



Practical Guide to Providing Reasonable Accommodations

TVA's Written Plan

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Purpose of this Guide

To ensure compliance to the law, this guide identifies the approach TVA uses to handle requests for reasonable accommodations. It is essential that both supervisors and employees fully understand their rights and responsibilities.

Background

Under Title 1 of The Americans with Disabilities Act (ADA), Federal Executive branch agencies follow the [Section 501](#) of the Rehabilitation Act, as amended, which aligns with The ADA. A Reasonable Accommodation (RA) is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to obtain a job but also to successfully perform his/her job duties to the same extent as people with disabilities.

The Equal Employment Opportunity Commission (EEOC)'s final rule, [82 FR 654](#), Affirmative Action for Individuals with Disabilities in Federal Employment, amended the Rehabilitation Act of 1973, [29 C.F.R. § 1614.203](#), and requires Federal Agencies to take steps to gradually increase the number of employees in Federal service with disabilities and targeted disabilities, and provide Personal Assistance Services (PAS) to Federal employees who require such services because of their targeted disabilities.

Under Title VII of the Civil Rights Act of 1964, as amended, employers may not discriminate on the basis of race, color, religion, sex and national origin. Title VII additionally requires employers to accommodate employees sincerely held religious beliefs and practices.

Legal Overview

When enacting The Rehabilitation Act of 1973, Congress charged each Federal Agency and Federal contractor to promote the hiring and retention of individuals with disabilities in two ways:

First, to be a model employer of individuals with disabilities through use of meaningful affirmative hiring, placement, and advancement opportunities; and

Second, to ensure employment non-discrimination and Reasonable Accommodations.

The Rehabilitation Act of 1973 that are applicable to TVA are divided into five (5) sections: [Section 501](#), [Section 502](#), [Section 503](#), [Section 504](#) and [Section 508](#). Each of these are described briefly below with more in-depth information found in [TVA-SPP-11.705 Disability Programs](#).

- Section 501 prohibits discrimination on the basis of disability in federal employment and requires federal agencies to establish affirmative action plans for the hiring, placement and advancement of people with disabilities.
- Section 501, as amended January 3, 2017, requires the agency to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities. PAS are services that help individuals who, because of targeted disabilities, require assistance to perform activities of daily living, like eating and using the restroom.
- Section 502 established the United States Access Board (originally the Architectural and Transportation Barriers Compliance Board). The Board's duties include ensuring compliance with standards issued by the Architectural Barriers Act (ABA) of 1968. Federal agencies are responsible for ensuring compliance with the ABA standards when funding the design, construction, alteration, or leasing, of facilities or properties.
- Section 503 prohibits employment discrimination based on disability and requires affirmative action in the hiring, placement, and advance placement of people with disabilities by federal contractors or subcontractors.
- Section 504 makes it illegal for federal agencies, programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements include reasonable accommodation for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities, and accessible new construction and alterations.
- Section 508 requires federal departments and agencies that develop, procure, maintain, or use electronic, and information technology (EIT), also known as Information and Communication Technology (ICT), to ensure that federal employees and members of the public with disabilities have access to EIT that is comparable to that provided to individuals without disabilities, unless an undue burden would be imposed on the agency.

The Federal government is covered by several disability civil rights laws that require agencies to provide Reasonable Accommodations to qualified applicants and employees with disabilities, unless doing so poses an undue hardship.

Executive Order 13164

Requires all Federal Agencies to establish procedures on handling requests for Reasonable Accommodations. TVA's procedures fully comply with the requirements of The Rehabilitation Act of 1973. Under the law, TVA must provide Reasonable Accommodations to qualified employees or applicants with disabilities, unless doing so would cause undue hardship. TVA is committed to providing Reasonable Accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities.

TVA provides Reasonable Accommodations:

- When an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- When an employee with a disability needs an accommodation 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 access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).

Definition of a Disability

For an employee to be provided with Reasonable Accommodations, he or she must be a qualified individual with a disability. The law defines a qualified individual with a disability as a disabled individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without Reasonable Accommodation, can perform the essential functions of such position. The individual must also meet the experience and education requirements for the position, or the criteria for appointment under one of the special excepted appointment authorities for disabled employees, such as Schedule A.

Schedule A is a special appointing authority that can be used for individuals with severe physical, mental or psychiatric disabilities, see [§ 1614.203](#).

Definition of Religion

Title VII defines “religion” to include all aspects of religious observance, practice, and belief. Determining whether a practice is religious turns no on the nature of the activity, but on the employee’s motivation.

A belief or practice is “religious” in the eyes of the law if it is religious in the person’s own scheme of things, i.e., it is a sincere and meaningful belief that occupies a place in the life of its possessor parallel to that filled by God. Along these lines, courts have recognized three common features of a religion. First, a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters. Second, a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Third, a religion often can be recognized by the presence of certain formal external signs.

“Religion” does not need to be associated with a recognized institution. It can be unique to the individual. So long as the practice or beliefs conform to the definitions of religion discussed above, a religion does not necessarily require belief in God, the spiritual, or the supernatural.

Not all strongly held beliefs are religious. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII. Likewise, maxims and moral

concepts on a particular issue do not constitute a religion, regardless of their origins. See § 915.063, Section 12: Religious Discrimination / U.S. Equal Employment Opportunity Commission (eoc.gov).

What Does It Mean for a Religious Belief or Practice to Be “Sincerely Held?”

An individual’s sincerity is matter of credibility. Factors that – either alone or in combination – might undermine an employee’s credibility include whether the employee has behaved in a manner markedly inconsistent with the professed belief; whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons; whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons); and whether the employer otherwise has reason to believe the accommodation is not sought for religious reasons. The factors and circumstances should be considered on a case-by-case basis.

When Is a Religious Accommodation Not Reasonable

As with disability accommodation, an accommodation for religious reasons is unreasonable if the accommodation would place an “undue hardship” on the employer. The term “undue hardship” under Title VII, however, is a lower standard. It simply means that the religious accommodation would result in more than a minimal cost or burden.

What Is a Reasonable Accommodation

A Reasonable Accommodation is any change in the workplace, or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. The accommodation is reasonable even if it would ordinarily violate policy, so long as the accommodation allows the person to perform his or her essential job duties and does not impose an undue hardship on the employer.

Types of Accommodations

Reasonable Accommodations may enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as parking lots and office events.

Common types of accommodations include, but are not limited to:

- Modifying work schedules or supervisory methods
- Granting breaks or providing leave
- Altering how and when job duties are performed
- Moving to a different office space
- Providing telework beyond that provided by the collective bargaining agreement or the relevant Memorandum of Understanding (MOU)

- Providing assistive technology, including information technology and communications equipment or specially designed furniture
- Removing an architectural barrier, including reconfiguring workspaces
- Providing accessible parking
- Providing reassignment to another job
- Granting additional leave and reassignment are accommodations of last resort

Though an impaired employee who has exhausted all leave options may request a reasonable amount of unpaid leave in order to recover and return to work, an employer should not force an employee to use leave if the employee could work with another Reasonable Accommodation.

When Is a Disability Accommodation Not Reasonable

An employer is not obligated to remove essential job duties or to provide devices that the employee expects to use while not at work, such as hearing aids. In addition, an accommodation is not reasonable if it would cause undue hardship.

“Undue hardship” is a significant difficulty or expense upon the employer. The determination of whether an employer may refuse an accommodation because of undue hardship requires an individualized assessment of several factors:

- The nature and net cost of the accommodation, taking into consideration the availability of tax credits and deductions, or outside funding;
- The overall financial resources of the facility or facilities involved in the provision of the Reasonable Accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
- The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities;
- The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
- The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Consideration of these factors must account for the length of time that the restriction is anticipated, as some accommodations will be reasonable for only a period of time before the burden becomes excessive. Consequently, even though TVA might be able to accommodate a temporary restriction, it does not follow that it would be reasonable for TVA to offer the same accommodation on an indefinite or permanent basis.

When is a Religious Accommodation Not Reasonable

As with disability accommodation, an accommodation for religious reasons is unreasonable if the accommodation would place an undue hardship on the employer. The term “undue hardship” under Title VII, however, is a lower standard. It simply means that the religious accommodation would result in more than a minimal cost or burden.

Reasonable Accommodation Process

TVA processes requests for Reasonable Accommodation and will provide the Reasonable Accommodation in a prompt and efficient manner in accordance with the time frames set forth in this guide.

TVA’s designated Leave and Accommodation Specialist (LAS) oversees the Reasonable Accommodation process. All requests for Reasonable Accommodation will be handled by management, employee, the Leave and Accommodation Specialist, and a TVA Nurse Practitioner (NP).

Requesting Process

Requests can be made at any time, either orally or in writing: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(E\)](#) using applicable TVA forms. The Reasonable Accommodation process starts as soon as an oral or written request for accommodation is made: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(D\)](#).

The individual need not have a particular accommodation in mind before making a request: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(D\)](#).

Requests can be made by:

- An applicant or employee;
- A family member of an applicant or employee; and
- A health professional or other representative on behalf of an applicant or employee

Requests of an accommodation may be made to:

- A supervisor or manager in the individual's chain of command;
- the office designated by the agency to oversee the Reasonable Accommodation process; and
- any agency employee connected with the application process, or
- any other individual designated by the agency to accept such requests: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(D\)](#).

The Reasonable Accommodation process begins as soon as an accommodation is recognized, is verbally requested or has been submitted in writing: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(D\)](#).

When a supervisor recognizes or receives a request, the supervisor must forward and/or contact the Leave and Accommodation Specialist: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(G\)](#).

Requests:

- General medical accommodation requests may be submitted via PeopleGateway or via a TVA Nurse Practitioner (NP). TVA Form 21374 Request for Accommodation should be completed by the requestor and submitted with applicable documentation.
- Management or others may assist the employee with completing TVA Form 21374 if the employee has difficulty.
- COVID-19 vaccination medical requests should be submitted to emphealthservices@tva.gov using TVA Form 21374-MV Request for Accommodation-COVID Medical.
- COVID-19 vaccination religious requests should be submitted to emphealthservices@tva.gov using TVA Form 21374-RV Request for Accommodation-COVID Religious.

The Leave and Accommodation Specialist and/or the Nurse Practitioner will contact the applicant or employee within 10 business days of the request, even if the request is initially made to someone else.

When an employee makes a request for Reasonable Accommodation that involves performance of the job, the Leave and Accommodation Specialist and/or the Nurse Practitioner will work with the employee's supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position.

An applicant or employee must let the manager, or the Leave and Accommodation Specialist know that an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition is needed.

If the employee makes a Reasonable Accommodation request to someone other than the Leave and Accommodation Specialist, such as the supervisor, officer, director, etc., notified individuals should forward the request to the Leave and Accommodation Specialist immediately and must do so within 2 business days.

A family member, health professional, or other representative requests accommodation on behalf of an applicant or employee. The Leave and Accommodation Specialist should, if possible, confirm with the applicant or employee that a reasonable accommodation is wanted before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the Leave and Accommodation Specialist and/or TVA Nurse Practitioner will process the request if it seems appropriate and will consult directly with the individual needing the accommodation as soon as practicable. Additionally, consultation may include discussion of TVA's benefits (e.g., FMLA, Donated Leave, LWP, etc.).

The Leave and Accommodation Specialist may need to consult with other TVA personnel or outside sources to obtain information necessary to make a determination about the request. TVA expects that all personnel will give a high priority to responding quickly to a Leave and Accommodation Specialist's request for information or assistance. Any delays by TVA personnel may result in TVA's failing to meet the required time frame.

Repetitive Accommodations

TVA will process request for an accommodation that is needed on a repeated basis. When an individual requests a type of accommodation that will be needed on a repeated basis (e.g., sign language interpreter, CART services, or readers), the agency will not require the individual to submit a written request each time the accommodation is needed. Once the accommodation is approved the first time, the employee may obtain the accommodation by notifying the appropriate individual or office: EEOC Policy Guidance on Executive Order 13164, Sect. II, Q.4.

Request for Information

Disability or Sincerely Held Religious Belief is Not Obvious or Already Known

If a requestor's disability and/or need for accommodation is not obvious or already known, the Leave and Accommodation Specialist and/or TVA NP is entitled to ask for and receive medical information showing the requestor has a covered disability that requires accommodation.

Time Frames

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible, but no later than 30 business days from the date the request is made. Time begins when the accommodation is first requested: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(M\)](#).

This 30-day period includes the 10-day time frame in which the Leave and Accommodation Specialist, or a TVA NP must contact the requestor after a request for reasonable accommodation is made.

When a particular reasonable accommodation can be provided in less than the maximum amount of time permitted, failure to provide the accommodation in a prompt manner may result in a violation of The Rehabilitation Act: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(O\)](#).

TVA will not be expected to adhere to its usual timelines if an individual's health professional fails to provide needed documentation in a timely manner: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(N\)](#).

TVA will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation.

If the Leave and Accommodation Specialist and/or TVA's NP must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the Leave and Accommodation Specialist and/or TVA NP makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the Leave and Accommodation Specialist and/or TVA NP.

Where there is a delay in either processing a request for or providing an accommodation, TVA will notify the individual of the reason for the delay, including any extenuating circumstances that justify the delay: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(S\)](#).

If the disability is obvious or already known, if it is clear why Reasonable Accommodation is needed, and if an accommodation can be provided quickly, then the Leave and Accommodation Specialist should not require the full 30 business days to process the request.

When all the facts and circumstances known to TVA make it reasonably likely that an individual will be entitled to Reasonable Accommodation, but the accommodation cannot be provided immediately, the agency shall provide an interim accommodation that allows 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 to TVA: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(Q\)](#).

The following are examples of situations where the disability is obvious or already known, and an accommodation can be provided in less than the allotted time frame:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private;
- An employee with clinical depression who takes medication (that makes it difficult for her to awaken in time to get to the office by 9:00 a.m.) requests that she be allowed to start work at 10:00 a.m., and still work an eight and a half-hour day; and
- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed prior to the meeting as his/her disability makes it difficult to read quickly, requiring more time for him/her to prepare.

The Interactive Process

- **Employee/Applicant's Oral Request** for accommodation(s) requires an interactive discussion between the supervisor and the employee/applicant and/or the Leave and Accommodation Specialist. The discussion must include the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs. TVA Form 21374 will be reviewed and if applicable, TVA Form 21084 Modified Work Duties should be used to document the interactive process. Based on interactive discussion, the requestor may revise the request based on input from management, the nurse practitioner or the outcome of the interactive discussion.
- **Employee's Medical Restriction(s)** must be provided to the TVA NP. The NP documents the individual's restriction(s) via TVA's electronic medical recordkeeping system. Upon documentation validation and/or evaluation of individual, the NP sends the supervisor and the employee a Duty Disposition Letter (DDL).
- **Employee and Supervisor Interactive Discussion** occurs after supervisor reviews the restriction(s) provided through the DDL and determines if the restriction(s) impacts the essential functions of the individual's job. The interactive discussion includes a review of the individual's job duties and the job's physical capabilities/exposures. Both the supervisor and the employee are to document proposed accommodations. Upon completion of the discussion, the supervisor and the employee will document the discussion results by indicating the accommodation on TVA Form 21084.

Outdated Restriction(s)

Employees and supervisors are to ensure the accommodation(s) continue to be effective and no change to the accommodation(s) is required. In the event the accommodation is ineffective, the employee and supervisor are to re-engage in the interactive discussion process.

As medical restrictions age, the NP will periodically check in with the supervisor. Generally, this time frame is at 90 days and again at 180 days of the medical restriction being listed.

A signed TVA Form 21084 will be requested by the NP at these specific time frames.

Documentation

When documentation is required to support a Reasonable Accommodation request, it should describe the nature of the individual's disability, his or her need for Reasonable Accommodation and how the requested accommodation will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(I\)](#).

All documentation provided to TVA's NP or the Leave and Accommodation Specialist will be maintained as confidential material and that only under limited circumstances will information be disclosed.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the Leave and Accommodation Specialist and/or TVA NP to determine whether the individual has a "disability" and/or if an accommodation is needed, the Leave and Accommodation Specialist and/or the TVA NP will explain what additional information is needed: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(I\)](#).

If necessary, the individual should then ask his/her personal health care provider or other appropriate professional to provide the missing information. The Leave and Accommodation Specialist and/or the TVA NP may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer.

If sufficient medical information is not provided by the individual after several attempts, the Leave and Accommodation Specialist and/or TVA NP may ask the individual requesting accommodation to sign a limited release permitting the Leave and Accommodation Specialist and/or the TVA NP to contact the provider for additional information. The Leave and Accommodation Specialist and/or the TVA NP may have the medical information reviewed by a doctor of the agency's choosing, at the agency's expense: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(K\)](#).

The Leave and Accommodation Specialist and/or TVA NP may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the Leave and Accommodation Specialist and/or TVA NP does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a Reasonable Accommodation. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the Leave and Accommodation Specialist and/or TVA NP of this fact. The Leave and Accommodation

Specialist and/or the TVA NP will then determine whether additional medical information is needed to process the current request.

In determining whether documentation is necessary to support a request for Reasonable Accommodation and whether an applicant or employee has a disability within the meaning of The Rehabilitation Act, the Leave and Accommodation Specialist and TVA NP will be guided by principles set forth in The ADA Amendments Act of 2008. Specifically, The ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. Notwithstanding, the Leave and Accommodation Specialist and/or TVA NP may require medical information in order to advise supervisors of restrictions that may affect the essential functions of the job. Requesting additional information may help when designing an appropriate and effective accommodation.

Confidentiality Requirements

Under The Rehabilitation Act, documentation obtained in connection with the Reasonable Accommodation process must be kept confidential. This means that all documentation obtained in connection with a request for Reasonable Accommodation must be kept in files separate from the individual’s personnel file. Additionally, when medical information is disclosed, TVA will inform the individual of the confidentiality requirements: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(L\)](#).

The Leave and Accommodation Specialist may share certain information with an employee’s supervisor or other agency official(s) as necessary to make appropriate determinations on a Reasonable Accommodation request.

In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a Reasonable Accommodation;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment for assistance in evacuation; and
- Government official may be given information necessary to investigate the agency’s compliance with The Rehabilitation Act.

Expedited Processing of a Request

In certain circumstances, a request for Reasonable Accommodation requires an expedited review and decision. This includes where a Reasonable Accommodation is needed:

- 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 to ensure that an applicant with a disability has an equal opportunity to apply for a job.

- To enable an employee to attend a meeting scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

Extenuating Circumstances

There are circumstances that would not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond the agency's ability to control. When extenuating circumstances are present, the time for processing a request for Reasonable Accommodation and providing the accommodation will be extended as reasonably necessary.

Extensions will be limited to circumstances where they are necessary, and only for as long as required to deal with the extenuating circumstance.

Reassignment

Reassignment is an accommodation of last resort. There are specific considerations when an employee needs, or may need, a reassignment. Generally, reassignment will only be considered if no accommodation(s) is available to enable the individual to perform the essential functions of the job, the restriction has become permanent and can no longer be accommodated, the restrictions have been in place one calendar year from date of work-related injury and management can no longer accommodate, or the accommodation would cause undue hardship.

Reassignment to a vacant position for which an employee is qualified, and not just permitted to compete for such position, is a Reasonable Accommodation. TVA must consider providing reassignment to a vacant position as a Reasonable Accommodation when it determines that no other Reasonable Accommodation will permit an employee with a disability to perform the essential functions of his or her current position: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(B\)](#).

- Employees entering reassignment will be contacted by the Leave and Accommodation Specialist and will provide the employee with information associated with the reassignment process along with any other options for consideration, such as, Family Medical Leave (FML), Short- or Long-Term Disability, Disability Retirement, Retirement and/or the Leave Transfer Program.
 - FML or Leave Transfer Program - 1-888-275-8094 or go to PeopleGateway and initiate a Leave Inquiry/Special Leave request to determine if you are eligible for 12 weeks of FML during which you would not be reassigned or terminated.
 - Short Term Disability (via UNUM) – 1-800-635-5597
 - Long Term Disability (via UNUM) – 1-888-673-9940
 - Retirement or Disability Retirement (via TVA) – 1-865-632-2672

- In considering whether there are positions available for reassignment, the Leave and Accommodation Specialist will work with both the Human Resources, Talent Acquisition (TA) and the employee requesting the reassignment to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without Reasonable Accommodation; and (2) positions which TA has reason to believe will become vacant within a reasonable time from the date the search is initiated and for which the employee may be qualified.
- Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate.

Reassignment Steps

1. The Leave and Accommodation Specialist conducts a conference call and/or a face-to-face meeting to inform employee that the agency is "no longer able to accommodate the employee's restrictions in the current position" and counsels the employee on the reassignment process.
2. The Leave and Accommodation Specialist requests updated resume from employee.
3. The Employee provides current resume to the Leave and Accommodation Specialist within 7 calendar days of notification; if resume is not received, the Leave and Accommodation Specialist utilizes information found in the employee's Personal History Records (PHR) to identify one's skills and qualifications.
4. The Leave and Accommodation Specialist sends formal Notice of Decision letter to reinforce the conversation; a copy of the letter is sent to the Nurse Practitioner and the HR Business Partner.
5. Upon receipt of resume, the Leave and Accommodation Specialist collaborates with TA recruiting personnel and reviews resume to determine if employee is qualified for any vacant position(s).
6. The employee is reminded to routinely review the job postings. If employee identifies a vacancy for which employee is qualified, employee contacts the Leave and Accommodation Specialist.
7. The Leave and Accommodation Specialist will review all posted position in order to help determine placement of individual into a reassignment opportunity for a period of two week.

NOTE: Placement of employee in a vacant position is a position equivalent in terms of pay, status, or other relevant factors (e.g., benefits, geographical location) and is based on an interactive conversation between employee, the Leave and Accommodation Specialist, and business unit hiring manager.

NOTE: If there are no vacant positions equivalent to the employee's current position, TAD will attempt to offer a vacant lower-level position to the employee, again, provided the employee is qualified for the position.

NOTE: The employee does not need to be the best qualified individual for the position in order to obtain it as a reassignment nor is the employee required to compete.

NOTE: In the event that there are multiple people within reassignment, that are qualified for the same open positions, offers will be made to the individual with the longest combined federal service. If in the event, multiple people have the exact same combined federal service, offers will be made to individuals with veteran's preference first, and if no one is veteran preference eligible, offer will be made to the one with the highest social security number (last four of SSN).

NOTE: Nuclear HR Business Partners are required to schedule an Executive Review Board (ERB) meeting at a point in time to pursue approvals for termination.

Resolution of the Reasonable Accommodation Request

All decisions regarding a request for Reasonable Accommodation will be communicated to an applicant or employee by use of the Notice of Decision Letter, as well as orally.

If the agency grants a request for accommodation, the Leave and Accommodation Specialist will give the Notice of Decision Letter to the requestor and discuss implementation of the accommodation. The "Decision Letter" is to be filled out even if TVA is granting the request without determining whether the requestor has a "disability" and regardless of what type of change or modification is approved.

A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual's specific requested accommodation and why the agency believes that the chosen accommodation will be effective.

If the request is approved but the accommodation cannot be provided immediately, the Leave and Accommodation Specialist will inform the individual in writing of the projected time frame for providing the accommodation.

Denials of Reasonable Accommodation

If the agency denies a request for accommodation, the Leave and Accommodation Specialist will give the Notice of Decision Letter to the requestor and discuss the reason(s) for the denial.

Additionally, the requestor will receive written notice explaining the reasons for denial and notifying the job applicant or employee of any available internal appeal or informal dispute resolution process.

TVA encourages the use of voluntary informal dispute resolution processes that individuals may use to obtain prompt reconsideration of denied requests for Reasonable Accommodation.

TVA will also inform the applicant or employee that denials of a request for Reasonable Accommodation must include information about the individual's right to file an EEO complaint pursuant to [29 C.F.R. § 1614.106](#) and to invoke other statutory processes, as appropriate: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(T\)](#); [29 C.F.R. § 1614.203\(d\)\(3\)\(iii\)\(B\)](#).

When completing the "Decision Letter", the explanation for the denial will clearly state the specific reason(s) for the denial. This means that the agency cannot simply state that a requested accommodation is denied because of "undue hardship" or because it would be "ineffective." Rather, the form will state and the Leave and Accommodation Specialist and/or management will explain specifically why the accommodation would result in undue hardship or why it would be ineffective.

If there is a legitimate reason to deny the specific Reasonable Accommodation requested, the Leave and Accommodation Specialist will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the Leave and Accommodation Specialist will explore whether there is a Reasonable Accommodation that will meet the employee's needs.

If the Leave and Accommodation Specialist offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the Leave and Accommodation Specialist will record the individual's rejection of the alternative accommodation in writing to Director, Human Resources or may file an EEO complaint.

Dispute Resolution

Appealing Decision

An individual dissatisfied with the resolution of a Reasonable Accommodation request can ask the Director, Benefits and Well-being to reconsider the decision. An individual must request reconsideration within 10 business days.

An employee may appeal the decision by completing TVA Form 21374 indicating reason for appeal. The Director, Benefits and Well-being will review the information in its entirety and make final decision. The Director, Benefits and Well-being may consult with other departments, such as the Office of General Counsel (OGC), etc.

Filing an EEO Complaint

To file an EEO complaint, the individual with the complaint must initiate contact with an EEO Counselor within 45 days of the denial of accommodation via

<https://tvacloud.sharepoint.com/sites/er/OCEO/eoc/SitePages/Equal-Opportunity-Compliance.aspx>, regardless of whether the applicant or employee participates in an informal dispute resolution process: 29 C.F.R. § 1614.203(d)(3)(iii)(C)&(D).

TVA encourages the use of voluntary informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of Reasonable Accommodation: 29 C.F.R. § 1614.203(d)(3)(i)(U).

Information Tracking and Reporting

In order for the agency to ensure compliance with this process and in compliance with Executive Order 13164, the Leave and Accommodation Specialist will provide the Agency's Equal Opportunity Compliance office with applicable accommodation information within 5 business days of request.

TVA's electronic medical record keeping system (Medgate/Cority) will be the primary system used to track all requests for accommodations, accommodations provided and any denials: 29 C.F.R. § 1614.203(d)(3)(i)(R).

The agency will keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to the Commission upon the Commission's request: 29 C.F.R. § 1614.203(d)(8).

Costs and Resources

TVA will take specific steps to ensure that requests for accommodation are not denied for reasons of cost, and that individuals with disabilities are not excluded from employment due to the anticipated cost of a Reasonable Accommodation.

TVA must consider all resources available to TVA as a whole, excluding those designated by statute for a specific purpose that does not include Reasonable Accommodation, which would enable it to provide an effective Reasonable Accommodation without undue hardship: 29 C.F.R. § 1614.203(d)(3)(ii)(A).

TVA will arrange for the use of agency resources to provide the accommodation, including any centralized funds the agency may have for that purpose: 29 C.F.R. § 1614.203(d)(3)(ii)(B).

Inquiries and Distribution

Any employee wanting further information concerning this process may contact the Leave and Accommodation Specialist via PeopleGateway.

This procedure is made available upon request, is available on the TVA public website and the TVA Occupational Health SharePoint site: [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)](#).

TVA will post the procedure on the Intranet and Internet sites, including the employee handbook, and will be available in Agency's library, in the Office of Equal Opportunity, and the Office of Human Resources. This procedure will be made available to all job applicants and distributed to all new employees as part of their orientation on their first day of work. This procedure will be provided in alternative formats (e.g., braille, large print, etc.) when requested from the Leave and Accommodation Specialist by, or on behalf of, any Agency employee: [29 C.F.R. § 1614.203 \(d\)\(3\)\(i\)](#).

Applicable Forms for Accommodation Processes

- Appendix A - Duty Disposition Letter
- Appendix B - Written Request for Reasonable Accommodation
- Appendix C - TVA Form 21084 Modified Work Duties
- Appendix D - Notice of Decision Letter
- Appendix E – Accommodation Step-by-Step Process
- Appendix F – Reassignment Process; solely for WC claimants
- Appendix G - Frequently Asked Questions
- Appendix H – Roles and Responsibilities

Appendix A - Duty Disposition Letter

<<Current Date>>

General Duty Disposition Letter

An evaluation has been conducted and the employee's reason for visit and work status is indicated below:

Employee Name/EIN	Location	Organization
<<Employee's Full Name & Number>>	<<Location Description>>	<<Employee Geographic Location Desc.>>
Job Position/Job Code	Supervisor	
<<EE position description & Employee Job Code>>		

Reason For Visit	Visit Date	Services Completed
<<Clinic Visit Reason Desc.>>	<<Date>>	

Duty Disposition	Medical Disposition	Follow Date
<<Duty Disposition Desc.>>	<<Medical Disposition Desc.>>	<<Date>>

If restrictions are listed below, an interactive discussion must occur with completion of Modified Work Duties TVA Form 21084. The form must be completed and returned to the Return to Work Coordinator at rtw@tva.gov within 72 hours.

<<List Permanent Restrictions>>

<<List Temporary Restrictions>>

If you are faced with a health condition that results in extended time away from work, whether it is because of your own serious health condition or to care for a family member with a serious health condition, you may be able to take up to 12 weeks of job-protected time off under the Family and Medical Leave Act (FMLA). Contact fmla@tva.gov or visit the Employee Health SharePoint for more information.

Comments:

From <<Full Name/With Credentials>>

CC:

<<Employee First Name/Employee Last Name>>

<<Supervisor First Name/Supervisor Last Name>>

<<Return to Work Coordinator>>

Appendix B – Written Request for Reasonable Accommodation

TVA RESTRICTED INFORMATION

Request for Accommodation

To ensure compliance to the law, refer to TVA's written plan [Human Resources - Practical Guide to Requesting Reasonable Accommodations \(servicenowservices.com\)](#). A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability or a sincerely held religious belief. The accommodation is reasonable even if it would ordinarily violate policy, so long as the accommodation allows the person to perform his or her essential job duties and does not impose an undue hardship on the employer.

What you can expect during the accommodation process:

1. Notify your manager of your request for accommodation
2. Complete TVA Form 21374 – Request for Accommodation
3. Submit request via PeopleGateway
4. Receive notification of receipt of request within 10 business days
5. Discuss accommodation options through an interactive conversation with your manager
6. The time frame for processing a request (including providing accommodation, if approved) is as soon as possible, but no later than 30 business days from the date the request is made.
7. If there is a delay in either processing a request for or providing an accommodation, TVA will notify the individual of the reason for the delay, including any extenuating circumstances that justify the delay.
8. Receive decision
9. Employee may appeal the decision by completing TVA Form 21374's appeal section and submitting it to the employeehealth@tva.gov mailbox.
10. The Director, Benefits and Well-being will review the requested appeal and may seek counsel from others.

Request for Accommodation

Date of Request

Applicant's or Employee's Full Name

EIN

Contact Phone Number

--	--	--

Type of Accommodation Requested, If Known

- Medical (must attach medical documentation)
 Religion
 Other (indicate reason)

Request Specifics

Employee Name, Signature and Date

Need Signature

If electronically signed, click to email for approval.

OR

Appealing Decision

Reason for Appeal (if accommodation is time sensitive, please explain)

An individual dissatisfied with the resolution of a Reasonable Accommodation may request the Director, Benefits and Well-being to reconsider the decision. An individual must request reconsideration within 10 business days.

NOTE: Appealed decisions are final; however, you may file an EEO complaint. To file an EEO complaint, you must initiate contact with an EEO counselor within 45 days of the denial of the accommodation.

Request for Accommodation

Approving Authority (Supervising Manager) completes the information below:

- Approved If approved, accommodation being provided is:
- Not Approved If not approved, accommodation cannot be provided because:

Temporary _____ Permanent _____
<div style="background-color: #cccccc; width: 50px; height: 20px; margin-bottom: 10px;"></div>

NOTE: If an employee can no longer be accommodated. The employee will be moved into the reassignment process

Approving Authority (Supervising Manager)

Name, Title, Signature and Date

Need Signature

Upon completion, email the completed form to emphealthservices@tva.gov

Privacy Act Statement

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. The information will be maintained in accordance with TVA Systems of Records Notice TVA-9, Health Records, Health Records-TVA. Information you provide may be used in and verified through a computer match.

Appendix C - TVA Form 21084 Modified Work Duties

Modified Work Duties

INSTRUCTIONS

Upon receipt of the Duty Disposition Letter (DDL), the supervisor and employee meet to discuss current restriction(s) and the impact the restrictions have on the employee's essential job functions. This interactive discussion is to determine possible accommodations.

Employee's Name	EIN	Job Title
<input type="text"/>	<input type="text"/>	<input type="text"/>

Supervisor's Name

Employee Restriction(s) Are (see DDL and list below)

Specify Job Function(s) Impacted by Restriction(s)

Box A Job duties are impacted
 not impacted **Complete Box B.**

Box B
 My restriction(s) do NOT impact my job duties and no accommodation(s) are needed.

Interactive discussion occurred via telephone conversation on

Employee (Name, Signature, and Date)

Sign

Manager (Name, Signature, and Date):

Sign

Signature indicates interactive discussion has occurred.

Comments/Disagreements

Click to submit completed form by Email to RTW@tva.gov.

TVA RESTRICTED INFORMATION

Print Form

Modified Work Duties

Box E As restrictions age, Box E will require action.

Constraint Age	Supervisor Initials	Date	Notify		
90 days Manager			<input type="checkbox"/> Employee <input type="checkbox"/> RTW Coordinator	<input type="checkbox"/> HRM	<input type="checkbox"/> Next Level Supervisor
> 180 days			<input type="checkbox"/> Employee <input type="checkbox"/> RTW Coordinator	<input type="checkbox"/> HR SR Mgr <input type="checkbox"/> DPM	<input type="checkbox"/> Line VP

* The Rehabilitation Action of 1973, Congress charged each federal agency and federal contractor to promote the hiring and retention of individuals with disabilities in two ways, first, to be a model employer of individuals with disabilities through use of meaningful affirmative hiring, placement and advancement opportunities; and second, to ensure employment non-discrimination and reasonable accommodation. Case Management information can be found in TVA-SPP-11.520 Health and Occupational Wellness and TVA's Guide Accommodating Persons with Disabilities.

Appendix D - Notice of Decision Letter

Date

Dear Employee:

This letter is in accordance with TVA's reassignment process as defined by TVA-SPP-11.520 Health and Occupational Wellness.

Our records indicate the below restrictions reported by your treating physician continue to remain in place and impact your ability to perform the essential functions of your current position, (list position, job code).

Restrictions are as follows:

List restriction(s)

As stated in TVA-SPP-11.520 Health and Occupational Wellness, an individual who has a disability that prevents him/her from performing the essential functions of his/her job, even with a reasonable accommodate, may be eligible for an offer of reassignment, based on availability and qualifications.

TVA was able to identify the following position(s) for which you may qualify:

List position(s)

Since you do not meet the minimum qualifications for the above position(s) and there are no additional positions currently available for which you meet the minimum qualifications, reassignment actions have ended effective (date).

If you have any questions, please feel free to contact our office.

Sincerely,
Leave and Accommodation Specialist, Benefits and Well-being

Appendix E – Accommodations: A Step-by-Step Process

To request an accommodation, you may speak with your manager or complete TVA Form 21374. The interactive process starts when management learns of the request/need for an accommodation in either oral or written form.

- General accommodation requests should be submitted via PeopleGateway using TVA Form 21374.
- TVA Form 21374 will be reviewed, and information may be transferred over to TVA Form 21084
- TVA Form 21084 will then be sent to the employee and the employee’s supervising manager.
- The employee and the supervising manager will engage in an interactive discussion and discuss the restrictions and/or accommodations needed in order to determine if an accommodation can be made. If necessary, TVA Form 21374 may be revised by the employee and resubmitted.
- Management will complete TVA Form 21084 as noted below:
 - Box A: Indicate what job duties are impacted or not impacted. If impacted, supervisor is to select whether modified work duty is or is not available. If in Box A, job duties are NOT impacted, Box B is to be completed indicating the employee’s restriction(s) do NOT impact the job duties and no accommodation(s) are needed.
 - Box C and D: If available is selected, Box C is to be completed. This indicates that the employees’ restrictions impact job duties and a temporary modified work duty is needed for XX days/weeks. In the event that the employee’s condition or accommodation(s) requires changes, management and/or employee will make notification to supervisor or the Leave and Accommodation Specialist. It is important to identify accommodations needed and the duration of the need. TVA Form 21084 provides a space to notate this identification. If job duties are impacted but modified work is NOT available, BOX D is to be completed. This selection indicates the

employee's restrictions do impact the essential functions of the job and NO temporary modified work duty(s) is/are available. In the event the employee's condition changes, the employee is to notify the supervisor.

- TVA Form 21084 (Modified Work Duties): For any interactive discussion (via telephone, email, in-person, etc.) the conversation should be documented, date/time and names of those involved in the conversation should be captured on TVA Form 21084.
 - Upon completion of TVA Form 21084, the form is to be submitted to rtw@tva.gov.
 - NOTE: Communication is the key and is a priority throughout the entire process, but particularly where the specific limitation, problem or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of Reasonable Accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations.
-

Appendix F- Reassignment Process - Solely for Workers' Comp Case Claimants

- The **Leave and Accommodation Specialist** will follow the reassignment process.
- When employee is offered a position, a formal job offer letter is sent to the employee. A copy of the letter will be provided to the Office of Workers' Compensation Programs (OWCP).
- The Employee has 15 days to review the offer and return to the Leave and Accommodation Specialist the letter advising to acceptance or declination.

If the employee declines the offer:

- Workers' Compensation Consultant will request the OWCP to determine a suitability rating of the proposed job offer.

If offer is considered suitable (acceptable) by OWCP:

- OWCP will notify the employee of the suitability decision and consequences associated when declining an offer.
- Workers' Compensation Consultant will request that the employee be placed in the Vocational Rehabilitation Program (if deemed a candidate).
- Workers' Compensation Consultant will instruct OWCP to train the employee for a position outside of the agency.

If employee is permanently disabled and unable to perform the essential functions of the job, the employee may apply for the agency's pension.

If employee does not qualify for the Workers' Compensation benefits and is terminated, the employee may file for disability retirement and/or pension through the agency.

Appendix G - Frequently Asked Questions

What is a Reasonable Accommodation?

In relation to The Rehabilitation Act/ADA, a Reasonable Accommodation is a modification or adjustment to the job, the work environment, or the way things are usually done. Reasonable Accommodations are provided to ensure a qualified applicant or employee with a disability can participate in the application process, perform essential functions of the job, and enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. TVA is required to provide an effective Reasonable Accommodation to qualified individuals with disabilities, unless doing so would impose an undue hardship.

What is a disability under the Rehabilitation Act/ADA?

Disability, with respect to an individual, means a physical or mental impairment that substantially limits one of more major life activities; a record of such impairment; or being regarded as having such an impairment. For more information, see: [29 C.F.R. § 1630.2\(g\)](#).

Who is a qualified individual with a disability?

A qualified individual with a disability is an individual who has the skills, experience, education, and other requirements of the job the individual holds or desires and can perform the essential functions of the position with or without Reasonable Accommodations.

What is a major life activity?

Major life activities include such things as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Who is responsible for granting a Reasonable Accommodation?

The supervisor or hiring official is responsible for granting a Reasonable Accommodation.

What are essential functions of a position?

Essential functions are the fundamental duties of the job the individual with a disability holds or desires, and that the individual who holds the job must be able to perform unaided or with the assistance of Reasonable Accommodation.

When can medical documentation be requested?

The Leave and Accommodation Specialist may request medical documentation when needed during the Reasonable Accommodation process to support the Reasonable Accommodation request.

Who can request medical documentation?

The Leave and Accommodation Specialist can request medical documentation. The Leave and Accommodation Specialist will request only that medical documentation that is necessary to process the request.

Will medical documentation/information be kept confidential?

Yes. All documents and information are confidential.

May telework be a Reasonable Accommodation?

Telework may be a Reasonable Accommodation depending on the essential functions of the position and the portability of the job. All Reasonable Accommodations are made on a case-by-case basis.

May an employee request to bring a service animal or emotional support animal to work as a Reasonable Accommodation?

Yes, an employee may request to bring a service animal or emotional support animal (including a comfort or therapy animal) to work as a Reasonable Accommodation. Such requests will be considered on a case-by-case basis.

Regulations, Policies and Statutes Questions**What is Section 501 of The Rehabilitation Act?**

[Section 501](#) of The Rehabilitation Act of 1973, as amended, is a Federal civil rights law that prohibits Federal agencies from discriminating against job applicants and employees based on disability, requires Federal agencies to provide Reasonable Accommodation to qualified individuals with disabilities, who are employees or applicants, unless doing so would cause an undue hardship, and requires agencies to engage in affirmative action for individuals with disabilities. [Section 501](#) of The Rehabilitation Act comports with Title 1 of The Americans with Disabilities Act (ADA) (employment standards).

What is Title 1 of The Americans with Disabilities Act (ADA)?

Title 1 of The Americans with Disabilities Act of 1990, as amended (ADA) prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments. Title 1 of The ADA requires an employer to provide Reasonable Accommodations to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause an undue hardship. These standards are set forth in the EEOC's ADA regulations at [29 C.F.R. Part 1630](#). [Section 501](#) of The Rehabilitation Act of 1973, as amended, comports with Title I of The ADA.

Is the supervisor allowed to disclose an employee's Reasonable Accommodation to another employee?

No, confidentiality applies to all aspects of the RA process. RA should only be disclosed to those who have a need to know, as outlined in Departmental Regulation 4300-008. The RA Coordinator may share certain information, without disclosing a disability, with an employee's supervisor, manager or other agency official(s), as necessary, to make appropriate determinations on a request.

Reasonable Accommodation Process Questions

Who can request a Reasonable Accommodation?

A Reasonable Accommodation can be requested by an employee, applicant, a family member, or health care professional or other representative on behalf of the employee or applicant.

What constitutes an undue hardship?

An accommodation may be considered an undue hardship if it creates significant difficulty or expense to the employer. That is, an employer would not be required to provide an accommodation if it is cost-prohibitive, not reasonably feasible to implement, requires extensive renovations, or would be disruptive or negatively affect other employees or customers. Undue hardships are determined on a case-by-case basis. Factors to take into consideration when determining whether an accommodation constitutes an undue hardship are:

- The cost and nature of the accommodation;
- The overall financial resources of the Agency;
- The type of operation of the Agency; and
- The impact of the accommodation upon the operation of the facility, including co-workers and the public.

Ex. An employee's request for completely fragrance-free facility posed an undue hardship on the agency. *Leona L. v. DHS*, 0120152781 (March 5, 2018).

What steps should a supervisor and a Leave and Accommodation Specialist take after receiving a request for a Reasonable Accommodation?

The following are the steps a Supervisor and Reasonable Accommodations Coordinator should take in response to an accommodation request:

- The Reasonable Accommodation Coordinator will verify the employee's disability when the disability is not obvious.
- The Supervisor will identify the essential job functions.

- The Supervisor will consult with the individual during the interactive process to identify what accommodations would be effective to reduce or remove barriers.
- The Supervisor may implement an effective accommodation, absent undue hardship, taking into account the preferences of the individual with disabilities.

How long does it take to process a Reasonable Accommodation request?

Generally, a Reasonable Accommodation request is processed within 30 business days (excluding extenuating circumstances). An interim accommodation may be offered until the Reasonable Accommodation request is approved and fulfilled if there are delays.

Under what circumstance can an approved Reasonable Accommodation be reevaluated or changed?

An approved Reasonable Accommodation may be reevaluated under certain circumstances, including but not limited to:

- Responsibilities or essential job functions change;
- Staffing levels change;
- Facilities change;
- Employee's medical condition changes; or
- Reasonable Accommodation is no longer effective.

Can a Reasonable Accommodation be reevaluated or changed if an employee's supervisor changes?

Reevaluation of an approved Reasonable Accommodation may NOT be based solely on a change of supervisor.

Is a supervisor required to provide the Reasonable Accommodation that the individual wants?

No, the supervisor is not required to provide the accommodation of choice but provide an effective accommodation that assists the employee in performing his/her essential job functions.

Appendix H - Roles and Responsibilities

Applicant or Employee

- May request a Reasonable Accommodation at any time, orally or in writing.
- May wish to consult with the Leave and Accommodation Specialist or review the guide to better understand the Reasonable Accommodation process.
- Can request a change in accommodation, if the disability worsens or if employee is assigned new duties that require an additional or different Reasonable Accommodation.

Leave and Accommodation Specialist

- Seeks compliance with all government regulations relating to disabilities, including The Rehabilitation Act of 1973, and reflects program objectives in the overall goals of the organization.
- Collaborates and consults with TVA's [Section 501](#), [Section 502](#), [Section 503](#), and [Section 508](#) compliance coordinators, line management, employee, and facilities management to ensure compliance with The Rehabilitation Act of 1973 and The Americans with Disability Act, Amendments Act 2008.
- Discusses non-compliance issues associated with The Rehabilitation Act of 1973, [Section 501](#), [Section 502](#), [Section 503](#), and [Section 508](#), with the Equal Opportunity Compliance (EOC) office.
- Facilitates the accommodation review process, as needed.
- Verifies through discussion that managers, employees, and HR, as needed, have engaged in an interactive dialogue when considering Reasonable Accommodations.
- Collects, reviews, and assesses all documentation for completeness including but not limited to Modified Work Duties form, TVA 21084 (Attachment 4), job description, physical capabilities, and exposure information prior to establishing an Accommodation Review Board (ARB) meeting for cases extending beyond 180 days or when no accommodation can be granted.
- Informs employee verbally of reassignment process pertaining to reassignment activities.
- Requests and reviews employee's updated resume for reassignment consideration.

- Sends employee's resume to TAD personnel for submission to all open and current positions at time of reassignment entry and for no longer than a two-week time frame.
- Reinforces verbal conversation by providing employee with written documentation using the Notice of Decision Letter (Attachment 5).
- Collaborates with Talent Acquisition personnel to review open positions and determine reassignment opportunities (including external entities for permanent disabilities associated with work-related injuries).
- When no reassignment opportunity is available or will be available in the foreseeable future, the Leave and Accommodation Specialist notifies management to disposition employee.

Return-to-Work Coordinator (RTW)

- Supports the accommodation process.

TVA Nurse Practitioner

- Upon receipt of notification or medical documentation indicating physical restrictions that may impact the individual's ability to perform the essential functions of the job, evaluates and enters information into the agency's medical recordkeeping system.
- Follows up with employee and supervising managers at specified intervals (≥ 90 and ≥ 180 days) when an accommodation and/or restriction is in place.
- Assists the Leave and Accommodation Specialist, as needed.

Talent Acquisition

- Provides weekly job posting report to the Leave and Accommodation Specialist.
- Evaluates resume of employee under reassignment actions to determine if employee meets the minimum qualifications of an identified position.
- Advises Disability Program Manager when employee meets or does not meet minimum qualifications of the identified position.

Supervisor

- Reviews applicable restriction report monthly to ensure compliance with employee's restriction(s) and ensure case management activities and accommodation actions are being met.
- Reviews DDL to determine if restriction(s) impact(s) employee's ability to perform essential functions of the job.
- Engages in an interactive accommodation discussion with employee when receiving the DDL to discuss employee's restrictions, the impact the restrictions may have if the employee were

performing the essential functions of the job and then collectively proposing solutions for accommodation(s).

- Documents the interactive accommodation discussion on Modified Work Duties form, TVA 21084.
- Reviews proposed solutions and determines if accommodation can be provided to the employee.
- Advises employee of accommodating decisions as soon as practicable, but no later than 30 days from the date of the initial request (request can be in the form of DDL or individual request).
- Notifies employee of accommodation decision and updates Modified Work Duties form 21084 (Attachment 4) of decision; employee and line management sign and date form.
- Sends completed TVA Form 21084, Modified Work Duties, to the RTW Coordinator at rtw@tva.gov.
- Monitors employee to ensure provided accommodation is effective; considers making adjustments to the accommodation as needed.
- Initials, dates and notifies RTW coordinator, and other applicable personnel as employee's restrictions age to ≥ 90 and ≥ 180 -day intervals.

Federal Guidance and Accommodation Resources

EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (policy guidance), EEOC No. 915.002 (October 20, 2000), which is a non-exhaustive list of relevant resources to which the requestor and the approving official can consult to identify and evaluate possible accommodations.

U.S. Equal Employment Opportunity Commission
1-800-669-3362 (Voice) 1-800-800-3302 (TT)

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance.

The DBTACs can provide information on Reasonable Accommodation and make referrals to local sources of expertise in Reasonable Accommodations.

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of Reasonable Accommodations and provide referrals to other organizations that may have information about accommodations for persons with different disabilities.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

Information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products).

Centers where individuals can try out devices and equipment;

Assistance in obtaining funding for and repairing devices; and

Equipment exchange and recycling programs.

Definitions

Accommodation — A modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual with a restriction or disability to enjoy an equal employment opportunity without imposing an undue hardship to the employer.

Accommodation Review Process — A process facilitated by the Leave and Accommodation Specialist to assess whether all reasonable solutions have been considered through communication with appropriate individuals.

Agency – The Tennessee Valley Authority (TVA)

Disability — A physical or mental impairment that substantially limits one or more major life activities, (including, but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working) or operation of a major bodily function (including, but not limited to, functions of the immune system; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions) of an individual; a record of such impairment, or being regarded as having such an impairment. The definition of disability should be construed broadly and in line with the rules of construction in The Rehabilitation Act.

Duty Disposition Letter (DDL) — An electronic letter providing information regarding an employee's return-to-work disposition, which may include restriction information and follow-up appointments, as applicable.

Essential Job Functions — Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them.

Interactive Process — Upon receipt and review of the duty disposition letter where a restriction has been indicated that may impact the essential functions of the job, a meeting is established allowing the employee, an employee's representative, and line management to discuss and identify any possible accommodations to enable the employee to perform the job effectively and safely.

Job Description — Written statement that describes the duties, responsibilities, required qualifications, and reporting relationships of a particular job.

Job Reassignment — Reassignment is the accommodation of last resort and occurs when the individual is unable to be accommodated in his/her current position. The employee is evaluated for

placement into a position for which he/she meets the minimum job requirements and can perform the essential duties of the job, with or without an accommodation.

Leave and Accommodation Specialist — An individual who is considered as a vital resource for employees and managers in the accommodation and reassignment process.

Modified Work Duties — Modification made to accommodate a restriction that impacts the essential functions of the job.

Other Representative — A family member, friend, health professional or other representative who can make a Reasonable Accommodation request on behalf of a requestor.

Permanent Restrictions — Restrictions that have exceeded 180 days and/or are not anticipated to change or be removed.

Personal Assistance Services – Assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is otherwise required as a reasonable accommodation. Includes but is not limited to assistance with removing and putting on clothing, eating, and using the restroom.

Physical Capability — An individual's capacity to perform physical duties needed for daily duty.

Qualified Individual — An individual who, with or without Reasonable Accommodation, can perform the essential functions of the employment functions of the position that the individual holds or desires and satisfies the requisite skill, experience, education, and other job-related requirements of the position.

Reasonable Accommodation — The provision of conditions, equipment or environment that enables a qualified individual to effectively perform the essential function of his or her job, to enjoy equal benefits and privileges of employment, or to be considered for employment.

Requestor — A qualified individual (an employee or applicant) who makes a request, or for whom a doctor or personal representative makes a request, for Reasonable Accommodation as set forth in this document.

Restriction(s) — A limitation(s) that restricts someone's physical actions or ability to perform work.

Nurse Practitioner — Key person in the workplace that collects medical documentation from the employee and assists injured workers to remain at or return to work as soon as safely possible. Coordinates with line management and employee to ensure that the accommodations address the employee's injury.

Separation Proceedings — Process initiated after determining no Reasonable Accommodation(s) or reassignment opportunity is available (or assignment offered is declined) for an employee no longer able to perform the essential function(s) of his/her job.

Time Frame — A period of time in which something occurs or is planned to take place. Time frames in this process document are computed in calendar days.

Undue Hardship — An action requiring significant difficulty or expense, when considered in light of the nature and cost of the accommodation and its impact on the expenses, resources and operation of TVA.