



National Transportation Safety Board

Operations Bulletin EEO-GEN-002 Reasonable Accommodation Program

1. Issuing Organization. Operations Bulletin EEO-GEN-002 was developed by the Office of Equal Employment Opportunity, Diversity and Inclusion (EEODI) and was initially issued on November 14, 2008. It was revised and reissued on October 17, 2016; June 25, 2018; and June 13, 2019. ¹ It is due for review by June 12, 2024, or earlier as needed.
2. Purpose. This bulletin establishes agency procedures for providing reasonable accommodation when requested by qualified individuals with disabilities, in accordance with federal law, executive order, and related regulations.
3. Policy. It is NTSB policy to—
 - A. Review requests and provide reasonable accommodation to qualified individuals (including employees, contractors, and applicants seeking employment) with disabilities, in accordance with law, regulations, and the procedures provided in this bulletin, in a fair and timely manner.
 - B. Designate decisionmakers to act on requests for reasonable accommodation based on the facts and circumstances of individual requests.
 - C. Ensure that requesters are kept apprised of the status of their requests.
 - D. Ensure that accommodations do not pose an undue hardship on NTSB operations.
 - E. Consider reassignment as an accommodation, as required by Equal Employment Opportunity Commission (EEOC) regulations, if it is determined that (1) no accommodations will be effective in enabling the employee to perform the essential

¹ This bulletin was revised June 13, 2019, to provide clarification and to address July 6, 2018, comments received from the Equal Employment Opportunity Commission. It implements Executive Order 13164, dated July 26, 2000, which requires each federal agency to establish written procedures to facilitate the provision of reasonable accommodation when requested by qualified individuals with disabilities in accordance with the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act (ADA) of 1990, as amended; the Americans with Disabilities Act Amendments Act (ADAAA) of 2008; and their implementing regulations.

functions of his or her current position or (2) all other accommodations would impose an undue hardship on the agency.

- F. Consistent with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), define “disability” broadly, in favor of expansive coverage to the maximum extent permitted by the terms of the Americans with Disabilities Act of 1990 (ADA). Therefore, the question of whether an individual meets the definition of disability will not demand extensive analysis.

Use the procedures in this bulletin to provide personal assistance services (PAS) to qualified individuals with targeted disabilities, absent undue hardship, during work hours or while on work-related travel if PAS would, together with any additional accommodations needed, enable the individual to perform the essential functions of his or her position.

4. Cancellation. Operations Bulletin EEO-GEN-002 supersedes Operations Bulletin EEO-GEN-002 dated June 25, 2018.

5. References.

- A. Executive Order 13164 (July 26, 2000).
- B. The Rehabilitation Act of 1973, as amended.
- C. The Americans with Disabilities Act of 1990 (Title I), as amended.
- D. The Americans with Disabilities Act Amendments Act of 2008, (ADAAA) as amended.
- E. Title 29 *Code of Federal Regulations (CFR)* Part 1614, Federal Sector Equal Employment Opportunity.
- F. 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act.
- G. EEOC Management Directive 715 (MD-715).
- H. EEOC Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000).
- I. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, October 2002
- J. EEOC Enforcement Guidance on the Americans with Disabilities and Psychiatric Disabilities, March 1997.
- K. EEOC Enforcement Guidance on Pre-employment Disability-Related Questions and Medical Examinations, October 1995.
- L. EEOC Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the ADA, July 2000
- M. The Privacy Act of 1974, as amended.
- N. 5 *CFR*, Chapter I, Part 293, Subpart E, Employee Medical File System Records.

- O. Questions and Answers About Diabetes in the Workplace and the Americans with Disabilities Act (ADA)
- P. National Archives and Records Administration, General Records Schedule 1.
- Q. Questions & Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act.

6. Responsibilities.

- A. The Managing Director or his or her designee is responsible for the following:
 - (1) Ensuring overall direction and operational efficiency of the NTSB's reasonable accommodation program.
 - (2) Ensuring that funding is made available for the provision of reasonable accommodations.
 - (3) Holding Office Directors accountable for compliance with the requirements and time limits established under this bulletin.
- B. The Director, Office of Equal Employment Opportunity, Diversity, and Inclusion (EEOI) is responsible for the following:
 - (1) Planning, developing, and managing the reasonable accommodation program, policies, and procedures within the NTSB.
 - (2) Advising the Chairman and Managing Director on the plans, procedures, regulations, reports, and any other matters pertaining to the agency's reasonable accommodation program.
 - (3) Coordinating with the Chief Financial Officer (CFO) or his or her designee to ensure that sufficient resources are available to procure services, furniture, equipment, and anything else deemed necessary to provide reasonable accommodation to qualified individuals, when approved in accordance with the procedures of this bulletin.
 - (4) Ensuring that managers and supervisors receive training on their obligations and requirements under the applicable laws and regulations, and the procedures of this bulletin, to provide reasonable accommodation to qualified individuals.
 - (5) Appointing a Disability Employment Program Manager (DEPM) to assist with the management of this program, including the review and processing of requests and the preparation of data and reports relating to the agency's reasonable accommodation program.
 - (6) Establishing a system for periodically evaluating and reporting to the Chairman and Managing Director on the effectiveness of the agency's reasonable accommodation program and procedures.
 - (7) Providing guidance to, and coordinating with, the DEPM on processing accommodation requests and ensuring accurate and complete tracking and reporting of program data.

- (8) Ensuring that known barriers and impediments in agency policies that may cause unnecessary delay in providing accommodations (for example, those related to purchasing or leasing of equipment; hiring or contracting for readers, interpreters, or other assistants; the flexibility to approve leave or to restructure work schedules) are reported to appropriate management officials for corrective action.
- (9) Providing an annual report on all reasonable accommodations and disability program activities to the NTSB Chairman and Managing Director, and to the Chair of the EEOC, as requested, in accordance with MD-715, on or before December 31 of each year.
- (10) Ensuring compliance with the provisions specified in this bulletin.
- (11) Updating this bulletin according to the schedule, or earlier if there is an identified need.

C. The DEPM is responsible for the following:

- (1) Assisting the Director, EEODI, with the review and processing of requests for accommodation, and consulting and coordinating with other agency technical personnel and experts as necessary or required.
- (2) Developing and providing training related to the provision of reasonable accommodation, as needed.
- (3) Answering questions from requesters and providing guidance to decisionmakers on the policy and procedures described in this bulletin and the applicable laws and regulations governing reasonable accommodation.
- (4) Providing advice, guidance, and recommendations, in consultation with other agency technical personnel and experts, to assist decisionmakers in identifying the essential functions of a requester's position and in determining effective accommodations, including when additional information is needed from a requester or agency subject matter expert.
- (5) Providing guidance as appropriate to assist with identifying internal and external resources available to help facilitate the selection of an effective accommodation for requesters.
- (6) In consultation with other agency technical personnel and experts, discussing with the requester the need for obtaining medical documentation when a disability is not obvious, has not previously been documented, or requires updating, or a professional medical opinion is needed by the NTSB Medical Consultant to evaluate the medical information submitted by a requester.
- (7) Making recommendations to decisionmakers on the approval or denial of requests for accommodation, after consultation with appropriate agency technical personnel and experts, as needed.
- (8) Maintaining confidentiality and security of all medical documentation received in support of accommodation requests, and after final processing of requests, ensuring that such documentation is provided promptly to the Human Resources Division (HRD) for filing and maintenance.

- (9) Ensuring appropriate and complete written documentation throughout the processing of accommodation requests.
- (10) Collecting, preparing, and reporting on accommodation data to the Director, EEODI, on an annual basis, and identifying and eliminating barriers as required by MD-715.

D. The Chief, HRD, is responsible for the following:

- (1) Ensuring that vacancy announcements (a) contain a statement that the NTSB provides reasonable accommodation to applicants with disabilities and (b) provide instructions and point of contact information so that applicants know how to make a request.
- (2) Ensuring that vacancy announcements accurately reflect the essential functions of the announced position.
- (3) Ensuring that applicant requests for accommodation are promptly forwarded to the DEPM and appropriate decisionmaker for processing under the procedures and time limits established by this bulletin.
- (4) Identifying vacancies and anticipated vacancies when reassignment is being considered as a reasonable accommodation.
- (5) Identifying an Employee and Labor Relations Specialist to provide technical advice and assistance to the DEPM and decisionmaker on matters of reasonable accommodation, including the sufficiency of submitted medical documentation, whether review by the NTSB Medical Consultant is needed, the development of essential functions, and other matters as needed.
- (6) Ensuring the establishment, security, and proper maintenance of Employee Medical Folders, in compliance with applicable regulations, for the filing of medical documentation and other materials submitted under the procedures of this bulletin.

E. Employee/Labor Relations Specialist (E/LRS), HRD, is responsible for the following:

- (1) Providing technical advice and guidance to supervisors and managers when working with them on employee or labor relations matters concerning an employee who requests an accommodation under the provisions of this bulletin.
- (2) Providing technical advice and guidance to supervisors and managers; the Director, EEODI; and the DEPM regarding reasonable accommodation regulations, policy, and procedures, including—
 - a. The need for medical documentation when a disability is not obvious or on record.
 - b. The need for the NTSB Medical Consultant to review submitted medical documentation and provide medical opinions to facilitate administrative decisions related to requests for accommodation.

- (3) Ensuring, upon receipt, the confidentiality and proper filing in the Employee Medical Folder of reasonable accommodation materials, including medical documentation submitted to HRD.
 - (4) Facilitating, as necessary, the NTSB Medical Consultant's review of employee medical documentation to respond to requests for accommodation.
 - (5) Providing technical advice and guidance, as necessary, to supervisors and managers; the Director, EEODI; and the DEPM on the identification and documentation of essential functions of a position.
- F. The Office of the General Counsel (OGC) will conduct research and provide legal and technical advice and guidance to the Director, EEODI; the DEPM; HRD; and NTSB decisionmakers regarding reasonable accommodation law, regulations, policies, procedures, and requests involving complex or precedent-setting issues, as needed.
- G. Supervisors and managers (decisionmakers) are responsible for the following:
- (1) Upon receipt of a request for accommodation, whether received orally or in writing, notifying and seeking immediate consultation with the DEPM to discuss the request and determine the appropriate next steps in the process, including acknowledging receipt of the request in writing (using Attachment 2).
 - (2) Documenting oral requests for accommodation (using Attachment 1) and forwarding the completed form to the DEPM for processing.
 - (3) In consultation with the DEPM, initiating and engaging in the "interactive process," an informal dialogue with the requester to discuss and clarify (1) precise functional limitations, workplace restrictions, or barriers; (2) their impact on the requester's ability to perform the essential functions of his or her position or to apply and be considered for employment; and (3) the identification of possible and effective reasonable accommodations.
 - (4) In consultation with the DEPM and HRD, establishing in writing the essential functions of the requester's job when needed for the purpose of requesting medical documentation or evaluating the potential effectiveness of proposed accommodations.
 - (5) Actively participating in the reasonable accommodation process and working with the DEPM to review and evaluate accommodation requests expeditiously in accordance with the procedures specified in this bulletin and, absent extenuating circumstances, providing written decisions to grant, modify, or deny an accommodation as soon as practicable but no later than 30 days from the agency's receipt of the request (see Attachments 4 and 6).
 - (6) When made aware of extenuating circumstances that will prevent a final decision and implementation of reasonable accommodation within 30 days after receipt of the request, notifying the requester in writing as soon as

practicable of the circumstances for the delay and the estimated date of completion (see Attachment 3.)

- (7) Upon selection, an applicant who requests an accommodation, consulting with the DEPM to ensure appropriate documentation and processing of the request and to ensure that, if necessary, reasonable accommodation is in place before the individual reports to work in a duty status.
- H. The NTSB Medical Consultant is responsible for the following:
- (1) Providing medical opinions to the agency, as necessary, regarding the medical documentation submitted by requesters for the purpose of reasonable accommodation.
 - (2) When a medical release has been completed and submitted by the requester, consulting with treating health care provider(s) to discuss medical conditions; functional limitations; restrictions; and appropriate, effective accommodations.
- I. The Chief, Safety Division, Office of Administration is responsible for the following:
- (1) Notifying the DEPM promptly when an employee makes a request that could be interpreted as a request for accommodation under the procedures of this bulletin.
 - (2) Consulting with the DEPM during the interactive process as requested or as needed.
 - (3) Conducting, as necessary, ergonomic assessments for the purpose of reasonable accommodation as soon as possible after receipt of the request and providing routine ergonomic equipment and accessories.
 - (4) Providing technical advice and guidance, as necessary, to the Director, EEODI; the DEPM; HRD; and NTSB decisionmakers, to ensure that accommodation decisions consider occupational safety and health standards.
- J. The Chief Financial Officer is responsible for the following:
- (1) Ensuring that funding is made available for the provision of reasonable accommodation.
 - (2) Ensuring that a mechanism for funding accommodations that avoids charging individual offices for the cost of accommodations be provided to their employees or applicants for employment.
- K. Requesters (employees or those acting on their behalf) are responsible for the following:
- (1) Submitting requests for accommodation, either orally or in writing (see Attachment 1) to the appropriate decisionmaker in his or her chain of command, the DEPM, or the Director, EEODI.
 - (2) Engaging in an informal interactive process with the DEPM and other agency officials, as requested, to clarify the request and what is needed, to include explanation of the precise functional limitations resulting from the disability,

any work restrictions or problems posed by a workplace barrier, and the identification of reasonable accommodation(s), if known (see item 7D below).

- (3) If the disability or need for an accommodation is not obvious or was not previously recorded, providing sufficient medical documentation or other relevant documentation to support the request (see item 7E below).
- (4) Participating in a needs assessment for assistive technology when recommended by the DEPM or other authorized agency officials.
- (5) Learning and maintaining the skills required for using any assistive technology provided as a reasonable accommodation, including upgraded versions of assistive technology, if applicable.

I. Applicant requesters are responsible for the following:

- (1) Communicating requests for reasonable accommodation to any agency official involved in the application and hiring process, including contacting an HRD representative using the link provided in the vacancy announcement under "How To Apply."
- (2) Participating in an informal interactive process with agency officials and the DEPM, as requested, to clarify the request and what is needed, to include the functional limitation(s) resulting from the disability, the problems posed by any workplace barrier, and the identification of an accommodation.
- (3) Upon receipt of a job offer, providing to agency officials medical documentation or other relevant documentation to support a request for reasonable accommodation.

7. Procedures.

A. Making a Request for Reasonable Accommodation.

- (1) An individual may request accommodation at any time, even if the existence of a disability has not been previously disclosed to agency officials. The NTSB reasonable accommodation process and time limits begin as soon as the request for accommodation is submitted to an agency official, whether the request is made orally or in writing.
- (2) Requesters need not provide their request to the precise agency decisionmaker but should provide notice to an agency official as noted in item 7A(3) below. It is up to the individual receiving the request to immediately notify the DEPM to ensure an appropriate decisionmaker is designated and the request can be processed properly without delay. Individual decisionmakers will be determined by the agency based on the facts and circumstances of each request.
- (3) Employees or applicants requesting an accommodation may do so either orally or in writing (see Attachment 1, "Request for Reasonable

Accommodation”).² Employee requesters should make their request to their immediate supervisor, other supervisor or manager in their line of supervision, the DEPM, or the Office of EEODI. Applicant requesters should make their request to any NTSB official with whom the applicant has had contact during the application or hiring process, including a human resources representative using the links provided in the vacancy announcement under “How To Apply” and “Agency Contact Information.”

- (4) In making a request for accommodation, the employee or applicant need not use any specific words (such as “reasonable accommodation” or “disability”). Any request made to an agency management official by an employee or applicant seeking (1) assistance, (2) an exception to standard procedures, or (3) any other accommodation due to a medical condition or physical restriction should be regarded as a request for reasonable accommodation and processed in accordance with this bulletin. Any communication in which an applicant or employee asks for or states a need for the agency to provide something or make a change because of his or her medical condition or physical restriction will be regarded as a request for a reasonable accommodation. The employee or applicant is not required to specify an accommodation prior to making a request and need only state that some sort of change or assistance is required. A supervisor, manager, or the DEPM should ask an individual whether he or she is requesting a reasonable accommodation if the nature of the initial communication is unclear. For guidance on how to recognize a request for accommodation, seek assistance from the Office of EEODI.
- (5) Routine requests for reasonable accommodation involving electronic adaptive equipment (including information technology and communications equipment) and accessories (such as rolling computer bags and ergonomic keyboards, monitor stands, or footrests) will be coordinated as soon as possible with appropriate offices designated to issue such equipment and accessories (for example, the Office of the Chief Information Officer [OCIO] and the Safety Division, Office of Administration), as necessary. Such requests may also be processed by the DEPM through the NTSB Interagency Agreement with the Department of Defense Computer/Electronic Accommodation Program (CAP), when appropriate. Attachment 1 is required for documenting these types of routine requests for recordkeeping purposes.
- (6) Requests for a reader, Communication Access Real-time Translation (CART) services, or a sign language interpreter to enable employees to perform their day-to-day job functions or to enjoy equal benefits of employment are considered routine requests. Attachment 1 is required for documenting this type of request for recordkeeping purposes the first time a request is made. When the accommodation is needed subsequently, the requester need only

² Attachment 1 is located on the NTSB public website (for applicants and others) at www.nts.gov. Users should select “Employment,” “Reasonable Accommodation at the NTSB,” and “Reasonable Accommodation Program.” Employees may access Attachment 1 in the Forms Library on the NTSB Portal. Attachment 1 is used to track requests for accommodation, but its use for an initial request is not required. An oral request for accommodation is sufficient to initiate the process.

provide appropriate notice to management of the need to ensure adequate time to arrange for the accommodation.

- (7) If authorized by the requester, another individual acting on the requester's behalf may request reasonable accommodation for an employee or applicant. A completed Attachment 1 is preferred (but not required) to document that the designated third-party individual has the authority to act for the requester. Absent this form, the agency may contact the requester to ensure that the designated individual has the authority to act for the requester.
- (8) If a requester needs a reasonable accommodation to complete any of the forms used to document the accommodation process, he or she should contact the DEPM and/or the Office of EEODI to discuss an alternate means of providing the information. The agency may provide an alternate format for obtaining the information or may waive the requirement for the requester to complete the form and opt to gather the information in another manner.

B. Written Confirmation of a Request. Attachment 2 will be issued by an agency official (DEPM; decisionmaker; a supervisor/manager in the requester's chain of command; an official involved in a recruitment and hiring process) to the requester as soon as practicable, but no later than 5 days from receipt of a request. The purpose of Attachment 2 is to acknowledge receipt of the request and provide the requester information (such as the name of the decisionmaker and his or her contact information).

C. Time Limits for Processing a Request.

- (1) NTSB employees and decisionmakers involved in processing requests are expected to avoid unnecessary delay and act *as quickly as is reasonably possible* in reviewing, evaluating, and deciding upon requests to avoid a violation of the Rehabilitation Act. It is understood that the length of time necessary to complete individual requests will vary depending upon such factors as the nature of the request, whether it is necessary to obtain and evaluate supporting medical documentation, the length of time needed to purchase and order equipment and assistive devices or to procure services, and possible extenuating circumstances. However, when it is possible to provide a reasonable accommodation in advance of the general 30-day limit explained below, the decisionmaker must implement the accommodation without delay.
- (2) General 30-Day Limit. Absent extenuating circumstances, decisionmakers must complete the processing of an accommodation request as soon as possible, but no later than 30 days from the date that the request is made. This time limit for processing the request begins when an oral or written request for reasonable accommodation is made, not when the request is received by the decisionmaker. A request is deemed completed when one of the following occurs:
 - a. The accommodation is approved as requested and Attachment 4 is issued to the requester noting the date the accommodation will be implemented. The accommodation is implemented.

- b. A modification to the requested accommodation, or an alternative accommodation, is approved, and Attachment 6 is issued to the requester noting the date the accommodation will be implemented. If the requester agrees to accept the accommodation, the accommodation is implemented. If the requester does not accept the approved accommodation and no other effective accommodation can be found, the request is complete. The employee may proceed with redress actions, as appropriate.
 - c. The accommodation is denied and Attachment 6 is issued to the requester. The employee may proceed with redress actions, as appropriate.
 - d. The requester withdraws the request.
- (3) Requests Not Involving Extenuating Circumstances. Requests that do not involve extenuating circumstances will be processed and completed as soon as possible *without delay*, notwithstanding the general 30-day limit for processing requests.
- (4) Requests Involving Extenuating Circumstances and Response Delays. When there are extenuating circumstances, the time required to process requests may be extended beyond the general 30-day limit, as necessary. After consultation with the DEPM and agency technical personnel and experts, as necessary, decisionmakers will notify requesters in writing of any delay using Attachment 3. Such notification will include the reason for the delay and, to the agency's best knowledge, the approximate date on which a decision will be issued or when the implementation of an agreed-upon accommodation is expected. The decisionmaker, in consultation with the DEPM, will continue to provide written feedback to the requester on any further developments as they become known.
- a. When a delay exists in providing an approved accommodation, the DEPM will work with involved agency personnel to identify a temporary accommodation on an interim basis to assist the requester. The purpose of offering temporary measures is to avoid a worsening of symptoms or pain that would limit an employee's ability to work. When the known facts and circumstances make it reasonably likely that an individual will be entitled to an accommodation but it cannot be provided immediately, the agency will provide an interim accommodation that will allow the individual to perform some or all of the essential functions of his or her job if it is possible to do so without imposing undue hardship on the operations of the agency, or unsafe conditions for the requester or others.
 - b. When a delay exists but the agency has not yet made a final decision about the provision of the requested accommodation, the DEPM will work with involved agency personnel to suggest an interim accommodation that can be offered to the requester on a temporary basis, pending final decision on the request. In such cases, the decisionmaker, in consultation with the DEPM, will notify the requester in writing of any temporary accommodation that will be provided.

- c. When a temporary accommodation is provided, the decisionmaker, in consultation with the DEPM, is responsible for ensuring that it is effective, that it does not take the place of a final approved accommodation or the final notice on the accommodation, and that all necessary steps to issue a final decision on the request are taken as quickly as possible.

(4) Expedited Process.

- a. In certain circumstances, a request for reasonable accommodation may require an expedited review and decision. This includes, for example, situations in which a reasonable accommodation is needed—
 - (i) To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has equal opportunity to apply for a job.
 - (ii) To enable an employee to participate in a specific agency activity that is scheduled to occur shortly, such as attending a meeting scheduled on short notice.
- b. When an expedited process is necessary, the decisionmaker should take necessary steps to make a final decision on the request as soon as practical. The decisionmaker is still required to notify the DEPM as soon as possible thereafter of the action(s) taken or proposed and to ensure that the request and final decision is documented.

D. Interactive Process.

- (1) Communication is a priority throughout the reasonable accommodation process. All involved parties must do their best to expedite completion of their specific tasks and to participate and cooperate fully with the procedures described in this bulletin.
- (2) After review of the request and consultation with the DEPM, the decisionmaker must initiate an “interactive process” with the requester as soon as possible, but normally no later than 10 days after receipt of the request, to talk about the request, clarify issues, and ask related questions about the accommodation. This discussion should focus on such issues as why accommodation is needed (unless the disability is known or obvious), the specific functional limitations of the requester and how they affect the completion of essential job tasks and assignments, any work restrictions or barriers in the work environment, and the identity and feasibility of an effective and reasonable accommodation.
- (3) The DEPM and involved management officials must ensure that the interactive process is completed as described, including searching for and considering possible accommodations and consulting appropriate and available resources for assistance in determining effective reasonable accommodations (see Attachment 7).

- (4) The requester must participate and cooperate in the interactive process by explaining his or her precise functional limitation(s) in the work environment and any workplace restrictions or barriers preventing satisfactory performance of essential job functions or to the enjoyment of equal workplace benefits, and by identifying an effective and reasonable accommodation.
- (5) Ongoing communication is particularly important when—
 - a. The disability, specific limitation, problem, or barrier is unclear.
 - b. An effective accommodation is not obvious.
 - c. The parties are considering different possible accommodations.
- (6) When the disability is known, it has been documented previously, or the need for accommodation is obvious, extensive discussions and a request for medical documentation, as discussed below, may not be necessary. Even so, the involved decisionmaker, with the assistance of the DEPM, will engage in the “interactive process” with the requester and applicable agency officials, as necessary, to ensure that there is a full exchange of relevant information.

E. Requests for Medical Documentation.

- (1) In cases where a disability or the need for accommodation is not known, previously documented, or obvious, the NTSB may require, depending on the requirements of the specific job and consistent with business necessity, that a requester submit reasonable medical documentation to support the request (for example, relevant and current information about the disability requiring accommodation). Such documentation will be used for the purpose of determining that the requester meets the requirements for accommodation and for developing an appropriate and effective offer of accommodation. The requester is responsible for obtaining medical documentation from an appropriate health care professional (such as a physician, physical therapist, or other individual with recognized expertise regarding the requester’s condition). The medical documentation and any other relevant information must also be sufficient to enable the agency to make an informed decision on the request. Failure by the requester to provide appropriate and sufficient medical documentation (see item 9U) or to cooperate with the NTSB’s efforts to obtain such documentation may result in the denial of the request for accommodation.
- (2) Any medical documentation submitted under the procedures of this bulletin is considered confidential and will be disclosed only to agency personnel involved in evaluating and deciding on the request for reasonable accommodation.
- (3) Requests for medical documentation will be limited to the specific disability requiring accommodation and the resulting functional limitations that necessitate accommodation. Documentation will include sufficient information to respond fully to the following:
 - a. The nature, severity, and duration of the individual’s impairment.
 - b. The activity or activities that the impairment limits.

- c. The extent to which the impairment limits the individual's ability to perform the activity or activities.
 - d. Why the individual requires accommodation, or the particular accommodation requested and how the accommodation will assist the individual in applying for a job, performing the essential functions of the job held or desired, or enjoying equal benefits of the workplace.
- (4) The DEPM will consult with HRD to determine when requests for medical documentation are necessary and will prepare and issue written requests as needed. Requesters will normally be given 15 days to submit sufficient medical documentation to the DEPM substantiating a request for reasonable accommodation.
 - (5) Medical Release Form. When the agency needs medical documentation in support of a request for accommodation, the requester may be asked to sign a standard Federal Occupational Health, Public Health Service, form allowing his or her health care provider to talk directly with the NTSB Medical Consultant. This authority is strictly limited to discussing information needed to evaluate the specific request for reasonable accommodation so that the NTSB Medical Consultant obtains a full understanding of the requester's reason for accommodation and may then provide the agency with his or her medical opinion on the request. Signing such a limited release for this purpose is voluntary; however, requesters should understand that the agency's inability to obtain clarification of an accommodation request or the submitted medical documentation in support of the request may result in the denial of the request.
 - (6) Supervisors will work with the DEPM to ensure that sufficient information is provided about the requester's job duties (such as the nature of the work, the essential job functions required for successful performance in the job, and any other relevant data about how the work is accomplished) to assist the requester's health care provider in understanding and responding to the agency's request for medical documentation.
 - (7) Once the DEPM receives any requested medical documentation, he or she will evaluate it, in consultation with the NTSB Medical Consultant and other appropriate agency technical personnel or experts, as necessary, to determine the documentation's sufficiency.
 - a. If the information is determined to be sufficient, a decision on the request for accommodation will be issued to the requester as soon as possible.
 - b. If the requested information is determined to be insufficient to enable the deciding official to make a final decision, the DEPM, in consultation with other agency technical personnel or experts, as necessary, will determine whether (1) the requester will be asked to supply additional information for review and consideration, (2) the requester will be asked to undergo a medical examination by an agency-designated physician, or (3) the agency will make a final decision based on the information it has been provided thus far. If the agency decides to ask the requester to provide additional

information for review and consideration or to undergo a medical examination by an agency-designated physician, the DEPM will explain to the requester in writing why the information he or she submitted is insufficient and what additional information is needed.

F. Safeguarding Records to Prevent Unauthorized Access.

- (1) The confidentiality of, and adequate safeguarding to prevent unauthorized access of, reasonable accommodation request records is of paramount importance. Agency personnel whose official duties require access to, and the use of, reasonable accommodation records will be responsible and accountable for the safe and secure processing of these materials and will ensure that they are properly stored whenever they are not in use or under the direct control of authorized individuals. Any agency personnel given access to these records will be sensitive to individual rights to personal privacy and will not disclose information without proper authorization to do so. The information will be kept in a file separate from the individual's Official Personnel File. Access to the records will be limited to agency personnel involved in the processing of the request; for example, the DEPM; the Director, EEODI; decisionmakers; and agency technical advisors or experts. Information regarding these records, or any aspect of the process, may be disclosed only as permissible under law, regulation, and the procedures of this bulletin except as follows:
 - a. Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but to the greatest extent possible, need not be given direct information about the specific disability or impairment of the requester.
 - b. First aid and safety personnel may be told if a disability might result in the need for emergency treatment or accommodation in the event of an emergency.
 - c. Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act and the ADA.
 - d. The information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers.
 - e. Agency EEO officials may be given the information to maintain records and to evaluate and report on the agency's performance in processing reasonable accommodation requests.
- (2) Whenever medical information is disclosed, the individual disclosing the information must inform the recipients about the confidentiality responsibility attached to the disclosed information.

G. Granting Reasonable Accommodation.

- (1) When a request for reasonable accommodation is granted as requested, the decisionmaker will document his or her decision in writing using Attachment 4 and will communicate the decision expeditiously to the requester. Issuance of

Attachment 4 and implementation of the accommodation completes the reasonable accommodation request process.

- (2) When a granted accommodation is not the one requested, the requester may accept or decline the accommodation. In either case, because the accommodation of choice was not granted as requested, the decisionmaker will use Attachment 6 to document the approved alternative accommodation, explain the reason(s) for approving an alternative accommodation, and provide the requester with his or her rights of redress should he or she wish to pursue further review of the matter. Issuance of Attachment 6 and implementation of the accommodation, if the requester accepts it, will constitute completion of the reasonable accommodation process. If the requester declines the alternative accommodation offered by the agency, and no other effective reasonable accommodation exists, the process is complete. The DEPM will notify the agency personnel involved in processing the request.

H. Denying Requests for Accommodation.

- (1) A decision to deny a request for accommodation must take into consideration all possible alternatives, including reassignment, and may only be communicated to the requester after appropriate consultation with the DEPM, who will obtain reviews and evaluations from other agency technical personnel or experts, including the HRD and OGC. Prior to issuing a denial decision, the supervisor or DEPM will consult with OGC.
- (2) Once a final decision to deny the request is agreed upon, the decisionmaker will document the decision in writing using Attachment 6, explaining the specific reason(s) for the denial, any approved alternative accommodation and why it was chosen as an effective alternative, and the requester's right to seek redress through applicable statutory, collective bargaining, and/or administrative grievance procedures. Attachment 6 must be signed and dated by the decisionmaker and, upon completion, issued to the requester without delay.
- (3) Factors supporting a decision to deny a request for accommodation include, but are not limited to—
 - a. Determination that the requested accommodation would result in undue hardship. This requires the NTSB to find, based on an individualized assessment of current circumstances, that a specific accommodation would result in significant difficulty or expense; is unduly extensive, substantial, or disruptive; or would fundamentally alter the nature or operation of the NTSB's mission. Generalized conclusions will not be enough to support a claim of undue hardship. A denial on this basis is precedent setting and should not be made by decisionmakers in isolation. When evaluating reasonable accommodation requests to determine whether undue hardship exists, decisionmakers must consult with the DEPM, who will in turn seek evaluation and opinion from other technical personnel or experts prior to issuance of the decision. Decisionmakers

should also refer to the EEOC's Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (Reference H) for specific information.

- b. Medical documentation that is too vague or inadequate to establish that the individual is a qualified individual with a disability or needs a reasonable accommodation.
- c. Determination that the requested accommodation would require the removal of an essential function of the job.
- d. Determination that the requested accommodation would require the lowering of a performance or production standard.
- e. Determination that the requested accommodation would not be effective, it is not the most appropriate accommodation under the circumstances, or there are no alternative reasonable accommodations.
- f. Refusal of the requester to accept an effective alternate accommodation.

I. Reassignment as an Accommodation.

- (1) Based on information provided by the employee, on Attachment 5, non-competitive reassignment to an existing vacant position will be considered as a reasonable accommodation only if the agency has determined that no other reasonable accommodation is available to enable the employee to perform the essential job functions of his or her current job or if the only other effective accommodation would cause the agency undue hardship.

In considering whether there are vacant positions available for reassignment, the DEPM will consult with the requester and other appropriate agency technical personnel and experts, to include the Chief, HRD, or other designated HRD representative, to identify—

- a. Existing vacant positions within the NTSB for which the employee may be qualified, with or without reasonable accommodation.
- b. Positions within the NTSB for which the employee qualifies that will become vacant within the next 60 days from determining that reassignment is the final alternative for accommodation.

- (2) In considering whether there are vacant positions available for reassignment, the first focus will be to identify positions that are equivalent to the employee's current job in terms of pay, status, commuting area, and other relevant factors. If there is not an equivalent vacant position, the DEPM will consider vacant lower-level positions for which the individual is qualified (once the HRD has determined his or her qualifications). Reassignment cannot be made to a position with greater promotion potential than the current position held by the employee.

- (3) Reassignment may be made to a vacant position outside the employee's commuting area if the employee is willing to relocate. In such circumstances, the NTSB is not obligated to pay for the employee's relocation expenses unless

the NTSB provides such payments for employees without disabilities who request reassignments to other locations for personal reasons.

J. Rights of Redress When Unsatisfied With an Accommodation Decision. An individual who wishes to pursue review of an agency decision to deny reasonable accommodation may take the following actions:

- (1) Pursue a discrimination complaint under the regulations and procedures of the Equal Employment Opportunity Commission by contacting the EEO/ODI Office within 45 days of the date of receipt of a completed, signed, and dated Attachment 6. An applicant or employee who claims that NTSB has unreasonably delayed deciding on a request for reasonable accommodation may contact an EEO Counselor prior to receiving written or verbal notification of a decision.
- (2) Pursue a grievance:
 - a. As a bargaining unit employee, pursue a grievance under the negotiated procedures of Article 25 of the Collective Bargaining Agreement between the NTSB and the American Federation of Government Employees, AFL-CIO, Local 2211 (AFGE-2211), within 14 days of the date of receipt of a completed, signed, and dated Attachment 6; or
 - b. As a non-bargaining unit employee, pursue an administrative grievance under the procedures of Operations Bulletin HR-ELR-002 within 15 days of the date of receipt of a completed, signed, and dated Attachment 6.

K. Re-evaluation of an Approved Accommodation.

- (1) The re-evaluation process is intended to allow the agency to ensure that a previously approved accommodation remains effective and appropriate.
- (2) A supervisor, manager, or other agency official within the employee's immediate supervisory chain may request a re-evaluation of an existing accommodation if it is believed that the reasonable accommodation is no longer needed by the employee and the employee has not responded to a request for updated information justifying the continuation of the accommodation. The request for a re-evaluation should be submitted in writing to the DEPM. Re-evaluation of an existing accommodation will not be initiated as a form of disciplinary action, retaliation, or reprisal.
- (3) The DEPM may initiate re-evaluation of an existing accommodation upon a change in the individual's disability, job assignment, work conditions, or after a reasonable period following implementation of an accommodation, when improvement in the individual's condition is expected.
- (4) The DEPM is responsible for ensuring all re-evaluations are conducted in accordance with procedures established by this bulletin. Requesters and/or supervisors of requesters will be notified, as appropriate, in writing within 10 days of the decision that a re-evaluation will be conducted.
- (5) Re-evaluations will be conducted in consultation with the accommodated employee and his or her supervisor. The DEPM will seek advice and guidance

as needed from agency technical personnel and experts, to include the NTSB Medical Consultant, when changes in accommodation appear necessary.

- (6) The DEPM will notify the accommodated employee and his or her supervisor in writing of re-evaluation results and will advise both parties of any next steps and reconsideration rights, if any.

L. Maintenance of Reasonable Accommodation Files and Medical Records.

- (1) Upon the completion and final processing of requests for reasonable accommodation, the DEPM will purge the accommodation file of any unnecessary material and forward it to the HRD for filing and maintenance in the Employee Medical File (EMF). EMFs are kept in a locked room that is restricted by individual access codes limited to only those persons whose official duties require such access. Any agency official who has received written materials during the reasonable accommodation process will ensure that the materials are forwarded to the DEPM for final processing and routing to the HRD.
- (2) The agency will maintain employee reasonable accommodation records, including associated medical documentation, for the duration of the employee's tenure with the NTSB. Such records are considered "temporary" in accordance with Reference M, and as such, are disposed of in accordance with NARA General Records Schedule 1 (Reference P) when the employee leaves the agency and the EMF is purged for transfer to another agency, or when forwarding to the National Personnel Records Center for permanent storage.
- (3) All records will be maintained in accordance with the Privacy Act (Reference L) and 5 *CFR* Chapter I, Part 293, Subpart E (Reference L). Information regarding these records may be disclosed only as permissible under law and regulation.
- (4) Any agency employee who views, handles, files, or uses a requester's medical documentation in accordance with this bulletin will comply with the provisions of the Privacy Act including when responding to requests for disclosure of the records.

M. Information Tracking and Reporting.

- (1) Agency officials involved in the processing of a request for reasonable accommodation are responsible for maintaining status information about the request. A requester may contact the decisionmaker (if designated), the DEPM, or the EEODI Office to seek status information regarding their request.
- (2) The DEPM will provide an annual report to the Director, EEODI, on or about November 1 of each year encompassing reasonable accommodation requests data for the previous fiscal year in accordance with item 6C(9) above.
- (3) The Director, EEODI, or designee, will provide a report to the NTSB Chairman and Managing Director for review and approval in accordance with MD-715 on or before December 31 of each year for the previous fiscal year. The report

will be maintained for at least 3 years and will contain the following information:

- a. The number, type, and cost of accommodations that have been requested in the application process and whether those requests have been granted or denied.
- b. The number, type, and cost of accommodations that relate to the benefits or privileges of employment and whether those requests have been granted or denied.
- c. The jobs (including occupational series and grade by organization) for which reasonable accommodations were requested.
- d. The types of reasonable accommodation that have been requested for each of the jobs cited above.
- e. The number and types of reasonable accommodation requests by employees, the number and types of accommodation that have been approved, and the number and types of accommodation that have been denied.
- f. The reasons for denial of requests for reasonable accommodation.
- g. The amount of time taken to process each request for reasonable accommodation.
- h. The sources of technical assistance that have been consulted in working to identify possible reasonable accommodations.
- i. A qualitative assessment of the NTSB's reasonable accommodation program, including any recommendations for improvement of policies and procedures.

N. Costs for Approved Accommodations. The DEPM and/or the Office of EEODI will assist NTSB officials with determining the availability of funds to support approved accommodations and arranging for the use of such funds, as necessary, through the Office of the Chief Financial Officer.

8. External Reporting Requirements. None.

9. Definitions.

A. **Agency**: The National Transportation Safety Board, including headquarters and regional offices.

B. **Assistive Technology**: An item, piece of equipment, or system that is commonly used to increase, maintain, or improve the functional capabilities of individuals with disabilities, including ergonomic keyboards, screen-enlarging software, TTYs/TDDs (text telephones), split-screen reading software, and other items. The term "assistive technology" is used interchangeably with "computer adaptive equipment."

C. **Day**: A calendar day, unless otherwise specified.

- D. **Decisionmaker:** An agency official who has the authority to grant or deny a request for reasonable accommodation. This person is typically the first line supervisor, since most requests for accommodation involve requests related to job performance (such as job restructuring, leave, or modified work schedules). More complex situations (for example, modifications to agency policies, building or equipment modifications, the expenditure of substantive funds, or reassignments) may require approval by a higher authority such as an Office Director or the Managing Director. In any case, decisionmakers work closely with the DEPM and other agency technical personnel and experts to review, evaluate, and make final decisions on requests for reasonable accommodation.
- E. **Direct Threat:** A significant risk of substantial harm to the health or safety of the individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat will be based on an individualized assessment of the requester's present ability to safely perform the essential functions of the job. This assessment will be based on a reasonable medical judgment that relies on the most current medical knowledge and the best available objective evidence. 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.
- F. **Disability:** With respect to an individual, a physical or mental impairment that substantially limits one or more of the individual's major life activities; a record of such impairment; or regarded as having such impairment.³
- G. **Disability Employment Program Manager (DEPM):** Under the EEODI Special Emphasis Program, a collateral duty assigned by the Director, EEODI, to support the equal opportunity, employment, and advancement of individuals with disabilities. As it relates to reasonable accommodation, the DEPM is a management official who works under the guidance of the Director, EEODI, to assist supervisors/managers in the review, evaluation, processing, and recording of reasonable accommodation requests made by employees and applicants for employment with disabilities. The DEPM also serves as an advisor, fact-finder, trainer, and source of information on matters pertaining to disability employment and reasonable accommodation.
- H. **Essential Functions:** The fundamental job duties determined by a supervisor to be integral for successful performance in a position. This term does not include marginal functions of the position. Determination of the essential job functions of a position must be done on a case-by-case basis so that this determination reflects the job as actually performed, and not simply the components of a generic position description. A function can be considered essential for several reasons, including but not limited to the following factors: (1) the position exists specifically to perform that function, (2) there are a limited number of available employees who can

³ Although an individual who is "regarded as" having a disability is protected under the Rehabilitation Act, absent a medical condition that substantially limits a major life activity, such individuals are not entitled to reasonable accommodation.

perform the job function, or (3) the function is highly specialized, and the incumbent was hired based on his or her expertise or ability to perform the particular function.

- I. **Extenuating Circumstance:** Any unforeseen or unavoidable event that prevents the timely processing or implementation of a request for reasonable accommodation (such as a delay caused by a supplier's inability to deliver a product in a timely manner because of manufacturing or procurement delays). The unavailability of a specific staff member to process a request for reasonable accommodation does not constitute an extenuating circumstance.
- J. **Interactive Process:** The process by which the individual requesting an accommodation and agency officials (for example, supervisors, managers, and the DEPM) talk to each other about the request and related issues including, but not limited to, the requester's precise functional limitations resulting from the disability, work restrictions, and potential alternative accommodations that could overcome the limitations or restrictions; the need for and submission of medical documentation; and processing time frames.
- K. **Major Life Activities:** Basic activities that the average person in the general population can perform with little or no difficulty. When analyzing whether an activity is a "major" life activity, the term "major" will not be interpreted strictly to create a demanding standard for disability. Major life activities generally include, but are not limited to, 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. Major life activities also include the operation of major bodily functions, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, as well as digestive, genitourinary, bowel, bladder, neurological, brain, circulatory, respiratory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.
- L. **NTSB Medical Consultant:** Medical professionals under contract from Federal Occupational Health, Public Health Service, US Department of Health and Human Services, who review medical documentation and provide medical opinions to NTSB officials, when necessary, to facilitate decisions on employment matters such as requests for reasonable accommodation, work-related injuries, absences under the Family Medical Leave Act, disability retirement, and other medically related issues.
- M. **Personal Assistance Services (PAS):** Assistance provided by a person to help an individual with a targeted disability perform basic activities of daily living that the individual would typically perform if he or she did not have a disability and that are not otherwise required as a reasonable accommodation. PAS include but are not limited to removing and putting on clothing, eating, using the restroom, transferring into or out of a vehicle, and other basic activities, but do not include performing medical procedures or medical monitoring.

- N. **Physical or Mental Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine; or, generally, any mental or psychological disorder, such as an intellectual disability (for example, mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- O. **Qualified Individual with a Disability:** An individual with a disability who satisfies the qualification standards and other job-related requirements of a position held or desired and, with or without reasonable accommodation, can perform the essential functions of such position without posing a direct threat to the health or safety of the individual or others. Some exceptions to this definition include individuals currently engaging in the illegal use of drugs, unless the individual has been rehabilitated or is participating in rehabilitation and is no longer engaging in the illegal use of drugs; compulsive gambling; kleptomania; pyromania; and other serious issues.
- P. **Qualification Standards:** As it relates to the provision of reasonable accommodation, the personal and professional attributes, including the skill, experience, education, physical, medical, safety, and other requirements established by the agency that an individual must meet to be eligible for the position held or desired.
- Q. **Reasonable Accommodation:** An alteration or change in a work process, the work environment, or in the way things are customarily done, that enables a qualified individual with a disability an equal opportunity to apply for a job, to perform job duties, or to enjoy the benefits and privileges of employment. There are three categories of reasonable accommodation:
- (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a job. An example is providing application forms in alternative formats such as large print or Braille.
 - (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which a position is customarily performed, that enable a qualified individual with a disability to perform the essential functions of the position. An example is providing assistive technology to allow a sight-impaired employee to use a computer.
 - (3) Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment such as are enjoyed by other similarly situated employees without disabilities. An example is removing physical barriers in an organization's office space or facilities.
- R. **Request for Reasonable Accommodation:** Any communication in which an applicant or employee asks for or states a need for the agency to provide something or make a change because of his or her medical condition or physical restriction will be regarded as a request for a reasonable accommodation..

- S. **Requester:** An employee—including a federal contractor; an applicant for employment; or a representative acting on an employee's, contractor's, or applicant's behalf—who seeks reasonable accommodation.
- T. **Substantially Limits:** Pursuant to the ADAAA and consistent with EEOC regulations found at 29 *CFR* § 1630.2(j)(1), there are rules of construction that apply when conducting the individualized assessment required to determine whether an impairment “substantially limits” an individual in a major life activity. Paramount is that the term “substantially limits” will be construed broadly in favor of expansive coverage. Further, the person's ability to perform a major life activity should be compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity, and will not require scientific, medical, or statistical analysis. An impairment need not prevent, or significantly or severely restrict, an individual from performing a major life activity in order to be considered “substantially limiting” and thus meet the definition of a covered disability under the ADA. Therefore, the threshold issue of whether the impairment “substantially limits” a major life activity should not demand extensive analysis. In addition, ameliorative effects of mitigating measures (except for ordinary eyeglasses or contact lenses) will not be considered when determining whether a major life activity is limiting (see 29 C.F.R., § 1630.2(j)(1) for further information).
- U. **Sufficient Medical Documentation:** Relevant and current information that (1) describes the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities and (2) substantiates why the requested reasonable accommodation is needed.
- V. **Targeted Disability:** A subset of conditions that would be considered disabilities under the Rehabilitation Act that create significant barriers to employment, including the following:
- (1) Developmental disabilities, such as autism spectrum disorder.
 - (2) Traumatic brain injury.
 - (3) Deafness or serious difficulty hearing, benefiting from, for example, American Sign Language, Communication Access Real-Time Translation (CART), hearing aids, a cochlear implant and/or other supports.
 - (4) Blindness or serious difficulty seeing even when wearing glasses.
 - (5) Missing extremities (arm, leg, hand and/or foot).
 - (6) Significant mobility impairment, benefiting from the use of a wheelchair, scooter, walker, leg brace(s), or other supports.
 - (7) Partial or complete paralysis (any cause).
 - (8) Epilepsy or other seizure disorders.
 - (9) Intellectual disability.

- (10) Significant psychiatric disorders, for example, bipolar disorder, schizophrenia, post-traumatic stress disorder (PTSD), or major depression.
- (11) Dwarfism.
- (12) Significant disfigurements, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

W. **Undue Hardship:** As it relates to the provision of reasonable accommodation, undue hardship means a significant difficulty or expense incurred by the agency that would be created by the approval and implementation of a specific accommodation. If a requested accommodation would cause undue hardship, the NTSB is not required to provide that accommodation, but must consider any other available and effective accommodations. Claims of undue hardship may not be based on generalized conclusions or on the negative impact to the morale of other employees, but rather must be based on individualized assessments of current circumstances that show that a specific accommodation would cause significant difficulty or expense. Therefore, final determinations of undue hardship must be made in consultation with agency employees having technical expertise in reasonable accommodation matters and on a case-by-case basis, considering such factors as (1) the nature and cost of the accommodation, (2) the agency's overall financial resources; and (3) the impact of the accommodation on the operations of the agency, including the ability of others to perform their duties and the agency's ability to conduct business, as well as other relevant considerations.

10. Attachments.

- A. Attachment 1, Request for Reasonable Accommodation
- B. Attachment 2, Written Confirmation
- C. Attachment 3, Delay in Processing
- D. Attachment 4, Approval of Requested Reasonable Accommodation
- E. Attachment 5, Reassignment Questionnaire
- F. Attachment 6, Denial/Modification of Requested Reasonable Accommodation
- G. Attachment 7, Resources List

REQUEST FOR REASONABLE ACCOMMODATION

Instructions: Complete this form to the best of your ability. Use the back of the form if you need more space for your answers. Leave the block blank if you do not know the information. Clarification will be obtained during the interactive process. Provide the completed form to your supervisor or another supervisor in your chain of command, the Disability Employment Program Manager (DEPM), the Office of EEODI; or an official involved in the recruitment/hiring process. Also, inform any of these officials if you need an accommodation to complete this form. Appropriate steps will be taken. Contact information for the DEPM and the EEODI Office can be found on the public website at https://www.nts.gov/about/organization/EEODI/Pages/eeo_policy.aspx under Reasonable Accommodation Process and the NTSB Portal on the EEODI page.

NAME (*Applicant or Employee*) TELEPHONE NO. DATE OF REQUEST

NAME OF 3RD PARTY REQUESTOR Health Care Provider Family Member Representative (Check one)

EMPLOYEE'S OFFICE / DIVISION / REGION

EMPLOYEE'S JOB TITLE EMPLOYEE'S SERIES AND GRADE

NAME OF SUPERVISOR (*If Employee*) TELEPHONE NO. OF SUPERVISOR

ACCOMMODATION REQUESTED (*Be specific, e.g., adaptive equipment, work schedule modification, interpreter*)

REASON FOR REQUEST (*Briefly describe disability, impairment, or medical condition requiring accommodation*)

DESCRIBE HOW YOU ARE LIMITED IN PERFORMING YOUR WORK AND ANY RESTRICTIONS YOU HAVE BASED ON YOUR DISABILITY

HOW WILL THE REQUESTED ACCOMMODATION ASSIST IN MEETING YOUR JOB REQUIREMENTS, ENJOYING A WORKPLACE BENEFIT, OR APPLYING FOR A JOB?

EXPLANATION OF ANY TIME-SENSITIVE ISSUES RELATING TO THE REQUEST

Form Received By: (typed name/title/telephone number)

Date Received:

FOR EEODI USE ONLY

Decision-Maker

Tracking #



**National Transportation
Safety Board**

Memorandum

Date:

To:

From:

Subject: Confirming Receipt of Your Request for Reasonable Accommodation

(Check all that apply.)

- This is to document receipt of your verbal request for an accommodation received on

- This is to document receipt of your written request (attached) for an accommodation received on

- I am the appropriate decision-maker for your request. I will evaluate, process, and provide a final decision on your request. My contact information is

- I have forwarded your request to the Disability Employment Program Manager (DEPM) to determine the appropriate decision-maker for evaluation and processing of your request. You will be notified of the designated decision-maker and his or her contact information when a final determination is made.

You provided the following information about your request:

Accommodation Requested:

Reason Given for the Request:
(Disability/Impairment/Condition)

Explanation of Work Place Limitations and/or
Restrictions:

Explanation of How the Accommodation Will
Assist in Meeting Job Requirements, Enjoying a
Work Place Benefit, or Applying for a Job

Explanation of any Time Sensitivity
in Processing this Request:

If any of the above information is inaccurate or missing, please immediately inform the DEPM, or the Office of Equal Employment Opportunity, Diversity, and Inclusion (EEODI), as appropriate, and include any missing data.

Copy to:
DEPM
EEODI



**National Transportation
Safety Board**

Memorandum

Date:

To:

From:

Subject: Delay in Processing Your Request for Reasonable Accommodation

This is to notify you that there is a delay in: *(check one)*

- The processing of your accommodation request.
- The implementation of your approved accommodation.
- Other:

For the following reason(s):

- To request and/or evaluate medical documentation.
- To procure equipment, assistive devices, etc.
- Other:

I will set up a meeting or, we will meet on _____ to discuss interim alternative accommodations and/or measures that may be implemented during this delay.

I will keep you informed of the status of this delay and ensure that the process continues to proceed expeditiously until a final determination is made.

If you have any questions about the status of your accommodation request or this notification, please contact me at your convenience.



**National Transportation
Safety Board**

Memorandum

Date:

To:

From:

Subject: Approval of Reasonable Accommodation

Your request for reasonable accommodation has been approved, as requested, and will be provided effective . This decision is based on my discussion(s) with you, a review of your medical documentation (if required), and consultation with other involved Agency technical personnel and/or experts, as necessary.

If there is any delay in providing you with this accommodation, you will receive notification in writing of the reason(s) for the delay; whether an interim measure is available, and, if so, when it can be provided; and of the approximate date the approved accommodation is expected to be effected.

This approval notification completes the reasonable accommodation process and will be recorded in your reasonable accommodation file. Followup, as necessary, may be conducted in the future. If you have any questions about the process or this notification, please contact me at your convenience.

NATIONAL TRANSPORTATION SAFETY BOARD OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY, DIVERSITY, AND INCLUSION (EEO/DFW)		Tracking Number						
REASSIGNMENT QUESTIONNAIRE								
1. Employee Name		2. Job Title/ Position/Grade						
3. Office/Region/Division		4. Telephone No.						
5. Are you willing to be reassigned to a new position that you are qualified for, as a reasonable accommodation? ¹ A. Yes, anywhere in NTSB nationwide. ² B. Yes, in the local commuting area only. C. No, I am not willing to be reassigned to a new position.								
If you checked 5A or 5B above, 6. Can you identify any other offices and/or divisions within NTSB in which you would consider reassignment or where there may be positions for which you are qualified? Yes, applicable information follows: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Office/Region/Division</th> <th style="text-align: left;">Position/Vacancy#</th> <th style="text-align: left;">Grade</th> </tr> </thead> <tbody> <tr> <td style="padding-top: 10px;">Office/Region/Division</td> <td style="padding-top: 10px;">Position/Vacancy#</td> <td style="padding-top: 10px;">Grade</td> </tr> </tbody> </table> No, I am unaware of any other positions within NTSB for which I may be qualified.			Office/Region/Division	Position/Vacancy#	Grade	Office/Region/Division	Position/Vacancy#	Grade
Office/Region/Division	Position/Vacancy#	Grade						
Office/Region/Division	Position/Vacancy#	Grade						
7. Would you accept? (check one) Any position (job title) for which you are qualified? ³ <input type="checkbox"/> Only the same type of position you currently occupy?								
8. If no position is available at your current grade, are you willing to accept a <u>lower-graded</u> position in order to remain employed? (check one) <input type="checkbox"/> Yes <input type="checkbox"/> No								

If an accommodation is needed to complete this form, contact the Disability Employment Program Manager or the EEO/DFW Office. Contact information can be found at <http://portal.nts.gov/EEODI/Pages/default.aspx>

5. Do you have other considerations for reassignment, such as part-time employment within NTSB? If yes, please specify.

No, I do not have any other considerations for reassignment at this time.

Signature

Date

¹ Reassignment is a form of reasonable accommodation that is provided to employees who, because of a disability, can no longer perform the essential functions of their current position, with or without a reasonable accommodation. Reassignment is made only to existing vacant positions within NTSB, at or below the grade currently held by the employee. An employee qualified for a vacant position may be reassigned to the job without competition as a form of reasonable accommodation.

² Expenses for relocating outside of the local commuting area are the responsibility of the employee and will not be paid by the Agency. If offered reassignment as a form of reasonable accommodation, the Employee understands his/her responsibility to pay relocation expenses.

³ In order to identify other positions for which you may be qualified, please submit a copy of your updated résumé within **10 calendar days** of completing this questionnaire. Failure to submit your résumé within this timeframe may result in a job search without the benefit of your current qualifications and may, therefore, not identify other positions for which you may be qualified.

**DENIAL OF REASONABLE
ACCOMMODATION REQUEST/OFFER OF
ALTERNATIVE ACCOMMODATION**

1. Name of Requestor (*Applicant or Employee*)

2. Requestor's Organization/Building Location/Telephone No.

3. Accommodation Requested

4. Accommodation request denied for the following reason(s) (*Please check all boxes that apply*)

No appropriate accommodation identified/exists

Providing accommodation would cause undue hardship

Medical documentation is inadequate

Accommodation required removal of essential function(s)

Accommodation required lowering of performance or production standard

Not a covered disability under Rehabilitation Act/ADA

Alternative type of effective accommodation was offered but was rejected by employee

Other (*Identify*)

5. Discussion of reason for the denial of reasonable accommodation. Be specific, e.g., why accommodation causes undue hardship or why accommodation is ineffective.

6. If alternative accommodation was offered, explain why the alternative accommodation is believed to be effective.

7. An individual who wishes to pursue review of an Agency decision to deny reasonable accommodation may:

1. Pursue a discrimination complaint under the regulations and procedures of the Equal Employment Opportunity Commission by contacting the EEOI Office within 45 days of the date of receipt of a completed, signed and dated Attachment 6. An applicant or employee who claims that NTSB has unreasonably delayed making a decision on a request for reasonable accommodation may contact an EEO Counselor prior to receiving written or verbal notification of a decision.
2. Pursue a grievance:
 - a. As a bargaining unit employee, pursue a grievance under the negotiated procedures of Article 25 of the Collective Bargaining Agreement between the NTSB and the American Federation of Government Employees, AFL-CIO, Local 2211 (AFGE-2211), within 14 days of the date of receipt of a completed, signed and dated Attachment 6; or
 - b. As a non-bargaining unit employee, pursue an administrative grievance under the procedures of Operations Bulletin HR-ELR-002, within 15 days of the date of receipt of a completed, signed and dated Attachment 6.

DECIDING OFFICIAL

Name and Title <i>(Please print)</i>	Organization	Telephone Number
Signature		Date

ATTACHMENT 7

RESOURCES LIST

[AbleData](#)

Sponsored by the US Department of Health and Human Services, National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), AbleData is a searchable database of commercial products and accessories that may be used to address accommodation needs.

[ADA National Network](#)

The ADA National Network provides information, guidance, and training on how to implement the Americans with Disabilities Act (ADA). The ADA National Network and its regional affiliates are funded by the National Institute on Disability, Independent Living, and Rehabilitation Research.

[Department of Defense Computer/Electronic Accommodations Program \(CAP\)](#)

The DoD Computer/Electronic Accommodations Program is a centrally funded program that provides assistive technology, devices, and support free of charge to federal agencies that have a partnership agreement with CAP, including the NTSB. Requests for assessments or acquisition of accommodations must be coordinated with the Disability Employment Program Manager (DEPM).

[Information and Technical Assistance on the Americans with Disabilities Act](#)

Sponsored by the US Department of Justice, Civil Rights Division, the website provides information on the law and associated regulations, ADA design standards, technical assistance materials, and enforcement. It also includes publications and videos addressing a wide variety of topics related to the ADA.

[Job Accommodation Network \(JAN\)](#)

The Job Accommodation Network is a service provided by the US Department of Labor's Office of Disability Employment Policy, and provides information and resources to assist employers and individuals with disabilities in understanding functional limitations and potential accommodations for mitigating them.

[Mid-Atlantic ADA Center](#)

Our regional ADA National Network resource.

The DEPM is also a source of information and referrals for employees or supervisors seeking information on possible accommodations.