



Ames Procedural Requirements

APR 3713.1

Effective Date: May 5, 2020

Expiration Date: May 5, 2025

COMPLIANCE IS MANDATORY

Subject: Reasonable Accommodation Procedures

Responsible Office: Code DE / Office of Diversity and Equal Opportunity

CHANGE LOG

Status [Baseline /Revision /Cancelled]	Document Revision	Date of Change	Description
Baseline	0	11/14/2017	Initial
Revision	1	5/5/2020	Revised to align with updated NPD 3713.8 and NPR 3713.1, incorporate NPR 1400.1 requirements, update Authorities and Applicable Documents, and other administrative edits. Changed APR number from APR 3713.3 to APR 3713.1 to align with authority document NPR 3713.1.

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PREFACE

P.1 PURPOSE

- a. This directive establishes responsibilities and requirements for Ames Research Center employees, supervisors, and stakeholders in the Reasonable Accommodation (RA) process. This directive intends to assist Ames Research Center in fulfilling its obligation to ensure that individuals with disabilities can perform the essential functions of their positions, and when RA is requested, receive a prompt and proper response.
- b. Requests for RA should not ordinarily be denied, or approved with conditions or limitations, due to budgetary concerns. If additional budget is necessary to approve an RA request, supervisors should work with higher management authority to ensure proper funding can be acquired to provide an appropriate accommodation. If necessary, Organization Directors shall consult with the Office of the Center Director, if a solution at the directorate level is not possible. The Center must make every effort to provide reasonable accommodation.
- c. This APR provides clarity on how the Center will respond to budgetary concerns and how it will process travel-related accommodations.

P.2 APPLICABILITY

- a. This directive is applicable to ARC and associated facilities.
- b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes an expected outcome, and "are/is" denotes descriptive material.
- c. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

P.3 AUTHORITY

- a. NPD 3713.8, Provision of Reasonable Accommodation for Individuals with Disabilities
- b. NPR 3713.1, Reasonable Accommodation Procedures
- c. NPR 9710.1, General Travel Requirements

P.4 APPLICABLE DOCUMENTS AND FORMS

- a. NF 1699, Request for Reasonable Accommodation
- b. NF 1699A, Disposition of Request for Reasonable Accommodation
- c. NF 1699B, Medical Evaluation Form
- d. Privacy Act of 1974, as amended, 5 U.S.C. § 552a
- e. The Rehabilitation Act of 1973, 29 U.S.C. § 791, 794, and 794d
- f. Americans with Disabilities Act of 1990, as amended, 42 U.S.C § 12101
- g. The Civil Rights Act of 1964, 42 U.S.C. § 2000e

P.5 MEASUREMENT/VERIFICATION

a. Verification of conformance to requirements in this directive are measured through Center and Responsible Organizational management reviews, self-assessments, and subsequent analysis and reports of conformance to requirements, as well as periodic internal audits.

P.6 CANCELLATION

APR 3173.3, Reasonable Accommodation (RA) Procedures dated November 14, 2017.

Eugene Tu
Director

DISTRIBUTION STATEMENT:

Internal and external distribution.

CHAPTER 1 OVERVIEW OF THE PROCESS

1.1 The Reasonable Accommodation (RA) Process includes the following steps:

- a. The employee makes an RA request to their supervisor or Disability Program Manager (DPM) orally or in writing. The RA interactive process begins between the employee and the supervisor or the DPM.
- b. The employee submits NASA Form (NF) 1699 to their supervisor and submits a copy to the DPM.
- c. If additional medical documentation is needed by the Center to process the RA request, the DPM will request relevant medical information from the employee and instruct the employee to have a licensed medical physician or other licensed health practitioner complete NF 1699B.
- d. The employee provides completed NF 1699B, if requested by the DPM, to the Ames Health Unit Physician and forwards a copy to the DPM.
- e. The Ames Health Unit Physician will review relevant medical documentation and will provide a recommendation to the supervisor and the RA Team.
- f. The supervisor completes and issues the NF 1699A to the employee and forwards a copy to the DPM.
- g. If the RA request is approved for travel accommodations, the supervisor notifies the Center's Travel Office with an approval email and copies the DPM.

CHAPTER 2 ROLES AND RESPONSIBILITIES

2.1 An employee requesting RA shall:

- a. Request RA from their supervisor or the DPM (oral or written).
- b. Consult with their supervisor and/or the DPM to complete and sign the NF 1699.
- c. Participate in the interactive process, suggest reasonable accommodation possibilities that can be explored, and cooperate with management efforts to identify effective accommodations.
- d. When additional medical documentation is requested by the DPM, obtain relevant medical documentation from a licensed physician or other licensed health practitioner to support the RA request by submitting NF 1699B. Deliver medical documentation to an Ames Health Unit Physician and forward a copy of the NF 1699B to the DPM.
- e. For travel accommodations, receive a recommendation from an Ames Health Unit Physician (written document). Employee will forward a copy to the supervisor for consideration of travel RA request.
- f. Understand that NPR 3713.1 does not entitle employees to the accommodation of their choice. Rather, employees are entitled to an effective accommodation that does not impose an undue hardship on the Agency.
- g. If an employee wishes to withdraw a RA request, or no longer needs a RA, the employee shall notify their supervisor and the DPM in writing.

2.2 Supervisors shall:

- a. Transfer the information from an RA request when the employee submits a request without using the NF 1699 Form, send it to the employee for their review and signature within five (5) days of receiving the request, and provide a copy to the DPM after the NF 1699 is signed.
- b. Participate in the interactive process, consider the employee's suggested reasonable accommodation, and work with the employee to identify possible effective accommodations.
- c. Consult with the Reasonable Accommodation Team on RA requests and maintain RA request confidentiality.
- d. Serve as the primary decision maker for an RA request.
- e. Notify the employee in writing (utilizing the NF 1699A) of their final decision whether to grant or deny the accommodation and what alternate accommodation (if any) will be provided.
- f. Make every effort to complete the accommodation disposition within 30 days of the request.
- g. For travel RA requests following completion of the applicable forms (NF 1699, NF 1699A and/or NF 1699B), provide an approval email for upgraded travel to the Center's Travel Office and copy the DPM utilizing the following template: "A reasonable accommodation for traveler [name] has been granted by me, for [type—coach upgrade, business, first] class travel, for [length—x month, or permanent] duration."
- h. Understand that denials or approvals with conditions or limitations should not ordinarily be determined by budgetary concerns. If additional budget is necessary to approve an RA request, supervisors will work with higher management authority to ensure proper funding can be acquired to

provide the necessary accommodations. If needed, Organization Directors will consult with Office of the Center Director, if a solution at the directorate level is not possible. Supervisors will make every effort to provide the appropriate reasonable accommodation.

2.3 The **Disability Program Manager (DPM)** shall:

- a. Maintain all forms (NF 1699, 1699A, 1699B) in accordance with 5 U.S.C § 552a.
- b. Notify supervisors and employees of their rights under NPR 3713.1, 42 U.S.C § 12101, 29 U.S.C. § 791, 794, and 794d, and 42 U.S.C. § 2000e .
- c. Ensure all RA discussions with supervisors and employees are held with consideration of the employee's privacy and confidentiality.
- d. After consultation with the RA Team, and if the Ames Health Unit Physician states that additional medical documentation is necessary to process the RA request, make a written request to the requesting employee if additional medical information is needed to substantiate the need for RA.
- e. Ensure the interactive process between the supervisor and employee is occurring.
- f. Consult and advise supervisors, employees, and the RA Team on the RA process.
- g. Assist employees and supervisors in initiating RA requests (when necessary).
- h. Convene the RA Team on complex RA requests.
- i. Expedite an urgent RA request if the RA has not been previously approved by the supervisor.

2.4 The **Ames Health Unit Physician** shall:

- a. Provide a recommendation based upon medical documentation provided by the employee for the RA request.
- b. For travel RA requests, send a recommendation to the employee and the employee's supervisor. The recommendation must not include information regarding the specific medical condition or disability.
- c. For travel RA requests, if the Center determines the need for the employee to travel but without sufficient time for the traveler to obtain relevant medical documentation from a licensed physician or other licensed health practitioner, the Ames Health Unit Physician may conduct a medical evaluation in order to provide the required recommendation for travel RA.

2.5 The **ARC Travel Office** (for RA requests pertaining to official travel only) shall:

- a. Maintain supervisor approval e-mails in accordance with 5 U.S.C § 552a.
- b. Refer the traveler to their supervisor or DPM if a travel RA is received without documented approval.
- c. Make travel arrangements for employees with RA needs based solely on the written approval of the employee's supervisor.
- d. Terminate RA travel arrangements upon notice from the DPM that an employee has decided a travel RA is no longer required.

2.6 The **Reasonable Accommodation Team (see Appendix A for membership)** shall:

- a. Convene to discuss complex cases or in instances where the decision maker is considering a denial of an RA request to discuss and advise on the possible implications of denying the RA request.
- b. Consult with and provide guidance to the employee's supervisor.
- c. Determine, in consultation with Ames Health Unit Physician, if additional medical information is needed to substantiate the need for RA. (Concerning travel RA requests, note that NPR 9710.1 requires physician recommendation for travel accommodations for coach-class upgrades due to disability or special needs.)

APPENDIX A. DEFINITIONS

Disability Program Manager (DPM)	Normally, the DPM is a member of the Center ODEO staff whose responsibilities include administering the Special Emphasis Program (SEP) for individuals with disabilities.
Essential Functions	Essential functions are those job duties that are so fundamental to the position that the individual holding or desiring the position cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or if the function is specialized and the individual is hired based on the individual's ability to perform it. Determination of the essential functions of a position will be made on a case-by-case basis so that the current duties of the position reflect the job as actually performed, and not simply the components of a generic position description. The determination is to be made based on NASA's judgment as to which functions are essential, a written job description prepared before the job was advertised or interviews conducted, and other considerations as appropriate, to include: the actual work experience of present or past employees in the job, the time spent performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement.
Reasonable Accommodation (RA)	Reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodations: Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille); Modifications or adjustments necessary to enable an individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an office cafeteria).
Reasonable Accommodations Team (RA Team)	This is a team of subject matter experts, including but not limited to NASA physicians, Center DPMs, and representatives from HR, Office of the General Counsel/Center Office of the Chief Counsel, IT, and Facilities. When convened by the DPM to discuss reasonable accommodation requests, this team discusses whether the employee is eligible for an accommodation and determines whether medical documentation is required to support the request.
Special Needs	For travel accommodations, as stated in NPR 9710.1 , Supplemental Premium Travel Procedural Requirements, a special need is a physical

characteristic of a traveler not necessarily defined under disability. Such physical characteristics could include, but are not limited to, the weight or height of the traveler.

Supervisor

For purposes of this APR, the person who determines whether a request for reasonable accommodation is granted is referred to as “the supervisor.” When the employee’s supervisor is not available or out of the office, the next level supervisor may be the decision maker.

APPENDIX B. ACRONYMS

DPM	Disability Program Manager
HR	Human Resources
NF	NASA Form
ODEO	Office of Diversity and Equal Opportunity
RA	Reasonable Accommodation
RA Team	Reasonable Accommodation Team