



**DISABILITY COMPLIANCE AND REASONABLE ACCOMMODATION
HANDBOOK**





EXPORT-IMPORT BANK OF THE UNITED STATES

Disability and Compliance Reasonable Accommodation Handbook

PURPOSE: To revise the Export-Import Bank of the United States Disability Compliance and Reasonable Accommodation (DCRA) Handbook so that policy and procedures for responding to requests for reasonable accommodation by qualified employees and applicants with disabilities are consistent with current law.

APPLICABILITY AND SCOPE: The Bank's DCRA Handbook covers all qualified employees and all applicants for employment with a disability as defined by the law.

AUTHORITY: The DCRA Handbook is prepared pursuant to Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act Amendments Act (ADA-AA) of 2008, Title II of the Genetic Information Nondiscrimination Act of 2008 and Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.

POLICY INTENT: The overriding objective of the DCRA Handbook is to outline the policies and procedures for responding to requests for reasonable accommodation so that all qualified employees and applicants for employment with disabilities are afforded equality of opportunity in the federal workplace. Additionally, the handbook outlines roles and responsibilities and provides basic information on the legal framework governing the employment of individuals with disabilities.

RESPONSIBLE OFFICE: Resource Management Division; Office of Human Resources.

SUPERSESSON: This DCRA Handbook supersedes the DCRA Handbook (dated May 2006).

APPENDICES:

- A. Definitions
- B. Reasonable Accommodation Forms
- C. Authorities relevant to Disability Compliance and Reasonable Accommodation

Revised August 2016

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I. INTRODUCTION

Export-Import Bank's Disability Compliance and Reasonable Accommodation (DCRA) Handbook sets forth the procedures for requesting, assessing and responding to requests for reasonable accommodation. Further it delineates responsibilities, and outlines the process for reconsideration in the case of denials of requests for reasonable accommodation.

The provisions of this handbook apply to all Export-Import Bank of the United States employees and applicants seeking employment with the agency.

As laws and regulatory guidance continue to evolve, it may be necessary to update this handbook to ensure continued compliance with changes in law and to ensure employees are receiving effective services.

A. Current laws which govern the employment of individuals with disabilities:

- The Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act of 2008 provides a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities and enforceable standards for addressing discrimination. The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. Thus the effect of these changes lessens the burden for an individual seeking protection under the ADA to establish that a disability exists within the meaning of the ADA. For more information see http://www.eeoc.gov/laws/statutes/adaaa_info.cfm.
- Sections 501 and 505 of the Rehabilitation Act of 1973, which makes it illegal to discriminate against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) provides employees and applicants protection against discrimination on the basis of genetic information. Specifically, it offers the following protections: (1) prohibits the use of genetic information to discriminate in employment; (2) restricts the acquisition of genetic information by employers; and (3) requires that covered entities keep genetic information confidential, subject to limited exceptions.

- In addition, Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation requires federal agencies to establish effective written procedures for processing requests for reasonable accommodation.

B. POLICY STATEMENT

The Bank seeks to ensure that employees and persons seeking employment with the Bank should have equal access to employment opportunity, regardless of race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, parental status, or any other characteristic protected by law. Unlawful discrimination, in any form, is unacceptable and will not be tolerated by the Bank. On the contrary, the Bank seeks to foster an environment free from unlawful discrimination, harassment and retaliation in which employees may succeed and contribute. The Bank will take every reasonable effort to prevent and correct promptly any unlawful discrimination, harassment or retaliation. It is the Bank's intention to eliminate unlawful discrimination, harassment, and retaliation, to investigate complaints of any such activity, and to take timely and appropriate disciplinary action, up to and including removal, where such unlawful act has been found within the workplace.

C. ROLES AND RESPONSIBILITIES

(1) President and Chairman shall:

- Ensure that an effective process for responding to requests for reasonable accommodation is established.
- Allocate budgetary resources necessary to establish a centralized fund to cover the cost of equipment, services and or training necessary to provide a reasonable accommodation and or to effectively implement the reasonable accommodation process.

(2) Chief, Human Capital Officer shall:

- Serve as the Designated Management Official (DMO).
- Provide oversight of the processing of reasonable accommodation requests.
- Appoint a Reasonable Accommodation Coordinator.
- Ensure managers and supervisors are aware of their role in processing requests for reasonable accommodation.
- Approve decisions regarding requests for reasonable accommodation.

(3) The Reasonable Accommodation Coordinator (RAC) shall:

- Serve as the Bank's primary point of contact for reasonable

accommodation procedures and provides guidance to agency personnel.

- Process requests for reasonable accommodations; including review of request and related documentation for completeness; and issues applicable decisions recommending approval or denial of reasonable accommodation.
- Interface with requestor and supervisor(s) as deemed necessary, in responding to requests for reasonable accommodation.
- In consultation with requestor and or experts, identify the appropriate equipment and or device to be purchased through the Centralized Reasonable Accommodation Fund. Note: There may be instances when it is necessary to consult with the Chief, Facility Services in order to complete this requirement.
- Serve as the Agency's liaison responsible for interfacing with and securing equipment/devices provided through the Computer/ Electronic Accommodations Program (CAP) in response to requests for reasonable accommodation.
- Submit decisions regarding requests for reasonable accommodation to the DMO for approval.
- Coordinate with Chief, Facility Services as necessary to procure specified equipment and or devices not offered through the CAP in responding to requests for reasonable accommodation.
- Monitor and periodically evaluate the effectiveness of the process for responding to requests for reasonable accommodation.
- Track and maintain records of requests for reasonable accommodation; compile summary data for reporting purposes.
- In accordance with the Privacy Act, maintain custody and control of all records obtained or created during the processing of a request for reasonable accommodation, including medical records.

(4) Managers and Supervisors shall:

- Inform the requestor of the process for responding to requests for reasonable accommodation.

(5) Employees with disabilities shall:

- Request or make known their need for reasonable accommodation, to the RAC, their supervisor, any manager in their reporting structure, or to the Office of Equal Opportunity and Diversity Programs. Although not required, the requestor is encouraged to complete Form RA-1,

Request for Reasonable Accommodation.

- Engage in the interactive process by working collaboratively with the RAC to identify the reasonable accommodation that will assist them in performing the essential functions of their job, enable them to participate in Bank activities, and or enjoy the full benefits and privileges of employment.
- If the disability is not obvious, provide requested medical information from their health care provider in a timely manner.
- Sign the Notice of Completion upon receipt of the equipment and or device provided in response to the request for an accommodation.

(6) Applicants with disabilities shall:

- Request or make known to the Office of Human Resources their need for reasonable accommodation during the application process.
- Engage in the interactive process by working collaboratively with the Reasonable Accommodation Coordinator to identify the accommodation that will provide the assistance needed during application process.
- If the disability is not obvious, provide requested medical information from their health care provider in a timely manner.

(7) Chief, Acquisition Officer shall:

- Ensure that proper coding is applied to the purchase card assigned to procure equipment and devices not offered through the CAP.

(8) Chief, Facility Services shall:

- Administer the Bank's Centralized Reasonable Accommodation Fund for the procurement of equipment and devices not offered through the CAP. This includes such items as ergonomic furniture; air purifiers, etc.
- Ensure that all RA requests approved for the purchase of equipment and office furniture not offered through the CAP are fulfilled in a timely manner.

(9) Director, Office of Equal Opportunity and Diversity Programs shall:

- Provide oversight of any complaints of discrimination filed on the basis of disability resulting from the denial of a reasonable accommodation.

II. UNDERSTANDING DISABILITY AND REASONABLE ACCOMMODATION

The ADA Amendment Act of 2008 provides that the definition of disability shall be interpreted broadly; thereby lessening the burden of establishing whether or not an individual meets the definition of disability. However, it noted that not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law.

A. What is a disability?

According to the ADA Amendments Act of 2008, a person can show that he or she has a disability, in one of three ways:

- A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning); or

Note: The law revised the parameters used to define the term “substantially limits” providing that limitations need not significantly or severely restrict a major life activity in order to meet the standard; and it also expanded the definition of “major life activity.”

- A person may be disabled if he or she has a history of a disability (such as cancer that is in remission); or
- A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor.

B. What is reasonable accommodation?

Reasonable accommodation is the legal term that describes any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

There are many types of reasonable accommodations depending upon the nature of the disability. Therefore identifying the most appropriate accommodation must be determined on a case-by-case basis.

Depending upon the situation, reasonable accommodations may include but are not limited to such actions as:

- Making existing facilities readily accessible to, and usable by

- individuals with disabilities;
- Restructuring job functions;
- Granting part-time or modified work schedules;
- Acquiring or modifying equipment or devices;
- Appropriately adjusting or modifying examinations, training materials, or policies to make them accessible;
- Providing readers, interpreters and other auxiliary aids and assistive technologies; and
- Reassignment to a vacant position for which the individual is qualified, as a last resort.

C. Who has the right to reasonable accommodation?

Employees and qualified applicants for employment with a disability who need reasonable accommodation to perform the essential functions of their job are entitled to this benefit.

III. REASONABLE ACCOMMODATION PROCEDURES

A. Who may make a request?

An employee or applicant with a disability may request a reasonable accommodation. Additionally, a family member, health professional, or other representative may, on behalf of an employee or applicant request reasonable accommodation.

B. When may I make a request?

You have the right to make a request for reasonable accommodation at any time, even if you have not previously disclosed existence of a disability. It is your responsibility to make your request known. The Bank will not assume an individual has a disability or needs reasonable accommodation, unless the need for reasonable accommodation is obvious.

C. To whom should I make a request?

(1) If you are an employee:

A request for reasonable accommodation should be made to the RAC who is responsible for evaluation and processing such requests. Additionally, a request may be made to your immediate supervisor; or through the Office of Equal Opportunity and Diversity Programs (EODP), Room 753; who will appropriately forward your request to the RAC for action.

(2) If you are an applicant:

A request for reasonable accommodation may be made to the Bank official with whom you have contact. Your request will be forwarded to the RAC for evaluation and processing of the request.

(3) If you are a non-HR employee:

Non-HR employees who receive a request for reasonable accommodation from either an employee or applicant, should forward the request to the RAC for evaluation and processing of the request.

D. How do I request a reasonable accommodation?

There are no “magic words” you need to use to make a request for reasonable accommodation. You merely need to convey, in your own words, either orally or in writing that you need an adjustment or change at work for a reason related to a medical condition.

Your request, whether made orally or in writing, will be processed immediately. However, once you make a request for reasonable accommodation, you will be asked to complete a Form RA-1, Confirmation of Request for Reasonable Accommodation, to ensure that your request is clear and may be appropriately tracked.

The processing of your request will be determined as of the date you make the oral or written request, not the date of submission of the Form RA-1. If you choose not to complete a Form RA-1, the RAC or DMO may do so, for the purposes of tracking your request.

If the reasonable accommodation you request is needed on a repeated basis, e.g. a sign language interpreter, you do not need to submit a Form RA-1 each time the accommodation is needed.

E. Do I have to specify the exact accommodation I want?

No; As detailed below, the RAC will work with you and or your health care provider to determine an effective accommodation, if available.

F. Do I have to submit a doctor’s certification or other documentation with my request?

No; However, if more specific information concerning your disability and request for reasonable accommodation is required, you may be asked to provide medical documentation from your health care provider or to allow the RAC to communicate with such persons. As such, you will be requested to complete a Form RA-2.

IV. PROCESSING REASONABLE ACCOMMODATION REQUESTS

A. What happens once I make a request for reasonable accommodation?

If your request is made to your supervisor or to the Office of EODP, your request will be forwarded to the RAC within 5 calendar days for evaluation and a decision regarding your request. If the accommodation requested requires more information in order to determine the best approach to responding to your request, then the RAC will engage in an interactive process with you to determine how to respond to the request.

Note: For the purposes of tracking and accountability this also includes such accommodations as ergonomic chairs and air purifiers.

B. What is the interactive process?

The interactive process is a proactive, informal process by which you and the RAC communicate with each other to determine how best to respond to your request. During the interactive process, it may be necessary, for example, to analyze job functions to establish essential and nonessential job tasks, identify barriers to job performance, consult with you to learn your precise limitations and discover the types of accommodations that would be most effective. You will be consulted directly where the specific limitation, problem or barrier is unclear; where an effective accommodation is not obvious; or where a choice exists between different possible reasonable accommodations.

C. What are my responsibilities during the interactive process?

You are required to engage in the interactive process in good faith. You are responsible for responding to reasonable requests for information, including assistance in securing medical documentation from your health care providers. Also, you should be willing to try different possible accommodations and discuss alternative solutions. Failure to engage in the interactive process in good faith may result in denial of your request for reasonable accommodation.

D. What are my rights during the interactive process?

- (1) You have the right not to respond to requests for medical information that you feel are unreasonable. For example, you have the right to refuse requests for medical information that you believe is not relevant to your disability or reasonable accommodation request. Also, you have the right to refuse requests for medical information where the need for reasonable accommodation is obvious or you feel you have already provided sufficient information to document the existence of your disability and functional limitations.

- (2) You have the right to request information that will assist your health care professional in understanding the nature of your job, the essential functions which you are required to perform and any other relevant information.
- (3) You have the right not to be harassed due to your disability or retaliated against because you requested reasonable accommodation.

E. How does the interactive process work and what medical information can be requested of me?

- (1) The interactive process commences after you submit your request for reasonable accommodation. If you desire, you may provide medical documentation concerning your disability, limitations and possible accommodations; or as necessary, the RAC may request that you provide additional medical information from your health care provider.
- (2) Medical documentation in support of an accommodation may be requested only where the disability and/or need for accommodation are not obvious or already known. In those instances, supporting documentation may be requested in order to establish the need for reasonable accommodation.
- (3) If not obvious and/or already known, medical information related to your disability and any functional limitations you have as a result of the disability may be requested. This includes, but is not limited to:
 - The past, present and future expected nature, severity and duration of your impairment;
 - The activities the impairment limits;
 - The extent to which the impairment limits your ability to perform any activities;
 - Why you require reasonable accommodation or the particular accommodation requested; and
 - How the reasonable accommodation requested will assist you to apply for a job, perform the essential functions of your job, or enjoy a benefit of the workplace.
- (4) The Equal Employment Opportunity Commission (“EEOC”) allows employers to ask employees requesting reasonable accommodation for a limited medical release allowing the employer to submit medical questionnaires to the employee’s treating health care professionals. The Bank may ask you to complete a Form RA-2, HIPAA-Compliant Release for Medical Information Concerning Disability and Reasonable Accommodation Request and may

request completion of a Form RA-3, Medical Questionnaire Concerning Disability and Reasonable Accommodation Request by your Health Care Professional.

Failure to cooperate in this process may constitute bad faith participation in the interactive process and result in denial of your reasonable accommodation request.

Note: The RAC and the RMO are the Bank officials responsible for requesting and evaluating medical documentation in support of requests for reasonable accommodation.

- (5) The Bank participates in the Department of Defense's Computer/Electronics Accommodations ("CAP") Program. CAP's services assist federal agencies in creating work environments that are more accessible to employees with hearing, visual, dexterity, cognitive and communication impairments.

F. From whom can information concerning my disability and work limitations be requested?

Such information may be obtained from any appropriate health care professional such as, but not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

G. What if the medical documentation provided by my health care professional is insufficient?

- (1) Sufficient medical documentation is required in order to make a sound, reasoned and informed decision on your reasonable accommodation request. If documentation provided by you or by your health care professional in response to the request for information is insufficient, there are allowances for requesting further information or clarification of information already provided. Documentation is insufficient if it does not clearly explain the nature of your disability or the need for reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist you in performing the essential functions of your job, enjoy the benefits and privileges of the workplace, or assist an applicant in the application process.
- (2) Medical information that is reasonably necessary to establish that you are an individual with a disability who needs a reasonable accommodation may be requested. Medical documentation cannot be requested in instances where:
 - Both the disability and need for reasonable accommodation are

obvious; or

- You have already provided sufficient information to document the existence of a disability and functional limitations.

Note: Normally, a review of your complete medical records will not be necessary to make a determination on your reasonable accommodation request.

- (4) If the medical documentation provided by your health care professional is unclear or inadequate, an independent health care provider may be enlisted to analyze the medical documentation provided by you and your health care professional, in order to make a determination on your reasonable accommodation request. In that case, you will be asked to complete a Form RA-4, HIPAA-Compliant Request for Release of Medical Information for Analysis. The Bank will bear any expense involved in having your medical information reviewed by its medical expert.

H. Is there any other information that may be requested from me during the interactive process?

Yes; You may be asked questions concerning your job duties and limitations; and possible accommodations. In addition, you may be asked any relevant questions necessary to understand your situation and make a decision on your request.

I. When does the interactive process end?

The interactive process concludes, when all the information necessary to make a sound, reasoned and informed decision on your reasonable accommodation request has been provided.

V. REASSIGNMENT AS REASONABLE ACCOMMODATION

A. What is reassignment?

- (1) Reassignment is a form of reasonable accommodation that will be provided to an employee who, because of a disability, can no longer perform the essential position s/he holds, with or without reasonable accommodation, unless such reassignment would place an undue hardship on the agency.
- (2) Reassignment is a reasonable accommodation of last resort that will be considered if there are no effective accommodations that would enable the employee to perform the essential functions of his/her current job (or if all other possible accommodations would cause an undue hardship on the

agency). Reassignment is unavailable if it would impose an undue hardship on the agency.

B. Are there restrictions on when reassignment is available?

Yes; Reassignment may be made only to a vacant position; the agency is not required to create a new position or move an employee on the agency's current staff roster from his/her job to create a vacancy. Reassignment is a potential reasonable accommodation available only to current Bank employees; it is unavailable to applicants.

C. Are there eligibility requirements for the reassigned position?

Yes; To be eligible, you must be qualified for the new position. That is, you must:

- (1) Satisfy the requisite skill, experience, education and other job-related requirements of the position; and
- (2) Be able to perform the essential functions of the position, with or without reasonable accommodation.

D. How is the search for a reassignment conducted?

If you are entitled to reassignment, the Chief, Human Capital Officer is responsible for conducting an appropriate job search. The Chief, Human Capital Officer or his designee will consult with you to determine whether there are limits on the search you would like the Bank to conduct, whether you are qualified for a particular job, or whether you would need reasonable accommodation to perform the essential functions of the new job. The search will be restricted to identifying vacant positions, for which you are qualified, at the same or lower grade than your current position. If reassignment is appropriate and available, you will not have to compete for the new position.

VI. DECISIONS ON REASONABLE ACCOMMODATION REQUESTS

A. How long does the Bank have to respond to my request for reasonable accommodation?

A response will be provided within 30 calendar days or less of the request, absent extenuating circumstances; this includes provision of reasonable accommodation. If the Bank has to wait for you to provide sufficient medical documentation, the time taken for you to respond will not count toward the

30-day period.

The length of the interactive process depends on numerous factors including:

- The time it takes to secure information from your physician;
- Whether more information is required from your physician and time it takes for such repeated requests;
- The time it takes to analyze the medical documentation obtained;
- Whether it is necessary to contract a physician to analyze your medical documentation and the time it takes for such review/analysis; and
- Whether you are required to submit to medical exam by an independent physician contracted by the Bank and the time it takes to do so.

To maintain an efficient interactive process, the RAC will determine what information is needed and will analyze the information received in a prompt manner. It is your duty to provide promptly any relevant information requested.

Factors that may impact responding to reasonable accommodation requests:

- (1) Expedited Cases: Requests for reasonable accommodation will be expedited where the accommodation is needed to enable an individual to apply for a job or the reasonable accommodation is needed for a specific Bank activity that is scheduled to occur shortly.
- (2) Extenuating Circumstances: If extenuating circumstances exist, a decision will be made within a reasonable period after the initial thirty (30) day response period. Extenuating circumstances are factors that could not reasonably have been avoided in advance of the request for accommodation. These can include situations where, for example, equipment must be back-ordered or a vendor has unexpectedly gone out-of-business. Also, the Bank is not expected to adhere to its usual time frames if your health care professional fails to provide needed documentation in a timely fashion.
- (3) Delays: If a delay occurs in processing a request for or delivering a reasonable accommodation, the Chief, Human Capital Officer or

his designee will notify you of the reason for delay. To the extent possible you will be kept informed of the date on which the process is expected to be completed.

B. Will I be provided a temporary accommodation while awaiting the decision?

It is at the agency's discretion whether or not to provide any type of temporary accommodation during the interactive process and or while a decision is being made. Any accommodation that is provided has no bearing upon your request and the Bank is under no legal obligation to provide a temporary accommodation. Any temporary accommodation provided is not necessarily a "reasonable accommodation" as defined by this policy and an employee cannot require that the Bank continue to provide such accommodation on a non-temporary basis.

C. When will I receive a response to my request for reasonable accommodation?

- (1) A response will be issued within 30 calendar days or less of the request, absent extenuating circumstances; this includes both provision of and denial of reasonable accommodation. Note: A final disposition may depend upon receipt of all required documentation.
- (2) If you are entitled to reasonable accommodation, the Bank is obligated to provide you an effective accommodation, not necessarily the accommodation you want most or the "best" accommodation. Every effort will be made to provide you the accommodation you desire, so long as it is effective. However, your right is to an effective accommodation, which may or may not be the accommodation you requested. (previously #C.4)
- (3) If you are entitled to reasonable accommodation, the RAC in consultation with your immediate supervisor will ensure implementation of the accommodation. In the case of reassignment, a higher-level supervisor and/or the Chief, Human Capital Officer or his designee will be responsible for implementation.

VII. DENIALS OF REASONABLE ACCOMMODATION REQUESTS

A. How will I be notified if my request has been denied?

If your request is denied, you will be provided a written decision on your reasonable accommodation request. Denials of reasonable accommodation requests will be made via Form RA-5, Denial of Reasonable Accommodation Request; and will specify such information as:

- (1) The reason(s) for denial;
- (2) The identity of the individual or office that made the decision;
- (3) If a specific accommodation has been denied, and another offered in its place, the reasons for denial and the reasons it is believed that the chosen accommodation will be effective; and
- (4) Your right to an appeal via an informal dispute resolution process and the right to file an EEO complaint.

B. Do I have to accept a reasonable accommodation I don't want?

No; You cannot be required to accept an accommodation. If however, you need a reasonable accommodation to perform an essential function of your job or to eliminate a direct threat, and you refuse to accept an effective accommodation, you may not be qualified to remain in your job.

C. What can I do if my request for reasonable accommodation is denied?

- (1) The purpose of the interactive process is to encourage as much communication as possible to eliminate the need for further evaluation once a decision has been reached. Therefore, every attempt should be made to resolve any differences or disagreements during the interactive process.
- (2) If you are unable to resolve differences at the interactive process stage, an informal dispute resolution process is available to address concerns regarding reasonable accommodation requests.
 - (a) Within 10 calendar days of the denial of your request, you should request in writing that the Chief, Human Capital Officer (DMO) review the denial, or if made by the DMO, reconsider the decision. The RMO will render a written decision within 10 calendar days of receiving your request for reconsideration.
 - (b) If you wish to appeal the DMOs' reconsideration on your request, you must do so within 10 calendar days of receiving the decision. Appeals must be in writing and addressed to the Senior Vice-President, Resource Management. The Senior Vice-President, Resource Management will render a decision within ten 10 calendar days, or a reasonable time period thereafter, of receiving your appeal request.

D. What if my request for reasonable accommodation is denied and I feel it is discriminatory?

In accordance with the principles of Equal Employment Opportunity, the Bank supports every employee's right to be protected and safeguarded from any form of discrimination. As a result, if you believe you have been discriminated against based on your disability, in the denial of your reasonable accommodation request, you may file a complaint of discrimination with the OEOP, Room 753, within 45 calendar days of the denial. For additional information, you may consult the Bank's EEO Policy or the Office of EODP.

VIII. ADDITIONAL INFORMATION FOR APPLICANTS

The Interview Phase

A. May I be asked if I have a disability?

No; During an interview, a medical examination or inquiries as to whether an applicant is an individual with a disability or inquiries as to the nature or severity of such a disability are prohibited.

B. May I be asked whether I can perform job related functions?

Yes; You may be asked about your ability to perform job-related functions (both essential and marginal) and you may be asked to describe or demonstrate how, with or without reasonable accommodation, you would perform job-related functions.

C. May I be asked if I need reasonable accommodation when I have not made a request?

- (1) All applicants may be informed of what the hiring process entails and may be asked whether they require reasonable accommodation in order to participate in the process.
- (2) If an applicant's disability is known (e.g., it is obvious or the applicant discloses a disability) and it is reasonably believed that a reasonable accommodation may be required to perform an essential job function, the applicant may be asked if a reasonable accommodation is needed. If the answer is in the affirmative, an inquiry as to the type of reasonable accommodation may be conducted.

Post Interview Phase

A. May I be asked to take a medical exam?

Yes; You may be required to take a medical examination after an offer of employment has been made but prior to the commencement of employment.

An offer of employment may be conditioned on the results of such examination, as long as all entering employees are subjected to such an examination regardless of disability. Medical records obtained as a result of such exams are subject to the same privacy rights described below.

IX. MEDICAL DOCUMENTATION AND PRIVACY

A. Who is entitled to see the medical documentation I submit in support of my reasonable accommodation request?

1. Relevant medical information may be shared with any person involved in determining whether to grant your reasonable accommodation request. This may include your supervisor(s), the RAC, the DMO, the Office of Legal Affairs and General Counsel, the Senior Vice-President of Resource Management, and any medical provider contracted to assist in making a decision on your request.
2. Supervisors and managers who need to know may be told about necessary restrictions on the work or duties and the necessary accommodation(s). For example, if an individual requests assistive technology for his computer as a reasonable accommodation, an agency technology expert may be consulted regarding the appropriate computer equipment. Most likely, the expert will be informed of the functional limitations, but not the underlying medical condition concerning your functional limitations.
3. First aid and safety personnel may be alerted if emergency treatment may be required.
4. Appropriate government officials may be given information necessary to investigate the Bank's compliance with the Rehabilitation Act.

B. Where will the medical documentation submitted in support of my reasonable accommodation request be maintained?

Any medical information you submit will be maintained in a confidential file, separate and apart from your Official Personnel Folder. The only persons entitled to access to such files are those listed above, on a need to know basis. Your records are subject to the confidentiality provisions of the

Rehabilitation Act of 1973, the Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996.

C. How long will the medical documentation submitted in support of my reasonable accommodation request be maintained?

As allowed by federal law, your medical documentation will be maintained for the duration of your employment at the Bank.

D. Will the medical documentation submitted in support of my reasonable accommodation request be tracked? And if so, how long will such information be maintained.

Yes; Tracking information may be maintained for as long as is necessary to serve the purpose of the reasonable accommodation program.

In accordance with Executive Order 13164 executive agencies are required to track the following information:

- (1) The number and types of reasonable accommodations that have been requested in the application process and whether those requests have been granted or denied;
- (2) The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;
- (3) The types of reasonable accommodations that have been requested for each of those jobs;
- (4) The number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied;
- (5) The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- (6) The reasons for denial of requests for reasonable accommodation;
- (7) The amount of time taken to process each request for reasonable accommodation; and
- (8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

E. What other information should I know regarding the tracking of information in support of my reasonable accommodation request?

- (1) EEOC may be provided information or any cumulative records used to track the Bank's performance with regards to reasonable accommodation.
- (2) All records relating to a particular individual who requested a reasonable accommodation must be maintained for the duration of the individual's employment.
- (3) Cumulative records used to track the Bank's performance with regards to reasonable accommodation must be maintained for at least three (3) years.
- (4) As advised by EEOC, Form RA-6, Reasonable Accommodation Information Reporting Form should be used to track data.

X. APPENDICES

A. DEFINITIONS

B. REASONABLE ACCOMMODATION FORMS

C. AUTHORITIES AND REFERENCES

DEFINITIONS

Computer Electronic Accommodation Program (CAP)

A program in the TRICARE Management Activity (TMA), under the direction of the Assistant Secretary of Defense for Health Affairs, was established as the centrally funded Department of Defense (DoD) program that provides assistive technology to allow DoD and federal employees with disabilities to access electronic and information technology.

The CAP provides assistive technology for employees with disabilities in the following categories: Blind/Low Vision; Cognitive; Communication; Deaf/Hard of Hearing; and Dexterity.

See <http://www.cap.mil/#> for information about the CAP.

Disability

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Regarded as or believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).

Extenuating Circumstances

Factors that preclude the Bank from providing a reasonable accommodation within the specified timeframe. Examples of extenuating circumstances include, but are not limited to, delays due to backordered equipment/devices; and or, delays by the vendor.

Interactive Process

A proactive, informal process by which the Bank communicates with the individual requesting the accommodation to determine how best to respond to request.

Major Bodily Functions

Include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Major Life Activities

Include, but are not limited to such functions as, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Physical or Mental Impairment

- (1) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or
- (2) Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Qualified Individual with a Disability

An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Reasonable Accommodation

An adjustment or alteration that enables a qualified individual with a disability an equal opportunity to apply for a job, perform job duties, or enjoy benefits and privileges of employment.

- (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- (3) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Substantially Limits

- (1) Unable to perform a major life activity that the average person in the general population can perform; or

- (2) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
- (3) Unable to perform a major life activity that the average person in the general population can perform; or

The following factors should be considered in determining whether an individual is substantially limited in a major life activity:

- (i) The nature and severity of the impairment;
- (ii) The duration or expected duration of the impairment; and
- (iii) The permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment.

Undue Hardship

An action requiring significant difficulty or expense, when considered in light of the following factors:

- (i) The nature and net cost of the accommodation needed;
- (ii) 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; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (iii) 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; the number, type and location of its facilities;
- (iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity.

REASONABLE ACCOMMODATION FORMS



EXPORT-IMPORT BANK OF THE UNITED STATES

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION HIPAA - FORM RA-1

DATE OF ORIGINAL REQUEST	<input type="checkbox"/> VERBAL	<input type="checkbox"/> WRITTEN	TODAY'S DATE
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NAME OF EMPLOYEE	NAME OF APPLICANT
------------------	-------------------

TITLE, SERIES AND GRADE	VACANCY ANNOUNCEMENT NUMBER
-------------------------	-----------------------------

OFFICE/DIVISION	MAILING ADDRESS
-----------------	-----------------

ROOM NUMBER	PHONE NUMBER	PHONE NUMBER
-------------	--------------	--------------

SUPERVISOR'S NAME	EMAIL ADDRESS
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ACCOMMODATION REQUESTED *(Be as specific as possible; e.g., interpreter, adaptive equipment, reader)*

REASON FOR REQUEST

MEDICAL DOCUMENTATION ATTACHED YES NO
(Note: Medical documentation is not required to invoke your rights to reasonable accommodation)

IF ACCOMMODATION IS TIME SENSITIVE, PLEASE EXPLAIN

SIGNATURE	DATE
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CONFIRMATION OF RECEIPT – TO BE COMPLETED BY RAC OR DMO	DATE
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EXPORT-IMPORT BANK OF THE UNITED STATES

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION HIPAA - FORM RA-2

AUTHORIZATION TO RELEASE MEDICAL RECORDS AND INFORMATION

EMPLOYEE

DOB

TO: MY HEALTHCARE PROFESSIONAL(S)

In accordance with 45 CFR § 164.508, you are permitted to give the Export-Import Bank of the United States, Reasonable Accommodation Coordinator copies of all medical records and information since _____ as it relates to my request for reasonable accommodation. Specifically, this means all my medical records, physician’s notes, notes other than psychotherapy notes, test and laboratory results, MRI films, CT scans, x-ray films, all radiologic films and accompanying written reports, pharmacy records, bills and charges, and any other information regarding the examination, evaluation, care, and treatment. You may give this information regardless of whether it is written or in the form of electronic data, microfiche, microfilm, radiologic film, or any other form.

I am signing this authorization so that the Export-Import Bank of the United States will be able to properly analyze my request for reasonable accommodation. This release is valid and does not expire until the request has been granted or denied and in the latter case, until all appeals processes have ended.

I understand that I have the right to revoke this authorization by sending a letter to the Chief, Human Capital Officer (DMO), Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above named person requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-Import Bank, Office of Human Resources from requesting additional records with this

release and sharing the records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter. Finally, I understand that my treatment, payment, enrollment in any health plan, or eligibility for benefits may not be and are not conditioned upon my agreeing to sign this authorization.

A copy of this authorization shall be as valid as the original thereof.

SIGNATURE

DATE



EXPORT-IMPORT BANK OF THE UNITED STATES

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION HIPAA - FORM RA-2A

AUTHORIZATION TO RELEASE PSYCHOTHERAPY RECORDS AND INFORMATION

NAME OF EMPLOYEE

DOB

TO: MY MENTAL HEALTHCARE PROVIDER(S)

In accordance with 45 CFR § 164.508(a)(2) and (b)(3)(ii), you are permitted to provide the Export-Import Bank of the United States, Reasonable Accommodation Coordinator copies of all psychotherapy notes since _____ as it relates to my request for reasonable accommodation. You should give this information regardless of whether it is written, in the form of electronic data on cassette, microfiche, microfilm, or any other form. This authorization does not permit you to confer with any employee of the Export-Import Bank of the United States, Office of Human Resources about any substantive matters unless I or my attorney is present.

I am signing this authorization so the Export-Import Bank of the United States, Office of Human Resources will be able to properly analyze my request for reasonable accommodation. This release is valid and does not expire until the request has been granted or denied and in the latter case, until all appeals processes have ended.

I understand that I have the right to revoke this authorization by sending a letter to the Chief, Human Capital Officer, Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above named person requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-Import Bank of the United States, Office of Human Resources from requesting additional records with this release and sharing the records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter. Finally, I understand that my treatment,

payment, enrollment in any health plan, or eligibility for benefits may not be and are not conditioned upon my agreeing to sign this authorization.

A copy of this authorization shall be as valid as the original thereof.

SIGNATURE

DATE



EXPORT-IMPORT BANK OF THE UNITED STATES

MEDICAL QUESTIONNAIRE CONCERNING DISABILITY AND REASONABLE ACCOMMODATION REQUEST

HIPAA - FORM RA-3

NAME OF EMPLOYEE	DOB	PHONE NUMBER
NAME OF HEALTHCARE PROVIDER	ADDRESS	PHONE NUMBER

The employee listed above has made a request to the Export-Import Bank of the United States for reasonable accommodation due to a disability. In order to properly review, analyze and process the request information in response to the following questions is requested. If additional space is required, you may use the space provided on page 3; and or attach additional pages or medical documentation to support your statements below.

1. Does the employee have a relevant medical impairment and, if so, what is your diagnosis?

2. What is the nature of the impairment?

3. What is the duration or expected duration of the impairment?

4. Does the impairment limit any major life activities? Yes No
If so, what major life activities?

5. Is the employee taking any medication for the impairment? Yes No
If so, what medication?

6. Do you believe there exist reasonable accommodations that would assist in relieving any workplace barriers to the employee performing the essential functions of his/her job?
 Yes No

7. List all reasonable accommodations you believe would assist in relieving any workplace barriers to the employee performing the essential functions of his/her job?

8. For what length of time will the employee need to be accommodated?

PRINTED NAME OF HEALTHCARE PROFESSIONAL

ADDRESS OF HEALTHCARE PROFESSIONAL

SIGNATURE

PHONE NUMBER

DATE



EXPORT-IMPORT BANK OF THE UNITED STATES

COMPLIANT REQUEST FOR RELEASE OF MEDICAL INFORMATION FOR ANALYSIS HIPAA - FORM RA-4

AUTHORIZATION TO RELEASE MEDICAL RECORDS AND INFORMATION

NAME OF EMPLOYEE

DOB

TO: MY HEALTHCARE PROVIDER:

In accordance with 45 CFR § 164.508, you are permitted to provide the Export-Import Bank of the United States, Reasonable Accommodation Coordinator copies of all my medical records and information since _____ as it relates to my request for reasonable accommodation. Specifically, this means all my medical records, physician’s notes, test and laboratory results, MRI films, CT scans, x-ray films, all radiologic films and accompanying written reports, pharmacy records, bills and charges, (if applicable) psychotherapy notes, and any other information regarding the examination, evaluation, care, and treatment of myself that I provided previously to the Export-Import Bank of the United States. You may give this information regardless of whether it is written or in the form of electronic data, microfiche, microfilm, radiologic film, or any other form.

I am signing this authorization so that the Export-Import Bank of the United States will be able to properly analyze my request for reasonable accommodation. This release is valid and does not expire until the request has been granted or denied and in the latter case, until all appeals processes have ended.

I understand that I have the right to revoke this authorization by sending a letter to Director, Human Resources (DMO), Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above named person requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-Import Bank of the United States, Office of Human Resources from sharing my

aforementioned medical records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter. Finally, I understand that my treatment, payment, enrollment in any health plan, or eligibility for benefits may not be and are not conditioned upon my agreeing to sign this authorization.

A copy of this authorization shall be as valid as the original thereof.

SIGNATURE

DATE



EXPORT-IMPORT BANK OF THE UNITED STATES

DENIAL OF REASONABLE ACCOMMODATION REQUEST FORM RA-5

NAME OF EMPLOYEE

DATE

TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED

REASON FOR DENIAL OF REASONABLE ACCOMMODATION REQUEST (Check all that apply)

Determined not be an individual with a disability

Requested accommodation deemed ineffective

Requested accommodation would cause an undue hardship

Inadequate medical documentation

Accommodation would require removal of an essential job function

Accommodation would require lowering of performance or production standard

Other (Please specify)

Decision on Appeal, if applicable

State supporting reason(s) for denial of reasonable accommodation (Must be specific; e.g. why accommodation is ineffective or causes undue hardship).

If the requestor proposed a reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain reasons for denial of the requested accommodation and why you believe the alternative would be effective.

SIGNATURE OF DESIGNATED MANAGEMENT OFFICIAL

DATE

NOTICE OF RIGHTS

REQUEST FOR RECONSIDERATION

If you wish to request reconsideration of this decision, you may take the following steps:

- Within ten (10) days calendar days of receiving the denial, request in writing that the Chief, Human Capital Officer review the denial and render a decision within ten (10) days of receiving the request for reconsideration.
- If the individual wishes to appeal the Chief, Human Capital Officer' reconsideration, s/he must do so within ten (10) calendar days of receiving the decision. Appeals must be in writing and addressed to the Senior Vice-President, Resource Management. The Senior Vice-President, Resource Management will render a decision within ten (10) calendar days or a reasonable time periods afterwards.

AVENUES OF REDRESS

A federal applicant or employee who believes s/he has been discriminated against in the denial of his/her reasonable accommodation request may file an EEO complaint, or pursue Merit Systems Protection Board ("MSPB") procedures (or if appropriate, union grievance procedures); such an applicant or employee must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact the Bank's Office of Equal Opportunity and Diversity Programs ("EODP"), Room 753, within 45 days from the date of this notice of denial of reasonable accommodation; or
- For an MSPB complaint, initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3.
- For a collective bargaining claim, file a written grievance in accordance with the provisions of any governing collective bargaining agreement.



EXPORT-IMPORT BANK OF THE UNITED STATES

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM FORM RA-6

Job Title	Series	Grade	Office
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<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Decision on reasonable accommodation request <i>(If denied, attach a copy of denial form provided to requestor)</i>
--	--

	Date of decision on reasonable accommodation request
--	--

	Date reasonable accommodation requested
--	---

	Name of person who received the request
--	---

	Date reasonable accommodation request provided to decision-maker (RAC or DMO)
--	---

	Name of decision-maker
--	------------------------

	Date reasonable accommodation provided (if different from date approved)
--	--

If time frames outlined in the Reasonable Accommodation Procedures were not met, explain why.

Desired job; Include series, grade and office (if applicable)

Reason for reasonable accommodation request:

- Required in order to complete application process
- Necessary to perform job functions
- Necessary in order to access work environment
- Necessary in order to access a benefit or privilege of employment
(e.g. attending a training program or social event)

Type(s) of reasonable accommodation requested (e.g. adaptive equipment, removal of an architectural barrier, etc.).

Type(s) of reasonable accommodation provided (if different from what was requested).

Was medical information required to process this request? If yes, explain why.

Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization, etc.):

COMMENTS

NAME OF PERSON COMPLETING THIS FORM

DATE



EXPORT-IMPORT BANK OF THE UNITED STATES

REASONABLE ACCOMMODATION RESPONSE CHECKLIST FORM RA-7

NAME OF EMPLOYEE

SUPERVISOR'S NAME

DATE REQUEST RECEIVED BY SUPERVISOR (IF APPLICABLE)

DATE REQUEST RECEIVED BY RAC

INTAKE AND DECISION

DATE

ACTION

Confirmation of receipt of request

Request reviewed for completeness of information

Supporting documentation requested, if necessary

Evaluation of effectiveness and feasibility of requested accommodation

Decision: Approved Denied Alternative Provided

Notice to employee of decision

Date of Appeal, if applicable

Decision on Appeal, if applicable

REASONABLE ACCOMMODATION IMPLEMENTATION AND CLOSURE

DATE

ACTION

Equipment purchased through Agency centralized fund

Request submitted to CAP

Workplace modifications

Modification to how job is performed

Reasonable accommodation request closed

AUTHORITIES AND REFERENCES

- a. Americans with Disabilities Act of 1990, as amended.
- b. The American with Disabilities Amendments Act of 2008.
- c. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act.
<http://www.eeoc.gov/policy/docs/accommodation.html>
- d. Executive Order 13164, Requiring Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.
http://www.eeoc.gov/policy/docs/accommodation_procedures.html
- e. Privacy Act of 1974 (Public Law 93-597).
- f. The Rehabilitation Act of 1973, Sections 501 and 505, as amended.
- g. Title 29 Code of Federal Regulations (CFR), Sections 1611, 1614, and 1630.
- h. Title 29 United States Code (U.S.C.), Sections 791, 792, and 793.