

Reasonable Accommodation: Rights and Responsibilities

A Brief Guide for Managers, Supervisors, and
Individuals with Disabilities



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This guide is a brief overview of the NASA procedures for the provision of reasonable accommodation to qualified individuals with disabilities. Complete guidance, requirements, and definitions are contained in NASA Procedural Requirements (NPR) 3713.1A, "Procedures for Providing Reasonable Accommodation for Individuals with Disabilities." This document is located in the NASA Online Directives Information System (NODIS) Library at <http://nodis3.gsfc.nasa.gov> and JSC internal homepage under General Information.

I. Background

The Rehabilitation Act of 1973, as amended, requires federal agencies to provide reasonable accommodations to qualified employees or applicants with disabilities, unless doing so would create an undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

I. Categories of Reasonable Accommodation

All accommodations are made on a case-by-case basis. There are three major categories. Briefly, these are a modification or adjustment:

- A. To a job application process to permit an individual with a disability to be considered for a job.
- B. Necessary to enable a qualified individual with a disability to perform the essential functions of the job.
- C. That enables employees with disabilities to enjoy equal benefits and privileges of employment.

III. Types of Reasonable Accommodation

Reasonable accommodations can include, but are not limited to:

- A. Making existing facilities accessible - parking, routes to buildings, entrances, work stations, and bathrooms
- B. Job restructuring - reallocating non-essential job functions, altering when or how a function is performed
- C. Telework- a work arrangement between a supervisor and an employee in which the employee enjoys flexibility in their working location and hours

D. Part-time or modified work schedules - arrival or departure times, breaks, use of leave for medical treatment or repairs on adaptive equipment

E. Acquiring or modifying equipment - adapting existing tools, providing auxiliary aids or enabling technology

F. Modifying tests, training materials, or policies - providing usable training materials and effective communication access, alternatives to standard testing, training, or policies

G. Providing qualified professional interpreters or readers - to effectively facilitate communication

H. Reassignment to a vacant position - the "last resort" when an employee, because of disability, can no longer perform the current position's essential functions, with or without reasonable accommodation, and is qualified for the new position

IV. Other Factors

JSC does not have to eliminate an essential function, lower production standards, or provide items of personal use unless they are required to meet job-related duties or responsibilities.

Reasonable accommodations must be effective so that employees with disabilities can fully participate in the application process, perform the essential duties of a position, as well as enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

"Benefits and privileges" include, but are not limited to: training; employee assistance; cafeterias; Employee Activities Association (EAA); Gilruth Center; transportation services; functions of an employee's office, "all-hands" assemblies; and official communications media, such as NASA television.

V. Procedure for Requesting Reasonable Accommodations

An individual with a disability, his or her supervisor, the JSC Disability Program Coordinator (DPC), or another representative (i.e. family member, friend, health representative), may initiate a reasonable accommodation request at any time. A third party may make the request when the individual with a disability is unable to do so for him/herself. When a third party initiates the request, the Decision Maker (DM) should confirm that the employee wants a reasonable accommodation as soon as reasonably possible.

The provision of reasonable accommodations to qualified individuals with disabilities is based on an interactive process. The interactive process begins once a request for reasonable accommodation is received to determine what, if any, accommodation

should be provided. This means that the individual requesting the reasonable accommodation and the Decision Maker (DM) must discuss the request, the process for determining whether a reasonable accommodation shall be provided, and potential reasonable accommodations. The interactive process is necessary to making these determinations.

A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. There is no standard format required for an initial request; it can be made orally or in writing. A request does not have to use any special words, such as “reasonable accommodation”, “disability”, or “Rehabilitation Act” in the request. For NASA to keep accurate records regarding requests for a reasonable accommodation, employees seeking a reasonable accommodation shall follow up an oral request by completing NASA Form (NF)1699, “Request for Reasonable Accommodation” (rev. 3/11/2008), which can be found at <http://forms.jsc.nasa.gov/FormSearch.asp>, or through “Forms” on the JSC internal homepage; or by submitting the request in an alternative written format to his/her supervisor or other organizational official such as Division Head, Branch Chief, Division Chief, or the Director; the Office of Equal Opportunity and Diversity (OEOD); or in the case of an applicant for employment, to the Human Resources Office (HRO). A copy of the NF 1699 should be provided to the assigned EO Representative for their respective organization.

Before a request is processed, the individual must first meet the definition of a “qualified person with a disability”. If the disability is not readily discernable, is recently acquired, or imposes new or additional functional limitations, the supervisor may request supporting medical documentation as discussed in Section VI. In most cases, the employee's first-line supervisor should be able to evaluate the situation, approve the request, and provide the requested accommodation. The supervisor may then send a completed NASA Form 1699A, Disposition of Reasonable Accommodation Request, to the JSC Disability Program Coordinator. This form may be attained by clicking on <http://forms.jsc.nasa.gov/FormSearch.asp>, or through “Forms” on the JSC internal homepage, or by contacting the OEOD.

In more complex cases, the employee, supervisor, and, at the invitation of either party, the JSC Disability Program Coordinator, Human Resource Representative, or any other pertinent individual, will enter into a dialogue to develop and discuss the range of options that might be used as an accommodation. On-going communication is particularly important in these situations where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. The options will be evaluated to determine which will be the most efficient and effective in removing any identified barriers. This examination should include factors such as input from the employee, the effect on the employee's performance and on other employees, any concerns of management, the cost of the accommodation, as well as the time needed

to accomplish the modification of policies or practices; acquire the enabling technology, modify a facility; or any other significant changes.

Temporary workplace modifications can be developed and put in place in the interim until a permanent solution can be accomplished. The supervisor and employee will discuss the accommodation that is determined to be the most reasonable, complete NASA Form 1699A, and send it to the JSC Disability Program Coordinator.

The option chosen may or may not be the first choice of the employee or the supervisor; however, it must prove to be most effective in removing the barrier. Where one or more solutions may be equally effective and require the same level of effort, cost, or modification, primary consideration should be given to the preference of the employee.

A plan will then be developed to achieve the accommodation in a timely manner. The JSC Disability Program Coordinator will coordinate with other center-wide organizations; e.g., Center Operations Directorate, to assure that plan of action is successfully carried out in the specified manner and time.

VI. Medical Documentation and Confidentiality

If additional medical information is necessary, the supervisor may request only information that specifically pertains to the functional limitations that the disability actually imposes on the individual's ability to perform the essential functions of the position.

The OEOD, JSC Disability Program Coordinator, will keep all records related to requests for reasonable accommodation, excluding medical documents, in a separate file to be shared with others strictly on a need-to-know basis (i.e. supervisors and managers who need to know are told about necessary restrictions on the work or duties of the employee and necessary accommodations; first aid/safety personnel may be informed in the event that emergency treatment is needed; government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act). The records will be maintained in accordance with the Privacy Act of 1974. In addition, NPR 3713.1A (Chapter 9, sections 9.1 - 9.2) stipulates that all medical information in connection with a request for reasonable accommodation be kept in files separate from the individual's personnel file. Therefore, the medical documents are maintained by the Occupational Health Unit Medical Records facility; i.e., JSC's Occupational Medicine Clinic (Building 8, Mail Code SD2).

VII. Time Frames

JSC will process requests and provide the reasonable accommodation as soon as possible. Unless there are extenuating circumstances, this will be accomplished no later than 20 business days after the request is made.

Extenuating circumstances might include the need for supporting medical information; difficulty in locating, or acquiring new tools or technology; or modifications to facilities. If this occurs, all efforts will be made to provide an effective temporary solution, expedite the process and provide the requested accommodation as soon as possible.

VIII. Denials of Reasonable Accommodation

If a request is denied on its merits, the supervisor or other decision maker must notify, in writing, the employee or applicant making the request. It must be clearly explained why the request was denied. The denial must be documented on NASA Form 1699A and sent to the JSC Disability Program Coordinator.

The individual can then attempt to find a solution with his or her management, the JSC Disability Program Coordinator, or the OEOD Director.

If the individual believes he or she has been discriminated against because of a disability, he or she can file an EEO Complaint. Information about filing a complaint, Federal Sector Discrimination Complaints Process for Individuals, is available electronically at <http://www6.jsc.nasa.gov/eopo/complaint.cfm>, or in print by contacting the OEOD, JSC Disability Program Coordinator.

IX. Computer/Electronic Accommodations Program (CAP) Assistance

NASA and the Department of Defense (DoD)/CAP have signed an interagency agreement so that assistive technology may be provided at no cost to NASA employees or the Agency. Types of assistive technology and services provided include computer input/output devices (alternative keyboards, pointing devices, voice recognition services, screen readers, and large monitors), telecommunications devices (PC-based teletype), assistive listening devices (personal amplification devices and amplified handsets), alternative forms of documentation (Braille, large print, and electronic), captioning services, and other technology and services to facilitate access. Although requests for special technology may take an extended period of time, the majority of CAP requests are processed within 12 – 15 business days of receipt of the request.

With management approval, JSC organizations and/or employees may submit requests for electronic accommodations directly to the DoD/CAP. Comprehensive CAP request information and guidance on procedures necessary to request assistive technology services from CAP are available online at www.tricare.osd.mil. Requests can be submitted in one of three ways:

- Online: www.tricare.osd.mil/cap/requests
- Fax: (703) 681-9075
- Mail: DoD CAP Office, Tricare Management Activity, 5111 Leesburg Pike, Five Skyline Place, Suite 810, Falls Church, VA 22041

CAP experts are available to assist employees with identifying the technology that best meets their needs.

The CAP request form can be obtained online at www.tricare.osd.mil/cap/Ace_proc_request.cfm. The CAP website may also be accessed through the OEOD homepage, Special Emphasis Programs, Individuals with Disabilities. Although electronic accommodations may be requested directly by organizations or employees through CAP, the JSC Disability Program Coordinator is the primary JSC point-of-contact when requesting CAP services and is available to provide assistance if required.

Although procedures for requesting CAP electronic accommodations differ from those for requesting general accommodations, the JSC accommodations tracking system described herein also applies to CAP requests. Use of NASA Forms 1699 and 1699A is not required; however, a copy of the CAP request form submitted to the DoD must be sent to the JSC Disability Program Coordinator. The JSC Disability Program Coordinator will then provide a copy of the request to the NASA Agency-wide CAP point-of-contact.