

# Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

## I. NRC Policy on Reasonable Accommodation

It is the policy of the Nuclear Regulatory Commission (NRC or Agency), to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973. Under the law, federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship to the Agency. The NRC is committed to providing reasonable accommodation to its employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at the NRC. The Agency provides reasonable accommodation:

- when an applicant with a disability needs an accommodation in order to be considered for a job;
- when an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

The NRC will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner.

Employees may refer to the Equal Employment Opportunity Commission's *"Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act"* (<http://www.eeoc.gov>). The EEOC's Guidance and the NRC's *Procedures for Providing Reasonable Accommodation for Individuals with Disabilities* may also be accessed through the NRC's Office of Small Business and Civil Rights (SBCR) web page (<http://www.nrc.gov/SBCR/index.html>).

## I. A. Definition of Key Terms

**Disability:** A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

**Major Life Activity:** Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This is not an exhaustive list but is representative of the types of activities that are considered major life activities.

**Substantial limitation of a major life activity:** Unable to perform a major life activity that the average person in the general population can perform, or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity.

**Qualified individual with a disability:** An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the position the individual holds or desires to hold; and who can perform the essential functions of the position with or without reasonable accommodation.

**Reasonable Accommodation:** Modifications or adjustments to the job application process that enable a qualified applicant with a disability to be considered for a desired position, modifications or adjustments to the work environment or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential function of that position, or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

**Essential functions:** Those job duties that are so fundamental to the position that the individual holds or desires that she or he cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is so specialized that the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

**Reassignment:** Reassignment is a form of reasonable accommodation that, absent undue hardship, may be provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of the job with or without reasonable accommodation. Reassignments are made only to vacant positions and only provided to employees who are qualified for the new position. If the employee is qualified for the position, s/he may be reassigned to the job without competition. Reassignments, by definition, may be made only to a position of equal or lower grade.

**Undue Hardship:** A significant difficulty or expense incurred by the agency. Determination of whether an accommodation poses an undue hardship is always made on a case-by-case basis, considering factors that include the nature and net cost of the reasonable accommodation on the operations of the agency, the overall financial resources of the facility involved, the number

of persons employed at such facilities and the effect on expenses and resources; the overall financial resources of the agency, the type of operation of the agency, including the composition, structure and function of the workforce and the geographic separateness and administrative relationship of the facility to the agency, and the impact of the accommodation upon the operation of the facility.

**Computer/Electronics Accommodation Program (CAP):** Administered by the Department of Defense, an Interagency agreement that allows the NRC to use the services of this organization to fund and procure assistive technology, devices, and services for Agency employees.

**Disability Program Manager:** An agency representative in the Office of Human Resources (HR) who serves as a point of contact for certain requests for reasonable accommodation and who provides assistance to all employees and supervisors in the processing of such requests (see part IV for further information). The Disability Program Manager is responsible for tracking and producing reports regarding reasonable accommodation activities within the Agency.

## II. Requests for Reasonable Accommodation

A request for reasonable accommodation is a written or oral statement indicating that in order to (1) apply for a position or (2) perform the duties of a position, an individual requires an adjustment in the application process, a change of his/her position, or a modification of a benefit or privilege of employment for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for accommodation has been made.

A request does not require any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability. Any NRC employee or applicant may consult the servicing Human Resources representative for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

- An employee may request a reasonable accommodation orally or in writing from his/her supervisor, a supervisor or manager in his/her immediate chain of command, or through a Human Resources (HR) representative. If the request is made orally, it must be followed up by a written request to the supervisor or HR representative within 5 business days, unless the employee is incapacitated, in which case, the 5-day time frame may be extended.
- An applicant may request a reasonable accommodation orally or in writing from any NRC employee with whom the applicant has contact in connection with the application process. HR representatives will typically be the point of contact for such requests. If the request is made orally, it must be followed up by a written request to the NRC contact person within 5 business days, unless the applicant is incapacitated, in which case, the 5-day time frame may be extended.

- A family member, health care professional, or other representative may request an accommodation on behalf of an NRC employee or applicant, orally or in writing. The request should be forwarded to the servicing HR representative in the case of an applicant, or to the supervisor or manager in his/her chain of command, in the case of an employee.

### **III. Written Requests for Record Keeping Purposes**

In order to enable the Agency to keep accurate records regarding requests for accommodation, employees and applicants seeking a reasonable accommodation must follow up an oral request by confirming their request in writing (e-mail is acceptable) within 5 business days of the oral request. If an individual with a disability requires assistance with this requirement, the staff member receiving the request will provide that assistance.

**The Agency will begin processing the request as soon as it is made, but no later than 5 business days after the request is made, whether or not written confirmation has been provided.**

A written confirmation is not required when an accommodation is needed on a repeated basis (e.g., the assistance of sign language interpreters or readers). The written form is required only for the first request, although appropriate notice must be given at least 2 business days prior to the date that an accommodation is needed.

### **IV. Determining Which NRC Official Will Process the Request**

Requests for accommodation from applicants will be processed by the HR representative responsible for the recruitment and/or selection process.

**Requests for accommodation from employees will be forwarded by the supervisor to the HR representative for processing.**

**Requests forwarded by the supervisor to the HR representative may include the following:**

- (1) routine requests for adaptive equipment, including information technology and communications equipment, or specially designed furniture. These requests will be coordinated with the Office of the Chief Information Officer (OCIO) or the Office of Administration (ADM), as necessary, and may be processed through the Interagency Agreement with the Department of Defense through the Computer/Electronic Accommodation Program (CAP), when appropriate;
- (2) requests for a reader or sign language interpreter to enable employees to perform their job functions. These requests may also be processed through the CAP program, when appropriate;
- (3) requests for the removal of an architectural barrier(s), including reconfigured work spaces;

(4) requests for accessible parking, which will be coordinated with the Office of Administration;

(5) requests for materials in alternative formats (e.g., braille, large print) which cannot be handled by the supervisor or Office Director.

Supervisors/managers must have designated alternates to continue receiving, processing, and providing reasonable accommodation when they are unavailable. Typically, the alternate is the next level supervisor or may be someone functioning in an acting capacity. The time frames discussed in Section VIII, below, will not be suspended or extended because of the unavailability of a management official.

The approval or denial of requests for accommodation from employees will be communicated to the employee by the requesting employee's immediate supervisor orally and/or in writing and if orally, followed up with written approval/denial.

## **V. The Interactive Process**

### **Applicant Requests for Accommodation**

Within 5 business days after the receipt of a request for accommodation from an applicant, the HR representative must begin the process of reviewing the request and must respond to the applicant in a timely manner to enable him or her to participate in the application process prior to the expiration of the vacancy announcement.

### **Employee Requests for Accommodation**

**Communication is a priority throughout the entire process.** Within 5 business days after the receipt of an employee's request for reasonable accommodation (whether or not a written confirmation has been provided), the requestor's supervisor must discuss the request, including Agency requirements for documentation, with the appropriate HR representative. While the HR representative can provide advice and guidance in this regard, the ultimate responsibility for granting or denying a request for reasonable accommodation rests with the supervisor.

The employee requesting the accommodation is responsible for providing medical documentation necessary to support his/her request for accommodation. The HR representative will participate to the extent possible. The Employee Assistance Program Manager (EAPM) will also be available to provide assistance, if requested by the employee.

- The supervisor/manager as agency deciding official, will: (1) explain to the employee that s/he will be making the decision on the request; (2) describe how the request will be processed; (3) ask questions, if necessary, to clarify his/her understanding of the employee's needs and limitations; (4) communicate with the employee regarding the essential functions of the position as related to the requested accommodation; (5) discuss the need for additional medical information, if necessary, and (6) explain the Agency requirements for

documentation. This initial discussion should occur as soon as possible but no later than 5 business days after receipt of the oral request (in cases where the initial request is not in writing). Agency requirements for documentation will be explained during this discussion.

- When a request for accommodation is made by a third party, the deciding official should confirm with the applicant or employee with a disability that he/she is requesting a reasonable accommodation; clarify his/her need for the accommodation, and if necessary, the basis for the request.

On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible accommodations.

The deciding official, or any other NRC official who receives information in connection with a request for reasonable accommodation, may share information connected with that request with other Agency official(s) only when the Agency official(s) needs to know the information in order to make determinations on a reasonable accommodation request. (See Section VII for specific rules governing the confidentiality of medical information.) For example, the Office of the Chief Information Officer will typically be consulted in connection with requests for adaptive equipment for computers. However, OCIO has no need to know the details of the specific medical condition of the person seeking the accommodation, only how his or her functional limitations affect technology needs.

All requests will be considered in consultation with the appropriate HR representative and Office of the General Counsel and the Office of Small Business and Civil Rights (SBCR) staff, as necessary.

There are specific considerations in the interactive process when responding to a request for reassignment.

- Reassignment will only be considered if no accommodation is available to enable the individual to perform his or her current job, or all other effective accommodations would cause undue hardship on the Agency.
- In considering whether there are positions available for reassignment, the HR representative will identify: (1) vacant positions within the Agency for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which HR has reason to believe will become vacant over the next 60 business days for which the employee may be qualified. The Agency will initially focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the Agency will consider vacant lower level positions for which the individual is qualified.
- Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is interested in relocating.

As with other transfers not required by management, the NRC will not pay the employee's relocation costs.

## **VI. DETERMINING IF THE INDIVIDUAL REQUESTING THE ACCOMMODATION HAS A DISABILITY**

### **Requests for Medical Information**

**The NRC is entitled to know that an employee or applicant who has requested an accommodation has a covered disability which requires reasonable accommodation.**

In some cases, the disability and need for accommodation are obvious or otherwise known to the deciding official. In these cases, the Agency is not required to seek further medical information. For example, Employee X has a documented hearing loss and regularly requires the services of an interpreter at events sponsored by the Agency. Medical information would not be required each time Employee X requests interpretive services. However, even for cases that have established need, the agency may require periodic updates on the individual's need.

When a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the deciding official, the Agency will require the individual to provide acceptable medical documentation concerning the disability, including functional limitations of the requestor. The Agency reserves the right to determine the acceptability of the documentation provided.

If a supervisor or other deciding official believes that medical information is necessary in order to evaluate a request for reasonable accommodation, s/he will consult with the appropriate HR representative and /or with the EAPM or a physician with whom the Agency has contracted, if appropriate. The approval or denial of requests for accommodation from employees will be communicated to the employee by the requesting employee's immediate supervisor.

If a determination is made to seek medical information, the Agency will request information sufficient to substantiate that the individual has a Rehabilitation Act disability and requires a reasonable accommodation in order to perform the duties of his/her position but will not ask for unrelated documentation. Agency requests for medical information will follow the requirements set forth in the EEOC's *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act* (available at <http://www.eeoc.gov>).

After consultation with HR, the supervisor will seek information and/or medical documentation about the disability and/or functional limitations from the individual, and will ask the individual to obtain such information, if necessary, from an appropriate health care professional, (e.g., doctor, mental health practitioner, licensed social worker, rehabilitation counselor). All requests for information should describe the nature and essential functions of the job and any other relevant information pertinent to the request. The employee will be asked to sign a release form to designate the person(s) who will

be authorized to review the medical information. HR representatives may work with the supervisor and/or office director, or in conjunction with the EAPM and/or with the individual's private physician, in seeking appropriate information.

- Medical documentation should be sent directly from the requestor's doctor to the NRC Health Unit Physician for review. However, the documentation may also be sent to the supervisor, if the employee so chooses. In either case, the NRC physician may review the medical information submitted by the employee and consult with the employee's personal doctor, if necessary. The NRC physician will make a recommendation based on his/her review of the documentation provided and any other information gained from discussions with the individual's doctor.
- If the information provided by the health professional (or the information provided by the individual requesting the accommodation) is insufficient to enable the Agency to determine whether an accommodation is appropriate, the deciding official may ask for additional medical information. This request for additional documentation should be in writing.
  - First, however, the deciding official will explain to the individual seeking the accommodation, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for the review of the reasonable accommodation request.
  - The individual may then ask the health care professional to provide the missing information.
  - Alternatively, the deciding official and the individual requesting the accommodation may agree that the individual will sign a limited release, and the Agency physician may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's health care professional.
- The HR representative will advise the deciding official regarding whether the medical documentation provided demonstrates that a reasonable accommodation is appropriate.
- The written request for further medical documentation will specify the number of days the requestor will have to provide the information. The request will also define the circumstances under which extensions may be granted. If, after a reasonable period of time, there is still not sufficient information to demonstrate that the individual has a disability that requires a reasonable accommodation in order to perform the duties of his/her position, the agency may request that the individual be examined by a physician chosen by NRC, in order to expedite the process.
- In some cases, the individual requesting the accommodation may supply medical information directly to the supervisor without being asked. In these cases, the deciding official will consider such documentation and if additional information is

required, the supervisor will work with the HR representative as set forth in this section.

**Failure on the part of the employee or the applicant to provide appropriate documentation or to cooperate in the Agency's efforts to obtain such documentation can result in the denial of the reasonable accommodation.**

## **VII. Confidentiality Requirements Regarding Medical Information Obtained in the Reasonable Accommodation Process**

**Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential.**

All medical information, including information about functional limitations and reasonable accommodation needs obtained in connection with a request for reasonable accommodation, must be kept in files separate from the individual's personnel file. Any Agency employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The HR representative will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and the requirements of Title 29 C.F.R. Part 1611.

This information may be disclosed **only** as follows:

Agency officials and managers who need to know (including the deciding official who requested the medical information) may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information should only be disclosed if strictly necessary;

first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment;

government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act; and

the information may in certain circumstances be disclosed to workers' compensation offices or insurance carriers.

When medical information is disclosed, the individual disclosing the information must inform the recipients of the information as to the confidentiality requirements that attach to it and must advise them to follow all pertinent procedures according to regulation and policy.

## VIII. Time Frames for Processing Requests and Providing Reasonable Accommodations

**The NRC will process requests for reasonable accommodation and provide accommodations, where appropriate, in as short a time frame as reasonably possible.**

The Agency recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and the necessity to obtain supporting information.

**Expedited processing:** A request for reasonable accommodation requires an expedited review and decision in less than 15 business days in the following situations:

**(1) to enable an applicant to apply for a job.** Depending on the timetable for receiving applications, conducting interviews, 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 an equal opportunity to apply for a job. Therefore, the agency will move as quickly as possible to make a decision and, if appropriate, will provide a reasonable accommodation;

**(2) to enable an employee to attend a meeting scheduled to occur shortly.** For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

If a request for an accommodation is routine and can be processed by the HR representative, the request will be processed and the accommodation, if granted, provided in no more than **15 business days** from the date the supervisor or other deciding official, receives the oral request (in cases where the initial request is not in writing), absent any problems caused by the procurement process. Examples of such requests may include the procurement of special mouse pads, wrist pads, foot rests, etc.

If the deciding official believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, he/she will make such request to the appropriate HR representative as soon as possible after receipt of the request for accommodation, but before the expiration of the 15-day period. The need for documentation may not be readily apparent until after the interactive process has begun. In those situations, the time limit may be extended.

If the deciding official requires additional medical information, the 15-day period is tolled and the employee will be asked to supply the requested information within 15 days. The employee may request an extension of this time, if necessary.

If additional medical information is not needed, the decision to grant or deny the request should be made no later than 15 days from the date the supervisor receives the request. Copies of the request should be sent to the HR representative for tracking purposes.

Examples of accommodations which can easily be provided within this 15-day time frame include the following:

An employee with diabetes who sits in an open area asks for four breaks a day to conduct blood sugar level tests in private.

A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time because the disability makes it difficult to read and it is necessary to have more time to prepare.

**Extenuating Circumstances:** These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. It is the NRC's policy that extensions based on extenuating circumstances should be limited to situations where they are strictly necessary. All Agency staff are expected to act as quickly as reasonably possible in processing requests and providing accommodations.

The following are examples of extenuating circumstances:

The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation;

Equipment must be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available;

The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before it is purchased by the agency;

New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

"Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. The unavailability of a particular staff member is not considered an "extenuating circumstance" and will not be considered sufficient to justify a delay in processing or providing an accommodation.

Where extenuating circumstances are present, the supervisor, or other deciding official, must notify the individual, in writing, as soon as possible, of the reason for the delay, and the approximate date on which a decision on, or provision of the reasonable accommodation, is expected.

Any further developments or changes should also be communicated promptly (orally and in writing) to the individual. If there is a delay in providing an accommodation which has been approved, the deciding official must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested

accommodation on a temporary basis or providing an alternative accommodation: (1) if it does not interfere with the operations of the Agency; and (2) if the employee is clearly informed that it is being provided only on a temporary, interim basis.

For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

If a delay is attributable to the need to obtain or evaluate medical documentation and the Agency has not yet determined that the individual is entitled to an accommodation, the individual should be instructed to facilitate the forwarding of the appropriate medical documentation to the agency. An accommodation will not be provided until acceptable documentation has been received by the agency.

More complex requests will be coordinated by the appropriate HR representative. Supervisors or other deciding officials receiving such requests will forward them as soon as possible (no more than 5 business days) to the HR representative. In general, HR needs approximately 30 business days for the initial review of such requests.

## **IX. Granting a Reasonable Accommodation Request**

As soon as the deciding official determines that a reasonable accommodation will be provided, that decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the supervisor must notify the individual of the projected time frame for providing the accommodation. This notice should be in writing. The decision to grant the requested accommodation and notice of delay in providing the accommodation should be in writing.

## X. Denial of a Reasonable Accommodation Request

As soon as the supervisor or other deciding official determines that a request for reasonable accommodation will be denied, s/he must notify the requestor, in writing. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial.

Where the supervisor or other deciding official has denied a specific requested accommodation but offered to make a different one in its place, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the deciding official believes that an alternate accommodation should be granted. Reasons for the denial of a request for reasonable accommodation must include specific reasons for the denial (for example, *why* the accommodation would not be appropriate or *why* it would result in undue hardship).

Reasons for denying a request for reasonable accommodation may include the following:

- The requested accommodation would not be appropriate/effective. (This reason should include an explanation why the requested accommodation would not be appropriate/effective.)
- Providing the requested accommodation would result in undue hardship. Before reaching this determination, the supervisor must have explored whether other effective accommodations exist which would *not* impose undue hardship and therefore could be provided. A determination of undue hardship means that the Agency finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of Agency operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the supervisor, in consultation with the appropriate HR, OGC or SBCR representative, will follow the standards laid out in the regulations and in the EEOC's "*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.*"
- Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation and the employee/applicant has failed to provide the requested documentation.
- The requested accommodation would require the removal of an essential function. (This reason should identify the essential function and why that function would need to be removed.)
- The requested accommodation would require the lowering of a performance or production standard related to an essential function of the employee's position. (This reason should identify the performance or

production standard that would need to be lowered, as well as the impact of lowering the standard).

The written notice of denial must also inform the individual that (where appropriate) he/she has the right to file an EEO complaint and may have the right to pursue other avenues of relief, such as through the Merit Systems Protection Board (MSPB) or a grievance under the negotiated grievance procedures (for bargaining unit employees). The notice should also explain the Agency's procedures for alternative dispute resolution.

## **XI. Requests for Reconsideration of Agency Decisions**

### **Individuals with disabilities can request prompt reconsideration of a denial of reasonable accommodation.**

If an individual wishes reconsideration, s/he should first ask the supervisor or other official who made the decision to reconsider the decision. Requests for reconsideration should be in writing to protect both parties and for tracking/documentation purposes since there are time frames for responding. The individual may present additional information in support of his/her request at the time of the request for reconsideration or within 5 business days of submitting the request. The supervisor will respond to the request for reconsideration within 5 business days of receipt of the request and/or information provided in support of the request.

If the supervisor does not reverse the decision, the individual can appeal to the next level manager in the employee's supervisory chain of command for review. The manager must provide the individual a written response to the request for review within 10 business days of receipt.

Pursuing any of the informal steps identified above (seeking reconsideration from the supervisor and appealing to the next level for review) does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these steps does not satisfy the requirements for bringing a claim under EEOC, MSPB, or the negotiated grievance procedures.

## **XII. Information Tracking and Reporting**

The Disability Program Manager is the Agency representative responsible for tracking and preparing data summaries for reasonable accommodation activities within the NRC. The HR representative will advise the Disability Program Manager within 10 business days when a decision has been made on a reasonable accommodation request. The supervisor and any other HR representative involved in the decision making process should forward any and all information regarding the request to the Disability Program Manager, including medical information, and any forms/documents received as a part of the request. Medical information supplied confidentially to the Agency's physician is an exception to this requirement. Such records may remain in the Health Center's files and are not needed for record keeping purposes.

The Disability Program Manager will maintain these records throughout the employee's tenure with the Agency, or for 5 years, whichever is longer.

The Disability Program Manager will prepare an annual report which will be made available to all employees by inclusion in the ADAMS main library.

The report will contain the following information, presented in the aggregate:

the number of requests for reasonable accommodation, by type, that have been requested in the application process, whether those requests were granted or denied, and if denied, the reason for denial;

the jobs, occupational series, grade level and agency component for which reasonable accommodation has been requested;

the number of requests for reasonable accommodation, by type, that were approved, and the number of accommodations by type that were denied for NRC employees, and the reasons for denial;

the number of requests for reasonable accommodation, by type, related to the benefits or privileges of employment, whether those requests were granted or denied, and if denied, the reasons for denial;

the amount of time taken to process each request for reasonable accommodation;

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

In addition, the report will provide a qualitative assessment of the Agency's reasonable accommodation program, including any recommendations for improvement of reasonable accommodation policies and procedures.

### **XIII. Relation of Procedures to Statutory and Collective Bargaining Claims**

This policy is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodating must:

For an EEO complaint- contact an Agency EEO counselor within 45 days from the date of receipt of the written notice of denial. A list of EEO counselors is available through the SBCR web page <http://www.nrc.gov/SBCR/index.html>. Questions may be referred to the SBCR staff at 301-415-7380.

For a collective bargaining claim- file a written grievance in accordance with the provisions of Article 51 of the Collective Bargaining Agreement; or

For an appeal to the MSPB - Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R.1201.3.

Staff members involved in the processing of the requests for reasonable accommodation will recuse themselves from any involvement in the processing of an EEO counseling contact or complaint in connection with that request, where appropriate, or if it creates a conflict of interest.

## **INQUIRIES**

Any person wishing further information concerning these procedures may contact an HR or SBCR representative. In addition, questions may be sent to SBCR, by e-mail, to [http://www.EEOPrograms@nrc.gov](mailto:http://www.EEOPrograms@nrc.gov).

## **DISTRIBUTION**

These procedures will be made available to all employees upon issuance and will be updated annually thereafter, if necessary. The document will be accessible through ADAMS and through the HR and SBCR web pages. In addition, a copy will be distributed to all new employees as a part of their orientation on the first day of work. These procedures will be provided in alternative formats, including simplified format, when requested from the Disability Program Manager by or on behalf of any NRC employee or applicant.

## **Utilizing Sign Language Interpreters**

### **Scheduling Interpreter Services**

The individual office scheduling a meeting or event requiring interpreting services (staff meeting, training, office function, etc.) is responsible for directing the request to the Agency Disability Program Manager.

Advance scheduling - preferably one to two weeks - is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.

If a meeting or event will last longer than one and one-half hours, arrangements must be made for more than one interpreter to be present, or the meeting or event must be scheduled to include sufficient rest periods, including a "sign free" lunch break, if necessary. A break during a meeting or event does not constitute a rest period for the interpreter if s/he is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange).

NOTE: An employee who knows sign language or who is taking a sign language class is not an acceptable substitute for a contract interpreter.

## **Work Events Outside the Workplace**

The Agency will provide an interpreter for anyone who is deaf or hard of hearing who, as a part of his/her job, attends a meeting or event outside of the workplace.

## **Interpreting Phone Calls**

The telecommunications relay service is available to all employees to serve telephone needs when a sign language interpreter is not available. Both the HR (TDD 301-415-2100) and SBCR (TDD 301-415-6285) have TDD telephones for this purpose. In addition, for employees/applicants without access to a TDD, a free relay service is provided and may be reached by dialing 1-800-368-5642.

## **Reasonable Accommodation Resources**

U.S. Equal Employment Commission  
1-800-669-3362 (voice) 1-800-800-3302 (TDD)

The EEOC's Publication Center has many free documents regarding the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. 12101 et seq. (1994), and the regulations, 29 C.F.R. 1630 (1997). In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The two main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29.C.F.R. pt. 1630 app. 1630.2(o), (p), 1630.9 (1997), and (2) a Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act III, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992). The Manual includes a 200-page Resource Directory, including federal and state agencies and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

## **SUMMARY OF NRC REASONABLE ACCOMMODATION PROCEDURES**

Individual (or his/her agent) makes a request for reasonable accommodation.

An employee should request reasonable accommodation from his/her supervisor or other official in the chain of command, or through an HR representative.

An applicant (external to the NRC) can request reasonable accommodation from any NRC employee with whom she or he has contact in connection with the application process. Typically, this is the Human Resources representative responsible for the vacancy.

For record keeping purposes, individuals must follow up an oral request by confirming their request in writing (including e-mail) to the supervisor or other deciding official.

The supervisor or other official receiving the request will forward the request, as soon as possible, but in no more than 5 business days, to the servicing HR representative.

Time frames for processing requests and providing reasonable accommodation:

Routine requests, e.g., those involving the procurement of ergonomic mouse pads, wrist pads or footrests, should be forwarded along with the appropriate medical documentation, to the Disability program Manager in HR. These requests will be processed, if appropriate, through CAP, and the accommodation, if approved, will be provided in no more than 15 business days from the date of receipt of the request.

More complex requests involving serious or chronic conditions will be coordinated by the appropriate HR representative. Supervisors receiving such requests will contact the HR representative for guidance regarding the request as soon as possible but in no more than 5 business days after the request is received.