



PRACTICAL GUIDE TO PROVIDING REASONABLE ACCOMMODATIONS



TENNESSEE VALLEY AUTHORITY – OCTOBER 2025

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Section 1

This section covers the following:

- **Purpose**
- **Legal Overview**
- **Background**
- **Executive Order 13164**
- **Confidentiality Requirements**
- **Procedure Location**
- **Information Tracking and Reporting**
- **Costs and Resources**

Purpose of this Guide

To ensure compliance with the law, this guide identifies the approach TVA uses to handle requests for reasonable accommodation (RA). It is essential that both leaders 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 Accommodations.

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

- Section 501 prohibits discrimination on the basis of disability in federal employment and requires federal agencies to establish affirmative action plans for the hiring, placement and advancement of people with disabilities.
- Section 501, as amended January 3, 2017, requires the agency to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities. PAS are services that help individuals who, because of targeted disabilities, require assistance to perform activities of daily living, like eating and using the restroom.
- Section 502 established the United States Access Board (originally the Architectural and Transportation Barriers Compliance Board). The Board's duties include ensuring compliance with standards issued by the Architectural Barriers Act (ABA) of 1968. Federal agencies are responsible for ensuring compliance with the ABA standards when funding the design, construction, alteration, or leasing, of facilities or properties.
- Section 503 prohibits employment discrimination based on disability and requires affirmative action in the hiring, placement, and advance placement of people with disabilities by federal contractors or subcontractors.

- Section 504 makes it illegal for federal agencies, programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements include RA for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities, and accessible new construction and alterations.
- Section 508 requires federal departments and agencies that develop, procure, maintain, or use electronic, and information technology (EIT), also known as Information and Communication Technology (ICT), to ensure that federal employees and members of the public with disabilities have access to EIT that is comparable to that provided to individuals without disabilities, unless an undue burden would be imposed on the agency.

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

Background

Under Title 1 of The Americans with Disabilities Act (ADA), Federal Executive branch agencies follow the [Section 501](#) of the Rehabilitation Act, as amended, which aligns with The ADA.

RA is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to obtain a job but also to successfully perform his/her job duties to the same extent as people with disabilities.

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

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

Executive Order 13164

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

TVA provides RA:

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

Confidentiality Requirements

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

The Disability Program Manager (DPM) or designated official may share certain information with an employee's leader or other agency official(s) as necessary to make appropriate determinations on a RA request.

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

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

Procedure Location

Any employee wanting further information concerning this process may contact the DPM via emphealthservices@tva.gov

This procedure is made available upon request, is available on the TVA public website and can be found in [PeopleGateway knowledge article KB0012299](#) . [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)](#).

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

Information Tracking and Reporting

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

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

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

Costs and Resources

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

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

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

Section 2

This section covers the following:

- **Guidance and Accommodation Resources**
 - **Executive Order 13164**
 - **ADA Disability and Business Technical Assistance Centers (DBTACs)**
 - **Job Accommodation Network (JAN)**
 - **Registry of Interpreters for the Deaf**
 - **Rehabilitation Engineering & Assistive Technology Society (RESNA)**

EEOC Policy Guidance on Executive Order 13164

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

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

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

ADA Disability and Business Technical Assistance Centers (DBTACs)

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

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on Reasonable Accommodation and make referrals to local sources of expertise in Reasonable Accommodations.

Job Accommodation Network (JAN) - 1-800-232-9675 (Voice/TT)

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

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

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

The Registry offers information on locating and using interpreters and transliteration services. TVA partners with various interpreting service agency, of which can be found [here](#).

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, is the premier professional organization dedicated to promoting the health and well-being of people with disabilities through increasing access to technology solutions.

Section 3

This section covers the following:

- **Definition of a Disability**
- **What Is Reasonable Accommodation (RA)**
- **Types of Accommodations**
- **When is Disability Accommodation Not Reasonable**
- **Repetitive Accommodations**

Definition of a Disability

For an employee to be provided with RA 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 RA, can perform the essential functions of such position. The individual must also meet the experience and education requirements for the position, or the criteria for appointment under one of the special excepted appointment authorities for disabled employees, such as Schedule A.

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

What Is A Reasonable Accommodation (RA)

RA 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

RA 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 accommodation include, but are not limited to:

- Modify work schedules or supervisory methods
- Grant breaks or providing leave
- Alter how and when job duties are performed
- Move to a different office space
- Provide telework beyond that provided by the collective bargaining agreement or the relevant Memorandum of Understanding (MOU)
- Provide assistive technology, including information technology and communications equipment or specially designed furniture
- Remove an architectural barrier, including reconfiguring workspaces
- Provide accessible parking
- Provide reassignment to another job

- Grant additional leave as a last resort

When is a Disability Accommodation Not Reasonable

The impact of the accommodation upon the operation of the facility, including the impact

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, accommodation is not reasonable if it would cause undue hardship.

“Undue hardship” is a significant difficulty or expense upon the employer. The determination of whether an employer may refuse 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 RA, the number of people employed at such facility, and the effect on expenses and resources.
- The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities.
- The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility’s ability to conduct business.

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

Repetitive Accommodations

TVA will process requests for accommodation that is needed on a repeated basis. When one requests a type of accommodation that will be needed on a repeated basis (e.g., sign language interpreter, CART services, or readers), the agency will not require the individual to submit a written request each time the accommodation is needed. Once the accommodation is approved the first time, the employee may obtain the accommodation

by notifying the appropriate individual or office: EEOC Policy Guidance on Executive Order 13164, Sect. II, Q.4.

Section 4: Religious Accommodations

Definition of Religion

What It Means for Religious Belief or Practice to be “Sincerely Held”

Types of Religious Accommodations

When is a Religious Accommodation Not Reasonable

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

Definition of Religion

Title VII defines “religion” to include all aspects of religious observance, practice, and belief.

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

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

Not all strongly held beliefs are religious. Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII. Likewise, maxims and moral concepts on a particular issue do not constitute a religion, regardless of their origins. See [§ 915.063, Section 12: Religious Discrimination / U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#).

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

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

Disability or Sincerely Held Religious Believe is Not Obvious or Already Known?

If a requestor's disability or need for accommodation is not obvious or already known, the Disability Program Manager or designated official is entitled to ask for and receive medical information showing the requestor has a covered disability that requires accommodation.

Types of Religious Accommodations

A reasonable religious accommodation is any adjustment to the work environment that will allow an employee to practice their religious beliefs.

Examples of some common religious accommodations include:

- flexible scheduling,
- voluntary shift substitutions or swaps,
- job reassignment, and
- modifications to workplace policies or practices.

Unless there is an undue hardship in the conduct of the agency, the agency must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices as an employee has for religious reasons. These might include, for example, wearing head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts).

When is a Religious Accommodation Not Reasonable

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

Section 5

This section covers the following:

- **Reasonable Accommodation Process**
- **Time Frame for Processing A Request**
- **Extenuating Circumstances**
- **Expediting a Request**
- **Documentation**
- **Requests Can Be Made By and To Who**
- **Submitting a Request**
- **Denials of Reasonable Accommodation**
- **Dispute Resolution/Appealing the Decision**

Time frame for Processing a Request

TVA processes requests for Reasonable Accommodation and will provide the RA in a prompt and efficient manner in accordance with the time frames noted below:

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible, but no later than 45 business days from the date the request is made. Time begins when the accommodation is first requested: 29 C.F.R. § 1614.203(d)(3)(i)(M).

This 45-day period includes the 10-day time frame in the DPM or designated official must contact the requestor after a request for reasonable accommodation is made.

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

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

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

If the DPM, or designated official must request medical information or documentation from a requestor's doctor, the time frame will stop on the day of the request and will resume on the day that the information/documentation is received.

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

If the disability is obvious or already known, if it is clear why RA is needed, and if accommodation can be provided quickly, then the DPM, or designated official should not require the full 45 business days to process the request.

When all the facts and circumstances known to TVA make it reasonably likely that an individual will be entitled to RA, but the accommodation cannot be provided immediately, the agency shall provide an interim accommodation that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship to TVA: 29 C.F.R. § 1614.203(d)(3)(i)(Q).

Extenuating Circumstances

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

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

Expediting a Request

In certain circumstances, a request for Reasonable Accommodation requires an expedited review and decision. This includes where RA 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 RA to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- To enable a requestor to attend a scheduled meeting. For example, a requestor may need a sign language interpreter for a meeting scheduled to take place in 5 days.

Documentation

All documentation provided to the Disability Program Manager or designated official will be maintained as confidential material and only under limited circumstances will information be disclosed.

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

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

If necessary, the individual should then ask his/her personal health care provider or other appropriate professional to provide the missing information.

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

The DPM or designated official 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 DPM or designated official 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 RA. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the DPM or designated official of this fact. A determination will be made as to whether additional medical information is needed to process the current request.

In determining whether documentation is necessary to support a request for RA and whether an applicant or employee has a disability within the meaning of The Rehabilitation Act, the DPM and/or designated official 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 DPM and/or designated official may require medical information to advise leaders of restrictions that may affect the essential functions of the job. Requesting additional information may help when designing appropriate and effective accommodation.

Requests Can Be Made To

TVA's designated DPM oversees the RA. All requests for RA will be handled by the DPM, management, and/or a TVA Nurse Practitioner (NP).

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

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

Requests can be made by:

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

Requesting an Accommodation can be made to:

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

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

Medical Disability

Submitting a Request

When seeking an accommodation associated with a medical disability, TVA FORM 21374 Request for Accommodation and applicable medical documentation should be submitted to emphealthservices@tva.gov

Additionally, the accommodation process can also occur if one submits medical documentation to their NP where restrictions have been indicated that may impact one's ability to perform the essential functions of the job.

Documentation (in its entirety) will be reviewed by the Disability Program Manager, Sr. Medical Official or TVA NP. Documentation is viewed for validity purposes.

Upon validation of all documentation, a duty disposition letter (DDL) will be issued to the employee requesting the accommodation and the employee's immediate supervisor.

Following the issuance of a DDL, the Return-to-Work Coordinator or DPM will issue an interactive packet consisting of the following:

- DDL
- Requestor's job description
- Requestor's essential functions of the job and physical capabilities document
- Instructions on how to have an interactive discussion

- TVA FORM 21084 Modified Work Duties form (blank)

Interactive Discussion

Within **5** business days, the immediate supervisor and the requestor should engage in an interactive discussion. The interactive discussion is the opportunity for the employee and the leader to have an open discussion to identify accommodations.

During the interactive discussion, both individuals (requestor and immediate supervisor) should work together to identify effective accommodation that will enable the requestor the ability to perform the job effectively and safely.

The discussion must include:

- Review of the job description, essential functions of the job document, physical capabilities document and the DDL.
- The precise nature of the restriction listed on the DDL (of which is generating the request)
- How one's medical condition or disability is prompting for an accommodation
- And identification of any alternative accommodation that may be effective in meeting the individual's needs.

TVA FORM 21084 Completion Process

1. Complete the top section of 21084 Form Modified Work Duties with the information from the DDL.
2. Select the appropriate answer to Box A
 - a. Impacted
 - b. Not Impacted

The Smart form will prompt you to complete the following boxes based on your response in Box A.

Not Impacted - Complete Box B

- Employee and immediate supervisor agree that the restriction(s) do not impact job duties and no accommodations are needed.
- Employee and immediate supervisor should sign/date the form.
- Completed form should be submitted to rtw@tva.gov for final review and processing.
- A Notice of Decision (NOD) Letter will be issued to both the employee and the immediate supervisor.

- The RTW coordinator will establish a “to-do” in Cority indicating that a follow-up of the restriction will occur annually.

Impacted and Modified Work Duty(s) are available - Complete Box C

- Employee and immediate supervisor agree that the restrictions impact the job duties.
- Employee and immediate supervisor have identified the accommodation/modified work duty(s) to be provided as well as the expected time for which the modified work duty(s) should be in place.
- Employee and immediate supervisor should sign/date the form.
- Completed form should be submitted to rtw@tva.gov for final review and processing.
- A Notice of Decision (NOD) Letter will be issued to both the employee and the immediate supervisor.
- The RTW coordinator will establish a “to-do” in Cority indicating that a follow-up of the restriction will occur after 90 days, after 180 days and/or annually.

Employees and supervisors are to ensure the accommodation(s) continue to be effective and no change to the accommodation(s) is required.

In the event the accommodation is ineffective, the employee and supervisor are to re-engage in the interactive discussion process.

Impacted and Modified Work Duty(s) are NOT available - Complete Box D

- If the interactive discussion determines that there is **NOT** a temporary modified work duty(s) available, the employee and immediate supervisor end the meeting.

STOP – contact the Disability Program Manager, Angela Watkins, amwatkins@tva.gov

- The leader is to immediately contact the DPM to inform that an accommodation has not been identified.
- The DPM will assess the case to ensure various accommodations have been considered.
- If no accommodation has been identified a conference call will be established with immediate supervisor, RTW coordinator and Office of General Counsel representative, at minimum to discuss applicable laws, regulations and accommodations of consideration and any undue hardships that the business has identified.

Denials of Reasonable Accommodation

If the agency denies a request for accommodation, the DPM, designated official or leader will give the Notice of Decision Letter to the requestor identifying the reason(s) for the denial.

Additionally, the requestor will receive written notice explaining the reasons for denial and notifying the requestor of any available internal appeal or informal dispute resolution processes. TVA encourages the use of voluntary informal dispute resolution processes that individuals may use to obtain prompt reconsideration of denied requests for RA.

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

When completing the "Decision Letter", the explanation for the denial will clearly state the specific reason(s) for the denial. This means that the agency cannot simply state that a requested accommodation is denied because of "undue hardship" or because it would be "ineffective." Rather, the form will state, and the immediate supervisor 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 RA requested, the immediate supervisor will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the leader will explore whether there is a RA that will meet the employee's needs.

If the immediate supervisor offers accommodation other than the one requested, but the alternative accommodation is not accepted, the leader will record the individual's rejection of the alternative accommodation.

Dispute Resolution Avenues

Appealing the Decision (In Writing)

An individual dissatisfied with the resolution of a RA request can ask the Director, Safety and Health Services to reconsider the decision. An individual must request reconsideration in writing within 10 business days of the Notice of Decision Letter.

An employee may appeal the decision by providing a written request indicating the reason for appeal. The Director, Safety and Health Services, mwnance@tva.gov will review information in its entirety, may consult with other departments and render a final decision.

EEO Avenue

To file an EEO complaint, the individual with the complaint must initiate contact with an EEO Counselor within 45 days of the denial of accommodation via <https://tvacloud.sharepoint.com/sites/er/OCEO/eoc/SitePages/Equal-Opportunity-Compliance.aspx>, regardless of whether the applicant or employee participates in an informal dispute resolution process: 29 C.F.R. § 1614.203(d)(3)(iii)(C)&(D).

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

MSPB Avenue

One can initiate an appeal to the Merit Systems Protection Board (MSPB) within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3

Filing a Grievance

You also have the right to challenge any denial through other avenues, such as: 1) filing a grievance in accordance with the provisions of the Collective Bargaining Agreement (CBA).

Section 6

This section covers the following:

- **Reassignment – An accommodation of last resort**
- **Reassignment Process**
- **Reassignment Process – Soley for Workers' Compensation Case Claimants**

Reassignment

Reassignment is a special type of accommodation for TVA employees whose disabilities prevent them from continuing to work in their current position.

Reassignment is not available to applicants, contractors, and anyone else who did not adequately perform the essential functions of the job as a TVA employee before the need for accommodation arose.

All possible accommodation should be discussed before deciding on reassignment because neither TVA nor the employee is required to commit to a transfer if the employee could remain in his or her current position with another accommodation. If no alternative exists, TVA must attempt to place the employee directly into a vacant position without a competitive selection process, even if a more qualified individual is available. The employee must be qualified for the new position and have the ability to perform its essential functions with or without other types of accommodation.

TVA will strive to reassign the employee to a position that is as equivalent as possible to the current position in terms of pay, benefits, status, location and other working conditions, but these preferences are not always available. TVA is not required to place the employee into a higher pay grade, nor must TVA provide the reassigned employee with benefits and training that TVA does not ordinarily provide other employee who transfer to the position. [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(B\)](#).

Reassignment Process

An employee entering reassignment will be contacted by the DPM or designated official and will provide the employee with information associated with the reassignment process and consideration of other options.

Additional options to consider include, Family Medical Leave (FML), Short- or Long-Term Disability, Disability Retirement, Retirement and/or the Leave Transfer Program.

Contact:

- FML or Leave Transfer Program - 1-888-275-8094 or go to PeopleGateway and initiate a Leave Inquiry/Special Leave request to determine if you are eligible for 12 weeks of FML during which you would not be reassigned or terminated.
- Short Term Disability (via UNUM) – 1-800-635-5597
- Long Term Disability (via UNUM) – 1-888-673-9940
- Retirement or Disability Retirement (via TVA) – 1-865-632-2672

- In considering whether there are positions available for reassignment, the Talent Acquisition (TA) Specialist and the employee requesting the reassignment are to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without RA; and (2) positions which TA has reason to believe will become vacant within a reasonable time from the date the search is initiated and for which the employee may be qualified.
- Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate.
- Reassignment process is for a period of two weeks (14 days); meaning that TA will look at all vacancies during that time period in hopes of identifying a position in which the individual meets the minimum qualifications.

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, and the business unit hiring manager.

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

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

NOTE: In the event that there are multiple people within reassignment, that are qualified for the same open positions, offers will be made to the individual with the longest combined federal service.

If in the event, multiple people have the exact same combined federal service, offers will be made to individuals with veteran's preference first, and if no one is veteran preference eligible, offer will be made to the one with the highest social security number (last four of SSN).

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

Reassignment Process – Solely for Workers’ Compensation Case Claimants

The reassignment process, as defined above, will be followed.

When employee is offered a position, a formal job offer is sent to the employee. A copy of the letter will be provided to the Office of Workers’ Compensation Programs (OWCP).

The employee has **15** days to review the offer and return the letter to DPM or designated official via emphealthservices@tva.gov advising acceptance or declination.

Declining offer- TVA’s designated consultant will request that OWCP determine a suitability rating of the proposed job offer.

If the offer is considered suitable (acceptable) by OWCP:

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

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

If employee does not qualify for the Workers’ Compensation benefits and is terminated, the employee may file for Disability Retirement and/or pension through the agency.

Section 7

Frequently Asked Questions

What is Reasonable Accommodation?

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

What is a disability under the Rehabilitation Act/ADA?

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

Who is a qualified individual with a disability?

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

What is a major life activity?

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

Who is responsible for granting Reasonable Accommodation?

The supervisor or hiring official is responsible for granting RA.

What are the essential functions of a position?

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

When can medical documentation be requested?

Medical documentation may be requested when needed during the RA process to support the RA request.

Who can request medical documentation?

The DPM or designated official can request medical documentation. The request will only be medical documentation that is necessary to process the request.

Will medical documentation/information be kept confidential?

Yes. All documents and information are confidential.

May telework be Reasonable Accommodation?

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

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

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

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

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

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

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

Who can request Reasonable Accommodation?

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

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

Approved RA may be reevaluated under certain circumstances, including but not limited to:

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

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

Generally, a RA request is processed within **45** business days (excluding extenuating circumstances). Interim accommodation may be offered until the RA request is approved and fulfilled if there are delays.

Can an RA be reevaluated or changed if an employee's supervisor changes?

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

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

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

Section 8

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 on the employer.

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

Agency – The Tennessee Valley Authority (TVA)

Designated Official – Key person in the workplace that collects medical documentation

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

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

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

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

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

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

Nurse Practitioner — Key person in the workplace that collects medical documentation from the employee and assists injured workers to remain at or return to work as soon as safely possible.

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

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

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

Physical Capability — An individual's capacity to perform physical duties is 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.

Reassignment — Reassignment is the accommodation of last resort and occurs when the individual is unable to be accommodated in his/her current position. The employee is evaluated for placement into a position for which he/she meets the minimum job requirements and can perform the essential duties of the job, with or without an accommodation.

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

Return-to-Work Coordinator – Key person in the workplace that coordinates with immediate supervisor to ensure that the accommodation addresses the employee's injury/illness.

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

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

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

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

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