

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.162 DISABILITY PROGRAMS AND REASONABLE ACCOMMODATION		DT-19-06
<i>Volume 10,</i>	Personnel Management	
<i>Part 7:</i>	General Personnel Management Provisions	
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<i>Issuing Office:</i>	Office of the Chief Human Capital Officer	
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EXECUTIVE SUMMARY		
<p>Management Directive 10.162, "Disability Programs and Reasonable Accommodation," is revised to affirm, consolidate, and summarize existing U.S. Nuclear Regulatory Commission (NRC) policy related to disability programs and reasonable accommodation. It does not change or replace existing policy; rather, it provides references and appropriate links to more specific or detailed NRC policies related to individuals with disabilities and to the agency's procedures for providing reasonable accommodation to applicants and employees with disabilities.</p>		

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I. POLICY

- A.** It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to provide equal employment opportunity and reasonable accommodation to qualified employees and to applicants with disabilities. It is also the NRC’s policy to provide members of the public and employees with access to facilities, information, and programs comparable to that afforded to people without disabilities, and to ensure nondiscrimination in programs or activities conducted by the NRC or receiving Federal financial assistance through the NRC. The NRC complies with the regulations in Title 10 of the Code of Federal Regulations (CFR), Chapter I, Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” and applicable laws and Federal regulations.
- B.** Reasonable accommodation is integral to providing equal employment opportunity to employees and applicants with disabilities because it provides a method for identifying and addressing workplace barriers that might otherwise prevent a qualified individual with a disability from performing a job successfully. A detailed description of the NRC’s policies and procedures for providing reasonable accommodation for individuals with disabilities is available on the NRC’s Web site at <http://drupal.nrc.gov/ochco/catalog/303>.

II. OBJECTIVES

- Provide equal employment opportunity and reasonable accommodation for individuals with disabilities in the application process for NRC employment.
- Provide equal employment opportunity and reasonable accommodation for qualified NRC employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, and to perform the essential functions of a position.
- Make NRC programs, facilities, and communications accessible to members of the public and employees with disabilities.

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- Comply with Federal Property Management Regulations (FPMRs) when acquiring and leasing NRC space, including guidelines such as the Uniform Federal Accessibility Standards for facility accessibility by people with physical disabilities.
 - Remove physical and architectural barriers from NRC buildings and to make NRC public areas and workplaces more accessible to people with disabilities, including members of the public and employees.
 - Provide members of the public who are disabled and seeking information or services from the NRC with comparable access to and use of information and data as the public without disabilities when the NRC develops, procures, maintains, and uses electronic information technology (IT).
 - Ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination, including but not limited to employment discrimination, under any program or activity that the NRC conducts or any program that receives Federal financial assistance through the NRC.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

Provides personal leadership and commitment to ensure that the NRC provides equal opportunity for individuals with disabilities in all aspects of its programs and activities.

B. Executive Director for Operations (EDO)

1. Implements the agency's programs providing reasonable accommodation and equal opportunity to members of the public, employees, and applicants with disabilities.
2. Ensures that sufficient resources are provided to administer and implement the programs covered by this directive in a positive and effective manner.
3. Designates the NRC Section 508 Coordinator, who assesses and advises on the accessibility of Electronic and Information Technology (EIT) in accordance with Section 508 of the Rehabilitation Act of 1973, as amended.

C. General Counsel (GC)

Provides legal guidance and counsel on the Rehabilitation Act and compliance with its provisions.

D. Chief Human Capital Officer (CHCO)

1. In coordination with the Director, Office of Small Business and Civil Rights (SBCR), develops and implements policy for employment disability and reasonable accommodation programs.

2. Implements the NRC's disability employment policy, including considering requests from employees and applicants for reasonable accommodation. Accommodations may include, but are not limited to, changes in duties or hours, leave, technologic or ergonomic accommodation, telework, or other changes in working conditions.
3. Maintains records and databases related to disability on the basis of self-identification and reasonable accommodations.
4. Designates the NRC Disability Program Manager and Reasonable Accommodations Coordinator (RAC).
5. Serves as the agency point-of-contact for the Computer/Electronic Accommodation Program, which provides assistive technology, devices, and services for NRC employees with disabilities through the Department of Defense.
6. Oversees and manages the agency's Special Employment Programs.
7. Provides training to managers and employees regarding employment-related disability and reasonable accommodation programs.
8. Administers the agency's Sign Language Services contract, Personal Assistant Services contract, and Medical Employability and Fitness for Duty Interagency Agreement.

E. Director, Office of Small Business and Civil Rights (SBCR)

1. Provides overall direction for the development and implementation of the NRC Equal Employment Opportunity (EEO) program.
2. Identifies underrepresentation or underutilization of employees with disabilities in the NRC workforce. As appropriate, and in conjunction with advisory committees, recommends policies, methods, or procedures likely to improve representation.
3. In coordination with OCHCO, ensures that EEO training regarding disability nondiscrimination is provided.
4. Administers the formal EEO complaint process, including complaints involving allegations of discrimination based on disability.
5. Establishes, implements, and oversees compliance with policy regarding nondiscrimination in programs or activities conducted by the NRC or that receive Federal financial assistance in accordance with applicable civil rights statutes and NRC regulations.
6. In conjunction with OCHCO, reports, as required, to agencies such as the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Department of Justice (DOJ) on disability programs and discrimination complaint activity.

F. Director, Office of Administration (ADM)

1. Implements the Rehabilitation Act with respect to facilities, equipment, and contractors.
2. Ensures site accessibility for people with disabilities for NRC buildings and public meeting spaces.
3. Ensures that NRC facilities support and transportation services meet appropriate guidelines and provide appropriate access to individuals with disabilities, including providing reasonable accommodation in transportation arrangements.
4. Ensures that NRC procurements in support of disability and reasonable accommodation programs are carried out in accordance with applicable NRC policy and Federal Government regulation and law.
5. Provides procurement services and installations for furniture and workplace reasonable accommodations solutions.

G. Chief Information Officer (CIO)

1. Implements Section 508 of the Rehabilitation Act of 1973, as amended, regarding accessibility of electronic information when NRC develops, procures, maintains, and uses electronic IT.
2. Recommends designation of the NRC Section 508 Coordinator to the EDO.
3. Assists NRC offices in evaluating IT procurements to ensure consideration of access by individuals with disabilities in accordance with Section 508 of the Rehabilitation Act.
4. Ensures that NRC publications services meet appropriate guidelines and provide appropriate access to individuals with disabilities.
5. Provides and installs appropriate, and properly reviewed, IT equipment and software related to reasonable accommodation requests.
6. Ensures all external Web sites are accessible for the public.

H. Office Directors and Regional Administrators

1. Ensure compliance with nondiscrimination provisions within their offices or regions, take positive action to recruit people with disabilities, and provide program support and active management participation in reasonable accommodation, affirmative action, and special employment activities, as appropriate.
2. Provide appropriate access for members of the public with disabilities to public programs conducted under their auspices.
3. Ensure that all requests for IT acquisitions, including purchase card buys, are in compliance with Section 508 of the Rehabilitation Act.

I. Supervisors and Official Team Leaders

1. Adhere to the NRC "Procedures for Providing Reasonable Accommodations for Individuals with Disabilities."
2. Identify requests for reasonable accommodation.
3. Promptly forward requests or direct employees to contact the NRC Reasonable Accommodations Coordinator (RAC) to ensure effective and appropriate case handling of requests for reasonable accommodation.
4. Participate in the interactive discussions between employee and the RAC to resolve requests for reasonable accommodation.
5. Cooperate with the process and work with both the employee and the RAC to find effective accommodation solution for the agency.

J. Employees

1. Adhere to NRC Procedures for Reasonable Accommodations.
2. Promptly notify management or the RAC of a need for a reasonable accommodation.
3. Participate in the interactive process between management and RAC to ensure effective case handling of requests for reasonable accommodation.
4. Provide medical documentation, if requested.
5. Cooperate with the reasonable accommodations process and work with management and the RAC to find effective accommodation solutions.

IV. APPLICABILITY

1. The nondiscrimination and reasonable accommodation policy in this directive applies to all aspects of NRC employment; the accessibility of NRC programs, facilities, and information to members of the public; and the administration of Federal financial assistance through the NRC. Consistent with the broad nature of this policy, related or more specific guidance is contained in a variety of NRC issuances, some of which are referenced below.
2. Where provisions of the "Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union" are in conflict with this directive or the guidance listed below, the provisions of the agreement govern with reference to bargaining unit employees.

V. RELATED GUIDANCE

RELATED GUIDANCE	
NRC ISSUANCE	RELATION TO DISABILITY PROGRAM
<p>Procedures for Providing Reasonable Accommodation for Individuals with Disabilities http://drupal.nrc.gov/ochco/catalog/303</p>	<p>Describes procedures for providing reasonable accommodation to employees and applicants for employment.</p>
<p>NRC Web site on Ergonomic and Disability Programs http://drupal.nrc.gov/ochco/catalog/315</p>	<p>Affirms NRC policy and provides further links to activities, information, and services.</p>
<p>MD 3.14, "U.S. Nuclear Regulatory Commission Public Web Site," http://drupal.nrc.gov/policy/directives/toc/md3014.htm</p>	<p>Describes the policies and procedures that ensure that external Web content complies with laws and regulations and is accessible by all site users, including those with disabilities. Provides accessibility standards and guidance.</p>
<p>MD 10.13, Part V, "Special Employment Programs," http://drupal.nrc.gov/policy/directives/toc/md10013.htm</p>	<p>References policies, rules, and procedures regarding employment of persons with disabilities.</p>
<p>MD 10.77, "Employee Development and Training," http://drupal.nrc.gov/policy/directives/toc/md10077.htm.</p>	<p>Confirms that the NRC (1) provides training and developmental opportunities without regard to factors, including disability, unrelated to the need for training; (2) will not use any training source that discriminates in the admission or in the subsequent treatment of students because of disability; and (3) pays for expenses (such as interpreters for employees who are deaf or readers for employees who are blind) necessary to make training accessible to all employees.</p>
<p>MD 10.122, "Employee Assistance and Wellness Services Programs,"</p>	<p>Describes programs and services that may be of value or assistance to employees.</p>

<p>http://drupal.nrc.gov/policy/directives/toc/md10122.htm</p>	
<p>MD 10.161, "Civil Rights Program and Affirmative Employment and Diversity Management Program," http://drupal.nrc.gov/policy/directives/toc/md10161.htm</p>	<p>Affirms the NRC's policy prohibiting discrimination based, among other things, on physical or mental disability; provides for a continuing affirmative employment program; and provides for the prompt, fair, and impartial consideration and disposition of complaints of discrimination and associated allegations of reprisal filed by NRC employees and applicants for employment.</p>
<p>MD 11.1, "NRC Acquisition of Supplies and Services," http://drupal.nrc.gov/policy/directives/toc/md11001.htm</p>	<p>Reflects the requirement that when the NRC develops, procures, maintains, and uses electronic information technology (IT), it will provide (1) Federal employees with disabilities with comparable access to and use of information and data as Federal employees who have no disabilities and (2) members of the public seeking information or services from the NRC with comparable access to and use of information and data as the public without disabilities. References policy regarding use of mandatory sources such as the Committee for Purchase From People Who Are Blind and Other Severely Disabled.</p>
<p>"NRC Purchase Card Handbook," http://neat.nrc.gov/Viewer/Report#/role/1/documentSearch?search=purchase%20card</p>	<p>Provides guidance for compliance with Section 508 of the Rehabilitation Act requirements for IT.</p>
<p>MD 12.5, "NRC Cybersecurity Program," http://drupal.nrc.gov/policy/directives/toc/md12005.htm</p>	<p>Explains that cybersecurity requirements are included as part of the product and program recommendations.</p>
<p>MD 13.2, "Facility Management," http://drupal.nrc.gov/policy/directives/toc/md13002.htm</p>	<p>Confirms that NRC space is acquired and leased in accordance with the FPMRs, which provide specific guidelines for Federal and federally funded facilities, including the Uniform Federal Accessibility Standards (41 CFR 101-19.6) for facility accessibility by persons with physical disabilities.</p>

	Provides that the NRC may initiate alterations in order to provide reasonable accommodations for employees with disabilities.
MD 13.4, "Transportation Management," http://drupal.nrc.gov/policy/directives/toc/md13004.htm	Assigns highest priority for parking spaces not required by official needs to employees with disabilities.
MD 14.1, "Official Temporary Duty Travel," http://drupal.nrc.gov/policy/directives/toc/md14001.htm	Outlines the process for authorization of additional travel expenses incurred as a result of a disability (for example, transportation and subsistence expenses incurred by a required attendant accompanying the employee, the cost of specialized transportation, or premium class accommodations when needed).
Headquarters and Regional "Occupant Emergency Plans," http://drupal.nrc.gov/nrc/occupant-emergency-plans	Ensures appropriate plans and provisions are in place to address any special needs of persons with disabilities.

VI. HANDBOOK

No handbook is required for MD 10.162. Guidance regarding various aspects of disability employee and reasonable accommodation can be found in the documents listed above.

VII. REFERENCES

Code of Federal Regulations

Title 10, "Energy."

Chapter I, Part 4, "Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission."

Title 29, Part 1614, "Federal Sector Equal Employment Opportunity."

Federal Acquisition Regulation Part 39.201, "Electronic and Information Technology, Scope of Subpart."

Title 41, Part 102-76, "Design and Construction."

Title 41, Part 101-19.6, Appendix A, "Uniform Federal Accessibility Standards (UFAS)."

Executive Order

Executive Order 13164, "Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation," July 26, 2000.

Federal Property Management Regulations (FPMRs), at <https://www.gsa.gov/policy-regulations/regulations/federal-management-regulation/federal-property-management-regulation-fpmr-related-files?>

Nuclear Regulatory Commission Documents

"Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union," November 9, 2015.

NRC Management Directives

3.14, "U.S. Nuclear Regulatory Commission Public Web Site."

10.1, "Recruitment, Appointments, and Merit Staffing."

10.13, "Special Employment Programs."

10.14, "Employee Trial Period."

10.42, "Work Schedules and Premium Pay."

10.62, "Leave Administration."

10.122, "Employee Assistance and Wellness Services Program."

10.135, "Senior Executive Service (SES) Employment and Staffing Programs."

10.148, "Senior Level Performance Appraisal System."

10.161, "Civil Rights Program and Affirmative Employment and Diversity Management Program."

11.1, "NRC Acquisition of Supplies and Services."

11.6, "Financial Assistance Program."

13.1, "Property Management."

13.2, "Facility Management."

13.4, "Transportation Management."

14.1, "Official Temporary Duty Travel."

NRC Purchase Card Handbook, at <http://neat.nrc.gov/Viewer/Report#/role/1/documentSearch?search=purchase%20card>.

Uniform Federal Accessibility Standards, at
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

United States Code

Americans with Disabilities Act of 1990, as amended (42 U.S.C. 4151 et seq.).

Americans with Disabilities Amendments Act of 2008.

The Architectural Barriers Act of August 12, 1968 (Pub. L. 90-480).

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

EEOC Final Rule of Section 501 of the Rehabilitation Act.

"Employment of Personal Assistants for Handicapped Employees, Including Blind and Deaf Employees." (5 U.S.C. 3102).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Rehabilitation Act of 1973, as amended, Pub. L. 93-112 (29 U.S.C. 791 et seq.).

"Training and Rehabilitation for Veterans With Service-Connected Disabilities" (38 U.S.C. Chapter 31).