

Tennessee Valley Authority

Practical Guide to Providing Reasonable Accommodations

TVA's Written Plan

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Practical Guide to Providing Reasonable Accommodations

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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 accommodation. It is essential that both supervisors and employees fully understand their rights and responsibilities.

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 accommodation.

The Rehabilitation Act of 1973 consists of many sections, the sections that are applicable to TVA are: Section 501, Section 502, Section 503, Section 504 and Section 508. Information associated with these sections can be found in TVA-SPP-11.705 Disability Programs.

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 accommodation. TVA's procedures fully comply with the requirements of the Rehabilitation Act of 1973. Under the law, TVA must provide reasonable accommodation 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;

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- 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 a reasonable accommodation, 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 20 CFR § 213.3102(t), (u), and (gg).

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:

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- 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 work spaces
- 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 An 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.

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“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.

REASONABLE ACCOMMODATION PROCESS

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

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TVA's designated Disability & Accommodations Program Manager (DAPM) oversees the reasonable accommodation process, which is supported by the Return-To-Work Coordinators (RTW). All requests for reasonable accommodation will be handled by the DAPM, the RTW Coordinators and/or a TVA Nurse Practitioner.

The Requesting Process

Requests can be made at any time, either orally or in writing. Requests can be made by:

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

The reasonable accommodation process begins as soon as the oral or written request for accommodation is made either to the DAPM or to any manager in an employee's chain of command or when an employee's restrictions become permanent and/or the restrictions can no longer be accommodated.

When a supervisor receives a reassignment request, the supervisor must forward the request immediately to DisabilityProgram@tva.gov. The supervisor or DAPM 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 DAPM and/or the RTW Coordinators 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.

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An applicant or employee - must let the manager or DAPM 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 DAPM, such as the supervisor, officer director, etc, notified individuals should forward the request to the DAPM 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 DAPM 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 DAPM 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 DAPM 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 DAPM's request for information or assistance. Any delays by TVA personnel may result in TVA's failing to meet the required time frame.

NOTE: In some instances, the DAPM may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the EEOC (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

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The Interactive Process

- **Employee/Applicant's Oral Request** - for an accommodation(s) requires an interactive discussion between the supervisor and the employee/applicant and/or DAPM. 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 21084 should be used to document the interactive process.
- **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, the employee, and the RTW Coordinators a 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 on TVA Form 21084.

TVA FORM 21084 Modified Work Duties

Box A: Indicate what job duties are impacted or not impacted. If impacted, supervisor is to select modified work duty's is available or are not available

If available is selected, Box C is to be completed. This indicates that the employee's 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/ore

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employee will make notification to supervisor or DAPM. It is important to identify accommodations needed and the duration of the need. TVA Form 21084 provides a space for this to occur.

If, job duties are impacted, but modified work is not available, Box D is to be completed indicating my restrictions 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.

If in Box A, job duties are not impacted - Box B is to be completed indicating my restriction(s) do not impact my job duties and no accommodation(s) are needed.

Any interactive discussions occurring via telephone, the conversation date/time and names of those on the call are to be listed on TVA Form 21084.

Medical restriction(s) or request for an accommodation are determined not to impact the essential functions of the job indicating no accommodation is necessary. This agreement is identified with signatures of supervisor and employee in this box. Additionally, comments and/or disagreement(s) information may be recorded by the employee or the manager.

Upon completion of the form, the form is to be submitted via email to rtw@tva.gov.

NOTE: Remember, communication 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.

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Aging Restriction(s)

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

As medical restrictions age, the RTW Coordinator will periodically check in with the supervisor, generally, check in time 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 RTW Coordinator at these specific timeframes.

Request for Medical Information

If a requestor's disability and/or need for accommodation is not obvious or already known, the DAPM and/or TVA NP is entitled to ask for and receive medical information showing the requestor has a covered disability that requires accommodation. If a disability is obvious, already known, clearly visible, or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition, it is the responsibility of the applicant/employee to provide appropriate medical information.

The DAPM 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 DAPM 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 DAPM and/or TVA NP of this fact. The DAPM and/or the TVA NP will then determine whether additional medical information is needed to process the current request.

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If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DAPM and/or TVA NP to determine whether the individual has a “disability” and/or that an accommodation is needed, the DAPM and/or the TVA NP will explain what additional information is needed. If necessary, the individual should then ask his/her personal health care provider or other appropriate professional to provide the missing information. The DAPM 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 DAPM and/or TVA NP may ask the individual requesting accommodation to sign a limited release permitting the DAPM and/or the TVA NP to contact the provider for additional information. The DAPM and/or the TVA NP may have the medical information reviewed by a doctor of the agency’s choosing, at the agency’s expense.

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 DAPM, the RTW Coordinators 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 DAPM 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, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information obtained in connection with a request for reasonable accommodation must be kept in files separate from the individual’s personnel file. The DAPM may share certain information with an employee’s supervisor

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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 or assistance in evacuation; and

Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

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

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 DAPM 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 DAPM 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 DAPM and/or TVA NP.

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 DAPM should not require the full 30 business days to process the request.

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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 which makes it hard for her to get up in time to get to the office at 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.

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 ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.

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 could 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 absolutely necessary and only for as long as required to deal with the extenuating circumstance.

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Reassignment:

Reassignment process - 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, or the accommodation would cause undue hardship.

- Employees entering reassignment will be contacted by the DAPM. The DAPM will provide the employee with information associated with the reassignment process.
- In considering whether there are positions available for reassignment, the DAPM will work with both the Human Resources Talent Acquisition and Development department (TAD) 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 TAD 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.
- DAPM establishes a conference call or independently connects with, at a minimum, Line Management, HR Business Partner, and OGC. Other members may include a Labor Relations representative, HR Manager, or Senior Physician, as needed. Discussion includes reviewing the previous accommodation(s) and applicable documents.

Reassignment steps - include the **DAPM** and/or **HR Business Partner** conduct 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."

- **DAPM** counsels the employee on the reassignment process.

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- **DAPM** provides employee the agency's job posting site; employee is reminded to routinely review the job postings. If **employee** identifies a vacancy for which employee is qualified, employee contacts the DAPM and the HR Business Partner immediately.
- **DAPM** requests updated resume from employee.
- **Employee** provides current resume to DAPM within 7 calendar days of notification; if resume is not received, DAPM utilizes information found in the employee's Personal History Records to identify one's skills and qualifications.
- **DAPM** sends formal Notice of Decision letter to reinforce the conversation; a copy of the letter is sent to the RTW Coordinator and the HR Business Partner.
- Upon receipt of resume, **DAPM** collaborates with TAD recruiting personnel and reviews resume to determine if employee is qualified for any vacant position(s).

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, DAPM, and business unit hiring manager.

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

NOTE: The employee is not required to compete.

- **DAPM** provides periodic job posting updates to the employee.
- **TAD** will provide the current posted job list to DAPM.

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- **DAPM** will review the job list to identify any position in which the employee meets minimum qualifications.
- **DAPM and TAD** is to verify if employee meets minimal qualification of identified position(s) and advises the hiring manager that a qualified candidate has been identified and the position(s) is placed on hold.
- **DAPM, HR Business Partner**, and hiring manager discuss candidate's qualifications and advises of restriction(s) that may impact the essential functions of the job to determine if an accommodation will be required. (If an accommodation is required, then an interactive discussion occurs between the hiring manager and the candidate.)
- **TAD** offers vacant position to employee.
- If the employee declines the offer, the reassignment process ends. Declining an offer indicates the employee is voluntarily initiating separation proceeding.
- If a position is not identified DAPM will verbally inform the employee that reassignment has ended and a position was not identified. The DAPM will reinforce the conversation and issue a Notice of Decision Letter sending it to the employee, supervising manager, and HR Business Partner.
- **NOTE: Nuclear HR Business Partners are required to schedule an Executive Review Board meeting at this point in time to pursue approvals for termination. While ERB is being scheduled, DAPM continue to check for opportunities for those within reassignment.**

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Reassignment Process - Specifically for Workers' Comp Case Claimants

- **DAPM** will follow the reassignment process.
- When employee is offered a position, the DAPM will send a formal job offer letter to the employee. A copy of the letter will be provided to the Office of Workers' Compensation Programs (OWCP).
- **Employee** has 15 days to review offer and return to DAPM the letter advising to accept or decline.

If the employee declines the offer the:

- **Workers' Compensation Program Manager** 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 Program Manager** will request that the employee be placed in the Vocational Rehabilitation Program (if deemed a candidate).
- **Workers' Compensation Program Manager** 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.

The employee does not qualify for the workers' compensation benefits and is terminated.

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- The employee may file for disability retirement and/or pension through the agency.

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 DAPM 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 a 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 DAPM will inform the individual in writing of the projected time frame for providing the accommodation.

If the agency denies a request for accommodation, the DAPM will give the “Notice of Decision letter to the requestor and discuss the reason(s) for the denial. 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 DAPM 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 DAPM 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

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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 DAPM will explore whether there is a reasonable accommodation that will meet the employee's needs.

If the DAPM offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the DAPM will record the individual's rejection of the alternative accommodation in writing to Director, Human Resources.

Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Director, Human Resources to reconsider the decision. An individual must request reconsideration within 10 business days.

Information Tracking and Reporting

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

Inquiries and Distribution

Any employee wanting further information concerning this process may contact the DAPM via e-mail at DisabilityProgram@tva.gov.

These process are to be made available at request and are available via the Agency's SharePoint. These processes shall be made available to all employees upon issuance, and annually thereafter. The Agency will post the processes on the Intranet and Internet sites, included in the employee handbook, and will be available in Agency's library, in the Office of Equal Opportunity, and the Office of Human Resources Management. This process will be distributed to all new employees as

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part of their orientation on their first day of work. This process will be provided in alternative formats when requested from the DAPM by, or on behalf of, any Agency employee.

Applicable forms for Accommodation Processes

- Form A - Duty Disposition Letter
- Form B - Written Request For Reasonable Accommodation
- Form C - TVA Form 21084 Modified Work Duties
- Form D - Notice of Decision Letter

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Form A - Duty Disposition Letter

<<CurrentDate>>

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.FullNameAndNumber>>	<<Location.Description>>	<<Employee.GeographicLocation.Description>>
Job Position/Job Code	Supervisor	
<<Employee.JobPosition.Description>> <<Employee.JobPosition.Code>>	<<Employee.Supervisor.FullName>>	

Reason for Visit	Visit Date	Services Completed
<<ClinicVisitReason.Description>>	<<TreatmentDate>>	

Duty Disposition	Medical Disposition	Follow Up Date
<<DutyDisposition.Description>>	<<MedicalDisposition.Description>>	<<FollowUpDate>>

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

<<PermanentRestrictions>>

<<TemporaryRestrictions>>

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 Share Point for more information.

COMMENTS:

Sincerely,

<<From.FullNameWithCredentials>>

cc: <<Employee.FirstName>> <<Employee.LastName>>

<<Supervisor.FirstName>> <<Supervisor.LastName>>

Return to Work Coordinator

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Form B - Request for Reasonable Accommodation

**CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION**

1. _____
Applicant's or Employee's Name
- Date of Request** _____
- _____ **Applicant's or Employee's Telephone Number**
- _____ **Employee's Office**

2. **TYPE OF ACCOMMODATION REQUESTED, IF KNOWN.** *(Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change)*

3. **REASON FOR REQUEST.**
- If accommodation is time sensitive, please explain:

(DAPM will assign number)

Log No.: _____

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.

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FORM 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

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)

Manager (Name, Signature, and Date):

Signature indicates interactive discussion has occurred.

Comments/Disagreements

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

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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"/> HRM <input type="checkbox"/> Next Level Supervisor <input type="checkbox"/> RTW Coordinator
> 180 days			<input type="checkbox"/> Employee <input type="checkbox"/> HR SR Mgr <input type="checkbox"/> Line VP <input type="checkbox"/> RTW Coordinator <input type="checkbox"/> DPM

* 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.

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Form D - Notice of Decision Letter

RESTRICTED INFORMATION



Tennessee Valley Authority, Employee Health, 1101 Market Street, Chattanooga, Tennessee 37402-2801

Date

Employee (EIN)

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, **Position (Job Code)**.

Restrictions:

- **Restriction(s)**

As stated in TVA-SPP-11.520, individuals who have disabilities that prevent him/her from performing the essential functions of their jobs, even with a reasonable accommodation, may be eligible for an offer of reassignment, based on availability and qualifications.

TVA was able to identify the following positions for which you may have qualified:

- **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,

Disability and Accommodations Program Manager
Employee Health

This information contained in this document is the property of the Tennessee Valley Authority and has been determined to be sensitive. Any further distribution of its contents will be on a need to know basis only, as determined by the originator or the recipient.

RESTRICTED INFORMATION

Practical Guide to Providing Reasonable Accommodations

Roles and Responsibilities

Applicant or Employee

- May request a reasonable accommodation at any time, orally or in writing.
- May wish to consult with the DAPM 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.

Disability and Accommodations Program Manager

- 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.

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- 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 timeframe.
- Reinforces verbal conversation by providing employee with written documentation using the Notice of Decision letter (Attachment 5).
- Collaborates with Talent Acquisition and Diversity (TAD) personnel and HR Business Partner to review open positions and determine reassignment opportunities (including external entities for permanent disabilities associated with work-related injuries).
- Contacts HR Business Partner to transition employee into reassigned position, when applicable.
- When no reassignment opportunity is available or will be available in the foreseeable future, DAPM notifies HR Business Partner to further disposition employee.

Return-to-Work Coordinator (RTW)

- Supports the accommodation process
- Follows-up with supervising managers at specified intervals (90 and 180 days) when an accommodation and/or restriction is in place.

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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.
- Follow-up with employee at specified intervals, as needed.
- Assists the DAPM, as needed

Talent Acquisition and Diversity (TAD)

- Provides weekly job posting report to DAPM.
- Evaluates resume of employee under reassignment actions to determine if employee meets the minimum qualifications of an identified position.
- Advises DPM 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 within 72 hours of 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 an accommodation(s).

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- Documents the interactive accommodation discussion on Modified Work Duties form, TVA 21084 (Attachment 4).
- 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, TVA 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.

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Federal Guidance 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 requester 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.

Accommodation Resources

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 particular information about accommodations for persons with different disabilities.

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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 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.

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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 DAPM to assess whether all reasonable solutions have been considered through communication with appropriate individuals.

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.

Disability Programs Manager — An individual who is considered as a vital resource for employees and managers.

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 with being able to perform them.

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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 their current position. The employee is evaluated for placement into a position for which they meet the minimum job requirements and can perform the essential duties of the job, with or without an accommodation.

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 requester.

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

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.

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Reasonable Accommodation — The provision of conditions, equipment of environment that enable 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.

Request — Any communication in which an individual expresses that he or she needs a change to any aspect of the application process, job, or benefit of employment because of a disability. No other information is needed to initiate the process and a request does not have to include any special works such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” A doctor or personal representative can make a request on a requestor’s behalf.

Requester — 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.

Return-to-Work Coordinator — Key person in the workplace that assists injured workers to remain at or return to work as soon as safely possible. Coordinates with line management and employee (or RTW coordinator if return to work efforts are associated with a Workers’ Compensation Claim) to assure 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.

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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.