Reasonable Accommodation Program

PURPOSE
To provide policy on providing reasonable accommodations to qualified employees and applicants for employment with disabilities.

SCOPE
This Directive applies to all Divisions/Offices, including all employees and applicants for employment with the FDIC.

AUTHORITIES
- Title 10, United States Code (U.S.C.), Section 701, The Rehabilitation Act of 1973, as amended
- Title 42, U.S.C., Section 12101, The Americans with Disabilities Act (ADA) of 1990, as amended
- Title 29, CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act

FORM(S)
- FDIC Form 2710/02, Request for Reasonable Accommodation or Barrier Removal
- Standard Form (SF) 256, Self-identification of Disability

REVISION(S)
Summary of Changes

This Directive has been:

- Reformatted into the new template;

- Transferred from the Office of Minority and Women Inclusion (OMWI) to the Division of Administration (DOA) in May 2022;

- Revised substantially to reflect updated Reasonable Accommodation processes in the Policy, including the transfer of decision-making authority from the requestor’s supervisor/manager to the Reasonable Accommodation Program Manager (RAPM);

- Changed to transfer responsibilities from the Disability Program Manager to the RAPM;

- Changed to transfer responsibilities from the Deciding Official and Reviewing Official to the Chief Human Capital Officer (CHCO), First-Line Supervisor, Human Resources (HR) Specialist, and Office of Inspector General (OIG);

- Updated to include the CHCO, Legal Division, OIG, RAPM, First Line Supervisor, HR Specialist, Labor and Employee Relations Section (LERS), and Division of Information Technology (DIT) in the Responsibilities Section per the substantially revised Reasonable Accommodation process; and

- Changed to include Reasonable Accommodation procedures in Appendix A.
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Background

The FDIC is committed to the principles of equal opportunity in all of its programs, policies, and practices, and to promoting diversity, equity, inclusion, and accessibility in its workforce, programs, and activities. These programs ensure that the FDIC’s workplace is inclusive, free from unlawful discrimination and retaliation, and provides equal opportunity and access to all.

In accordance with Title 29 CFR 1614 and 1630, the FDIC provides reasonable accommodations to qualified employees or applicants with disabilities. These accommodations are changes or modifications in the work environment, equipment or instruments used, or the way things are customarily done, that enable individuals with disabilities to enjoy the same opportunities and benefits of employment as employees without disabilities. DOA oversees the Reasonable Accommodation Program, which offers assistance to individuals with disabilities seeking accommodations and supervisors/managers providing accommodations.

For more information on reasonable accommodation, see Appendix B – Reasonable Accommodation Resources.
The FDIC has a longstanding commitment to ensuring equal opportunity for all persons regardless of race, color, national origin, sex (including pregnancy, equal pay, gender identity, and sexual orientation), religion, age, disability, genetic information, or status as a parent and to preventing prohibited retaliation against individuals for participating in the Equal Employment Opportunity (EEO) complaint process or opposing discriminatory practices. In line with this commitment, the FDIC meets its obligation to provide reasonable accommodation for known physical and mental disabilities of qualified employees and applicants for employment, unless the FDIC can show that a particular accommodation would impose an undue hardship on the operation of its programs and activities.

It is FDIC policy to comply with all the reasonable accommodation requirements of the Rehabilitation Act of 1973 and all other applicable federal laws, statutes, regulations, and guidance. The FDIC is committed to providing reasonable accommodations to its employees and applicants to ensure that individuals with disabilities have full access to equal employment opportunities.

A. Overview

1. The FDIC provides reasonable accommodations to:
   a. Enable a job applicant with a disability to have an equal opportunity to participate in the application process and/or be considered for a job;
   b. Enable an employee with a disability to perform the essential functions of a position or access the workplace;
   c. Allow an employee with a disability to enjoy equal benefits and privileges of employment similar to employees without disabilities; and
   d. Allow employees, whose religious beliefs conflict with work requirements, the ability of religious observance or practice.

2. The FDIC must provide reasonable accommodations to employees or applicants with disabilities or religious beliefs, and is entitled to choose the accommodation, as long as it is effective. Employees may not receive the exact accommodation sought, or their preferred accommodation.

3. When appropriate, the FDIC may grant an accommodation to an employee or an applicant for employment, even though the FDIC may not be legally required to do so.
Therefore, the FDIC’s approval of an accommodation request does not necessarily constitute a determination by the Corporation that an employee or applicant for employment is legally entitled to the accommodation granted.

B. Requests for Reasonable Accommodation

1. Requests for a reasonable accommodation are processed at any time, even without prior disclosure to the existence of a disability. Disclosing a medical condition or medication may also indicate the potential need for reasonable accommodation, whether or not the medical condition or medication affects the individual’s ability to perform a job or apply for a position.

2. The Reasonable Accommodation Program Manager (RAPM) must be contacted for the purpose of processing reasonable accommodation requests.

3. Those receiving requests for reasonable accommodation should take all necessary precautions to maintain the confidentiality of employees with disabilities. As discussed in the Interactive Process section, a supervisor/manager or Human Resources (HR) Specialist is required to discuss the employee or applicant’s disability with the RAPM in order to provide a reasonable accommodation.

4. An employee or applicant making a request:
   a. May make the request orally or in writing and does not have to include any special words such as “reasonable accommodation,” “disability,” or “Rehabilitation Act;”
   b. Is not required to complete a specific form for the interactive process to begin, and the individual is not required to have a particular accommodation in mind before making the request; and
   c. May have the request made on their behalf by a family member, friend, health care provider, or other representative. If possible, the employee or applicant is contacted to confirm the request for an accommodation.

5. An employee with intellectual or targeted disabilities may receive assistance in making a reasonable accommodation request from a Support Coordinator from OMWI. The need for a Support Coordinator is part of the interactive process, and may be recommended by the RAPM, the employee, the employee’s supervisor/manager, or other persons referenced in this section.

C. Interactive Process

1. As soon as practicable following a request for a reasonable accommodation, the individual making the request and the RAPM engages in the interactive process. The
interactive process is especially important when an impairment is not obvious, an effective accommodation is not clear, and/or different forms of reasonable accommodation are being considered. The RAPM communicates with the individual making the request early in, and periodically throughout, the process and the individual may contact the RAPM concerning the status of their request.

2. All individuals seeking a reasonable accommodation must participate in the interactive process in good faith. An employee or applicant who fails to engage in the interactive process may risk receiving an ineffective accommodation or having an accommodation request denied due to lack of information.

3. During the interactive process, the RAPM consults with the employee’s first-line supervisor, or any other supervisor/manager in the employee’s chain of command, regarding the essential functions of the position.

4. In the case of a reasonable accommodation request made by an applicant, the RAPM consults with the HR Specialist listed in the Job Opportunity Announcement (JOA).

5. Where appropriate, the RAPM also may consult with the Legal Division, Labor, Employment, and Administration Section (LEAS); the DOA, Labor and Employee Relations Section (LERS); the Division of Information Technology (DIT); or the Office of the Chief Information Security Officer (OCISO).

6. The interactive process may include, but is not limited to, discussing:
   a. The employee’s disability or medical condition and the limitations experienced by the employee as a result;
   b. The effect of the disability on the employee’s ability to perform the essential functions of the job or enjoy a privilege or benefit of employment, or the applicant’s ability to apply for the position;
   c. The process for determining whether an accommodation will be provided; and
   d. Potential accommodations.

D. Medical Documentation

1. In order to provide an effective accommodation, the FDIC may need medical documentation from the requesting employee or applicant. A request for medical documentation is part of the interactive process.

2. The RAPM may ask for supporting medical documentation from a healthcare provider when:
a. The functional limitations caused by the disability and the need for an accommodation is not obvious or has not been disclosed previously;

b. The information submitted is insufficient to document the disability, the functional limitation caused by the disability, or the need for a reasonable accommodation;

c. The effectiveness of a requested accommodation is unclear;

d. The medical condition may have changed substantially since the most recent documentation was received; or

e. Other circumstances warrant, provided they are in accordance with the Rehabilitation Act of 1973.

3. For more information on the reasonable accommodation request process, see Appendix A – Reasonable Accommodation Procedures.

E. Confidentiality and Privacy

1. The FDIC is obligated to keep medical information confidential in accordance with the confidentiality requirements under the Americans with Disabilities Act, the Rehabilitation Act, and other applicable laws and regulations and the limited circumstances under which such information may be disclosed.

2. Medical documentation relating to requests for reasonable accommodation are kept in files separate from the employee’s official personnel file, or any other files kept by supervisors/managers or the FDIC. This medical documentation is confidential and is to be shared only with those who have a valid need to know. Individuals who obtain or receive medical documentation are strictly bound by these confidentiality requirements.

F. Freedom from Retaliation

The FDIC prohibits retaliation or taking an adverse action against individuals based on requests, or perceived need, for a reasonable accommodation.

________________________________________________________________________

1 Individuals with a valid need to know include: decision makers who make employment decisions consistent with the ADA for necessary accommodation of the individual; first aid, medical, and safety personnel during an emergency; FDIC attorneys advising on legal issues; and government and other authorized officials investigating compliance with laws and regulations, including the FDIC’s Office of Inspector General.
G. Creation and Maintenance of Records for the Reasonable Accommodation Program

1. When requesting a reasonable accommodation, the following sections are completed in Form 2710/02, Request for Reasonable Accommodation or Barrier Removal:
   a. Section I (Requester Information) should be completed by the employee or applicant requesting a reasonable accommodation. This section may also be completed by the RAPM upon receipt of oral and written requests for reasonable accommodation and requests for accommodations needed on a repeated basis;
   b. Section II (Deciding Official Information) for requested and alternative accommodations; and
   c. Section III (Reviewing Official Information) if a final decision on reconsideration of denial is requested.

2. In the records management system, the RAPM enters all written decisions, reports, and other information relevant to reasonable accommodation requests, with the exception of medical records.

3. An employee or applicant also may be asked to voluntarily complete the Office of Personnel Management (OPM) Standard Form (SF) 256, Self-Identification of Disability. While self-identification of a disability is voluntary and is not required to request or receive an accommodation, cooperation in providing accurate information is critical for effective data collection and analysis of the FDIC's Disability Employment Program and Equal Employment Opportunity Commission (EEOC) reporting purposes.

4. Form 2710/02 and SF 256 are available in formats accessible to individuals with disabilities, and are submitted to the RAPM.

5. A Reasonable Accommodation Database is maintained by the RAPM for EEOC reporting purposes, pursuant to 29 CFR Section 1614.203(8).

6. The RAPM collects and oversees the custody of all records (including medical documentation, Form 2710/02, and SF 256) upon completion of the processing of requests for reasonable accommodation.

7. All records generated as part of the Reasonable Accommodation Program will be maintained per Directive 1210.01, Records and Information Management Program.
Responsibilities

A. Deputy Director and Chief Human Capital Officer (CHCO), Human Resources Branch (HRB):

1. Oversees the Reasonable Accommodation Program Manager (RAPM); and

2. Has the authority to uphold, modify, or reverse the decision to deny reasonable accommodation requests.

B. Labor, Employment, and Administration Section, Legal Division:

Consults with, and provides legal advice to, the RAPM during the evaluation of requests for reasonable accommodation, as necessary.

C. Office of Inspector General:

Reviews requests for reasonable accommodation of employees and applicants for employment with the FDIC’s Office of Inspector General (OIG). OIG’s Director of Human Resources (or designee) serves as OIG’s Reasonable Accommodation Program Manager (RAPM).

D. Reasonable Accommodation Program Manager:

1. Implements, administers, and monitors the Reasonable Accommodation Program in accordance with applicable federal laws, regulations, policies, and guidelines;

2. Ensures consistency in the handling of requests for reasonable accommodation;

3. Serves as the Deciding Official on reasonable accommodation requests, and collects, stores, and reviews documentation for reasonable accommodation requests from employees and applicants;

4. Provides guidance on reasonable accommodation matters, including researching and identifying possible accommodations;

5. Notifies requestors of their rights and responsibilities with respect to reasonable accommodation;

6. Decides whether an employee or applicant is provided a reasonable accommodation in consultation with the employee’s first-line supervisor, LERS, and/or the Section 508 Program Manager, as appropriate;
7. Approves effective reasonable accommodations that do not impose an undue hardship to the FDIC, but is not required to approve the specific accommodation(s) requested by an applicant, an employee, or their health care provider;

8. Works with the CHCO to provide direction, training, and guidance on the implementation of this Directive;

9. Tracks reasonable accommodation requests or decisions and the maintenance of records; and

10. Tracks the FDIC’s processing of requests for reasonable accommodations for the purposes of reporting to the EEOC.

E. First-Line Supervisor or Supervisors/Managers:

1. Consult with the RAPM, as appropriate, about the decision whether an employee is provided a reasonable accommodation;

2. Analyze the particular job involved, including reviewing the relevant position description and determining its purpose and essential functions, when necessary;

3. Consult with the employee requesting an accommodation, in conjunction with the RAPM, to ascertain the precise job-related limitations imposed by the individual’s disability and how those limitations could be overcome with a reasonable accommodation;

4. Consider the preference of the individual requesting an accommodation as well as the needs of the FDIC, and consult with the RAPM regarding an appropriate accommodation; and

5. Validate with the employee that the accommodation is effective as implemented in conjunction with the RAPM.

F. Human Resources (HR) Specialist or Designee, DOA:

1. Consults with an applicant requesting an accommodation to ascertain the precise limitation(s) imposed by the applicant’s disability and how those limitations could be overcome with a reasonable accommodation; and

2. Assists with the implementation of any reasonable accommodations provided to applicants.
G. Labor and Employee Relations Specialist, DOA:

   Consults with and provides advice to the RAPM during the evaluation of requests for reasonable accommodation, as necessary.

H. Section 508 Program Manager, DIT:

   Consults with and provides advice on accommodations for information technology-based assistive technology.

I. Support Coordinator (For Employees with Targeted or Intellectual Disabilities):

   Assists employees or applicants for employment in participating in the reasonable accommodation process, as necessary.

J. Divisions/Offices or Implementing Offices:

   1. Implement reasonable accommodations once approval of the reasonable accommodation is received;

   2. Inform the RAPM and the employee's first-line supervisor of the actions taken after full implementation of the approved reasonable accommodation; and

   3. Complete Section IV of Form 2710/02.

K. Employee or Applicant:

   1. Communicates and/or submits a request for reasonable accommodation;

   2. Provides sufficient medical documentation, upon request from the RAPM; and

   3. Engages in the interactive communication process with the RAPM, first-line supervisor or any other supervisor/manager in the employee’s chain of command, as appropriate, or the HR Specialist identified in the JOA (or designee).
Appendix A – Reasonable Accommodation Procedures

A. Initial Considerations for Reasonable Accommodation Requests

1. An employee or applicant’s request for reasonable accommodation may include a request for a change in policy, practice, work modification, or other assistance that relates to the employment or application for employment because of their medical condition.

2. Supervisors/managers are often the first people employees contact when making requests for accommodation. To assist in recognizing a request for an accommodation, the employee’s first-line supervisor, another supervisor/manager in the employee’s chain of command, or the RAPM should consider the following questions:
   a. Does the employee have a medical condition or physical/intellectual/psychiatric challenge that is impacting their work?
   b. Is the employee requesting an adjustment or change to the workplace?
   c. Has the employee openly disclosed a disability, medical condition, or medication?
   d. Has the employee stated that they need assistance performing a job function?
   e. Is the employee known to have a disability and a family member, friend, coworker, healthcare provider, or other representative has requested an accommodation on their behalf?

B. Requesting a Reasonable Accommodation

1. Job Applicants
   a. In the case of an applicant for employment, the applicant’s request for a reasonable accommodation is made or submitted to the HR Specialist identified in the JOA or designated designee.
   b. The HR Specialist (or designee) in receipt of an applicant’s reasonable accommodation request, is responsible for submitting the request to the RAPM as soon as possible, but no later than two business days after receipt.
c. Applicants should submit requests for reasonable accommodation as early in the hiring process as possible to afford the FDIC reasonable time to process the requests. All JOAs include instructions for requesting reasonable accommodations as well as a link to Form 2710/02, Request for Reasonable Accommodation or Barrier Removal.

2. Employees

a. Once an employee or applicant has identified a need for a reasonable accommodation, the RAPM is contacted to discuss the need.

b. If an employee makes a request for a reasonable accommodation to a supervisor/manager, Division/Office Director, or HR Specialist (in the case of an applicant), the recipient of the request is responsible for submitting the request to the RAPM as soon as possible, but no later than two business days after receipt.

c. Reasonable accommodation requests may be made or submitted to the employee's first-line supervisor, another supervisor/manager in the employee's chain of command, the Division/Office Director, the RAPM, or submitted by emailing ReasonableAccommodationRequests@FDIC.gov or submitting through a successor portal or location.

3. Employees or applicants seeking a reasonable accommodation will be asked to complete Form 2710/02 or a successor tracking form. Completion of this form is not required to process the request.

C. Processing the Request

1. Interactive Process

a. The RAPM processes requests for reasonable accommodation in accordance with the timeframes outlined in this Directive. Additionally, as appropriate, the RAPM will:

1) Begin the interactive communication process with the person requesting the reasonable accommodation, and communicate periodically throughout the process; and

2 For example, an applicant may require a sign language interpreter to be available during interviews in the hiring process. Such accommodations can be provided without delay if planned in advance of the requirement.
2) Consult with appropriate Divisions/Offices, which may include, but are not limited to:

a) DOA, LERS on issues that might impact human resources policy, employee relations, and bargaining unit matters;

b) DOA, Facilities Operations Section, Health, Safety, and Environmental Unit regarding the availability and feasibility of certain accommodation requests, such as building accessibility and ergonomic furniture;

c) DOA, Support Services Section regarding parking;

d) DIT regarding the availability and feasibility of certain computer equipment, hardware, peripherals, software, and training;

e) DIT, Section 508 Program Manager to ensure IT reasonable accommodation requests are appropriate;

f) Office of the Chief Information Security Officer (OCISO) regarding approvals for FDIC network usage; and

g) LEAS regarding legal issues and the reasonable accommodation process.

3) For requests made by employees in OIG, or applicants for employment with the OIG, the OIG Reasonable Accommodation Program Manager consults with the Assistant Inspector General for Management who will coordinate with the OIG Office of General Counsel, as appropriate.

2. Supporting Medical Documentation

a. Medical documentation from an employee or applicant’s treating physician or healthcare provider may be requested by the RAPM in order to support the request for reasonable accommodation. Requests for documentation are part of the interactive process. Failure to provide such documentation may lead to the denial of a request for reasonable accommodation, or the inability of the RAPM to determine effective accommodations.

b. The medical documentation must address, where applicable:

1) The nature of the job;

2) The diagnosis or diagnoses from the medical provider;
3) The nature, severity, and duration of the impairment (e.g., functional limitations, symptoms, side effects, or any treatments);

4) The activity or activities that the impairment limits;

5) The extent to which the impairment limits the ability to perform an activity or activities (i.e., job function);

6) The reason why the employee or applicant requires the accommodation or the particular reason the accommodation is requested;

7) How the requested accommodation will assist in the performance of essential job functions or the privileges and benefits of employment; and

8) The basis for the healthcare professional’s medical conclusion.

c. The healthcare provider’s statement must be legible on the healthcare provider’s letterhead and signed with an original or acceptable electronic signature.

d. When the need for a reasonable accommodation remains unclear, or when the employee or applicant requesting an accommodation has not provided sufficient medical information to clarify the need, the FDIC has the right to request supplemental medical documentation, which may be reviewed by a qualified medical professional as part of the interactive process.

e. The FDIC may be unable to provide a timely response to a request for reasonable accommodation if an individual’s healthcare provider fails to provide necessary documentation in a timely manner. Failure to provide requested documentation may result in denial of a reasonable accommodation request.

f. If the individual does not want to provide medical documentation to the RAPM, the individual may choose to send it to the third-party contracted health service provider (HSP) directly or request that their healthcare provider do so. If this option is chosen, the employee or applicant must inform the RAPM of this decision, and the RAPM will send the appropriate forms to the individual and the HSP to initiate the process. In accordance with the Genetic Information and Nondiscrimination Act of 2008, the FDIC will not request that an employee or applicant provide genetic information.

g. Review of Medical Documentation

1) The RAPM will review medical documentation submitted by the employee or applicant in support of a request for reasonable accommodation. The RAPM
may also consult with LERS or LEAS as part of the review of medical documentation.

2) Depending on the complexity, reasonable accommodation requests may or may not necessitate review by physicians at HSP. Where the RAPM determines that HSP review of medical documentation is necessary as part of the interactive process, the RAPM will notify the employee or applicant and request that an authorization form be completed for the HSP review. An employee must complete the authorization form in its entirety, and failure to complete the authorization form may result in the inability of the FDIC to evaluate appropriate accommodations, or a delay in the implementation of accommodations for the employee.

3) Under a contractual agreement with the FDIC, HSP physicians can review requests for reasonable accommodation and, when necessary, may consult with the requesting employee or applicant’s healthcare provider(s) concerning the disability and the appropriate reasonable accommodations. HSP physicians also may request relevant supplemental medical documentation if the information submitted by the individual requesting an accommodation is insufficient.

3. Timeframes for Processing a Request for Reasonable Accommodation

a. No Extenuating Circumstances

1) When a request for a reasonable accommodation can be processed by the RAPM and medical documentation is not required, and no other extenuating circumstances exist, a requested accommodation should either be provided or denied within 30 calendar days.

2) If the RAPM believes that it is necessary to obtain medical documentation, the RAPM will request the information before the expiration of the 30-calendar-day period. In making the decision to obtain medical documentation, they may consult with LERS, LEAS, and/or HSP.

b. After the requested medical documentation is received, and if there are no further extenuating circumstances, the request for reasonable accommodation will continue to be processed and a decision will be provided within 15 calendar days of receipt of the documentation. The FDIC will not be expected to adhere to its usual timeframes if an individual's healthcare provider fails to provide needed medical documentation in a timely manner.
c. Expedited Processing

1) The FDIC will process some requests in shorter timeframes when necessary, such as when an applicant needs accommodations to adhere to hiring schedules, or an employee needs an accommodation to participate in an upcoming meeting or training program.

2) If an accommodation is needed for a hiring event, meeting, or training schedule, the requesting employee, applicant, or supervisor/manager should forward the request to the RAPM as soon as possible, but ordinarily no later than three work days prior to the start of the event, meeting, or training. Employees and supervisors/managers should consider whether any accommodations are needed when scheduling or accepting attendance for an event, meeting, or training.

3) Expedited processing timeframes are generally not available if there is an extenuating circumstance (see the Extenuating Circumstances section).

d. Extenuating Circumstances

1) When extenuating circumstances exist, the timeframe for processing the request for reasonable accommodation and providing the accommodation is extended as reasonably necessary. Examples of extenuating circumstances include, but are not limited to:

   a) A follow-up request for medical documentation;

   b) The need for a qualified medical professional to evaluate the medical documentation;

   c) The purchase of equipment not readily available;

   d) The testing of equipment, programs, or services on a trial basis to determine if they meet the needs of the requester and FDIC before purchase or lease;

   e) The removal of architectural barriers; or

   f) The completion of a personnel action.

2) When extenuating circumstances delay processing a request for reasonable accommodation beyond 30 calendar days, the RAPM will provide written notification in an accessible format, if needed, to the individual making the request, of the reason for the delay and the approximate date by which a decision
or provision of the reasonable accommodation is expected. Any further delays or changes are communicated to the individual making the request.

D. Interim Accommodations

1. When the RAPM determines that it is reasonably likely that an employee or applicant will be entitled to a reasonable accommodation, the RAPM may provide an interim accommodation while the reasonable accommodation request and medical documentation is evaluated.

2. Where the RAPM determines that an interim accommodation is appropriate, the RAPM will provide notice of and the reasons for the interim accommodation in writing to the employee or applicant.

3. Receipt of an interim accommodation does not mean that the requester is entitled to a reasonable accommodation as a matter of law.

E. Deciding Requests for Reasonable Accommodation

1. Deciding Officials

   a. The ultimate decision on an employee’s request for reasonable accommodation will be made by the RAPM, in consultation with the employee’s first-line supervisor, HSP, and/or others listed in this Directive, as appropriate.

   b. The ultimate decision on an applicant’s request for reasonable accommodation will be made by the RAPM, in consultation with the HR Specialist identified in the JOA, and/or others listed in this Directive, as appropriate.

   c. In reaching a decision on a request for a reasonable accommodation, the FDIC will consider all available agency resources, excluding those designated by statute for a specific purpose that does not include reasonable accommodation.

2. Communication of Decisions on Requests for Reasonable Accommodation

   a. The RAPM will be responsible for communicating decisions on reasonable accommodation request(s) in writing to the employee or applicant making the request. The written communication will be made in an accessible format, if needed.

   b. The RAPM also will be responsible for communicating decisions on reasonable accommodation requests to first-line supervisors or implementing Divisions/Offices, when necessary, to implement the decision on the request for reasonable accommodation.
F. Reassignment

1. If it is determined that no reasonable accommodation will permit the requesting employee to perform the essential functions of their current position, the employer must consider reassignment to a vacant, funded position for which the employee is qualified and able to perform the essential functions of the position, with or without a reasonable accommodation.

2. Reassignment generally will only be considered if no other accommodations are available to enable an employee to perform the essential functions of their current job, or if the only effective accommodation would cause undue hardship on the FDIC.

3. A reassignment as a reasonable accommodation is completed without competition. The RAPM will work with HRB and the employee needing the reassignment to identify:

   a. Vacant, funded positions throughout the FDIC for which the employee qualifies and can perform, with or without reasonable accommodation;

   b. Positions within the FDIC that HRB or the Division/Office has reason to believe will become vacant within 30 business days from the date the search is initiated and for which the employee may be qualified;

   c. Positions at or below the employee’s current grade level. If no position exists at the employee’s current grade level, the FDIC searches for positions at a lower grade level and/or outside of the employee’s current commuting area. Positions at a higher grade level or with a higher promotion potential than currently held will not be considered for non-competitive reassignment as a reasonable accommodation, though employees seeking reasonable accommodation may choose to apply for positions through the competitive hiring process;

   d. Reassignments that may be made to a vacant position outside of the employee’s commuting area if the employee is willing to relocate (at the employee’s expense, pursuant to FDIC travel policy). An employee may be offered a lower-graded position for which they are qualified if there are no accommodations that would enable the employee to remain in their current position and there are no vacant, funded equivalent positions at the employee’s grade level for which the individual is qualified with or without a reasonable accommodation. The FDIC is not required to promote an individual, create a new position, move others from their positions, or provide an employee with a new supervisor/manager as a reasonable accommodation; and

   e. If a position for which the employee is qualified is identified, the RAPM notifies the employee and offers a reassignment to that position in writing. The employee must
notify the RAPM of their unconditional acceptance of the vacant position within 10 business days of being offered the position. If the employee declines the reassignment, the FDIC has no further duty to accommodate the employee and no other or additional offers of noncompetitive reassignment will be made.

If no vacancies for which the employee qualifies are available or anticipated to be, the search concludes and a written report is prepared by the HR Official conducting the search to provide to the RAPM. The results are conveyed to the employee by the RAPM.

G. Denial of Requests for Reasonable Accommodation

1. Written Notice

If a request for reasonable accommodation is denied, the RAPM prepares a written notice in an accessible format, if needed, and gives a copy of the written notice to the individual requesting the accommodation. The written notice must:

a. Explain the reason(s) for the denial;

b. Explain the reason(s) why the offered accommodation was believed to be effective if an alternative accommodation was offered;

c. Provide written instructions on how to submit a request for reconsideration of the denial;

d. Inform the individual of the right to challenge the denial by filing a complaint of discrimination and provide instructions on how to file such a complaint; and

e. Explain that, pursuant to EEO complaint processing procedures, the right to file a complaint is lost unless the individual initiates contact with an EEO Counselor within 45 calendar days of the denial.

2. The RAPM is responsible for notifying the first-line supervisor of a denial of a requested accommodation, as appropriate.

H. Reconsideration

1. Upon receipt of a written denial, if the individual requesting the accommodation would like the decision to be reconsidered, the individual may submit a written request for reconsideration, along with the reason(s) for believing the decision was incorrect and any new or additional supporting documentation, to the CHCO within 15 calendar days, with a copy to the RAPM.
2. The CHCO (or designee) will process the request within 30 calendar days, unless the CHCO (or designee) determines that extenuating circumstances exist. The CHCO (or designee) may uphold, modify, or reverse the decision to deny the reasonable accommodation. If the CHCO (or designee) decides to deny the request for reasonable accommodation, the CHCO (or designee) prepares a written notice, in an accessible format, if needed, that:

   a. Explains the reasons for the denial;
   b. Informs the individual of the right to challenge the denial by filing a complaint of discrimination and provides instructions on how to file such a complaint; and
   c. Explains that, pursuant to the EEO complaint processing procedures, the right to file a complaint is lost unless the individual initiates contact with an EEO Counselor within 45 calendar days of the denial of the reconsideration.

I. Implementation of Reasonable Accommodations

1. Once a final decision on an employee’s request for reasonable accommodation is issued, the RAPM will work with all appropriate individuals and Divisions/Offices to ensure that the accommodation is properly implemented. This may include one or more implementing offices, including:

   a. The Division/Office of the employee;
   b. The Chief Information Officer Organization, including the Section 508 Program;
   c. OMWI;
   d. DOA; and
   e. Any other Division/Office, as appropriate.

2. If an approved accommodation is needed on a repeated basis, where feasible, the employee notifies the RAPM at least ten business days before the date when the recurring accommodation is needed.

J. Equal Employment Opportunity Complaints, Merit Systems Protection Board Appeals, and Grievances

1. Individuals denied reasonable accommodation may initiate an EEO complaint in accordance with Directive 2710.2, EEOC Discrimination Complaint Procedures by contacting an FDIC EEO Counselor within 45 calendar days of receipt of the initial written denial or receipt of the denial after reconsideration.
2. If an individual believes the denial of a reasonable accommodation resulted in an adverse action appealable to the Merit Systems Protection Board, the individual may initiate a mixed case complaint by contacting an FDIC EEO Counselor within 30 calendar days of receipt of the initial written denial or receipt of the denial after reconsideration.

3. Bargaining unit employees alleging discrimination as the basis for the denial of a reasonable accommodation request may file a:
   
   a. Grievance under the collective bargaining agreement within 20 business days of receipt of the initial written denial or receipt of the reconsideration decision; or

   b. Formal EEO complaint as outlined in Directive 2710.2.

4. The FDIC encourages the use of alternative dispute resolution (ADR) to resolve employment-related disputes, including issues concerning requests for reasonable accommodation. Employees may seek participation in the ADR process by contacting an FDIC EEO Counselor in OMWI, or the Legal Division, ADR Unit. Contacting the ADR Unit does not constitute contact with an EEO Counselor for the purposes of the 45-day timeframe. Additional information on ADR is located on OMWI and Legal Division websites.
Appendix B – Reasonable Accommodation Resources

FDIC Division of Administration
Human Resources Branch
3501 Fairfax Drive
Arlington, VA  22226

- Reasonable Accommodation Program Manager for assistance with reasonable accommodation matters - ReasonableAccommodationRequests@fdic.gov.

FDIC Division of Administration
Corporate Services Branch
3501 Fairfax Drive
Arlington, VA  22226

- Building and facility accessibility.

- Ergonomic workspaces, furniture and equipment; Ergonomic Help Desk - (703) 562-2600 or ergohelpdesk@fdic.gov.

FDIC Division of Information Technology
3501 Fairfax Drive
Arlington, VA 22226

- Computer hardware or software.

- Telecommunication equipment.

- Access to electronic information.

ADA Disability and Business Technical Assistance Centers (DBTACs)
(800) 949-4232 Voice/Text Telephone (TTY)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local businesses and 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 accommodation.
Established by the Department of Defense (DOD) in 1990, CAP provides assistive technology and reasonable accommodations to people with disabilities and wounded Service members. CAP’s mission is to ensure that people with disabilities and wounded Service members have equal access to the information environment and opportunities in the DOD and throughout the federal government. The FDIC is a CAP partner agency.

**Job Accommodation Network (JAN)**
(800) 232-9675 Voice/TTY  
www.askjan.org

A service of the Office of Disability Employment Policy, Department of Labor, JAN can provide information, free-of-charge, about many types of reasonable accommodations, personal assistance services, and referrals to other organizations that may have particular information about accommodations for persons with disabilities.

**Registry of Interpreters for the Deaf**
(301) 608-0050 Voice/TTY

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

**RESNA (Rehabilitation Engineering and Assistive Technology Society of North America)**
(703) 524-6686 Voice / (703) 524-6639 TTY  
http://www.resna.org

The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA), can refer individuals to projects in all 50 states and the 6 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 data bases 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.
The EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting reasonable accommodation as well as those involved in the decision-making process.

EEOC guidance documents and resource materials also include:

- The Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000); and

- Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (revised October 17, 2002).
### Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessible Format</td>
<td>Configurations that are an alternative to standard print and are accessible to individuals with disabilities (e.g., large print, recorded audio, electronic arrangements, and Braille).</td>
</tr>
<tr>
<td>Chief Human Capital Officer</td>
<td>The management official who has the authority to review, or delegate to another employee to review, a denial of a request for reasonable accommodation when the individual requesting the accommodation files a request for reconsideration.</td>
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</tbody>
</table>
| Disability                  | - A physical or mental impairment that substantially limits an individual;  
                               - A record of such impairment;³ or  
                               - Being regarded as having such impairment. |
| Essential Functions         | Job duties fundamental to the position that an individual holds or desires and may be considered necessary for several reasons including, but not limited to:  
                               - The position exists to perform the specific job function;  
                               - There are a limited number of other employees who could perform the job function; or  
                               - The job function is specialized and the individual is hired based on their ability to perform that function. |

³ A record of impairment means that the individual has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>First-Line Supervisor</td>
<td>The management official who consults with the RAPM regarding whether an employee will be provided a reasonable accommodation.</td>
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<tr>
<td>Healthcare Provider</td>
<td>A medical professional, such as a doctor, psychiatrist, psychologist, physical therapist, occupational therapist, speech therapist, vocational rehabilitation specialist, or licensed mental health professional.</td>
</tr>
<tr>
<td>Implementing Office</td>
<td>The Division/Office responsible for providing the accommodation, acquiring equipment or services, or making the facilities readily accessible to accommodate individuals with disabilities.</td>
</tr>
<tr>
<td></td>
<td>For example, DIT is the implementing office for computer hardware and software, OMWI provides sign language interpreting services, and DOA ensures facility accessibility and provides ergonomic assessments of employee work spaces, furniture, and equipment.</td>
</tr>
<tr>
<td>Interactive Process</td>
<td>Flexible communication between the RAPM, the individual requesting a reasonable accommodation, and management or HR Specialist identified in the JOA (or designee) to identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.</td>
</tr>
<tr>
<td>Mental Impairment</td>
<td>A mental or psychological disorder, such as intellectual disabilities, brain syndromes, emotional or mental illnesses, and specific learning disabilities.</td>
</tr>
<tr>
<td>Physical Impairment</td>
<td>A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Qualified Individual</td>
<td>Employee or applicant for employment eligible for reasonable accommodation.</td>
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<tr>
<td>Reasonable Accommodation</td>
<td>Modifications or adjustments:</td>
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<td></td>
<td>- To the job application process to enable a qualified applicant with a disability to be considered for the position desired;</td>
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<td></td>
<td>- To the work environment, or the way in which the position held or desired is customarily performed, to enable a qualified individual with a disability to perform the essential functions of the position or to allow an employee to practice their religious beliefs; or</td>
</tr>
<tr>
<td></td>
<td>- That enable an employee with a disability to enjoy equal benefits and privileges of employment.</td>
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<td></td>
<td>Such modifications or adjustments may include, but are not limited to:</td>
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<td></td>
<td>- Making existing facilities readily accessible to, and usable by, individuals with disabilities;</td>
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<tr>
<td></td>
<td>- Schedule changes or leave for religious observances;</td>
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<td></td>
<td>- Job restructuring;</td>
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<td>- Part-time or modified work schedules;</td>
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<td>- Reassignment to a vacant, funded position;</td>
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<td></td>
<td>- Acquisition or modification of equipment or devices;</td>
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<td>- Adjustment or modification of examinations, training materials, or policies;</td>
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<td></td>
<td>- Provision of qualified readers or interpreters; and</td>
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<td></td>
<td>- Other similar accommodations for individuals with disabilities.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Reasonable Accommodation</td>
<td>An FDIC employee who coordinates the reasonable accommodation process, provides guidance to supervisors/managers and individuals in seeking and providing reasonable accommodations, and decides whether an individual will be provided a reasonable accommodation.</td>
</tr>
<tr>
<td>Program Manager</td>
<td></td>
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<tr>
<td>Reassignment</td>
<td>A reasonable accommodation of last resort that, absent undue hardship, is considered if the FDIC determines that no other reasonable accommodation would permit an employee to perform the essential functions of their current job.</td>
</tr>
<tr>
<td>Substantially Limits</td>
<td>Factors that determine whether an individual is:</td>
</tr>
<tr>
<td></td>
<td>- Unable to perform a major life activity that an average person in the general public can perform; and</td>
</tr>
<tr>
<td></td>
<td>- Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the general population.</td>
</tr>
<tr>
<td>Support Coordinator</td>
<td>An individual assigned to assist individuals with intellectual disabilities (as defined by the EEOC) in participating in the reasonable accommodation process.</td>
</tr>
</tbody>
</table>

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4 These factors may include: the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Targeted Disabilities</td>
<td>Defined by the EEOC as a subset of the larger disability category to include developmental disabilities, traumatic brain injuries, deafness or serious difficulty hearing, blindness or serious difficulty seeing, missing extremities, significant mobility impairments, partial or complete paralysis, epilepsy and other seizure disorders, intellectual disabilities, significant psychiatric disorders, dwarfism, and significant disfigurement.</td>
</tr>
<tr>
<td>Third-Party Contracted Health Service Provider</td>
<td>A medical professional who works in partnership with the FDIC to design and deliver comprehensive occupational health solutions exclusively to employees.</td>
</tr>
</tbody>
</table>
| Undue Hardship                            | Significant difficulty or cost the FDIC would incur if it provided a particular accommodation. The criteria considered in determining significant difficulty or cost include the:  
  ▪ Nature and expense of the accommodation;  
  ▪ Overall size of the organization;  
  ▪ Number of employees, facilities, and size of the budget;  
  ▪ Type of operation, including composition and structure of the work force; and  
  ▪ Impact of the accommodation on the operation of the Division/Office, including the impact on the ability of other employees to perform their duties, and the impact on the Division's/Office's ability to conduct business. |
## Glossary of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<tr>
<td>ADR</td>
<td>Alternative Dispute Resolution</td>
</tr>
<tr>
<td>CAP</td>
<td>Computer/Electronic Accommodations Program</td>
</tr>
<tr>
<td>CHCO</td>
<td>Chief Human Capital Officer</td>
</tr>
<tr>
<td>DBTAC</td>
<td>Disability and Business Technical Assistance Center</td>
</tr>
<tr>
<td>DIT</td>
<td>Division of Information Technology</td>
</tr>
<tr>
<td>DOA</td>
<td>Division of Administration</td>
</tr>
<tr>
<td>DOD</td>
<td>Department of Defense</td>
</tr>
<tr>
<td>EEO</td>
<td>Equal Employment Opportunity</td>
</tr>
<tr>
<td>EEOC</td>
<td>Equal Employment Opportunity Commission</td>
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<tr>
<td>HR</td>
<td>Human Resources</td>
</tr>
<tr>
<td>HRB</td>
<td>Human Resources Branch</td>
</tr>
<tr>
<td>HSP</td>
<td>Health Service Provider</td>
</tr>
<tr>
<td>JAN</td>
<td>Job Accommodation Network</td>
</tr>
<tr>
<td>JOA</td>
<td>Job Opportunity Announcement</td>
</tr>
<tr>
<td>Acronym</td>
<td>Definition</td>
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<tr>
<td>LEAS</td>
<td>Labor, Employment, and Administration Section</td>
</tr>
<tr>
<td>LERS</td>
<td>Labor and Employee Relations Section</td>
</tr>
<tr>
<td>OCISO</td>
<td>Office of the Chief Information Security Officer</td>
</tr>
<tr>
<td>OIG</td>
<td>Office of Inspector General</td>
</tr>
<tr>
<td>OMWI</td>
<td>Office of Minority and Women Inclusion</td>
</tr>
<tr>
<td>RAPM</td>
<td>Reasonable Accommodation Program Manager</td>
</tr>
<tr>
<td>RESNA</td>
<td>Rehabilitation Engineering and Assistive Technology Society of North America</td>
</tr>
<tr>
<td>SF</td>
<td>Standard Form</td>
</tr>
<tr>
<td>TTY</td>
<td>Text Telephone</td>
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