

FEDERAL HOUSING FINANCE AGENCY

Reasonable Accommodation and Personal Assistance Services Policy and Procedures



Approved: _____

Melvin L. Watt

Melvin L. Watt, Director

Date: _____

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Reasonable Accommodation and Personal Assistance Services Policy and Procedures

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I. Policy

The Federal Housing Finance Agency (FHFA) seeks to create an inclusive workplace that accommodates people with disabilities. As such, FHFA fully complies with the Rehabilitation Act of 1973, as amended (the Rehabilitation Act); the reasonable accommodation standards of the Americans with Disabilities Act, as amended (ADA); and all applicable federal laws, regulations, rules, and policies regarding the provision of reasonable accommodations and personal assistance services (PAS) to individuals with disabilities who qualify for such accommodations or PAS. FHFA will provide reasonable accommodations to qualified employees and job applicants with disabilities, and PAS to qualified employees with targeted disabilities in a prompt, fair, and cost-effective manner, unless to do so would cause undue hardship for FHFA.

II. Scope

This policy applies to all FHFA employees and applicants for employment at FHFA except FHFA Office of Inspector General employees or job applicants.

III. Exclusions

Outside the scope of this policy are requests for accommodations for temporary medical conditions or other physical conditions that do not meet the definition of a disability to allow an employee to perform work when he or she might otherwise be unable to do so or to make the performance of work more comfortable. Requests for these types of accommodations are not considered requests for reasonable accommodations, are not covered by these procedures, and are discretionary. Such requests for accommodations should be made to the employee's supervisor or handled through standard supply purchasing procedures.

III. Definitions

- A. **Disability.** A physical or mental impairment that substantially limits one or more major life activities. A pregnant individual may be considered disabled due to limitations resulting from pregnancy-related conditions or limitations resulting from the interaction of the pregnancy with an underlying impairment. Qualified individuals with targeted disabilities such as deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, intellectual disabilities, and distortion of limbs and/or spine are entitled to PAS.
- B. **Essential Functions.** Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be "essential" if, among other things, the position exists specifically to perform that

function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on the incumbent's ability to perform it. "Essential functions" do not include the marginal functions of a position.

- C. Job Applicant.** Individual applying for employment with FHFA. FHFA provides reasonable accommodations to qualified job applicants with a disability that will enable the individuals to have an equal opportunity to participate in the application process and to be considered for a job, unless to do so would cause undue hardship for FHFA.
- D. Major Life Activity.** Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and interacting with others. Major life activities also include the operation of major bodily functions, which include, but are not limited to: the immune system, skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- E. Personal Assistance Services (PAS).** 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 not otherwise required as a reasonable accommodation, including, but not limited to, assistance with removing and putting on clothing, eating, and using the restroom. Such services do not include medical care. The Agency provides PAS during work hours and job-related travel, and if provision of such services would not impose an undue hardship on the Agency.
- F. Qualified Individual with a Disability.** Any individual with a disability who has the ability, skill, experience, education, and other job-related requirements to perform the essential functions of a job, with or without a reasonable accommodation.
- G. Reasonable Accommodation.** Any change in the work environment or in the way things are customarily done that would not create an undue hardship for FHFA and would enable (1) a qualified individual with a disability to perform the essential functions of the qualified individual's position, (2) an employee with a disability to enjoy equal benefits and privileges of employment, and/or (3) an individual with a disability to apply for a job at the FHFA. Reasonable accommodation may include making work facilities accessible, adjusting work schedules, providing assistive devices or equipment, or reassignment to a vacant position, among others.

- H. Substantial Limitation.** An impairment that substantially limits the ability of an individual to perform a major life activity. In order to be considered “substantially limiting,” an impairment need not prevent an individual from performing a major life activity or significantly or severely restrict such performance. The term “substantially limiting” shall be construed broadly in favor of expansive coverage to the maximum extent permitted by law.

- I. Undue Hardship.** An accommodation or PAS, requiring significant difficulty or expense. Undue hardship is a case-by-case determination, considering the nature and cost of the reasonable accommodation and PAS needed and the impact of the reasonable accommodation or PAS on the operations of an agency. If an accommodation or PAS causes undue hardship, FHFA is not required to provide that particular accommodation. The Agency may offer an alternative accommodation.

- J. Reasonable Accommodation and PAS Coordinator (The Coordinator).** The designated specialist within the Office of Human Resources Management (OHRM) who processes requests for reasonable accommodations.

IV. Procedures

FHFA’s procedures for processing requests for reasonable accommodations by employees and applicants with disabilities, and requests for PAS by employees with targeted disabilities are set forth below.

A. Initiating the Reasonable Accommodation Request

1. Normally, an employee or applicant initiates the request for reasonable accommodation. The employee or applicant does so by identifying, orally or in writing, any equipment, services, furniture, or exceptions to existing FHFA policy, procedures, or processes necessary for the employee to be able to perform the essential functions of the employee’s position due to a physical or mental impairment. The requester does not have to use any special words, such as reasonable accommodation, disability, or Rehabilitation Act when making a request and may request reasonable accommodation whenever the employee or applicant chooses, even if the employee or applicant has not previously disclosed the existence of a disability. This request may be made to any supervisor in the employee’s chain of command or the FHFA Reasonable Accommodation Coordinator (the Coordinator). This request may also be made on the employee’s behalf by a FHFA management official, a family member, or any appropriate representative of the employee.

2. An FHFA job applicant, or an appropriate representative on the applicant's behalf, initiates the request for reasonable accommodation by contacting the Coordinator in accordance with the information provided in the vacancy announcement for the position or at Reasonableaccommodations@fhfa.gov.
3. If an employee initiates the request through an FHFA supervisor, the supervisor will immediately contact the Coordinator to begin processing the request. Recurring services provided as a reasonable accommodation (e.g., occasional transportation, provision of an interpreter) do not require additional requests and subsequent approvals after the initial approval by the Coordinator. However, the Coordinator may request updated medical documentation on a periodic basis or if the condition requiring accommodation appears to have changed.

B. Processing the Reasonable Accommodation Request

1. The Coordinator processes all reasonable accommodation requests, and the Director of OHRM or designee makes the decision to grant or deny an accommodation. Processing a reasonable accommodation request includes requesting, collecting, and reviewing confidential medical documentation; interacting with the requesting employee or applicant to gain understanding of the need and identify alternatives, as necessary; developing a recommendation for disposition of the request; and preparing, tracking, and maintaining all necessary FHFA documentation of the action. Reasonable accommodations are not provided during telework.
2. Upon receipt of a request, whether oral or written, the Coordinator prepares a Reasonable Accommodation Request Form, Appendix A, for recordkeeping purposes, which will be used to document and track actions, recommendations, and decisions throughout the reasonable accommodation request process.
3. FHFA may request from the employee or applicant medical information or documentation in connection with a request for reasonable accommodation detailing:
 - a. The nature, severity, and duration of the individual's impairment;
 - b. The activity or activities that the impairment limits;
 - c. The extent to which the impairment limits the individual's ability to perform the activity or activities;
 - d. Why the individual requires reasonable accommodation generally or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job,

- perform the essential functions of the job, or enjoy a benefit of the workplace; and/or
- e. Within five business days of receiving insufficient medical documentation, the Agency will explain why the documentation is insufficient and what additional information is still needed.
4. Absent extenuating circumstances, the Coordinator processes a request for reasonable accommodation, and the Director of OHRM or designee makes a decision regarding the request within 14 calendar days of receipt of the request. Extenuating circumstances may include, but are not limited to, situations where:
 - a. The employee or applicant is unable to provide necessary medical documentation (e.g., the health care provider is unavailable);
 - b. FHFA requests relevant medical information explaining the nature of the disability and/or the need for the reasonable accommodation to allow the employee to perform the essential functions of the employee's position, or for the applicant to apply for an FHFA position;
 - c. A catastrophic event (e.g., storm, power outage) has occurred and prevents the Coordinator from taking all required and necessary actions; or
 - d. The nature of the request (e.g., structural changes to the building or other extensive or sporadic modifications) is such that additional time is necessary to assess the reasonableness of the requested accommodation.
 5. If there is a delay in processing a request for or delivering a reasonable accommodation, FHFA will notify the employee or applicant of the reason for the delay and, to the extent possible, keep the employee or applicant informed of the date on which the Agency expects to complete the process. Furthermore, FHFA will investigate whether there are temporary measures that could be taken to assist the individual with a disability.
 6. In the event of extenuating circumstances, every effort is made to process and decide upon the request within 14 calendar days plus any additional time required by the extenuating circumstances.
 7. Time-sensitive situations are handled on an expedited basis. Situations are time-sensitive when failure to provide reasonable accommodation swiftly may undermine the purpose of the accommodation. Examples of these situations may include, but are not limited to the following:

- a. A reasonable accommodation is needed for an applicant to apply for an FHFA position in a timely manner; or
 - b. Interpreter services are needed for an upcoming event.
8. During the processing of the request, the Coordinator initiates and engages in an interactive process with the employee or applicant requesting a reasonable accommodation and other appropriate parties (e.g., the supervisor of the position, the Human Resources Specialist handling the recruitment effort). The interactive process includes, but is not limited to the following:
- a. Discussing desired and alternative accommodations;
 - b. Requesting additional or clarifying documentation; and
 - c. Ascertaining the effect of the disability on the employee's or applicant's ability to perform the essential functions of the job or to apply for the position.

All employees and applicants seeking accommodations are required to participate in the interactive process in good faith. Requestors may not get the exact accommodation they request, but FHFA will make every reasonable effort to provide an accommodation that addresses the requestor's need.

9. The Coordinator, as necessary and consistent with applicable law and regulations regarding confidentiality of medical information, consults with members of FHFA management, OHRM, Office of General Counsel (OGC), Office of Technology and Information Management (OTIM), Office of Budget and Financial Management (OBFM), the Office of Facilities Operations Management (OFOM), the Department of Health and Human Services Federal Occupational Health (FOH) Program, the Department of Defense's Computer/Electronic Accommodations Program (CAP), and other appropriate outside agencies and available resources.
10. The Coordinator identifies and requests any documentation or additional documentation necessary to process a request for reasonable accommodation. Additional medical documentation may be necessary where:
- a. The disability and/or the need for accommodation is not obvious; or
 - b. The nature of the disability is unclear; or
 - c. The need for the requested accommodation or how it will assist the employee to perform the essential functions of the employee's position, or the applicant to apply for the position, is unclear.

11. In determining whether documentation is necessary to support a request for reasonable accommodation and whether an employee or applicant has a disability within the meaning of the Rehabilitation Act, the Coordinator will follow the principles set forth in the ADA. Specifically, the Coordinator will construe the definition of “disability” broadly and generally will not require an extensive analysis to determine whether an individual has a disability. Nevertheless, the Coordinator may require medical information in order to identify an appropriate and effective accommodation.
12. FHFA has the right to have medical information reviewed by a medical expert of its choosing and at its own expense. With agreement from OHRM management and OGC, the Coordinator takes action to obtain all necessary releases and obtains necessary and qualified medical expertise to review and evaluate the medical information. Such situations are considered extenuating circumstances for purposes of processing timeframes. In the event that the requesting employee or applicant does not cooperate with FHFA in obtaining such a review, the request may be adjudicated based upon the information provided by the employee or applicant.
13. It is the employee’s or applicant’s responsibility to provide adequate medical documentation. Inadequate medical documentation may lead to a delay or a denial of a request for reasonable accommodation.
14. The Coordinator prepares a recommendation and decision package for the Director of OHRM or designee that includes relevant information. Such information must include the Reasonable Accommodation Request Form, Appendix A, and should include:
 - a. The name of the requesting employee or applicant;
 - b. The requestor’s position or position to which he or she is applying;
 - c. If necessary, the position description associated with the position, or a description of the essential duties of the position;
 - d. The requested accommodation or need;
 - e. Assessment of the adequacy of any medical documentation provided;
 - f. A recommendation and rationale for disposition;
 - g. Any alternative accommodations recommended;
 - h. Any periodic review of the need for or effectiveness of the accommodation or update of medical documentation recommended; and
 - i. An opportunity to approve or deny the request.

15. A reassignment to a different position is considered as a last option only if the Director of OHRM, in consultation with the Coordinator and OGC, determines that no reasonable accommodation will permit an employee with a disability to perform the essential functions of the employee's current position. FHFA is not obligated to create a position for purposes of providing a reassignment, and such reassignments are effected only if a suitable vacancy for which the employee is fully qualified is available. In situations where no other reasonable accommodation is determined to be effective, the Coordinator conducts the search for an appropriate existing, vacant, and funded position. The employee may specify limits on the search the employee would like FHFA to conduct. A reassignment as a reasonable accommodation requires approval by the Director of OHRM, who will ensure coordination with the gaining and losing Divisions or Offices.
16. If no reasonable accommodation other than a reassignment will permit an employee to perform the essential functions of the employee's current position and no available position exists to which the employee may be reassigned, an employee should consult with OHRM regarding possible disability retirement or other options.
17. If the Director of OHRM or designee approves the request, the Coordinator takes immediate action to notify the requesting employee or applicant, including whether any periodic review of the accommodation or update of medical documentation will be required. The Coordinator notifies the employee's supervisor or the Human Resources Specialist handling the recruitment action for which the applicant wishes to apply of the approved accommodation and any action(s) that will be required to implement the accommodation.
18. If the Director of OHRM denies the request, he or she completes the Reasonable Accommodation Denial Form, Appendix B, which includes the rationale for the decision to deny the request and identifies any alternative reasonable accommodation(s) that FHFA would provide if the employee or applicant agrees. The Director returns Form B, together with the recommendation and decision package, to the Coordinator.
19. Upon receipt of a denial of a reasonable accommodation request, the Coordinator takes immediate action to notify the requesting employee or applicant in writing of the following: the decision; the rationale for it; any alternative reasonable accommodation(s) that FHFA would be willing to provide if the employee or applicant agrees to such accommodation(s); the opportunity to informally dispute the decision through the appeal process described below; and a description of the employee's or applicant's rights to file a complaint through the Equal Employment Opportunity (EEO) process or other

statutory processes. The Coordinator will do so by providing a copy of the Reasonable Accommodation Denial Form to the requesting employee or applicant.

20. Throughout the process, the Coordinator keeps a comprehensive record of all information, communications, and actions taken in the course of arriving at a decision regarding the reasonable accommodation request. The Coordinator ensures that all information is confidential in accordance with applicable law and requirements, and the information is safeguarded appropriately throughout the process. This includes the requirement that all medical information FHFA obtains in connection with a request for reasonable accommodation and any periodic reviews of the accommodation or updates to medical documentation be in secure files separate from the individual's official personnel file.
21. To ensure a timely EEO complaint, the employee or applicant should contact an EEO counselor or EEO services within 45 calendar days from the date of receipt of the initial written decision or appeal decision.
22. For adverse actions over which the Merit Systems Protection Board has jurisdiction, the employee or applicant must initiate an appeal to the MSPB within 30 calendar days after the occurrence of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

C. Appeals of Reasonable Accommodation Decisions

1. An employee or applicant may decide to appeal a denial of reasonable accommodation, including a denial that offers an alternative reasonable accommodation, through the reasonable accommodation appeal process. Employees and applicants who choose to appeal are encouraged to seek relief through the FHFA appeal process prior to initiating an EEO complaint or other type of administrative appeal. However, requirements governing the initiation of claims remain unchanged, including the 45-day timeframe for filing an EEO complaint.
2. Timeframes for filing appeals:
 - a. Under the reasonable accommodation appeal process, employees and applicants may seek relief from a denied request for reasonable accommodation by filing a written appeal with the Coordinator within ten (10) calendar days after receiving the written denial by using the Appeal of Reasonable Accommodation Decision Form, Appendix C. The written request should include the employee's or applicant's reason(s) for believing that the decision was erroneous and any new or

- additional information supporting the request that the employee or applicant chooses to submit.
- b. The Coordinator assembles all relevant information and prepares an appeal package for consideration by the Chief Operating Officer (COO) within five calendar days of receiving a written appeal.
3. The COO reviews the appeal package and makes a determination to uphold or reverse the decision. In making this determination, the COO may:
 - a. Request a meeting with the requesting employee or applicant to gain more information or a better understanding of the need;
 - b. Seek advice from the Coordinator, the Director of OHRM, and/or members of OHRM, OGC, OTIM, or OFOM staffs;
 - c. Perform additional research;
 - d. Request additional information from the requesting employee or applicant; or
 - e. Take any other actions he or she determines may be helpful in giving the appeal full consideration.
 4. The COO normally provides his or her determination on the reconsideration request and the rationale for it to the Coordinator in writing within fifteen calendar days after completing his or her review of the appeal. As with the initial request for reasonable accommodation, extenuating circumstances may extend the timeframe to decide on a reconsideration request.
 5. The Coordinator notifies the Director of OHRM of the COO's appeal decision orally or in writing and notifies the requesting employee or applicant of the appeal decision in writing, again including the rationale for the decision and the right to file a complaint through the EEO or other processes.
 6. If the COO reverses the decision and approves the requested reasonable accommodation, the Coordinator takes immediate action to notify the supervisor or the Human Resources Specialist handling the recruitment action of the approved accommodation and any action that will be required to implement it.
 7. The Coordinator includes all records, information, and documentation established in the course of the reconsideration process for the request in the case file.

D. Initiating the PAS Request

1. Normally, an employee initiates the request for PAS. The employee does so by informing a supervisor in the employee's chain of command or the Coordinator

that he or she needs assistance with daily life activities because of a medical condition. This request may also be made on the employee's behalf by a FHFA management official, a family member, or any appropriate representative of the employee. The requester does not need to use any special words, such as PAS, disability, or Rehabilitation Act when making a request and may request PAS whenever the employee chooses, even if the employee has not previously disclosed the existence of a disability.

2. If an employee initiates the request through an FHFA supervisor, the supervisor will immediately contact the Coordinator to begin processing the request.

B. Processing the PAS Request

1. FHFA must provide PAS for an existing employee who is entitled to PAS:
 - a. Even if the employee has arranged for his or her own PAS in the past; and
 - b. During telework if the individual is entitled to telework under the agency's telework policy or as a reasonable accommodation
2. The Coordinator processes all PAS requests, and the Director of OHRM or designee makes the decision to grant or deny an accommodation. Processing a PAS request includes requesting, collecting, and reviewing confidential medical documentation; interacting with the requesting employee or applicant to gain understanding of the need; developing a recommendation for disposition of the request; and preparing, tracking, and maintaining all necessary FHFA documentation of the action.
3. Upon receipt of a request, whether oral or written, the Coordinator prepares a Reasonable Accommodation and Personal Assistance Services Request Form, Appendix A, for recordkeeping purposes, which will be used to document and track actions, recommendations, and decisions throughout the PAS request process.
4. FHFA may request from the employee medical information or documentation in connection with a request for PAS detailing:
 - a. The nature, severity, and duration of the individual's impairment;
 - b. The activity or activities that the impairment limits; and
 - c. Within five business days of receiving insufficient medical documentation, the Agency will explain why the documentation is insufficient and what additional information is still needed.

5. Absent extenuating circumstances, the Coordinator processes a request for PAS, and the Director of OHRM or designee makes a decision regarding the request within 14 calendar days of receipt of the request. Extenuating circumstances may include, but are not limited to, situations where:
 - a. The employee is unable to provide necessary medical documentation (e.g., the health care provider is unavailable);
 - b. A catastrophic event (e.g., storm, power outage) has occurred and prevents the Coordinator from taking all required and necessary actions; or
 - c. The nature of the request (e.g., structural changes to the building) is such that additional time is necessary to assess the reasonableness of the requested accommodation.
6. If there is a delay in processing a request for or delivering a PAS, FHFA will notify the employee of the reason for the delay and, to the extent possible, keep the employee informed of the date on which the Agency expects to complete the process. Furthermore, FHFA will investigate whether there are temporary measures that could be taken to assist the individual with a targeted disability.
7. In the event of extenuating circumstances, every effort is made to process and decide upon the request within 14 calendar days plus any additional time required by the extenuating circumstances.
8. During the processing of the request, the Coordinator initiates and engages in an interactive process with the employee requesting PAS and other appropriate parties (e.g., the supervisor of the position). The interactive process includes, but is not limited to, the following:
 - a. Discussing desired and alternative accommodations; and
 - b. Requesting additional or clarifying documentation.
9. All employees seeking PAS are required to participate in the interactive process in good faith. The agency must give primary consideration to an employee's choice of providers, including finding a provider of the same gender as the employee. However, it may not be possible to honor an employee's preferences in all cases. Guidelines on selecting providers are listed below:
 - a. FHFA may use federal employees, independent contractors, or a combination of employees and contractors to provide PAS. This includes utilizing a pool of PAS providers, rather than assigning one PAS provider to an employee who needs one as long as the individual who is entitled to PAS receives them in a timely manner;

- b. Agencies are entitled to consider all available resources when arranging for PAS, including outside sources that are already providing PAS or are willing to provide PAS at their own expense, such as a state or veterans' rehabilitation agency;
 - c. Additional resources include local vocational rehabilitation offices, American Job Centers, centers for independent living, home care agencies, and the individual who requested PAS. Additionally, some contractors are available through GSA Advantage;
 - d. An individual may request permission to bring his or her own PAS provider to work as a reasonable accommodation if the individual does not request that the agency assume the cost of providing the services. If a family member is hired as a professional PAS provider at a federal agency, the agency must compensate the family member as either a contractor or federal employee; and
 - e. Agencies that currently provide PAS may employ individuals who also do other work-related tasks. These work-related tasks may be those that are required as a reasonable accommodation. Other times, the work-related tasks may be the type that any assistant would provide.
10. The Coordinator, as necessary and consistent with applicable law and regulations regarding confidentiality of medical information, consults with members of FHFA management, OHRM, Office of General Counsel (OGC), Office of Technology and Information Management (OTIM), Office of Budget and Financial Management (OBFM), the Office of Facilities Operations Management (OFOM), the Department of Health and Human Services Federal Occupational Health (FOH) Program, and other appropriate outside agencies and available resources.
11. In determining whether documentation is necessary to support a request for PAS and whether an employee has a targeted disability that entitles them to PAS, the Coordinator will follow the principles set forth in Section 501 of the Rehabilitation Act. Nevertheless, the Coordinator may require medical information in order to identify an appropriate and effective accommodation.
12. FHFA has the right to have medical information reviewed by a medical expert of its choosing and at its own expense. With agreement from OHRM management and OGC, the Coordinator takes action to obtain all necessary releases and obtains necessary and qualified medical expertise to review and evaluate the medical information. Such situations are considered extenuating circumstances for purposes of processing timeframes. In the event that the

requesting employee does not cooperate with FHFA in obtaining such a review, the request may be adjudicated based upon the information provided by the employee.

13. It is the employee's responsibility to provide adequate medical documentation. Inadequate medical documentation may lead to a delay or a denial of a request for PAS.
14. The Coordinator prepares a recommendation and decision package for the Director of OHRM or designee that includes relevant information. Such information must include the Reasonable Accommodation and Personal Assistance Services Request Form, Appendix A, and include:
 - a. The name of the requesting employee;
 - b. The requestor's position or position;
 - d. The requested PAS;
 - e. Assessment of the adequacy of any medical documentation provided;
 - f. A recommendation and rationale for disposition;
 - g. Any alternative PAS recommended;
 - h. Any periodic review of the need for or effectiveness of the PAS; and
 - i. An opportunity to approve or deny the request.
15. If the Director of OHRM or designee approves the request, the Coordinator takes immediate action to notify the requesting employee, including whether any periodic review of the PAS will be required. The Coordinator notifies the employee's supervisor of the approved PAS and any action(s) that will be required to implement the PAS.
16. If the Director of OHRM denies the request, he or she completes the Reasonable Accommodation and Personal Assistance Services Denial Form, Appendix B, which includes the rationale for the decision to deny the request and identifies any alternative PAS that FHFA would provide if the employee agrees. The Director returns Form B, together with the recommendation and decision package, to the Coordinator.
17. Upon receipt of a denial of a PAS request, the Coordinator takes immediate action to notify the requesting employee in writing of the following: the decision; the rationale for it; any alternative PAS that FHFA would be willing to provide if the employee agrees to such PAS; the opportunity to informally dispute the decision through the appeal process described below; and a description of the employee's rights to file a complaint through the Equal

Employment Opportunity (EEO) process or other statutory processes. The Coordinator will do so by providing a copy of the Reasonable Accommodation and Personal Assistance Services Denial Form to the requesting employee.

18. Throughout the process, the Coordinator keeps a comprehensive record of all information, communications, and actions taken in the course of arriving at a decision regarding the PAS request. The Coordinator ensures that all information is confidential in accordance with applicable law and requirements, and the information is safeguarded appropriately throughout the process. This includes the requirement that all medical information FHFA obtains in connection with a request for PAS and any periodic reviews of the accommodation or updates to medical documentation be in secure files separate from the individual's official personnel file.
19. To ensure a timely EEO complaint, the employee should contact an EEO counselor or EEO services within 45 calendar days from the date of receipt of the initial written decision or appeal decision.
20. For adverse actions over which the Merit Systems Protection Board has jurisdiction, the employee must initiate an appeal to the MSPB within 30 calendar days after the occurrence of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

C. Appeals of PAS Decisions

1. An employee may decide to appeal a denial of PAS, including a denial that offers an alternative PAS, through the reasonable accommodation and PAS appeal process. Employees who choose to appeal are encouraged to seek relief through the FHFA appeal process prior to initiating an EEO complaint or other type of administrative appeal. However, requirements governing the initiation of claims remain unchanged, including the 45-day timeframe for filing an EEO complaint.
2. Timeframes for filing appeals:
 - a. Under the PAS appeal process, employees may seek relief from a denied request for PAS by filing a written appeal with the Coordinator within ten (10) calendar days after receiving the written denial by using the Appeal of Reasonable Accommodation and PAS Decision Form, Appendix C. The written request should include the employee's reason(s) for believing that the decision was erroneous and any new or additional information supporting the request that the employee or applicant chooses to submit.

- b. The Coordinator assembles all relevant information and prepares an appeal package for consideration by the Chief Operating Officer (COO) within five calendar days of receiving a written appeal.
3. The COO reviews the appeal package and makes a determination to uphold or reverse the decision. In making this determination, the COO may:
 - a. Request a meeting with the requesting employee or applicant to gain more information or a better understanding of the need;
 - b. Seek advice from the Coordinator, the Director of OHRM, and/or members of OHRM, OGC, OTIM, or OFOM staffs;
 - c. Perform additional research;
 - d. Request additional information from the requesting employee; or
 - e. Take any other actions he or she determines may be helpful in giving the appeal full consideration.
4. The COO normally provides his or her determination on the reconsideration request and the rationale for it to the Coordinator in writing within fifteen calendar days after completing his or her review of the appeal. As with the initial request for PAS, extenuating circumstances may extend the timeframe to decide on a reconsideration request.
5. The Coordinator notifies the Director of OHRM of the COO's appeal decision orally or in writing and notifies the requesting employee of the appeal decision in writing, again including the rationale for the decision and the right to file a complaint through the EEO or other processes.
6. If the COO reverses the decision and approves the requested PAS, the Coordinator takes immediate action to notify the supervisor of the approved PAS and any action that will be required to implement it.
7. The Coordinator includes all records, information, and documentation established in the course of the reconsideration process for the request in the case file.

V. Responsibilities

- A. **Director, Federal Housing Finance Agency**, ensures a reasonable accommodation and PAS policy and procedures are in place to comply with all applicable laws, regulations, and Executive Orders, and to provide an Agency framework for processing reasonable accommodation and PAS requests.

B. Chief Operating Officer adjudicates appeals of denied requests for reasonable accommodations or PAS.

C. Director, Office of Human Resources Management or designee

1. Establishes and oversees FHFA's reasonable accommodation and PAS procedures in compliance with all applicable laws, regulations, Executive Orders, and administrative policies.
2. Ensures adequate funds are requested in OHRM's budget to cover costs of reasonable accommodations and PAS.
3. Designates a qualified and properly trained Reasonable Accommodation and PAS Coordinator within OHRM who has the administrative responsibility for processing reasonable accommodation and PAS requests from FHFA employees and applicants.
4. Renders decisions to deny or to approve reasonable accommodation and PAS requests or designates, at his/her discretion, a qualified and properly trained individual to make such decisions.
5. Approves reassignments when appropriate as the only reasonable accommodation that will permit the employee with a disability to perform the essential functions of the employee's position and only when a suitable vacant position is available.
6. Periodically reviews and evaluates this policy and its procedures to determine effectiveness and any necessary changes.

D. Reasonable Accommodation and PAS Coordinator

1. Administers the reasonable accommodation and PAS procedures and initiates and facilitates the interactive process in good faith with individuals requesting reasonable accommodations and PAS and all appropriate FHFA officials, to resolve requests for reasonable accommodations and PAS.
2. Receives and processes requests for reasonable accommodations and PAS and resulting decisions.
3. When authorized to do so by the Director of OHRM, approves reasonable accommodation and PAS requests that are routine or of minimal cost/disruption in collaboration with the requester, the requester's supervisor, and any relevant supporting offices.
4. Provides guidance regarding the reasonable accommodation and PAS policy and procedures to employees, applicants, supervisors, and other FHFA officials.

Guidance includes information on PAS eligibility to employees with a targeted disability who request reasonable accommodations and information on employee and applicant EEO rights.

5. Identifies and recommends alternative reasonable accommodations and PAS, where appropriate.
6. Obtains all documentation necessary to make reasonable accommodation and PAS decisions and ensures the confidentiality and safekeeping of such information.
7. Timely informs employees and applicants of the results of their reasonable accommodation and PAS requests in writing. For denials, specifies the reason for the denial and includes the right to appeal and/or to file complaints in the EEO or other processes.
8. Completes required reviews of accommodations or updates of medical documentation in a timely manner.
9. As needed, and in consultation with OGC as necessary, provides the Director of OHRM with the information and advice needed to make informed decisions to grant or deny requested reasonable accommodations or PAS.
10. Initiates procurement activity by micro-purchase or through FHFA's contracting function for equipment, furniture, or services determined to be reasonably necessary to implement approved reasonable accommodations and PAS.
11. As needed, and in consultation with OGC as necessary, provides the COO with information and advice required to make an informed decision to grant or deny an appeal of a denied reasonable accommodation or PAS.
12. Provides reasonable accommodation and PAS information during new employee orientation and as otherwise appropriate. Provides advice and direction on the reasonable accommodation or PAS request and appeal processes to the Director of OHRM, COO, employees, and applicants.
13. Develops training on this policy and related procedures, provides training to FHFA supervisors and employees, and keeps current on changes in reasonable accommodation and PAS requirements and best practices.
14. Manages OHRM's budget for reasonable accommodations and PAS.
15. Develops and maintains an FHFA recordkeeping system to track and report the types, processing timeframes, reasons for denial, and cost of reasonable accommodations and PAS provided, and tracks the following information:

- a. The number and types of reasonable accommodations and PAS that have been requested in the application process and whether those requests have been granted or denied;
 - b. The jobs (occupational series, grade level, and agency component) for which reasonable accommodations and PAS have been requested;
 - c. The types of reasonable accommodations and PAS that have been requested for each of those jobs;
 - d. The number and types of reasonable accommodations and PAS for each job, by agency component, that have been approved, and the number and types that have been denied;
 - e. The number and types of requests for reasonable accommodations and PAS that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
 - f. The reasons for denial of requests for reasonable accommodation and PAS;
 - g. The amount of time taken to process each request for reasonable accommodation and PAS;
 - h. The sources of technical assistance consulted in trying to identify possible reasonable accommodations and PAS; and
 - i. Such other information as determined to be needed by FHFA.
16. Complies with all statutory and EEOC reporting requirements including, but not limited to, preparing and submitting a summary report of FHFA's reasonable accommodation and PAS data to EEO Services annually or as otherwise appropriate or necessary.
 17. Serves as a liaison in matters concerning reasonable accommodation of disabilities for employees and applicants, and PAS for employees with targeted disabilities.
 18. Maintains all reasonable accommodation and PAS related records in a secure manner in compliance with applicable laws and regulations.
 19. Maintains records related to a particular individual who requested accommodation or PAS for the duration of the employee's tenure with the Agency.
 20. Retains for at least three years information or any cumulative records used to track the agency's performance regarding reasonable accommodation and PAS in form and content as requested by EEOC.

- E. EEO Services** processes EEO complaints relating to reasonable accommodation and PAS, and allegations of unlawful discrimination based on disability.

- F. Office of General Counsel** provides legal advice on FHFA's reasonable accommodation and PAS related policies and determinations. Represents the Agency in EEO complaints involving allegations of unlawful discrimination based on disability.

- G. Office of Facilities Operations Management and Office of Technology and Information Management** review non-routine requested accommodations related to their assigned functions in order to assess the feasibility and reasonableness of an accommodation prior to a decision to grant or deny such accommodation.

- H. FHFA Supervisors**
 - 1. Support and comply with this policy, ensure that all requests for and provisions of reasonable accommodation and PAS are kept confidential, and only provide information to those with a need-to-know.
 - 2. Assist and communicate with employees who have apparent needs for reasonable accommodations and PAS and, when appropriate, request a reasonable accommodation or PAS on an employee's behalf.
 - 3. Promptly forward to the coordinator all requests for reasonable accommodations from employees or applicants, and requests for PAS from employees.
 - 4. Do not request medical information from employees. If medical information is received from employees, immediately forward it to the Coordinator.
 - 5. Provide input for reasonable accommodation and PAS decisions as requested or necessary.
 - 6. May approve orders for basic office supplies and equipment to provide effective accommodations including, but not limited to, mouse and keyboard requests.
 - 7. Actively engage in the interactive process in good faith.
 - 8. Coordinate approvals of reasonable accommodations and PAS with the Coordinator and, as appropriate, within his or her chain of command.
 - 9. Assist in the identification and recommendation of alternative reasonable accommodations and PAS.
 - 10. Assist in identifying the essential functions of the position requiring reasonable accommodation.

11. Implement approved reasonable accommodations and PAS as appropriate.
12. Assess effectiveness of reasonable accommodations and PAS provided.
13. Complete reasonable accommodation and PAS training as requested.

I. Employees/Applicants/Representatives

1. Communicate requests for reasonable accommodation of disabilities and PAS to an FHFA supervisor or the Coordinator.
2. Do not have to use any special words, such as reasonable accommodation, PAS, disability, or Rehabilitation Act when making a request and may request reasonable accommodation or PAS whenever he/she chooses even if he/she has not previously disclosed the existence of a disability.
3. Actively engage in the interactive process in good faith.
4. Provide sufficient and relevant medical documentation in support of each request for reasonable accommodation or PAS in a timely manner.
5. Cooperate with FHFA's efforts to identify an effective accommodation or PAS, including but not limited to, participating in recommended needs assessments and suggesting reasonable accommodation or PAS options to explore.
6. Learn and maintain skills necessary for using assistive technology provided as a reasonable accommodation either through self-teaching, FHFA-funded training, or CAP-provided training.

VI. Authorities and References

- A. Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791.**
- B. Americans with Disabilities Act, as amended, 12 U.S.C. § 12101 et seq.**
- C. 5 U.S.C. § 2302.**
- D. 29 CFR § 1614.203.**
- E. 29 CFR part 1630.**
- F. 5 CFR part 1201.3.**
- G. Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.**
- H. EEOC Policy Guidance on Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.**

- I. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act.**
- J. EEOC Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act.**

VII. Records Retention

Records created to implement this policy will be maintained in accordance with FHFA's Comprehensive Records Schedule and the National Archives and Records Administration's General Records Schedules. OHRM will retain all documents relating to the reasonable accommodation and PAS procedures. OHRM will also maintain all individual employee records associated with this policy for the duration of the employee's tenure with the agency, and maintain all individual applicant records in accordance with OPM's record guidance and record retention schedule. If reasonable accommodation or PAS related documentation is the subject of litigation or an administrative dispute procedure, OHRM will retain the appropriate documents until all appeals to administrative agencies or courts are exhausted.

Appendix A

	<p align="center">FEDERAL HOUSING FINANCE AGENCY Reasonable Accommodation and Personal Assistance Services Request and Resolution Form</p>	<p align="right">FHFA Form #104-A (11/2018)</p>
<p>This form is to be used to request or document the request for a reasonable accommodation or personal assistance services by a Federal Housing Finance Agency (FHFA) employee or job applicant.</p>		
<p>Date of Request: _____ Requestor's name: _____</p>		
<p>Requestor's Status (check one): FHFA Employee <input type="checkbox"/> FHFA Job Applicant <input type="checkbox"/></p>		
<p>Requestor's Position or Position to which applying: _____ Title / Series / Grade</p>		
<p>Requested Accommodation or Need:</p>		
<p>_____ Signature of Employee/Applicant/Coordinator Date</p>		
<p>FOR COORDINATOR'S USE ONLY:</p>		
<p>Adequate medical documentation provided to support that employee/applicant is a qualified individual with a disability (check one): Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>Adequate medical documentation provided in support of request (check one): Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>FHFA Reasonable Accommodation Coordinator Recommendation (check one): Approval <input type="checkbox"/> Deny <input type="checkbox"/></p>		
<p>Periodic review or update of medical documentation (check one): Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>Rationale (including alternative accommodation options if recommending denial):</p>		
<p>_____ Signature of Coordinator Date</p>		
<p>FOR DIRECTOR OF OFFICE OF HUMAN RESOURCES MANAGEMENT (OHRM) USE ONLY:</p>		
<p>Request is Approved <input type="checkbox"/> Request is Denied <input type="checkbox"/></p>		
<p>If request is denied, FHFA Form #104-B must be completed.</p>		
<p>_____ Director of OHRM Date</p>		
<p><small>Privacy Act Notice: In accordance with the Privacy Act (5 U.S.C. § 552a), the following notice is provided: The information requested on this form is collected pursuant to 29 U.S.C. § 791; 12 U.S.C. § 12101 et seq.; 39 CFR § 1614.203; 39 CFR part 1630; 5 USC § 2302; and 5 CFR part 1201.3 for the purpose of processing a request for reasonable accommodation or personal assistance services, and recordkeeping. Routine uses which may be made of the collected information can be found in FHFA System of Records Notice (SORN), FHFA-18 Reasonable Accommodation and Personal Assistance Services Information System. Providing the requested information is voluntary; however if you do not provide the requested information, your request may not be processed or may be delayed. By submitting this form and providing this information you authorize FHFA to collect and maintain the information provided and to disclose it as set forth in the referenced SORN.</small></p>		

Appendix B

	FEDERAL HOUSING FINANCE AGENCY Reasonable Accommodation and Personal Assistance Services Denial Form	FHFA Form #104-B (11/2018)
This form is to be used to document the denial of a reasonable accommodation or personal assistance services request from a Federal Housing Finance Agency (FHFA) employee or job applicant.		
Date of Request: _____ Requestor's Name: _____		
Requestor's Status (check one): FHFA Employee <input type="checkbox"/> FHFA Job Applicant <input type="checkbox"/>		
Requestor's Position or Position to which applying: _____ Title / Series / Grade		
Requested Accommodation or Need: _____		
FOR DIRECTOR OF OFFICE OF HUMAN RESOURCES MANAGEMENT (OHRM) USE ONLY:		
This request is denied.		
The rationale for denying this request is as follows:		
Alternative reasonable accommodation(s) that (FHFA) is willing to provide if the employee/applicant is agreeable are as follows:		
The requesting employee or applicant may choose to address the denial of an accommodation in the following ways:		
To file an agency appeal to the Chief Operating Officer, employees and applicants must submit a written appeal with the Coordinator within 10 calendar days of receiving the written denial using FHFA Form #104-C, Appeal of Reasonable Accommodation and Personal Assistance Services Decision Form.		
To file a timely Equal Employment Opportunity (EEO) complaint pursuant to 29 CFR 1614, the requesting employee or applicant should contact an EEO Counselor or EEO Services within 45 days from the date of receipt of this form.		
For adverse actions over which the Merit Systems Protection Board (MSPB) has jurisdiction, the requesting employee must initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in 5 CFR 1201.3.		
_____ Director of OHRM		_____ Date
Privacy Act Notice: In accordance with the Privacy Act (5 U.S.C. § 552a), the following notice is provided: The information requested on this form is collected pursuant to 29 U.S.C. § 791; 12 U.S.C. § 12101 et seq.; 29 CFR § 1614.203; 29 CFR part 1630; 5 USC § 2302; and 5 CFR part 1201.3 for the purpose of processing a request for reasonable accommodation or personal assistance services, and record keeping. Routine uses which may be made of the collected information can be found in FHFA System of Records Notice (SORN), FHFA-18 Reasonable Accommodation and Personal Assistance Services Information System. Providing the requested information is voluntary; however if you do not provide the requested information, your request may not be processed or may be delayed. By submitting this form and providing this information you authorize FHFA to collect and maintain the information provided and to disclose it as set forth in the referenced SORN.		

Appendix C

	FEDERAL HOUSING FINANCE AGENCY	FHFA Form #104-C (11/2018)
Appeal of Reasonable Accommodation and Personal Assistance Services Decision Form		
<p>This form is to be used to appeal the denial of a reasonable accommodation or personal assistance services request from a Federal Housing Finance Agency (FHFA) employee or job applicant. Please attach a copy of the original denial.</p>		
<p>Date of Appeal: _____ Appellant's Name: _____</p>		
<p>Date of Denial of Original Request: _____</p>		
<p>Basis of Appeal (provide reason you believe the original denial was erroneous):</p>		
<p>New Information or Medical Documentation Attached (check one): Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>_____ Signature of Appellant</p>		<p>_____ Date</p>
<p>FOR CHIEF OPERATING OFFICER USE ONLY:</p>		
<p>After careful review of all information provided in this appeal, the original decision is</p>		
<p>Affirmed, your request remains denied. <input type="checkbox"/> Changed, your request is approved. <input type="checkbox"/></p>		
<p>The requesting employee or applicant may choose to address the denial of an accommodation in the following ways:</p>		
<p>To file a timely Equal Employment Opportunity (EEO) complaint pursuant to 29 CFR 1614, the requesting employee or applicant should contact an EEO Counselor or EEO Services within 45 days from the date of receipt of this form.</p>		
<p>For adverse actions over which the Merit Systems Protection Board (MSPB) has jurisdiction, the requesting employee must initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in 5 CFR 1201.3.</p>		
<p>_____ Chief Operating Officer</p>		<p>_____ Date</p>
<p><small>Privacy Act Notice: In accordance with the Privacy Act (5 U.S.C. § 552a), the following notice is provided: The information requested on this form is collected pursuant to 29 U.S.C. § 791; 12 U.S.C. § 12101 et seq.; 29 CFR § 1614.203; 29 CFR part 1630; 5 USC § 2302; and 5 CFR part 1201.3 for the purpose of processing a request for reasonable accommodation or personal assistance services, and record keeping. Routine uses which may be made of the collected information can be found in FHFA System of Records Notice (SORN), FHFA-18 Reasonable Accommodation and Personal Assistance Services Information System. Providing the requested information is voluntary, however if you do not provide the requested information, your request may not be processed or may be delayed. By submitting this form and providing this information you authorize FHFA to collect and maintain the information provided and to disclose it as set forth in the referenced SORN.</small></p>		

Appendix D

Selected Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)
<https://www.eeoc.gov>

EEOC Appendix of Reasonable Accommodation Resources

<https://www.eeoc.gov/policy/docs/accommodation.html#appendix>

Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act

<https://www.eeoc.gov/policy/docs/accommodation.html>

Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act

<https://www.eeoc.gov/policy/docs/guidance-inquiries.html>

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)
<http://janweb.icdi.wvu.edu>