



PRACTICAL GUIDE TO PROVIDING REASONABLE ACCOMMODATIONS



TENNESSEE VALLEY AUTHORITY – FEBRUARY 2026

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Section 1 - Introduction

This section covers the following:

- **Purpose**
- **Background and Legal Overview**
- **The Rehabilitation Act of 1973**
- **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.

Background and Legal Overview

An 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 and enjoy the benefits of employment to the same extent as people with disabilities.

Under Section 501 of the Rehabilitation Act, as amended, federal agencies must comply with Title 1 of The Americans with Disabilities Act (ADA) and reasonably accommodate disabled employees and applicants.

The Equal Employment Opportunity Commission (EEOC)'s regulation at [29 C.F.R. § 1614.203](#), implements the Rehabilitation Act and requires agencies to take steps to gradually increase the number of federal employees with disabilities and provide Personal Assistance Services (PAS) to federal employees who require such services because of their targeted disabilities.

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

Under Title VII of the Civil Rights Act of 1964, as amended, federal employers may not discriminate on the basis of religion, meaning that employers must accommodate employees sincerely held religious beliefs and practices. This Practical Guide therefore addresses religious accommodation, as well as disability accommodation.

The Rehabilitation Act of 1973

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.

Five Sections of the Rehabilitation Act are particularly relevant to TVA's accommodations program:

- 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. Agencies are required to provide RA to qualified applicants and employees with disabilities, unless doing so poses an undue hardship. An amendment to this section passed in 2017 requires agencies to provide Personal Assistance Services (PAS) for individuals who, due to certain targeted disabilities, require assistance with their activities of daily living at work.
- 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.

TVA-SPP-11.705, Disability Programs, provides more information about TVA's implementation of these laws.

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 RA 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 an 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 an 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](#) .

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

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 (Cority) will be the primary system used to track all requests for accommodation, accommodation provided and any denials. Information tracked includes the specific reasonable accommodation, the job, either sought by requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the privileges and benefits of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial and the number of days taken to process the request. [29 C.F.R. § 1614.203\(d\)\(8\)\(vi\)\(A\)-\(G\)](#).

Applicants and employees may contact the Disability Program Manager to learn the status of their requests for reasonable accommodation. [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 - Guidance and Resources

This section covers the following:

- **EEOC Policy Guidance**
- **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

EEOC's guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (policy guidance), EEOC No. 915.002 (October 20, 2000), provides 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 accommodation 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://askjan.org>

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 services. More information can be found in Knowledge Article [KB0012300](#) in PeopleGateway.

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 – Disability Accommodation

This section covers the following:

- **Definition of a Disability**
- **Definition of Reasonable Accommodation (RA)**
- **Types of Accommodations**
- **Personal Assistance Services**
- **When Disability Accommodation Is 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](#).

Definition of Reasonable Accommodation (RA)

RA is any change in the workplace, or the way things are customarily done that provides an equal employment opportunity for an individual with a disability. The accommodation is reasonable even if it ordinarily violates 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

Personal Assistance Services

For purposes of this Guide, PAS are considered to be a type of RA. PAS are services performed by an employee or contractor to assist individuals with targeted disabilities perform activities of daily living during work hours or job-related travel. PAS does not include medical services, nor do PAS perform the disabled employee's specific job functions. Rather, PAS assist with activities of daily living that an individual would typically perform if he or she did not have a disability, such as removing and putting on clothing, eating and using the restroom.

Appendix B of TVA-SPP-11.705 Disability Programs provides more information. The process for requesting PAS, the process for determining whether such services are required, and TVA's right to deny such requests when provision of the services would pose an undue hardship, as the same as for reasonable accommodations.

When Disability Accommodation Is Not Reasonable

An employer is not obligated to remove essential job duties or to provide devices that the employee expects to use while not at work, such as hearing aids. Accommodation is not reasonable if it would cause TVA or one of its stakeholders to violate a law or collective bargaining agreement.

In addition, accommodation is not reasonable if it causes 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.

Section 4 - Religious Accommodation

This section covers:

- **Definition of Religion**
- **What It Means for Religious Belief or Practice to be “Sincerely Held”**
- **Types of Religious Accommodations**
- **When is 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 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 EEOC Guidance on Religious Discrimination at <https://www.eeoc.gov/religious-discrimination>.

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.

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 accommodation include:

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

Unless accommodation would pose an undue hardship, 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 Religious Accommodation Is Not Reasonable

As with disability accommodation, accommodation for religious reasons is unreasonable if the accommodation would place an undue hardship on the employer based on a totality of the circumstances. Coworker objections based on hostility to religion or customer fears or prejudices are not an undue hardship. To be considered an undue hardship, religious accommodation does not necessarily have to create the same level of difficulty as the accommodation would for a disability; thus, there may be an occasion when TVA denies an accommodation request for a religious belief that it had previously approved for someone with a disability.

Section 5 - Reasonable Accommodation Process

This section covers the following:

- **Overview of the Process**
- **Who Makes a Request and to Whom**
- **How to Recognize a Request for RA**
- **Medical Documentation**
- **DDL and Interactive Packet**
- **Interactive Discussion**
- **Completion of TVA FORM 21084, Modified Work Duties**
- **Time Frame for Processing a Request**
 - **Extenuating Circumstances**
 - **Expediting a Request**
- **Approvals**
- **Denials**
- **Appeals and Dispute Resolution**

Overview of the Process

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).

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

The agency will not request medical information where 1) both the disability and the need for reasonable accommodation are obvious or 2) the individual has already provided the agency with sufficient information to document the existence of the disability and any functional limitations.

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) detailing any restrictions 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. The supervisor and requested employee will discuss all possible accommodations and record their conclusions on TVA FORM 21084 Modified Work Duties form.

If the requested employee is dissatisfied with the outcome, the employee may appeal the decision to the Director of Health and Safety. The requested employee may also raise their concern through other avenues, such as TVA's Office of Equal Opportunity Compliance.

Who Can Make RA Requests and To Whom

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:

- 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, or
- Any other individual designated by the agency to accept such requests.

[29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(D\)](#).

How to Recognize Requests for Reasonable Accommodation

A supervisor recognizes a reasonable accommodation request when an applicant/employee mentions needing a work change due to a medical condition, even without using formal terms like “ADA” or “disability”. This triggers the employer’s duty to start the interactive process to find a solution.

Examples of how to recognize a request:

- Verbal cues: “My medication makes me dizzy; can I adjust my start time?” or “I need a different chair because of my back”
- Actions/Needs: Mentioning difficulty performing tasks due to health issues, needing schedule changes for treatment or requesting workplace adjustments.
- Third-Party Requests: A doctor or family member requesting accommodation on the employee’s behalf.
- No Magic Words: the employee doesn’t need to use “reasonable accommodation”, “ADA” or “disability.”

Employers that are not sure whether an employee has requested accommodation may ask the employee to clarify what is being requested and why. This puts the onus on the individual to explain they’ve mentioned a disability or asked for a change at work. Simply ask “How can I help?”

As important as it is to recognize a request for accommodation, employers must also know what’s NOT considered a request for accommodation under the ADA. For example, when an employee discloses a disability, but there is no connection to a work-related barrier or specific request, this is not a request for reasonable accommodation. Remember, a nexus must exist between medical impairment and a work-related barrier.

Medical Documentation

If the initial information 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\(d\)\(3\)\(i\)\(I\)](#).

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\(d\)\(3\)\(i\)\(I\)](#).

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

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 and at the agency's expense. [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(K\)](#).

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.

DDL and Interactive Packet

TVA Medical will draft a Duty Disposition Letter (DDL) based on the medical information and the employee's job requirements. The DDL will state whether the individual is approved to work and under what restrictions.

The Return-to-Work Coordinator or DPM will issue an interactive packet to the supervisor 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 **five (5)** business days of receiving the DDL and the interactive packet from the DPM, the immediate supervisor and the requestor should engage in an interactive discussion. Responding quickly and starting the interactive process helps to better understand the need. 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, and physical capabilities;
- The precise nature of the restriction listed on the DDL (of which is generating the request);
- The effectiveness of the requested accommodation and its impact on the individual and the organization;
- Identification of any alternative accommodation that may be effective in meeting the individual's needs.

Completion of TVA FORM 21084, Modified Work Duties

Based on information from the DDL and the interactive discussion, managers will complete TVA Form 21084 as follows:

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

- Requested employee and immediate supervisor agree that the restriction(s) do not impact job duties and no accommodations are needed.
- Requested 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 by the DPM to both the requested 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

- Requested employee and immediate supervisor agree that the restrictions impact the job duties.
- Requested 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.
- Requested 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 by the DPM to both the employee and the immediate supervisor.
- Agency decision-makers are to routinely communicate with individuals who have requested accommodation early in the interactive process and periodically throughout the process.
- Formal, periodic check -in will occur with the RTW coordinator establishing 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 and immediately inform the DPM that accommodation was not identified.

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

- 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 an Office of General Counsel representative to discuss applicable laws, regulations and accommodations of consideration and any undue hardships that the business has identified.

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/denied) 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 or denials 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.

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 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\(d\)\(3\)\(i\)\(S\)](#). Individuals may contact the DPM to track the processing of their requests. [29 C.F.R. § 1614.203\(d\)\(3\)\(i\)\(R\)](#).

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

TVA may extend the time to process a request and provide accommodation as required by circumstances beyond TVA's control. When the process is delayed for any reason, TVA may pursue temporary measures to allow an employee to perform at least some duties.

Expediting a Request

Individuals should notify the DPM in writing if circumstances require an expedited review and decision.

Examples of circumstances warranting expedition:

- 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.

Approvals

TVA will provide approved accommodation as quickly as practicable. The approved accommodation must be reasonable, but it may not be the particular accommodation that the individual requested.

If an employee requires a type of accommodation that will be needed on a repeated basis (e.g., sign language interpreter, CART services, or readers), the individual does not need to submit a written request each time the accommodation is needed. Once the accommodation is approved for the first time, the employee may obtain the accommodation by notifying the appropriate individual or office.

Denials

If the agency denies a request for accommodation, the DPM, designated official or leader will give the Notice of Decision Letter (written notice) to the requestor in an accessible

format, when requested, identifying the reason(s) for the denial. [29 C.F.R § 1614.203 \(d\)\(3\)\(iii\)](#).

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\(d\)\(3\)\(iii\)\(B\)](#).

The explanation for a denial in the "Decision Letter" 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 immediate supervisor will explain on the form specifically why the accommodation would result in undue hardship or why it would be ineffective.

If the Decision Letter is denying a specifically requested RA, 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 an 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.

Appeals and Dispute Resolution

An individual who is dissatisfied with the outcome of an RA request may seek redress through one of several avenues, though not every avenue will apply to everyone.

1. Written Appeal to the Director of Safety and Health Services.

An individual dissatisfied with the resolution of an 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.

2. Equal Employment Opportunity

TVA's office of Equal Opportunity Compliance processes EEO complaints. 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).

3. MSPB

Individuals subject to an appealable adverse action defined in 5 C.F.R. § 1201.3, may initiate an appeal to the Merit Systems Protection Board (MSPB) within 30 days of the action.

4. Filing a Grievance

Individuals who are represented under a collective bargaining agreement (CBA) may be entitled to challenge a denial through the grievance process in accordance with CBA.

Section 6 - Reassignment

This section covers the following:

- **Reassignment, Accommodation of Last Resort**
- **Reassignment Process**
- **Additional Steps for Workers' Compensation Claimants**

Reassignment, Accommodation of Last Resort

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, or 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 will 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 able 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.

In general, the employee and Talent Acquisition (TA) will identify vacant positions within the agency for which the employee may be qualified, with or without RA. The TA should also identify positions which TA has reason to believe will become vacant within a reasonable time from the date the search is initiated. The search may cover the entire enterprise, but the employee may request that only jobs within a certain geographical area or business organization be identified.

The reassignment process lasts for a period of two weeks (14 days), meaning that, during that period, the TA will review all open vacancies or vacancies that the TA knows will soon open.

If the employee and TA identify openings for vacant positions for which the employee meets the minimum qualifications with or without RA, the employee will be placed into a position that is equivalent in terms of pay, status, or other relevant factors (e.g., benefits, geographical location). If there are no vacant positions equivalent to the employee's current position, Talent Acquisition will consider vacant lower-level positions.

Even if higher qualified candidates applied for a position, TVA would place an employee in need of reassignment without competition, so long as the employee meets the minimum requirements.

In the event that multiple people in need of reassignment are qualified for the same open position, the individual with the longest combined federal service receives preference. If multiple people have exactly the same combined federal service, an offer will be made to the individual with veteran's preference. If length of service and veterans' preference do not produce an outcome, the offer will be made to the one with whose last four social security numbers are highest.

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

Information on these alternatives is available at the following:

- 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.

Additional Reassignment Steps for Workers' Compensation 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 **fifteen (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

1. 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.

2. 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\(g\)](#).

3. 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.

4. 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.

5. Who is responsible for granting Reasonable Accommodation?

The supervisor or hiring official is responsible for granting RA.

6. 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.

7. When may medical documentation be requested?

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

8. 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.

9. Will medical documentation/information be kept confidential?

Yes. All documents and information are confidential.

10. May telework be a 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.

11. 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.

12. 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, adopts Title I of The ADA and applies it to federal employment.

13. 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.

14. 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.

15. 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.

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

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

17. 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.

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

No, the supervisor is not required to provide the accommodation of choice, but TVA must nonetheless provide 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 information on restrictions and follow-up appointments.

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.

Targeted Disabilities — A subset of disabilities recognized by the federal government as potentially causing significant barriers to employment. A list of targeted disabilities can be found on the Office of Personnel Management’s website:

https://www.opm.gov/Forms/pdf_fill/sf256.pdf.

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 — Significant difficulty considered in light of the nature and cost of the disability accommodation and its impact on the expenses, resources and operation of TVA. Undue hardship caused by a religious accommodation considers the same factors but does not necessarily have to be as difficult as in the context of disability.