking the reasonable accommodation, in specific terms, why the information provided is insufficient or incomplete, what additional information is needed, and why it is necessary for a determination on the reasonable accommodation request.

b. The DPM may ask the individual to sign a limited release authorizing a NASA physician to contact her or his health care provider directly and/or submit a list of specific questions to the individual's health care professional if not already submitted with the initial request.

c. If the medical documentation provided by the requester does not result in sufficient information, NASA may require the requester to go to a health care provider of NASA's choice at NASA's expense.¹⁷ Consideration should be given to providing the employee interim or partial reasonable accommodations during the time the additional documentation is being obtained.

d. The DPM is highly encouraged to consult with the Reasonable Accommodations Team throughout this process, as appropriate.

¹⁵ See EEOC Policy Guidance on Executive Order 13164, Questions 17-18.

¹⁶ 29 CFR § 1635.8(b)(1)(i)(A)-(D).

¹⁷ See EEOC: Practical Advice, "Drafting Tips: Address how and when to obtain review by the agency's own medical expert." 17-18.

3.3.2 Timeframes Related to Medical Information

3.3.2.1 If the DPM must request medical documentation from the individual requesting the accommodation, the timeframe shall stop on the day that the DPM makes a request to the individual to obtain medical information, and shall resume on the day that the information/documentation is received by the DPM.

3.3.2.2 After the DPM receives the medical information provided by the requestor or his/her physician, the DPM shall review it and determine, in consultation with the Center Reasonable Accommodations (RA) Team, whether it establishes that the requestor has a disability that necessitates a reasonable accommodation or whether it warrants review by a NASA physician. If the DPM determines that a review by a NASA physician is necessary, the NASA physician shall review and evaluate the medical documentation. Once the review is completed, the NASA physician shall notify the DPM and shall contact the requesting individual's physician if necessary. (See Appendix A for definition of "reasonable medical documentation.")

3.3.2.3 The Decision Maker shall make a determination on the request for reasonable accommodation in writing as soon as possible, but not later than 30 calendar days (or 60 calendar days in extenuating circumstances).

3.3.3 Evaluating Medical Documentation

3.3.3.1 Once the requisite medical documentation is received by the DPM, if necessary, a NASA physician shall evaluate it.

3.3.3.2 The evaluation shall be conducted at NASA's expense.

3.3.3.3 The NASA physician shall review the medical documentation to:

- a. Determine if it is sufficient for the Agency to decide whether the individual has a disabling medical condition;
- b. Provide detailed information on the employee's medical limitations to assist the supervisor in identifying what types of accommodation(s) would be reasonable and effective; and
- c. Determine whether the requestor can perform the duties of the job held without posing a "direct threat" to the health or safety of himself/herself or others.

3.3.3.4 In general, it is not necessary for the NASA physician to inform the supervisor of the specific medical condition, including diagnosis, but Decision Makers do need to know the individual's functional limitations. Medical diagnoses are considered private and confidential and shall be disclosed to the supervisor only with the employee's approval.

3.3.4 Confidentiality of Medical Information

3.3.4.1 All medical information obtained in connection with the reasonable accommodation process shall be kept confidential and only shared on a need-to-know basis. (See NASA 10EEOR and 10RAR, Privacy Act System of Records Notices for Equal Opportunity Records and Reasonable Accommodation Records, <https://www.nasa.gov/content/nasa-privacy-act-system-of-records-notices-sorns>.)

- a. Accordingly, all medical information obtained in connection with the reasonable accommodation process shall be securely kept by the Center DPM in files separate from the individual's personnel file.
- b. Appropriate steps shall be taken by the Decision Maker to ensure consistency in accordance with requirements under 42 U.S.C. § 2000ff *et seq.* and 29 CFR Part 1635. (See Appendix C.)
- c. Any authorized NASA employee who obtains or receives such information is subject to the restrictions and requirements under 5 U.S.C. § 552a.

3.3.4.2 Individuals and organizations to which information may be disclosed can include, but are not limited to:

- a. Supervisors and managers who need to know about necessary restrictions on the work or duties of the employee's position or the position for which the applicant has applied, and about the reasonable accommodation(s);
- b. Emergency Preparedness, First Aid, and Occupational Health and Safety personnel, if the disability may require emergency treatment or assistance with building evacuation during emergencies;
- c. Federal Government officials who need the information to determine the Agency's compliance with applicable law; or
- d. NASA contractors with a need to know, such as NASA physicians working under contract for the Agency who are not Agency officials.

3.3.4.3 Whenever medical information is disclosed, the individual disclosing the information shall inform the recipient(s) of the information that they are strictly bound by the requirements of 5 U.S.C. § 552a.

3.3.4.4 All correspondence protected under 5 U.S.C. § 552a and NPR 1450.10 shall have a NF 1534, Privacy Act Cover Sheet, and contain the statement, "Privacy Act Warning Document" on the top of the document, outside the document package, or as a cover sheet for the correspondence. If NF 1534 is unavailable, the records being protected by the Act shall be identified by using the wording in NF 1534 and transmitted under the Privacy Act cover sheet.

3.3.4.5 All transmissions, electronic and paper, regarding a reasonable accommodations request shall be encrypted, in conformance with NASA policies, NPR 1382.1 (NASA Privacy Procedural Requirements) and NPR 2810.1 (Security of Information Technology).

3.4 Granting the Reasonable Accommodation Request

3.4.1 Upon determining that a reasonable accommodation will be provided, the Decision Maker shall immediately communicate the decision orally and subsequently in writing using NF 1699A or its equivalent (see Appendix F) to the requestor within five calendar days of approval.

3.4.2 When the Decision Maker denies a specific requested accommodation, but offers to provide a different one in its place, which was not agreed to during the interactive process, the NF 1699A or its equivalent should be updated to explain both the reasons for the denial of the requested accommodation and the reasons that the Decision Maker believes that the chosen accommodation will be an effective alternative.

3.4.3 Funding to support the provision of reasonable accommodation is a Center/Installation determination, made consistent with requirements in this NPR.

3.4.4 Reasonable accommodations that can be requested include, but are not limited to, the following:

- a. Making existing facilities accessible;
- b. Restructuring the job;¹⁸
- c. Utilizing part-time or modified work schedules (e.g., telework, etc.);
- d. Adjusting or modifying tests, training materials, or policies;
- e. Providing qualified readers and interpreters;
- f. Acquiring or modifying equipment, technology, or furniture; or
- g. As a last resort, reassigning an individual to a vacant position for which the employee is qualified.

3.5 Denying the Request for Reasonable Accommodation

3.5.1 Reasons for the denial of a request for reasonable accommodation may include, but are not limited to, the following:

- a. It is determined, based on the interactive process and in consultation with relevant subject matter experts, for example, the Reasonable Accommodations Team, the requested reasonable accommodation would not be reasonable and/or effective;¹⁹
- b. Providing the requested accommodation would result in undue hardship to the Agency;

¹⁸ NASA is under no obligation to eliminate essential job functions of an employee's position or provide the employee with a new supervisor.

¹⁹ EEOC Policy Guidance on Executive Order 13164, Section B (Processing Requests for Reasonable Accommodation), Questions 10-11.

- c. Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation;
- d. The requested accommodation would require the elimination of an essential function of the position;
- e. The requested accommodation would require the lowering of a performance standard (e.g., safety, quality, reliability, etc.); or
- f. The requested accommodation would pose a direct threat to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. (See also Appendix A, “Direct Threat” definition.)

3.5.2 Before denying the request, the Decision Maker shall consult with the DPM and the EEO Director to determine whether other effective reasonable accommodations exist that would not impose an undue hardship and, therefore, can be provided.

3.5.3 When evaluating budgetary or administrative concerns to determine if undue hardship exists, the Decision Maker, in consultation with the Center DPM, shall follow the regulatory standards in 29 CFR § 1630.2(p)(2).

3.5.4 If the supervisor denies the reasonable accommodation request, the supervisor shall promptly communicate this decision to the requester and complete NF 1699A or its equivalent. The supervisor shall also provide a copy of the written denial to the individual who made the request and to the DPM.

- a. In cases where an alternate format is appropriate, the information in NF 1699A or its equivalent shall be provided in the relevant format.
- b. The explanation for the denial shall be written in plain language, clearly stating the specific reasons for the denial (e.g., why the reasonable accommodation would not be effective or why it would result in undue hardship).

3.5.5 Notification of Denial

3.5.5.1 For any notification of denial of a request for reasonable accommodation, the Decision Maker shall inform individuals of their right to:

- a. Engage in informal dispute resolution, including the right to request for reconsideration and appeal to a manager in their chain of command (see Section 3.6), and
- b. Contact the EEO Office at the respective NASA Center within 45 days of receipt of the written notice of denial, in accordance with 29 CFR § 1614.105(a)(1).

3.5.5.2 If an employee elects to seek reconsideration and appeal of the denial, the 45-day time period to contact the EEO Office is suspended until the final disposition of the request.

3.6 Reconsiderations and Appeals

3.6.1 Within ten calendar days, individuals may request reconsideration of a denial of reasonable accommodation to the Decision Maker or a manager in their chain of command. Additional information may be presented to support this request.

3.6.2 The Decision Maker shall make a determination on the request for reconsideration and notify the employee in writing within ten calendar days of receiving the request, absent extenuating circumstances. (See Appendix A, “Extenuating Circumstances” definition; see also Section C.3.)

3.6.3 If the request for reconsideration is denied, employees may appeal the denial within ten calendar days of receipt of denial to a manager in the individual’s chain of command. Additional information may be provided to the manager in support of the appeal.

3.6.4 The manager in the individual’s chain of command shall make a determination on the appeal and notify the employee in writing within ten calendar days of receiving the request, absent extenuating circumstances.

3.6.5 Individuals have the right to contact an EEO Counselor at any stage of the process. With regard to timeliness, an individual should contact the respective NASA Center EEO Office within 45 days of receipt of written notice of any decision issued at any stage of the process, in accordance with 29 CFR § 1614.105(a)(1).²⁰

3.7 Annual Assessment of Approved Accommodation.

3.7.1 The assessment process is intended to allow the Agency to ensure that a previously granted accommodation continues to be effective, appropriate, and does not cause an undue burden to the overall operation of the Agency or its operating components.

3.7.2 The annual assessment shall be conducted by each Center DPM.

3.7.3. The assessment shall take into account the following factors:

- a. any change in the work environment;
- b. any change in business systems, operations, and mission;
- c. any change in the essential function of the position held;
- d. any change in the employee's medical condition;
- e. new IT technology and/or device that can meet the need; and
- f. any other factors that are deemed relevant and appropriate for this purpose.

²⁰ See also Section 3.2.10(a) for situations in which a supervisor is non-responsive.

Chapter 4. Statutory and Collective Bargaining Claims

4.1 Relationship with Statutory and Collective Bargaining Protections

4.1.1. This NPR is in addition to statutory and collective bargaining protections for individuals with disabilities qualified to perform the essential functions of a job, with or without reasonable accommodation, and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including timeframes for filing such claims, remain unchanged.

4.2 Statutory Anti-Discrimination Remedies

4.2.1 Individuals who choose to pursue statutory anti-discrimination remedies for denial of a request for reasonable accommodation should contact an EEO counselor at their respective installation within 45 days from the date of receipt of a written notice of denial or denial of appeal that has been issued at any stage of this process.²¹ (See 29 C.F.R. § 1614.105(a)(1).)

4.3 EO Supervisory Recusals

4.3.1 NASA EO Directors or designees shall recuse themselves from the processing of their employees' informal and/or formal EEO complaints on the same reasonable accommodation matter that the EO Directors or designees decided.

²¹ See also Section 3.2.10(a) for situations in which a supervisor is non-responsive.

Chapter 5. Records Maintenance and Reporting

5.1 Records Maintenance

5.1.1 The NASA Center's EO Director/Officer, through the DPM, shall maintain custody of all records obtained or created during the processing of a request for reasonable accommodation with the exception of medical records (see Section 5.1.2) and Agency attorney work products (maintained by the Office of the General Counsel or the Center Office of the Chief Counsel). Decision Makers shall not maintain any documentation related to the reasonable accommodations process in an employee's official personnel file or an applicant's interview file.

5.2 Reasonable Accommodation Reporting

5.2.1 ODEO shall prepare an annual report no later than October 31st of each calendar year, containing the following information, presented in the aggregate:

- a. The number and type of reasonable accommodations, by job type, that have been requested by job applicants in the Agency's application process and whether those requests have been granted or denied;
- b. The number and type of reasonable accommodations, by job type, requested by employees;
- c. The number and type of reasonable accommodations approved, by job type, and the number of reasonable accommodations, by job type, that have been denied;
- d. The number of requests that required supporting medical information;
- e. Reasons for denial of requests identified in Section 5.2.1.3;
- f. Number and type of reasonable accommodations requested related to benefits or privileges of employment;
- g. Amount of time (in calendar days) taken to process requests, including the time it takes for the employee to provide the requested information;
- h. Sources of technical assistance consulted; and
- i. Numbers of new managers and supervisors trained.

5.2.2 In addition, the report shall provide a qualitative assessment of the reasonable accommodation program, including any recommendations for improvement of NASA's reasonable accommodation policies and procedures to be utilized in NASA EEO strategic planning, such as the Model EEO Plan. Qualitative assessment may include analysis and recommendations based on such factors as:

- a. Focus groups of individuals who have participated in the process, to learn more about their experiences with and perceptions of the process.

b. Responses to relevant questions on the EO Functional Review Customer Satisfaction Survey and the Diversity and Inclusion Assessment Survey.

c. Course evaluations of reasonable accommodation training.

d. Reporting of analytics (e.g., number of page views) for online technical assistance and training tools relating to the provision of reasonable accommodations.

5.3 Conformity with NASA Records Management Policy

5.3.1 ODEO and Center EO Offices shall maintain and safeguard all records and documents following the requirements provided in NPR 1441.1. This includes proposing changes to current retention schedules and developing new retention schedules when necessary.

Chapter 6. Types of Reasonable Accommodations

The types of actions that can be taken in connection with reasonable accommodations can best be determined on a case-by-case basis, taking into consideration the employee, his/her specific disability and the resulting limitations, the essential duties of the particular job, the work environment, and the feasibility of the proposed accommodation. Reasonable accommodations may include, but are not limited to, the following:

6.1 Personal Assistance Services (PAS)

6.1.1. Background. On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), the law that prohibits the Federal Government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities. As part of the Agency's obligation to engage in affirmative action, Federal agencies are required by the new regulations to provide Personal Assistance Services (PAS), in addition to reasonable accommodations, to employees who need them because of certain disabilities. See 29 C.F.R. § 1614.203(d)(5). PAS are services that help individuals who, because of certain targeted disabilities, require assistance to perform basic activities of daily living, such as eating and using the restroom, to fully participate in the workplace. Beginning on January 3, 2018, Federal agencies are required to provide PAS to both existing and new employees with targeted disabilities regardless of when the employee was hired, provided the employee meets the criteria for PAS.

6.1.2 PAS is defined as assistance in the work environment with performing activities of daily living that an individual with targeted disabilities would typically perform if he/she did not have a disability and that is not otherwise required as a reasonable accommodation (e.g., providing assistance with removing and putting on clothing, eating, using the restroom, getting into or out of a vehicle at the worksite).

6.1.3 Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act and for which qualified individuals with certain disabilities (e.g., such as blindness, deafness, paralysis, cerebral palsy, convulsive disorders, and mental illnesses, among others) have faced significant barriers to employment that are above and beyond the barriers faced by people with the broader range of disabilities. (See the Office of Personnel Management, Self-Identification of Disability Form (SF 256, Oct 2016) for a complete list of targeted disabilities.)

6.1.4 PAS is provided, in addition to reasonable accommodations, to employees with targeted disabilities as defined by EEOC unless doing so would impose an undue hardship on the Agency.²² The Agency's 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, is identical to the interactive accommodation process described in Chapter 3.

²² The term "targeted disability" is defined in Appendix A.

6.1.5 PAS do not help employees with targeted disabilities perform their specific job functions, such as services required as a reasonable accommodation to help an individual perform job-related tasks. For example, services provided as a reasonable accommodation, but not PAS, are 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. These services are required as reasonable accommodations if the individual needs them because of a disability and providing them does not impose undue hardship on the Agency.

6.1.6 As noted above, the provision of PAS for activities of daily living is not considered a reasonable accommodation, but PAS requests are processed like accommodation requests. An employee with a targeted disability may request PAS by informing his/her immediate supervisor or the DPM that he/she needs assistance with daily life activities because of a medical condition. The employee does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the Agency's obligation to consider the request.

6.1.7 When an employee makes a request for PAS, the interactive process described in Chapter 3 is initiated.

6.1.8 PAS is only provided to an employee if all of the following criteria are met:

- a. The individual is an employee of the Agency;
- b. The individual has a targeted disability;
- c. The individual requires the services because of his/her targeted disability²³;
- d. The individual shall be able to perform the essential functions of his/her job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and
- e. Providing PAS shall not impose undue hardship on the Agency.

6.1.9 The Agency is not required to provide medical care, for example, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure).

6.1.10 The Agency recognizes the sensitive nature of these personal services and any requests for personal care can be discussed in a confidential consultation with the employee's supervisor or the DPM.

²³ Not all employees with a targeted disability are entitled to PAS. Generally, such assistance is only necessary when it is obvious that an employee has a targeted disability (e.g., paralysis or missing limbs) and requires assistance with basic activities, such as eating and using the restroom. In these situations, the Decision Maker may not require the individual to provide medical documentation in support of their request. However, to determine whether a requesting individual is entitled to PAS and, if so, the nature of the required services, the DPM should ask the employee what types of PAS he/she needs using the same type of informal, interactive process used for reasonable accommodations. (See Chapter 3 – The Reasonable Accommodations Process.)

6.1.11 The individual who provides PAS is referred to as a Personal Attendant (PA). The Agency may use Federal employees, independent contractors, or a combination of employees and contractors as a PA. The PA shall not perform any of the employee's essential or non-essential duties.

6.1.12 NASA employees should not independently provide PAS for a co-worker, unless approval has been provided by the supervisor in consultation with the Center EEO, HR, and legal offices.

6.1.13 If the employee prefers a particular provider (e.g., because the provider has worked with the employee in the past), the Agency shall give primary consideration to the employee's choice to the extent permitted by law. It may not, however, be possible to honor the employee's preferences in all cases.

6.1.14 An employee may request permission to bring his/her own PAS provider to work as a reasonable accommodation if the employee does not request that the Agency assume the cost of providing the services. If the employee wants the Agency to assume the cost of providing the services, however, the Agency may have reasons to choose a different provider.

6.1.15 Once the PAS services have been put in place, an employee shall notify their supervisor or the DPM if there are any changes needed to the services. The supervisor or DPM shall work with the employee to address the needed changes. Changes in the type, manner, or frequency of service cannot be made without consultation with and approval of the DPM.

6.1.16 When the Agency's assignment of work-related travel results in an employee's inability to rely on his/her usual source of PAS, the Agency shall provide PAS during that work-related travel as a reasonable accommodation, unless doing so would impose an undue hardship on the Agency. Additionally, even if an employee's usual PAS provider is available during work-related travel, the Agency shall pay any additional costs related to providing PAS while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation.

6.1.17 When an employee who has been approved to receive PAS makes a new request for PAS as an accommodation while on travel, the interactive accommodation process described in Chapter 3 is initiated. Subsequent requests by the same employee shall be reviewed for any changes, and if there are any changes, the description of the reasonable accommodation provided shall be updated.

6.1.18 Putting PAS in place for an employee on official government travel requires sufficient lead time prior to the date of travel. Once the analysis and interactive process has taken place and the services are agreed upon, the vendor shall put the services in place in compliance with the terms of the agreement.

6.1.19 The employee shall notify the DPM immediately if there are any changes to the travel itinerary or the services requested. The DPM shall work with the employee and PAS provider to address these changes.

6.1.20 The Agency has the discretion to authorize the use of its funds for payment of salary and other necessary expenses that may be incurred by a family member or PA, who accompanies an employee with a disability on official travel, and who meets the identified criteria for PAS in Section 6.1.6. Any

action taken under this section of the NPR by the Decision Maker shall be taken in coordination with the Center's Chief Financial Office.

6.1.21 Each trip taken by an employee is considered a unique event and is carefully considered to determine how to best provide an accommodation. For example, one trip might involve a single overnight stay and accommodation, while another might involve multiple weeks of travel and accommodations.

6.2 Travel Accommodations

6.2.1 The Agency's travel accommodations are provided in "Travel Requirements" (NPR 9710.1), which covers travel accommodations for individuals with disabilities and special needs based on the Government-wide travel regulation (41 C.F.R. § 301-70.400). (See NPR 9710.1.)

6.3 Parking

6.3.1 Under the Federal Management Regulations (FMR), employees with severe disabilities have first priority for employee parking spaces in federally controlled areas. 41 CFR § 102-74.285 and 41 CFR § 102-74.305. Therefore, Federal agencies such as NASA shall assign available parking spaces to employees with severe disabilities first. The FMR defines "severe disability" as a severe, permanent impairment that for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment, or who is driven to work by another individual. At NASA, parking spaces may also be for employees and job applicants with disabilities, permanent and temporary, that don't qualify as severe under the FMR, based on the availability of parking spaces at a facility.

6.3.2 Reasonable accommodations for parking may include an assigned parking space that is:

- a. Close to the entrance of the building;
- b. On an accessible route;
- c. Close to the employee's office;
- d. Next to an access aisle to allow the employee to exit the vehicle;
- e. In an otherwise first-come, first-served parking lot;
- f. Available for a van with a wheelchair ramp or lift; and/or
- g. Covered or inside.

6.3.3 Making a Request. Under most circumstances, an employee should submit a written request for a parking reasonable accommodation using NF 1699 - Reasonable Accommodations Request Form (Appendix F) or its equivalent to the DPM. To receive guidance relating to functional limitations or alternatives based on the type of disability, the DPM shall consult with the NASA Physician and the building/parking office, when appropriate.

6.3.4 In accordance with Section 2.5.3 of this NPR, the DPM in consultation with the building/parking office shall process parking-related accommodations. The employee may be required to provide medical documentation or additional information consistent with Chapter 3 of this NPR.

6.3.5 Payment for Parking. If employees are generally required to pay for parking, individuals with disabilities who receive a parking priority or reasonable accommodation are also required to pay such fees.

6.4 Building Facility Accommodations

6.4.1 The Architectural Barriers Act (ABA) of 1968 requires that buildings or facilities that were designed, built, or altered with Federal dollars or leased by Federal agencies be accessible.

6.4.2 The procedures for processing a request relating to the accessibility of a NASA facility shall follow the interactive accommodation process described in Chapter 3 of this NPR.

6.4.3 This type of accommodation is available to NASA employees and in certain instances contractors who may be located in premises owned and/or operated by NASA. In the event that an individual has a reasonable accommodations request that requires making physical changes to a NASA building or work space utilized by that individual, the individual shall make the request directly to the DPM. The DPM shall collaborate with the appropriate building facility office and the contractor employer, as appropriate under the circumstances, to review the request. The EEO Director shall be consulted before any decision is made regarding the accommodations request.

6.4.4 The individual may be required to provide medical documentation or additional information consistent with Chapter 3 of this NPR.

6.4.5 The DPM in consultation with the building facility office shall provide the requestor with a written decision using NF 1699A or its equivalent and provide the EEO Director with a copy of the record.

6.4.6 For NASA employees who may be located in premises not owned and/or operated by NASA, requests for accommodation dealing with these building facilities should be directed to the appropriate personnel that manages and/or operates those premises, and a copy should be provided to the EEO Director and DPM. Complaints related to building accessibility shall be processed under 29 CFR § 32, which covers Federally-assisted programs receiving financial assistance. (See Nondiscrimination in Federally Assisted Programs of NASA, 14 CFR § 1250.)

6.4.7 The DPM shall monitor requests for building-related accommodations.

6.5 Reassignment

6.5.1 Reassignment shall be considered as a reasonable accommodation of last resort – i.e., only if no other accommodation enables an employee to perform the essential functions of his/her current position. This type of accommodation is available only to NASA employees, including in certain instances probationary employees, but not applicants. An employee's rejection of a reasonable accommodation or

effective alternative accommodation does not make an employee eligible for reassignment. The Agency is not required to create new positions or move employees to create a vacancy.

6.5.2 The DPM in consultation with the Reasonable Accommodations Team shall determine if an employee's reasonable accommodation request qualifies for consideration for reassignment. If the determination is made that the employee qualifies for reassignment, the DPM shall provide the employee with the written Employee Notification Letter stating that no other reasonable accommodation has been effective in assisting the employee in performing the essential functions of his/her position without causing an undue hardship for the Agency. The DPM shall provide the Employee Notification Letter to the employee within five calendar days of this determination. (See Appendix F, Forms - Sample Employee Notification Letter.)

6.5.3 Employees seeking reassignment shall complete NF 1699C, Reassignment Preference Form or its equivalent and submit it along with an updated resume, supporting medical documentation, and a medical release (if appropriate) to the DPM within ten calendar days of receipt of the Employee Notification Letter referenced in Section 6.5.2. (See Appendix F, Forms.)

6.5.4 Upon receipt of the employee's Reassignment Preference Form, the DPM shall collaborate with the Center's HRO and the Reasonable Accommodations Team to assess the employee's request for reassignment to a vacant, funded position. A position is considered "vacant, funded" when a request to initiate a recruitment action has been received in the Center's HRO. The DPM shall review the employee's Reasonable Accommodation file and shall contact the employee's supervisor to confirm that the reasonable accommodation process occurred consistent with Chapter 3 of this NPR. The DPM shall follow the process outlined in Chapter 3 for processing accommodation requests prior to processing the employee's request for reassignment. If the employee has participated in the reasonable accommodation process, the HRS in partnership with the DPM shall promptly notify the Office of Human Resources at each Center to initiate a Vacant Funded Search (VFS) within ten calendar days of notice of the employee's request.

6.5.5 The Vacant Funded Search (VFS)

6.5.5.1 The VFS shall conclude after 60 calendar days from the date that the search began. The goal is to identify vacant, funded positions that would be suitable for the employee. The search process ends when the employee either accepts or declines a position or upon the passage of 60 calendar days from the date that the search began.

6.5.5.2 An employee must be qualified for the new position. An employee is qualified for a position if he/she: satisfies the requisite skill, experience, education, and other job-related requirements of the position, and can perform the essential functions of the new position, with or without reasonable accommodation. The employee does not need to be the best qualified individual for the position in order to obtain it as a reassignment. There is no obligation for the employer to assist the individual to become qualified or to provide training so that the employee acquires necessary skills to take a job. The employer would have to provide an employee with any training that is normally provided to anyone hired for or transferred to the position.

6.5.6 For purposes of these procedures, there are three types of reassignments for which an employee may be eligible:

- a. Reassignment to a vacant, funded equivalent position at the same Center. The Center's Office of Human Resources shall first consider vacant, funded positions, for which the employee is qualified, in the same Center that are equivalent to the employee's current position in terms of pay, grade, status, and other relevant factors (e.g., benefits). This process factors in the employee's completed Reassignment Preference Form (Appendix F).
- b. Reassignment to a vacant, funded equivalent position at a different Center. If there is no vacant, funded equivalent position at the same Center, the Center's Office of Human Resources shall consider vacant, funded equivalent positions for which the employee is qualified at a different Center. This option will only be considered if the employee indicated a willingness to consider such positions on the Reassignment Preference Form.
- c. Reassignment to a lower-graded position at the same Center or a different Center. Employees who elect to accept a position at a lower grade or pay as a reasonable accommodation are not eligible for grade or pay retention.

6.5.7 Reassignment may be made to a vacant, funded position outside of the employee's commuting area if the employee has indicated a willingness to relocate on the Reassignment Preference Form. If an employee is being reassigned to a different geographical area, the employee must pay for any relocation expenses unless the Agency routinely pays such expenses when granting voluntary transfers to other employees.

6.5.8 If a vacant, funded position is identified during the search, the DPM shall collaborate with the Center's Office of Human Resources and the Reasonable Accommodations Team (at both the requesting and receiving Centers, if an inter-Center reassignment is being considered) to:

- a. Compare the essential functions of the position(s), with or without accommodation, to the employee's demonstrated skills, experience, and knowledge reflected in his/her resume; and
- b. Obtain a medical assessment, if necessary, to determine whether the requirements of the position exceed the limitation of the employee, physically or psychologically.

6.5.8.1 The determination of the minimum qualification standards for the position resides with the Center's Office of Human Resources.

6.5.9 If an inter-Center reassignment is being considered, the Agency's DPM shall assist in the facilitation of this collaborative process with the Center DPM, the OHR, and the Reasonable Accommodations Team at both the requesting and receiving Centers.

6.5.10 If more than one one vacant, funded position is identified, the DPM in collaboration with the Center's Office of Human Resources and the Reasonable Accommodations Team shall consider the employee's preferences and the Agency's needs in determining which position to offer the employee. In all cases, however, the Assistant Administrator, Chief Human Capital Officer (CHCO) or his/her designee has the ultimate discretion to determine which position to offer the employee.

6.5.11 If the DPM, the Center's Office of Human Resources, and the Reasonable Accommodations Team determines that the employee meets the qualifications for the identified position; that the employee can perform the essential functions of the identified position with or without accommodation; and that there is no undue hardship to the Agency, the DPM shall share a written offer for the position and the position description with the employee within five calendar days of this determination. The employee has up to ten calendar days from the date of the offer to accept or refuse.

6.5.12 If the DPM, the Center's Office of Human Resources, and the Reasonable Accommodations Team determine that the employee does not meet the qualifications for the identified position; that the employee cannot perform the essential functions of the identified position with or without an accommodation; or that there is an undue hardship to the Agency, the employee's request for reassignment shall be denied and documented by the employee's supervisor on NASA Form 1699A. The DPM shall provide this document to the employee accompanied by a notice of the employee's rights and avenues for redress.

6.5.13 If the employee declines a position, the search is closed and the reassignment efforts are concluded as described in Section 6.5.16.

6.5.14 If the employee fails to respond within ten calendar days upon receipt of the notice described above in Section 6.5.11, the DPM shall administratively close the reasonable accommodation process in accordance with Section 3.2.11 of this NPR.

6.5.15 In the event that there are conflicting determinations between the requesting and receiving Center regarding whether an employee is qualified for a position and can perform the essential functions of a position or whether a position is offered to an employee under these procedures, the Assistant Administrator for NASA's Office of the Chief Human Capital Officer (OCHCO) or his/her designee shall make the final determination.

6.5.16 At the conclusion of the search period, one of the following shall occur:

a. If the employee has accepted a position, the DPM shall provide the employee with a written decision using NF 1699A or its equivalent. This decision shall be drafted by the employee's supervisor in consultation with the DPM and the Office of Human Resources of the requesting Center. Once an employee accepts a position, the DPM and the Office of Human Resources of the receiving Center shall collaborate to place the employee in the new position. No one should be told that the employee was placed in the new position as a reasonable accommodation and/or that the employee has a disability, except on a need to know basis for purposes of implementing the reasonable accommodation process outlined in Chapter 3 of this NPR.

b. If the employee has not accepted any position or no vacant, funded position has been identified, the Center's Office of Human Resources shall summarize the search results on NF 1699A or its equivalent, provide the date that reassignment efforts closed, and identify remaining options for the employee and the Agency to consider. Under these circumstances, the Agency may determine that the employee is medically unable to perform the essential functions of the current position and propose the employee's removal on this basis.

6.5.17 All management decisions in the reassignment process shall be provided by the employee's first-level supervisor or a manager in the employee's chain of command to the employee on NF 1699A or its equivalent and accompanied by a notice of the employee's rights and avenues for redress.

6.5.18 Employees are expected to participate in the reassignment process in good faith. An employee's failure to respond and provide the requested information within the prescribed timeframes in these procedures, absent extenuating circumstances, shall result in the administrative closure of the employee's request for reasonable accommodation or other action in accordance with Section 3.2.11 of this NPR. The DPM should make reasonable efforts to contact the employee and determine the reasons for the employee's non-responsiveness to the extent possible.

Chapter 7. Dissemination, Education, and Inquiries

7.1 Dissemination

7.1.1 These procedures are available to all NASA employees upon issuance by electronic posting in the NASA Online Directives Information System (NODIS).

7.1.2 These procedures are available to all NASA job applicants and student interns upon posting on the Agency and Centers' Equal Employment Opportunity Web sites, which are accessible to the general public.

7.1.3 They shall also be distributed to all new employees as part of orientation on the first day of work.

7.1.4 These procedures shall be provided in alternative formats, including simplified format, when requested by, or on behalf of, any NASA employee or applicant.

7.2 Education and Awareness

7.2.1 NASA managers and supervisors shall be required to participate in training on the provision of reasonable accommodations within 90 days of being appointed to a supervisory position and/or a team lead role.

7.2.2 All NASA employees, including managers and supervisors, are strongly encouraged to participate in reasonable accommodations training on an ongoing basis.

7.2.3 The NASA ODEO and the NASA Center Equal Employment Opportunity offices are responsible for providing ongoing training and awareness programs and materials related to this NPR for the Agency's workforce.

7.3 Inquiries

7.3.1 Any individual wanting further information concerning these procedures may contact the Center DPM. They may also contact the Agency DPM at NASA Headquarters in Washington, DC, at (202) 358-2167 or TTY (202) 358-1062.

7.3.2 Additional information regarding reasonable accommodation matters can also be obtained by accessing the U.S. EEOC's Web site, www.eeoc.gov. As of the effective date of this NPR, the URL is <http://www.eeoc.gov/policy/docs/accommodation.html>.

Appendix A. Definitions

Benefits and Privileges of Employment

These include, but are not limited to, employer-sponsored: (1) training; (2) services, e.g., employee assistance programs (EAPs), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation; and (3) parties or other social functions, e.g., parties to celebrate retirements, birthdays, and company outings.²⁴

Direct Threat

Direct Threat means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat is based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment is based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.²⁵

Disability Program Manager (DPM)

The DPM is a member of the Agency's ODEO or Center EEO Office staff whose responsibilities include administering the Special Emphasis Program (SEP) for individuals with disabilities. In some cases, the duties of a DPM may be performed on a collateral duty basis by an individual permanently assigned to an operational component other than the HQ or Center EEO Offices.

Essential Functions

Essential functions are those job duties that are so fundamental to the position that the individual holding or desiring the position cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or if the function is specialized and the individual is hired based on the individual's ability to perform it.²⁶

The supervisor, in consultation with HR, determines the essential functions of a position. Determination of the essential functions of a position shall be made on a case-by-case basis so that the current duties of the position reflect the job as actually performed, and not simply the components of a generic position

²⁴ U.S. EEOC, Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (Oct. 17, 2002), "Reasonable Accommodation Related to the Benefits and Privileges of Employment," accessible at http://www.eeoc.gov/policy/docs/accommodation.html#N_17 (hereafter cited as EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship).

²⁵ 29 CFR § 1630.2(r).

²⁶ EEOC Policy Guidance, § I(A).

description. The determination is to be made based on a classified position description and NASA's judgment as to which functions are essential, and other considerations as appropriate, to include: the actual work experience of present or past employees in the job, the time spent performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement.

Expedited Processing

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a timeframe that is shorter than 30 calendar days. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five calendar days due to the timetable for processing a vacancy (e.g., conducting interviews and making hiring decisions). An example, in the context of an applicant, might involve a need to expedite a request for reasonable accommodation to ensure that the applicant has an equal opportunity to apply for a job. Therefore, the HRS working the staffing action shall make a decision as quickly as possible and, if appropriate, provide a reasonable accommodation.

Extenuating Circumstances

Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation. The term covers those limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of a reasonable accommodation. (See also Section C.3.)

Individual with Disability

With respect to an individual, disability means:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment. This means that the individual has been subjected to a prohibited action, because of an actual or perceived impairment that is not both “transitory and minor.”²⁷ (See also, definition of “substantially limits.”)

NASA is required to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” prong, or “record of” prongs, but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong.²⁸

Major Life Activities

Major life activities include, but are not limited to:

²⁷ 29 CFR § 1630.2(g)(iii).

²⁸ 29 CFR § 1630.9(e).

- Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and
- The operation of a major bodily function, including functions of the immune system, special sensory organs and skin; normal cell growth; and 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.²⁹

Mitigating Measures

The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual’s impairment substantially limits a major life activity. Mitigating measures include, but are not limited to:

- Medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies;
- Use of assistive technology;
- Reasonable accommodations or “auxiliary aids or services” (as defined by 42 U.S.C. § 12101 *et seq.*);
- Learned behavioral or adaptive neurological modifications; or
- Psychotherapy, behavioral therapy, or physical therapy.³⁰

Physical or Mental Impairment

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sensory organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

A mental impairment is any mental or psychological disorder, such as an intellectual disability (formerly “mental retardation”), organic brain syndrome, traumatic brain injury, emotional or mental illness, and

²⁹ 29 CFR § 1630.2(h)(2)(ii).

³⁰ 29 CFR § 1630.2(j)(4)-(5).

specific learning disabilities.³¹

Qualified

The term “qualified,” with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires and can perform the essential functions of such position with or without reasonable accommodation.³²

Reasonable Accommodation

A reasonable accommodation is any change made in the work environment to assist an individual with a disability to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment.³³ There are three categories of reasonable accommodations:

- Modifications or adjustments to an application or selection process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille).
- Modifications or adjustments necessary to enable an individual with a disability to perform the essential functions of the job (such as providing sign language interpreters).
- Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an office or common area such as a cafeteria).³⁴

Reasonable Accommodations Team

This is a team of subject matter experts, including but not limited to, NASA physicians, Center DPMs, and representatives from the Center’s HRS, Office of the General Counsel/Center Office of the Chief Counsel, IT, and Facilities. When convened by the DPM to discuss reasonable accommodation requests, members of this team advise the supervisor in helping make the decision on whether to grant or deny the request. All members of the Reasonable Accommodations Team who obtain or receive such information are strictly bound by the confidentiality requirements under the Rehabilitation Act and the NASA Privacy Procedural Requirements.

Reasonable Medical Documentation

³¹ 29 CFR § 1630.2(h)(2).

³² 29 CFR §1630.2(m).

³³ EEOC Enforcement Guidance), "General Principles: Reasonable Accommodation," citing 29 CFR pt. 1630 app. § 1630.2(o).

³⁴ EEOC Enforcement Guidance, "General Principles: Reasonable Accommodation;" see also U.S. Office of Personnel Management, Federal Employment of People with Disabilities, HR Professionals and Reasonable Accommodation, accessible at http://www.opm.gov/disability/hrpro_6-01-C.asp (hereafter cited as OPM Guidance).

The employer may require only the documentation that is needed to establish that an individual has a disability that necessitates a reasonable accommodation. Therefore, an employer, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation. In addition, all medical documentation shall be treated confidentially and the employer shall observe all requirements of the Privacy Act and other appropriate legal authorities.

Reassignment

Reassignment is a form of reasonable accommodation that may be provided, absent undue hardship, to an employee who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation. Reassignment is a “last resort” accommodation that must be considered if there is no other effective accommodation(s) that would enable the employee to perform the essential functions of the current job, or if all other possible accommodation(s) would impose an undue hardship on the organization.³⁵

Substantially Limits

In order for a physical or mental impairment to be a “disability” under 42 U.S.C. § 12101 *et seq.*, as amended, the impairment has to “substantially limit” a major life activity. The term “substantially limits” is construed broadly, utilizing nine rules of construction that are applied in determining whether an impairment substantially limits (or substantially limited) a major life activity.³⁶ These are:

- The term “substantially limits” is construed broadly in favor of expansive coverage, to the maximum extent permitted by law. “Substantially limits” is not meant to be a demanding standard.
- An impairment is a disability within the meaning of the law 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 substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of the law.
- The threshold issue of whether an impairment “substantially limits” a major life activity should not demand extensive analysis.
- The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term “substantially limits” is interpreted and applied to require a degree of functional limitation that is *lower* than the standard for “substantially limits” applied by the Supreme Court prior to the 2008 amendments to 42 U.S.C. § 12101 *et seq.*

The comparison of an individual’s performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical analysis. This is not intended, however, to prohibit the presentation of scientific, medical, or statistical evidence to make such a comparison where appropriate.

³⁵ EEOC Enforcement Guidance: "Types of Reasonable Accommodation Related to Job Performance: Reassignment."

³⁶ 29. CFR §1630.2(j)(1)(i)-(ix).

- The determination of whether an impairment substantially limits a major life activity will be made without regard to the ameliorative effects of mitigating measures such as: medication; medical supplies; equipment; appliances; low-vision devices (i.e., devices that magnify, enhance, or otherwise augment a visual image (does not include ordinary eyeglasses or contact lenses)); prosthetics, including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment; supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses (lenses that are intended to fully correct visual acuity or eliminate refractive error) will be considered in determining whether an impairment substantially limits a major life activity.
- An impairment that substantially limits one major life activity need not substantially limit other major life activities in order to be considered a substantially limiting impairment.
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- The six-month “transitory” part of the “transitory and minor” exception to “regarded as” coverage does not apply to the definition of “disability” under . . . the “actual disability” prong . . . or the “record of” prong of [the regulations]. The effects of an impairment lasting or expected to last fewer than six months can be substantially limiting within the meaning of the regulations.³⁷

Decision Maker

For purposes of this NPR, the Decision Maker is the individual who has responsibility and authority to make certain determinations and decisions relative to an employee’s request for reasonable accommodation. This individual initiates the interactive process in a timely fashion to find an accommodation that balances the legitimate needs of both the employee and the Agency.

For accommodation requests made by employees, the designated Decision Maker is the employee’s supervisor or manager in the employee’s chain of command. For accommodation requests made by job applicants, the designated Decision Maker is the HRS identified on the vacancy announcement.

Targeted Disability

Targeted disabilities are a subset of the larger disability category. The Federal Government has recognized that qualified individuals with certain disabilities, particularly manifest disabilities, face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. These barriers are often due to myths, fears, and stereotypes about such disabilities. The Federal Government calls these “targeted disabilities.”

Targeted disabilities may include, but are not limited to, the following: developmental disabilities (i.e., cerebral palsy; autism spectrum disorder; traumatic brain injuries; deafness or serious difficulty hearing); blindness; missing extremities (arm, leg, hand and/or foot); significant mobility impairments; partial or complete paralysis; epilepsy and other seizure disorders; intellectual disabilities; psychiatric

³⁷ 29 CFR §1630.2(j)(1)(ix).

disorders (e.g., bipolar disorder, schizophrenia, post traumatic stress disorder (PTSD), major depression); dwarfism; and significant disfigurement (e.g., disfigurements caused by burns, wounds, accidents, or congenital disorders).

Undue Hardship

A significant difficulty or expense focused on the resources and circumstances of the Agency in relationship to the cost or difficulty of providing a specific reasonable accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive or those that would fundamentally alter the nature or operations of the Agency.

The Agency shall assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.³⁸ In making the determination as to "significant difficulty or expense" the Agency shall consider:

- Overall size of the Agency's program with respect to the number of employees, number and type of facilities, and size of budget.
- Type of operation, including the composition and structure of the Agency's workforce.
- Nature and cost of the reasonable accommodation.

³⁸ EEOC Enforcement Guidance, Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, "General Principles: Undue Hardship," Oct. 17, 2002.

Appendix B. Acronyms

AA - Associate Administrator

CAP - Computer/Electronics Accommodations Program

DPM - Disability Program Manager

EO - Equal Opportunity

EEO - Equal Employment Opportunity

FOH - Federal Occupational Health

FTR – Federal Travel Regulations

GINA - Genetic Information Nondiscrimination Act

HRS - Human Resources Office

HRS - Human Resources Specialist

HQ - Headquarters

IT - Information Technology

NF - NASA Form

NODIS - NASA Online Directives Information System

NPR – NASA Procedural Requirements

OHUMR - Occupational Health Unit Medical Records

ODEO - Office of Diversity and Equal Opportunity

OHCM - Office of Human Capital Management

OIC – Official-In-Charge

OPM - Office of Personnel Management

PA – Personal Attendant

PAS – Personal Assistance Services

RAMS - Reasonable Accommodation Management System

SEP - Special Emphasis Program

SMEs - Subject Matter Experts

VFS – Vacant Funded Search

Appendix C. Implementation Guide

C.1 Introduction

C.1.1 This Implementation Guide provides supporting information on the Agency procedures for processing reasonable accommodation requests to assist in ensuring appropriate and effective reasonable accommodation processing pursuant to the NPR.

C.1.2 The guide is designed as an educational tool and desk-reference for managers, supervisors, and employees, especially individuals with formal roles and responsibilities in the process, for example, Center DPMs.

C.1.3 To this end, the Guide provides additional, more detailed information on topics addressed or touched on in the body of the NPR, including:

- a. Common Types of Accommodations;
- b. Extenuating Circumstances;
- c. Interim or Partial Accommodations;
- d. Parameters on Medical Information Requests; or
- e. Standard Language for GINA Warnings.

C.1.4 This Implementation Guide also provides a flowchart of the process. (See Section C.7.)

C.2 Common Types of Accommodations. These may include:

- a. Modifying work schedules or supervisory methods;
- b. Granting breaks or authorizing leave;
- c. Altering how or when job duties are performed;
- d. Removing and/or substituting a non-essential job function;
- e. Moving to different office space;
- f. Providing telework beyond that provided by a specific collective bargaining agreement or relevant Memorandum of Understanding;
- g. Making changes in workplace policies;
- h. Providing adaptive or assistive technology, including information technology and communications equipment or specially designed furniture;

- i. Providing a reader, sign language interpreter, or other staff assistant to enable employees to perform their job functions;
- j. Removing an architectural barrier, including reconfiguring work spaces;
- k. Providing accessible parking;
- l. Providing materials in alternative formats (e.g., Braille, large print); or
- m. Providing a reassignment to another job (see Section 3.4.5).

C.3 "Extenuating Circumstances" to Timeframes

C.3.1 If a request for a reasonable accommodation requires no supporting medical information and no extenuating circumstances apply, the request is processed and the reasonable accommodation provided in no more than 30 calendar days from the date that the request was first made.

C.3.2 Where extenuating circumstances are present, the supervisor notifies the individual in writing and apprises appropriate stakeholders (e.g., management, EO, HR, DPM) of the reason for the delay and the approximate date on which a decision or the provision of the reasonable accommodation is expected.

C.3.3 "Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of a reasonable accommodation.

C.3.3.1 For example, NASA may not delay processing or providing a reasonable accommodation because a particular staff member is unavailable. NASA staff is expected to act as quickly as possible, but not take longer than 30 calendar days to process requests and provide reasonable accommodations, absent extenuating circumstances. Even with extenuating circumstances, every effort should be made to ensure prompt processing, such that processing time does not extend beyond 60 calendar days.

C.3.3.2 When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the reasonable accommodation is extended, as necessary, at the discretion of the supervisor with the following rules applying:

- a. Extensions based on extenuating circumstances are limited;
- b. The reasons for such extensions shall be in writing; and
- c. The supervisor's response, regardless of whether the extension is granted, shall also be documented.

C.3.3.3 Some examples of extenuating circumstances:

- a. There is an outstanding initial or followup request for medical information;
- b. The purchase of equipment may take longer than 30 calendar days because of requirements under the Federal Acquisition Regulations;

- c. Equipment has to be back-ordered because the vendor typically used by NASA 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;
- d. The employee with a disability needs to work with equipment on a trial basis to ensure that it is effective before NASA executes a final purchase;
- e. New staff needs to be hired or contracted for, or a reasonable accommodation involves the removal of architectural barriers; or
- f. The acquisition of assistive technology may take time to obtain.

C.3.4 Any further developments or changes are also to be communicated promptly by the supervisor to the individual in writing, including other extenuating circumstances that would modify or limit the Agency's ability to provide the reasonable accommodation.

C.4 Interim or Partial Accommodations

C.4.1 If the reasonable accommodation is delayed and the facts and circumstances make it reasonably likely that the employee shall be entitled to a reasonable accommodation, the Decision Maker shall provide an interim or partial accommodation, absent undue hardship. (See Section 3.2.1.2; Appendix A, "Extenuating Circumstances" definition; Appendix C, Sections C.3.)

C.4.2 The supervisor or manager in the employee's chain of command shall consult with the Center to identify what interim or partial accommodations can be taken to assist the employee. (Note: Generally, this section refers to employees rather than job applicants.)

C.4.3 This could include providing the requested reasonable accommodation on a temporary basis or providing a less effective form of reasonable accommodation.

C.4.3.1 This temporary measure may not be as effective as the adaptive equipment, but it will at least allow the employee to perform as much of the job as possible until the equipment arrives.

C.4.3.2 In addition, the supervisor may provide, although is not required to provide, measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if:

- a. They do not interfere with the operations of the Agency, and
- b. The employee is clearly informed that they are being provided only on a temporary, interim basis.

C.4.3.3 If a delay is attributable to the need to obtain or evaluate medical documentation and NASA has not yet determined that the individual is entitled to a reasonable accommodation, NASA may also provide interim or partial accommodations.

- a. In such a case, the supervisor is to notify the individual in writing that the measures are temporary,

pending a decision on the reasonable accommodation request.

b. Decision Makers who approve such interim or partial accommodations are responsible for assuring that they do not take the place of a permanent reasonable accommodation and that all necessary steps to secure the permanent reasonable accommodation are taken.

C.5 Parameters on Medical Information Requests

C.5.1 The supervisor, with appropriate consultation and through the DPM, may seek information or documentation only about the disability and/or functional limitations and/or ask the individual to obtain such information from an appropriate professional, such as a treating or attending physician, psychiatrist, nurse, rehabilitation therapist, or counselor.

C.5.1.1 More specifically, NASA may only seek medical documentation that is reasonably necessary to establish that the individual requesting the reasonable accommodation has a disability and needs the reasonable accommodation requested.³⁹

C.5.1.2 Therefore, the medical documentation shall be limited to determining the existence of a disability and/or the functional limitations that require reasonable accommodation.

C.5.1.3 To obtain the most helpful information possible, all requests for medical information to the individual requesting the accommodation or to the individual's medical provider should describe the nature of the job, the essential functions the individual is expected to perform, and include a copy of the individual's position description and any other relevant information about job duties.

C.6 Standard Language for GINA Warnings

C.6.1 As stated in Section 3.3.1.2(c), all requests for medical information shall warn the employee and/or health care provider from whom the information is requested not to provide genetic information – to ensure consistency with GINA. This would include any information related to family medical history, genetically-related disorders or diseases, or other information on genetic tests or services.

C.6.2 The warning should be in writing and should state the following:

“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

³⁹ See EEOC: Practical Advice For Drafting And Implementing Reasonable Accommodation Procedures Under Executive Order 13164 (July 2005), "Drafting Tips: Expressly warn against asking for medical information in support of every accommodation request." (hereafter cited as EEOC: Practical Advice).

or family member receiving assistive reproductive services.”⁴⁰

⁴⁰ 29 C.F.R. § 1635.8(b)(1)(i).

Appendix D. References

- D.1 The National Aeronautics and Space Act, 51 U.S.C. § 30113(a).
- D.2 Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4214, Section 403.
- D.3 Transfer of Certain Equal Employment Enforcement Functions, E.O. 12106, 3 CFR 263 (1978).
- D.4 Medical Qualifications Determinations, 5 CFR § 339.
- D.5 Federal Sector Equal Employment Opportunity, 29 CFR § 1614.
- D.6 NPR 1840.1, Management of Workers' Compensation Injuries and Illnesses.
- D.7 NPR 1382.1, NASA Privacy Procedural Requirements.
- D.8 EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (2000).
- D.9 EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (1999; rev. 2002).
- D.10 EEOC Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (2000).
- D.11 EEOC Management Directive (MD) 715 (2003).
- D.12 EEOC Office of Federal Operations, Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164 (2005).

Appendix E. Resources

E.1 Job Accommodation Network (JAN):

a. 1-800-232-9675 (Voice/TTY)

b. <http://askjan.org> A service of the U.S. Department of Labor, Office of Disability Employment Policy (ODEP) formerly the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

E.2 Americans with Disabilities Act (ADA) Disability and Calendar Technical Assistance Centers (DBTACs):

a. 1-800-949-4232 (Voice/TTY)

b. The DBTACs consist of ten federally funded regional centers that provide information, training, and technical assistance on the Americans with Disabilities Act of 1990. Each Center works with local businesses, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

E.3 Registry of Interpreters for the Deaf:

a. (703) 838-0030 (Voice/TTY)

b. The registry offers information on locating and using interpreters and transliteration services.

E.4 Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Technical Assistance Project:

a. (703) 524-6686 (Voice) (703) 524-6639 (TTY)

b. <http://www.resna.org/>

c. RESNA can refer individuals to projects throughout the United States offering technical assistance on technology-related services for individuals with disabilities. Services may include: information and referral centers to help determine what devices may assist an individual with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products), centers where individuals can try out devices and equipment, assistance in obtaining funding for and repairing devices, and equipment exchange and recycling programs.

E.5 Selected Equal Employment Opportunity Commission Resources

E.5.1 Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act

<http://www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/pdf/CFR-2011-title29-vol4-part1630.pdf>

E.5.2 Notice Concerning The Americans With Disabilities Act (ADA) Amendments Act of 2008

http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm

E.5.3 Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008

http://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm

E.5.4 Fact Sheet on the EEOC's Final Regulations Implementing the ADAAA

http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm

E.5.5 Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation

http://www.eeoc.gov/policy/docs/accommodation_procedures.html

E.5.6 Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA (as revised, 10/17/02)

<http://www.eeoc.gov/policy/docs/accommodation.html>

E.5.7 Enforcement Guidance: Disability-Related Inquiries & Medical Examinations of Employees Under the ADA

<http://www.eeoc.gov/policy/docs/guidance-inquiries.html>

E.5.8 Policy Guidance on Executive Order 13145: To Prohibit Discrimination in Federal Employment Based on Genetic Information

<http://www.eeoc.gov/policy/docs/guidance-genetic.html>

E.5.9 Enforcement Guidance on Application of the ADA to the Contingent Workers Placed By Temporary Agencies & Other Staffing Firms

<http://www.eeoc.gov/policy/docs/guidance-contingent.html>

E.5.10 Enforcement Guidance on the ADA and Psychiatric Disabilities

<http://www.eeoc.gov/policy/docs/psych.html>

E.5.11 Enforcement Guidance on the Effect of Representations Made in Applications for Benefits on the Determination of Whether a Person is a "Qualified Individual with a Disability" Under the ADA

<http://www.eeoc.gov/policy/docs/qidreps.html>

E.5.12 Enforcement Guidance: Workers' Compensation & the ADA:

<http://www.eeoc.gov/policy/docs/workcomp.html>

E.5.13 Enforcement Guidance: Preemployment Disability-Related Questions & Medical Examinations

<http://www.eeoc.gov/policy/docs/guidance-inquiries.html>

E.5.14 *Interim Enforcement Guidance on the Application of the ADA to Disability-Based Distinctions in Employer Provided Health Insurance*

<http://www.eeoc.gov/policy/docs/health.html>

E.5.15 *FMLA, ADA, and Title VII*

<http://www.eeoc.gov/policy/docs/fmlaada.html>

E.5.16 *Q&A: Intellectual Disabilities in the Workplace & the ADA*

http://www.eeoc.gov/laws/types/intellectual_disabilities.cfm

E.5.17 *Q&A: Epilepsy in the Workplace & the ADA*

<http://www.eeoc.gov/laws/types/epilepsy.cfm>

E.5.18 *Q&A: Diabetes in the Workplace & the ADA*

<http://www.eeoc.gov/laws/types/diabetes.cfm>

E.5.19 *Job Applicants and the ADA*

<http://www.eeoc.gov/facts/jobapplicant.html>

E.5.20 *Work at Home/Telework as a Reasonable Accommodation*

<http://www.eeoc.gov/facts/telework.html>

E.5.21 *The ADA: A Primer for Small Business*

<http://www.eeoc.gov/eeoc/publications/adahandbook.cfm>

E.5.22 *Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures*

<http://www.eeoc.gov/facts/evacuation.html>

E.5.23 *How to Comply with the ADA: A Guide for Restaurants & Other Food Service Employers*


http://www.eeoc.gov/facts/restaurant_guide.html

E.5.24 *Q&A for Parties to Mediation: Mediation and the ADA*

<http://www.eeoc.gov/eeoc/mediation/ada-parties.cfm>

Appendix F. Forms

F.1 NF1699 Confirmation of Request for Reasonable Accommodation:

 National Aeronautics and Space Administration		Confirmation of Request for Reasonable Accommodation	
1. REQUESTER INFORMATION			
APPLICANT'S OR EMPLOYEE'S NAME		APPLICANT'S OR EMPLOYEE'S TELEPHONE NUMBER	
APPLICANT'S OR EMPLOYEE'S HOME ADDRESS		APPLICANT'S OR EMPLOYEE'S OFFICE	
TODAY'S DATE		DATE OF REQUEST	
2. REASONABLE ACCOMMODATION REQUESTED <i>(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)</i>			
3. REASON FOR REQUEST			
IF REASONABLE ACCOMMODATION IS TIME-SENSITIVE, PLEASE EXPLAIN:			
RETURN FORM TO DISABILITY PROGRAM MANAGER <i>(Disability Program Manager shall assign number)</i>			
4. SIGNATURE OF REQUESTER		5. LOG NUMBER	
6. NAME OF RECEIVING OFFICIAL <i>(If other than DPM)</i>		7. SIGNATURE OF RECEIVING OFFICIAL <i>(If other than DPM)</i>	

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PRIVACY ACT STATEMENT

Pursuant to the Privacy Act of 1974, 5 U.S.C. §552a, the following statement is furnished to individuals supplying information for individuals requesting a reasonable accommodation with NASA.


AUTHORITY: Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, 794, 794d.

PURPOSES AND ROUTINE USES: The principal purpose for collecting this information is for NASA to be able to make a determination whether individuals are entitled a reasonable accommodation. This information is being collected and maintained by NASA. Information collected in connection with a request for reasonable accommodation is confidential and may be shared with Agency officials or Agency contractors only when those other individuals need to know the information to make determinations on a reasonable accommodation request, or to assist the Decision Maker in making such a determination. The information collected may also be used for standard routine uses 1-8 inclusive as set forth in Appendix B of NASA's Annual Notice and Amendments to Systems of Records.

EFFECT OF NONDISCLOSURE: Supplying the information is voluntary on your part.

However, individuals not supplying the requested information will not be able to have the request for a reasonable accommodation processed.

F.2 NF1699A Disposition of Reasonable Accommodation

 National Aeronautics and Space Administration		<h3>Disposition of Reasonable Accommodation Request</h3>		1. REASONABLE ACCOMMODATION (Check one) <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (if denied, attach a copy of NF 1000B)
2. REQUESTER INFORMATION				
NAME		TELEPHONE NUMBER		
IF EMPLOYEE, PLEASE PROVIDE OFFICE		IF APPLICANT, PLEASE PROVIDE ADDRESS		
3. DATE OF REASONABLE ACCOMMODATION REQUEST		WHO RECEIVED THE REQUEST?		
4. DATE REASONABLE ACCOMMODATION REQUEST REFERRED TO DECISION MAKER (i.e., immediate supervisor, office head, Disability Program Manager, human resources specialist, Center EO Officer)		NAME OF DECISION MAKER		
5. DATE REASONABLE ACCOMMODATION APPROVED OR DENIED		6. DATE REASONABLE ACCOMMODATION PROVIDED (if different from date approved)		
7. IF TIME FRAMES OUTLINED IN THE REASONABLE ACCOMMODATION PROCEDURES WERE NOT MET, PLEASE EXPLAIN WHY				
8. JOB HELD OR DESIRED				
a. JOB HELD (including occupational series, grade level, and office)				
b. JOB DESIRED BY INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION (including occupational series, grade level, and office)				
9. REASONABLE ACCOMMODATION NEEDED FOR (Check one):				
<input type="checkbox"/> APPLICATION PROCESS <input type="checkbox"/> PERFORMING JOB FUNCTIONS OR ACCESSING THE WORK ENVIRONMENT		<input type="checkbox"/> ACCESSING A BENEFIT OR PRIVILEGE OF EMPLOYMENT (e.g., attending a training program or social event)		
10. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED (e.g., Adaptive equipment, staff assistant, removal of architectural barrier)				
11. TYPE OF REASONABLE ACCOMMODATION PROVIDED (if different from what was requested)				
12. WAS MEDICAL INFORMATION REQUIRED TO PROCESS THIS REQUEST? IF YES, EXPLAIN WHY				

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Request

13. SOURCES OF TECHNICAL ASSISTANCE, IF ANY, CONSULTED IN TRYING TO IDENTIFY POSSIBLE REASONABLE ACCOMMODATIONS <i>(e.g., job accommodation network, disability organization, Disability Program Manager)</i>	
14. COMMENTS	15. LOG NUMBER
SIGNATURE OF DECISION MAKER	SUBMITTED BY
TELEPHONE NUMBER	ACKNOWLEDGMENT OF RECEIPT

PRIVACY ACT STATEMENT

Pursuant to the Privacy Act of 1974, 5 U.S.C. §552a, the following statement is furnished to individuals supplying information for individuals requesting a reasonable accommodation with NASA.


AUTHORITY: Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, 794, 794d.

PURPOSES AND ROUTINE USES: The principal purpose for collecting this information is for NASA to be able to make a determination whether individuals are entitled a reasonable accommodation. This information is being collected and maintained by NASA. Information collected in connection with a request for reasonable accommodation is confidential and may be shared with Agency officials or Agency contractors only when those other individuals need to know the information to make determinations on a reasonable accommodation request, or to assist the Decision Maker in making such a determination. The information collected may also be used for standard routine uses 1-6 inclusive as set forth in Appendix B of NASA's Annual Notice and Amendments to Systems of Records.

EFFECT OF NONDISCLOSURE: Supplying the information is voluntary on your part.

However, individuals not supplying the requested information will not be able to have the request for a reasonable accommodation processed.

F.3 NF1699B Denial of Reasonable Accommodation

	National Aeronautics and Space Administration	<h2 style="margin: 0;">Denial of Reasonable Accommodation Request</h2>								
1. NAME OF INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION										
2. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED										
3. REQUEST FOR REASONABLE ACCOMMODATION DENIED BECAUSE <i>(May check more than one box):</i>										
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> REASONABLE ACCOMMODATION INEFFECTIVE</td> <td style="width: 50%; border: none;"><input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE LOWERING OF PERFORMANCE OR PRODUCTION STANDARD</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> REASONABLE ACCOMMODATION WOULD CAUSE UNDUHARDSHIP</td> <td style="border: none;"><input type="checkbox"/> OTHER <i>(Please identify)</i></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> MEDICAL DOCUMENTATION INADEQUATE</td> <td style="border: none;">_____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE REMOVAL OF AN ESSENTIAL FUNCTION</td> <td style="border: none;">_____</td> </tr> </table>			<input type="checkbox"/> REASONABLE ACCOMMODATION INEFFECTIVE	<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE LOWERING OF PERFORMANCE OR PRODUCTION STANDARD	<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD CAUSE UNDUHARDSHIP	<input type="checkbox"/> OTHER <i>(Please identify)</i>	<input type="checkbox"/> MEDICAL DOCUMENTATION INADEQUATE	_____	<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE REMOVAL OF AN ESSENTIAL FUNCTION	_____
<input type="checkbox"/> REASONABLE ACCOMMODATION INEFFECTIVE	<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE LOWERING OF PERFORMANCE OR PRODUCTION STANDARD									
<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD CAUSE UNDUHARDSHIP	<input type="checkbox"/> OTHER <i>(Please identify)</i>									
<input type="checkbox"/> MEDICAL DOCUMENTATION INADEQUATE	_____									
<input type="checkbox"/> REASONABLE ACCOMMODATION WOULD REQUIRE REMOVAL OF AN ESSENTIAL FUNCTION	_____									
4. DETAILED REASON(S) FOR THE DENIAL OF REASONABLE ACCOMMODATION <i>(Must be specific, e.g., why reasonable accommodation is ineffective or causes undue hardship)</i>										
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 REASONABLE ACCOMMODATION AND WHY YOU BELIEVE THE OFFERED REASONABLE ACCOMMODATION WOULD BE EFFECTIVE										
IF AN INDIVIDUAL WISHES TO REQUEST RECONSIDERATION OF THIS DECISION, THE INDIVIDUAL MAY TAKE THE FOLLOWING STEPS: <ul style="list-style-type: none"> • First, ask the DM to reconsider the denial within 30 days of the requester's receipt of the denial (NF 1699B). Additional information may be presented to support this request. • If the DM does not reverse the denial: <ul style="list-style-type: none"> • And the DM was the individual's supervisor, the individual can ask the next level of management to do so. • And the DM was the next level of management, the individual can ask the Disability Program Manager to do so. • And the DM was the Disability Program Manager, the individual can ask the official designated by the Director of the EO Office to do so. • The request for review of the non-reversal must be made within 30 days of receipt of non-reversal by the DM. 										
IF A FEDERAL APPLICANT OR EMPLOYEE WISHES TO FILE AN EEO COMPLAINT OR PURSUE MERIT SYSTEMS PROTECTION BOARD (MSPB) AND UNION GRIEVANCE PROCEDURES, HE OR SHE MUST TAKE THE FOLLOWING STEPS: <ul style="list-style-type: none"> • For an EEO complaint pursuant to 29 C.F.R. Part 1614, contact the Equal Employment Opportunity office within 45 days from the date of this notice of denial of reasonable accommodation and request to speak to an EEO Counselor. • For a collective bargaining claim, file a written grievance in accordance with the provisions of the applicable collective bargaining agreement. • Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3. 										
6. LOG NUMBER	NAME OF DECIDING OFFICIAL	SIGNATURE OF DECIDING OFFICIAL								
DATE REASONABLE ACCOMMODATION DENIED		PRIVACY ACT STATEMENT								

NASA FORM 1699B MAR 08

Request

PRIVACY ACT STATEMENT

Pursuant to the Privacy Act of 1974, 5 U.S.C. §552a, the following statement is furnished to individuals supplying information for individuals requesting a reasonable accommodation with NASA.

AUTHORITY: Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, 794, 794d.

PURPOSES AND ROUTINE USES: The principal purpose for collecting this information is for NASA to be able to make a determination whether individuals are entitled a reasonable accommodation. This information is being collected and maintained by NASA.

Information collected in connection with a request for reasonable accommodation is confidential and may be shared with Agency officials or Agency contractors only when those other individuals need to know the information to make determinations on a reasonable accommodation request or to assist the DM in making such a determination.

The information collected may also be used for standard routine uses 1-6 inclusive as set forth in Appendix B of NASA's Annual Notice and Amendments to Systems of Records.

EFFECT OF NONDISCLOSURE: Supplying the information is voluntary on your part.

However, individuals not supplying the requested information will not be able to have the request for a reasonable accommodation processed.

F.4 NF1699C Reassignment Preference Form

Form 1699C

DATE:

MEMORANDUM FOR (Insert Employee Name)

FROM:

SUBJECT: Reassignment Preference Form

In accordance with the Equal Employment Opportunity Commission's *Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the American with Disabilities Act*, (October 17, 2002), NASA is prepared to explore reassignment as a potential accommodation to a vacant and funded position for which you are qualified and for which your functional limitations can be accommodated.

In order to begin this process, please provide me with an updated resume, SF 171 or OF-612 and supporting medical documentation and a medical release, if appropriate. This information will be used to assist the Agency in identifying vacant, funded positions that are suitable for you in accordance with EEOC guidance and NASA policy.

In order to assist the Agency in this process, please respond to the following questions. Please note that if the Agency identifies and offers you a position based on the preferences that you identify below and you decline the position, the Agency has no further obligations to explore reassignment for you.

1. A search will first be made for positions within your Center and your commuting area. Are you interested in positions in other Centers near your current commuting area?
Yes _____ No _____

2. Are you interested in positions outside the commuting area? Your decision is based on the understanding that you will not receive reimbursement for travel relocation expenses.
Yes _____ No _____

If yes, search only within your Center _____ or all NASA Centers _____.

3. If you answered yes to question No. 2, please indicate the geographic areas for which you desire consideration. You may indicate as many or as few as you like or you may select all.

All _____

4. A search will be made for positions at your current grade level and below. If no positions at your grade level are available, you may be offered a position at a lower grade. You understand that if you elect to accept a lower grade, you will not receive pay retention. Are you interested in positions at a lower grade?

Yes _____ No _____

5. If you answered yes to question No. 4, what is the lowest grade you will consider?

GS - _____

The Agency's procedures for reassignment and my rights and options in this process have been fully explained to me. I have indicated my preferences for reassignment in this form with a full and complete understanding of the process and my rights and options in it. I also acknowledge receiving a copy of this memorandum.

Employee's Signature

Date

Appendix G. List of NASA Center POCs for Reasonable Accommodations

NASA CENTER	EEO OFFICE
<u>Ames Research Center</u>	Telephone: (650) 604-0783 Fax: (650) 604-2720
<u>Armstrong Flight Research Center</u>	Telephone: (661) 276-3033 Fax: (661) 276-3033
<u>Glenn Research Center</u>	Telephone: (216) 433-2463 Fax: (216) 433-6024
<u>Goddard Space Flight Center</u>	Telephone: (301) 286-7348 Fax: (301) 286-1712
<u>Headquarters</u>	Telephone: (202) 358-1228 Fax: (202) 358-2742
<u>Johnson Space Center</u>	Telephone: (281) 483-0603 Fax: (281) 483-0609
<u>Kennedy Space Center</u>	Telephone: (321) 867 9171 Fax: (321) 867-1066
<u>Langley Research Center</u>	Telephone: (757) 864-4240 Fax: (757) 864-8832
<u>Marshall Space Flight Center</u>	Telephone: (256) 544-6764 Fax: (256) 544-2411
<u>NASA Shared Services Center</u>	Telephone: (228) 688-2210 Fax: (228) 688-1284
<u>Stennis Space Center</u>	Telephone: (228) 688-2210 Fax: (228) 688-1284