

EXPORT-IMPORT BANK OF THE UNITED STATES

**DISABILITY COMPLIANCE AND REASONABLE
ACCOMMODATION HANDBOOK**

May 2006

EXPORT-IMPORT BANK OF THE UNITED STATES
**DISABILITY COMPLIANCE AND REASONABLE ACCOMMODATION
 POLICY**
Table of Contents

Section	Title	Page
	INTRODUCTION AND POLICY STATEMENT	1
I	UNDERSTANDING REASONABLE ACCOMMODATION	1
A	What Is Reasonable Accommodation?	1
B	Who Is Entitled to Reasonable Accommodation?	2
II	SUBMITTING REQUESTS FOR REASONABLE ACCOMMODATION	2
A	Who May Make a Request?	2
B	When May I Make a Request?	2
C	To Whom Should I Make the Request?	2
D	How Do I Make the Request? Does It Have to Be in Writing?	2
E	Do I Have to Specify a Specific Accommodation I Want?	3
F	Do I Have to Submit a Doctor’s Certification or Anything Else with the Request?	3
III	PROCESSING OF REASONABLE ACCOMMODATION REQUESTS	3
A	What Happens Once I Make My Request for Reasonable Accommodation?	3
B	How Is My Request Processed?	3
C	What Is the Interactive Process?	4
D	What Are My Responsibilities During the Interactive Process?	5
E	What Are My Rights During the Interactive Process?	5
F	How Does the Interactive Process Work and What Medical Information Can Management Request?	5
G	From Whom Can Management Obtain Information Concerning My Disability and Workplace Limitations?	7
H	What If the Medical Documentation Provided By My Health Care Professional Is Insufficient?	7
I	Is There Any Other Information Management May Request From Me During the Interactive Process?	8
J	When Does the Interactive Process End?	8
IV	REASSIGNMENT AS REASONABLE ACCOMMODATION	8
A	What is Reassignment?	8
B	Are There Restrictions on When Reassignment is Available?	9
C	Are There Any Eligibility Requirements for the Reassigned Position?	9

Table of Contents (continued)

Section	Title	Page
D	How is the Search for a Reassignment Conducted?	9
V	DECISIONS ON REASONABLE ACCOMMODATION REQUESTS	9
A	How Long Does Management Have to Respond to My Request for Reasonable Accommodation?	10
1	Expedited Cases	10
2	Extenuating Circumstances	10
3	Delays	10
B	What Happens During the Time Period Between Making My Request for Reasonable Accommodation and Management’s Decision?	10
C	Decision on Reasonable Accommodation Request	11
D	Do I Have to Accept a Reasonable Accommodation I Don’t Want?	12
VI	DENIALS OF REASONABLE ACCOMMODATION REQUESTS	12
A	What Can I Do if My Request for Reasonable Accommodation is Denied?	12
B	Anti-Discrimination Statement	12
VII	ADDITIONAL CONCERNS FOR APPLICANTS	13
A	The Interview Phase	13
1	May Management Ask Me If I Have a Disability?	13
2	May Management Ask Me Whether I Can Perform Job Related Functions?	13
3	May Management Ask Me If I Need Reasonable Accommodation When I Have Not Made a Request?	13
B	Post-Interview Phase: May Management Ask Me to Take a Medical Exam?	14
VIII	MEDICAL DOCUMENTATION AND PRIVACY	14
A	Who is Entitled to See the Medical Documentation I Submit in Support of My Reasonable Accommodation Request?	14
B	Where Will the Medical Documentation I Submit in Support of My Reasonable Accommodation Request be Kept?	15
C	How Long Will the Medical Documentation I Submit in Support of My Reasonable Accommodation Request Be Kept?	15
D	Tracking	15
Tab A	Appendix A: Definitions	17
Tab B	Appendix B: Selected Reasonable Accommodation Resources	22
Tab 1	Form RA-1, Confirmation of Request for Reasonable Accommodation	25
Tab 2	Form RA-2, HIPAA-Compliant Release for Medical Information Concerning Disability and Reasonable Accommodation Request	27

Table of Contents (continued)

Section	Title	Page
Tab 2A	Form RA-2A, HIPAA-Compliant Release for Psychotherapy Notes Concerning Disability and Reasonable Accommodation Request	30
Tab 3	Form RA-3, Medical Questionnaire Concerning Disability and Reasonable Accommodation Request	33
Tab 4	Form RA-4, HIPAA-Compliant Request for Release of Medical Information for Analysis	39
Tab 5	Form RA-5, Denial of Reasonable Accommodation Request	42
Tab 6	Form RA-6, Reasonable Accommodation Information Regarding Form	45

IMPORTANT NOTE:

This policy is merely for information purposes and is not intended to create any legal rights or remedies other than those already provided in the Rehabilitation Act of 1973 or other applicable laws and regulations.

This policy supersedes Bank Policy No. 1614, *Reasonable Accommodation Procedures for Qualified Individuals with Disabilities*, dated March 2004.

INTRODUCTION AND POLICY STATEMENT

The Export-Import Bank of the United States (“the Bank”) is fully committed to maintaining a work environment wherein all employees have equal access to employment opportunity. In order to ensure such rights for qualified individuals with a disability, the Bank established this policy. Many persons with disabilities can apply for and perform jobs without the need for accommodation. The purpose of this policy is to ensure that persons with disabilities who do need reasonable accommodation to perform the essential functions of their jobs or to enjoy benefits and privileges of employment granted to non-disabled employees, receive such accommodation.

The Bank will provide reasonable accommodation for known physical and mental limitations of qualified applicants and employees with known disabilities unless an accommodation would impose an undue hardship on the Bank or endanger the health and safety of the applicant, employee or others. Furthermore, the Bank will not tolerate discrimination against qualified individuals with a disability in the hiring process or any other stage of employment.

I. UNDERSTANDING REASONABLE ACCOMMODATION

A. *What Is Reasonable Accommodation?*

1. A reasonable accommodation is a change involving the workplace that enables a qualified person with a disability to enjoy equal employment opportunities. Reasonable accommodations remove barriers that prevent people with disabilities from applying for or performing jobs for which they are qualified or enjoying benefits and privileges of employment to which they are entitled. “Reasonable accommodation” is a legal term. To view the legal definition of reasonable accommodation and other terms used in this policy, see *Appendix A, Definitions*.
2. Examples of reasonable accommodations (depending upon the situation) include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations.

B. Who Is Entitled to Reasonable Accommodation?

Qualified applicants or employees with a disability who need reasonable accommodation to perform the essential functions of their job are entitled to reasonable accommodation.

II. SUBMITTING REQUESTS FOR REASONABLE ACCOMMODATION

A. Who May Make a Request?

You, a family member, your health professional or another representative may, on your behalf, request reasonable accommodation. If the request is made by someone other than yourself, the Bank will confirm with you whether you in fact want a reasonable accommodation.

B. When May I Make a Request?

It is the responsibility of a disabled employee who believes s/he needs reasonable accommodation to make a request. The Bank will not assume an individual has a disability or needs reasonable accommodation, unless the need for reasonable accommodation is obvious. You have the right to make a request for reasonable accommodation at any time.

C. To Whom Should I Make the Request?

1. If you are an employee of the Bank, a request for reasonable accommodation should be made to your immediate supervisor. In the event that you feel uncomfortable making a request to your immediate supervisor, you may make the request to your secondary or higher-level supervisor in your chain-of-command. Additionally, you may make the request to anyone in the Office of Human Resources (“HR”), Room 770, or the Office of Equal Opportunity and Diversity Programs (“EODP”), Room 753.
2. If you are an applicant, you can make a request for reasonable accommodation with the Bank official with whom you have contact.
3. Non-HR employees who receive requests for reasonable accommodation from either employees or applicants should forward their requests to the Director of Human Resources.

D. How Do I Make the Request? Does It Have to Be in Writing?

1. There are no “magic words” you need to use to make a request for reasonable accommodation. You merely need to convey, in

your own words, that you need an adjustment or change at work for a reason related to a medical condition. The request does not have to be in writing. Your request, whether made orally or in writing, will be processed immediately. Nevertheless, once you make a request for reasonable accommodation, you will be asked to complete a **Form RA-1, Confirmation of Request for Reasonable Accommodation**, to ensure that your request is clear and so that the Bank can track your request. The processing of your request will be determined as of the date you make the oral or written request, not the date you submit to your supervisor, the Form RA-1. If you chose not to fill out a Form RA-1, your supervisor or appropriate Bank official may do so for purposes of tracking your request.

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

E. Do I Have to Specify the Specific Accommodation I Want?

No. As detailed below, the Bank will work with you and your health care professional to determine an effective reasonable accommodation, if available.

F. Do I Have to Submit a Doctor's Certification or Anything Else with the Request?

No. However, as detailed below, the Bank may need more specific information from your treating health care professional concerning your disability and possible accommodations. In that event, you may be asked to provide medical documentation from a health care professional or to allow the Bank to communicate with such persons.

III. PROCESSING OF REASONABLE ACCOMMODATION REQUESTS

A. What Happens Once I Make My Request for Reasonable Accommodation?

Your request will be forwarded from your supervisor(s) or the EEO office to the Office of Human Resources for an evaluation of your request. Unless your first-level supervisor can address your request, the Director of Human Resources or his designee will make a decision on your request.

B. How Is My Request Processed?

1. Reasonable accommodation requests should be resolved at the lowest level possible. Your first-line supervisor will attempt to

address with you any request for reasonable accommodation. For example, a disabled employee who has extreme fatigue at the end of the day may make a reasonable accommodation request to change a meeting time to earlier in the day; such a request should be handled at the first-line supervisor level.

2. On occasion, if a request for reasonable accommodation is inexpensive and can be readily provided, a first-line supervisor may grant such a request without the Bank making an inquiry into whether you are a qualified person with a disability. In those cases, the Bank will make no determination as to whether you are a qualified individual with a disability and the Bank's decision to grant your request will not be based upon Rehabilitation Act requirements.
3. If a first-line supervisor needs assistance in addressing your request, more information is required before taking action upon your request, or it would be inappropriate for your request to be resolved at a first-line supervisor level, the Director of Human Resources, or his designee, will make a decision on your request.
4. First-level supervisors should not deny a request for reasonable accommodation without first consulting with the Office of Human Resources. First-level supervisors should notify the Office of Human Resources of any request for reasonable accommodation within five (5) calendar days of receiving the request.
5. Reasonable accommodation requests must be evaluated on a case-by-case basis. If the accommodation requested requires the Bank to have more information in order to determine the best approach to responding to your request, then the Bank will engage in an interactive process with you to determine how to respond to the request.

C. What Is the Interactive Process?

The interactive process is the proactive, informal process by which you and the Bank communicate with each other to determine how best to respond to your request. During the interactive process, the Bank will, for example, analyze job functions to establish essential and nonessential job tasks, identify barriers to job performance, determine whether you are an individual with a disability, and consult with you to learn your precise limitations and discover the types of accommodations that would be most effective. The Agency decision-maker, normally the Director of Human Resources or his designee, will interact with you directly where the specific limitation, problem or barrier is unclear; where an effective

accommodation is not obvious; or where a choice exists between different possible reasonable accommodations.

D. What Are My Responsibilities During the Interactive Process?

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

E. What Are My Rights During the Interactive Process?

1. You have the right not to respond to requests for medical information that you feel are unreasonable. For example, you have the right to refuse the Bank's request for medical information that you believe is not relevant to your disability or reasonable accommodation request. Also, you have the right to refuse requests for medical information where the need for reasonable accommodation is obvious or you feel you have already provided the Bank with sufficient information to document the existence of your disability and functional limitations.
2. You have the right to request from the Bank information that will assist your health care professional in understanding the nature of your job, the essential functions which you are required to perform and any other relevant information.
3. You have the right not to be harassed due to your disability or retaliated against because you requested reasonable accommodation.

F. How Does the Interactive Process Work and What Medical Information Can the Bank Request?

1. The interactive process commences after you submit your request for reasonable accommodation. If you desire, you may provide the Bank with medical documentation concerning your disability, limitations and possible accommodations; or the Bank may request medical information from your health care provider.
2. The Bank may obtain medical documentation in support of an accommodation request only where the disability and/or need for accommodation are not obvious or already known. In those

instances, the Bank may require reasonable documentation necessary to establish that you have a disability and need reasonable accommodation.

3. If not obvious and/or already known, the Bank is entitled to and may request medical information related to your disability and any functional limitations you have as a result of the disability. This includes, but is not limited to:
 - a. The past, present and future expected nature, severity and duration of your impairment;
 - b. The activities the impairment limits;
 - c. The extent to which the impairment limits your ability to perform any activities;
 - d. Why you require reasonable accommodation or the particular accommodation requested; and
 - e. How the reasonable accommodation requested will assist you to apply for a job, perform the essential functions of your job, or enjoy a benefit of the workplace.
4. The Equal Employment Opportunity Commission (“EEOC”) allows employers to ask employees requesting reasonable accommodation for a limited medical release allowing the employer to submit medical questionnaires to the employee’s treating health care professionals. The Bank may ask you to complete a **Form RA-2, HIPAA-Compliant Release for Medical Information Concerning Disability and Reasonable Accommodation Request** and may submit to your health care professional, a **Form RA-3, Medical Questionnaire Concerning Disability and Reasonable Accommodation Request** or similar form with questions tailored to your individual situation. Failure to cooperate with the Bank in this process may constitute bad faith participation in the interactive process and result in denial of your reasonable accommodation request.
5. The Bank participates in the Department of Defense’s Computer/Electronics Accommodations (“CAP”) Program. CAP’s services assist federal agencies in creating work environments that are more accessible to employees with hearing, visual, dexterity, cognitive and communication impairments.

G. From Whom Can the Bank Obtain Information Concerning My Disability and Workplace Limitations?

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

H. What If the Medical Documentation Provided By My Health Care Professional Is Insufficient?

1. The Bank is entitled to sufficient medical documentation in order to make a sound, reasoned and informed decision on your reasonable accommodation request. If documentation provided by you or by your health care professional in response to the Bank's request for information is insufficient, the Bank is allowed to request from your health care professional further information or clarification of information provided already. Documentation is insufficient if it does not clearly explain the nature of your disability or the need for reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist you in performing the essential functions of your job, enjoy the benefits and privileges of the workplace, or assist an applicant in the application process.
2. The Bank can request medical information that is reasonably necessary only to establish that you are an individual with a disability who needs a reasonable accommodation. The Bank cannot request documentation where: (1) both the disability and need for reasonable accommodation are obvious; or (2) you have already provided the Bank with sufficient information to document the existence of a disability and functional limitations. Normally, your complete medical records will not be necessary to make a determination on your reasonable accommodation request.
3. If, on repeated occasions and after repeated requests from the Bank, your health care professional fails to provide sufficient medical documentation, your reasonable accommodation request may be denied.
4. If the medical documentation provided by your health care professional is unclear or inadequate, the Bank may enlist a health care provider of its choosing to analyze the medical documentation provided by you and your health care professional, in order to make a determination on your

5. reasonable accommodation request. In that case, you will be asked to complete a **Form RA-4, HIPAA-Compliant Request for Release of Medical Information for Analysis**. The Bank will bear any expense involved in having your medical information reviewed by its medical expert.
6. If the medical documentation provided by your health care professional is unclear or inadequate, the EEOC also allows the Bank to require you to submit to a medical examination by a medical provider of the Bank's choice. However, this option will only be exercised after you have been explained why the documentation provided is inadequate, informed of the medical information sought, and been given reasonable opportunity to provide the missing information. The examination will be limited to a determination of whether you have a disability and any functional limitations that require reasonable accommodation. If you are required to submit to an exam by a medical provider of the Bank's choice, the Bank will pay all costs associated with the medical exam. Under the circumstances described above, your failure to submit to a medical exam may result in denial of your reasonable accommodation request.

I. Is There Any Other Information the Bank May Request From Me During the Interactive Process?

Yes. The Bank may ask you questions concerning your job duties and limitations and discuss with you possible accommodations. The Bank may ask you any relevant questions necessary to understand your situation and make a decision on your request.

J. When Does the Interactive Process End?

When the Bank has all the necessary information it feels it needs to make a sound, reasoned and informed decision on your reasonable accommodation request.

IV. REASSIGNMENT AS REASONABLE ACCOMMODATION

A. What is Reassignment?

Reassignment is a form of reasonable accommodation that will be provided to an employee who, because of a disability, can no longer perform the essential position s/he holds, with or without reasonable accommodation, unless such reassignment would place an undue hardship on the Bank. Reassignment is a reasonable accommodation of last resort

that will be considered if there are no effective accommodations that would enable the employee to perform the essential functions of his/her current job (or if all other possible accommodations would cause an undue hardship on the Bank). Reassignment is unavailable if it would impose an undue hardship on the Bank.

B. Are There Restrictions on When Reassignment is Available?

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

C. Are There Any Eligibility Requirements for the Reassigned Position?

Yes. To be eligible, you must be qualified for the new position. That is, you must (1) satisfy the requisite skill, experience, education and other job-related requirements of the position; and (2) be able to perform the essential functions of the position, with or without reasonable accommodation.

D. How is the Search for a Reassignment Conducted?

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

V. DECISIONS ON REASONABLE ACCOMMODATION REQUESTS

A. How Long Does the Bank Have to Respond to My Request for Reasonable Accommodation?

The Bank will respond to your request within thirty (30) days or less of the request, absent extenuating circumstances; this includes provision of reasonable accommodation (if granted). If the Bank has to wait for you to provide sufficient medical documentation, the time taken for you to respond will not count toward the 30-day period.

The length of the interactive process depends on numerous factors such as: the time it takes to secure information from your physician; whether more information is required from your physician and time it takes for such repeated requests; the time it takes the Bank to analyze the medical documentation obtained; whether the Bank's chosen physician analyzes your medical documentation and the time it takes for such review/analysis; whether you are required to submit to medical exam by the Bank's chosen physician and the time it takes to do so. To maintain an efficient interactive process, it is the Bank's duty to determine what information it needs and analyze information received in a prompt manner and it is your duty to provide promptly any relevant information the Bank requests.

1. *Expedited Cases.* The Bank will expedite reasonable accommodation requests where the reasonable accommodation is needed to enable an individual to apply for a job or the reasonable accommodation is needed for a specific Bank activity that is scheduled to occur shortly.
2. *Extenuating Circumstances.* If extenuating circumstances exist, a decision will be made within a reasonable period after the initial thirty (30) day response period. Extenuating circumstances are factors that could not reasonably have been avoided in advance of the request for accommodation. These can include situations where, for example, equipment must be back-ordered or a vendor has unexpectedly gone out-of-business. Also, the Bank is not expected to adhere to its usual time frames if your health care professional fails to provide needed documentation in a timely fashion.
3. *Delays.* If a delay occurs in processing a request for or delivering a reasonable accommodation, the Director of Human Resources or his designee will notify you of the reason for delay. To the extent possible, the Bank will keep you informed of the date on which the process is expected to be completed.

B. What Happens During the Time Period Between Making My Request for Reasonable Accommodation and the Bank's Decision?

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

C. Decision on Reasonable Accommodation Request

1. If your request is denied, you are entitled to a written decision on your reasonable accommodation request that specifies:
 - a. The reasons for denial;
 - b. The identity of the individual or office that made the decision;
 - c. If a specific accommodation has been denied, and another offered in its place, the reasons for denial and the reasons the Bank believes the chosen accommodation will be effective;
 - d. Your right to an appeal via an informal dispute resolution process and the right to file an EEO complaint;
2. Denials of reasonable accommodation requests will be made via the attached **Form RA-5, *Denial of Reasonable Accommodation Request***.
3. If you are denied a specific reasonable accommodation but offered another, the written decision will specify the reason for denial of the requested accommodation and a statement as to why the chosen accommodation would be effective.
4. If you are entitled to reasonable accommodation, the Bank is obligated to provide you an effective accommodation, not necessarily the accommodation you want most or the “best” accommodation. Every effort will be made to provide you the accommodation you desire, so long as it is effective. However, your right is to an effective accommodation, which may or may not be the accommodation you requested.
5. If you are entitled to reasonable accommodation, your immediate supervisor or the Office of Human Resources will be responsible for implementation of the accommodation. In the case of reassignment, a higher-level supervisor and/or the Director of Human Resources or his designee will be responsible for implementation.

D. Do I Have to Accept a Reasonable Accommodation I Don't Want?

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

VI. DENIALS OF REASONABLE ACCOMMODATION REQUESTS

A. What Can I Do if My Request for Reasonable Accommodation is Denied?

1. The purpose of the interactive process is to encourage as much communication as possible between you and the Bank to eliminate the need for further evaluation once a decision has been reached. Both you and the Bank should first attempt to resolve any differences or disagreements during the interactive process.
2. If you are unable to resolve differences at the interactive process stage, the Bank provides for an informal dispute resolution procedure with regards to reasonable accommodation requests:
 - a. Within ten (10) calendar days of the denial of your request, you should request in writing that the Director of Human Resources review the denial, or if made by the Director of Human Resources, reconsider his decision. The Director of Human Resources will render a written decision within ten (10) calendar days of receiving your request for reconsideration.
 - b. If you wish to appeal the Director of Human Resources' reconsideration on your request, you must do so within ten (10) calendar days of receiving his/her decision. Appeals must be in writing and addressed to the Senior Vice-President, Resource Management. The Senior Vice-President, Resource Management will render a decision within ten (10) calendar days, or a reasonable time period thereafter, of receiving your appeal request.

B. Anti-Discrimination Statement

The Bank does not tolerate any form of discrimination against qualified individuals with disabilities or any persons of a protected class. If you believe you have been discriminated against in the denial of your

reasonable accommodation request, you may file a complaint with the Bank's Office of Equal Opportunity and Diversity Programs ("EODP"), Room 753, within forty-five (45) days of the denial. Consult the Bank's EEO Policy for more information.

VII. ADDITIONAL CONCERNS FOR APPLICANTS

A. The Interview Phase

1. May the Bank Ask Me If I Have a Disability?

No. During an interview, the Bank may not conduct a medical examination or make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of such disability.

2. May the Bank Ask Me Whether I Can Perform Job Related Functions?

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

3. May the Bank Ask Me If I Need Reasonable Accommodation When I Have Not Made a Request?

- a. The Bank may inform all applicants of what the hiring process entails and may ask them whether they require reasonable accommodation for the process.
- b. If the Bank knows of an applicant's disability (e.g., it is obvious or the applicant discloses a disability) and reasonably believes the applicant may need a reasonable accommodation to perform an essential job function, the Bank may ask if the applicant will need a reasonable accommodation. If the answer is in the affirmative, the Bank may inquire as to the type of reasonable accommodation that would be needed.

B. Post-Interview Phase: May the Bank Ask Me to Take a Medical Exam?

- a. Yes. The Bank may require a medical examination after an offer of employment has been made but prior to the commencement of employment. The Bank may condition an offer of employment on the results of such examination, as long as all entering employees are subjected to such an

examination regardless of disability. Medical records obtained as a result of such exams are subject to the same privacy rights described below.

- b. Pursuant to Executive Order 13145, the Bank is prohibited from requesting, requiring, or using genetic tests or information from genetic services for post-offer applicants, and is limited in its use of family medical history from such applicants.

VIII. MEDICAL DOCUMENTATION AND PRIVACY

A. Who is Entitled to See the Medical Documentation I Submit in Support of My Reasonable Accommodation Request?

1. The Bank may share your relevant medical information with any person involved in determining whether to grant your reasonable accommodation request. Typically, this will include your supervisor(s), the Office of Human Resources, the Office of Legal Affairs and General Counsel, the Senior Vice-President of Resource Management, and any medical provider contracted to assist in making a decision on your request.
2. Supervisors and managers who need to know may be told about necessary restrictions on the work or duties and the necessary accommodation(s). For example, if an individual requests assistive technology for his computer as a reasonable accommodation, an agency technology expert may be consulted regarding the appropriate computer equipment. Most likely, the expert will be informed of the functional limitations, but not the underlying medical condition. The Bank may also provide information concerning your functional limitations, but not underlying disability, to the Department of Defense's Computer/Electronics Accommodations ("CAP") Program.
3. First aid and safety personnel may be alerted if the disability might require emergency treatment.
4. Appropriate government officials may be given information necessary to investigate the Bank's compliance with the Rehabilitation Act.
5. Bank EEO officials may be given the information to maintain records and evaluate and report on the Bank's performance in processing reasonable accommodation requests. Tracking data and cumulative records may be shared with the EEOC.

6. When medical information is disclosed to any official, the official to whom it is disclosed will be informed about confidentiality requirements.

B. Where Will the Medical Documentation I Submit in Support of My Reasonable Accommodation Request be Kept?

Any medical information you submit will be kept in a confidential file, separate and apart from your regular personnel file. The only persons entitled to access to such files are those listed above, on a need to know basis. Your records are subject to the confidentiality provisions of the Rehabilitation Act of 1973, the Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996.

C. How Long Will the Medical Documentation I Submit in Support of My Reasonable Accommodation Request Be Kept?

Your medical documentation will be kept for the duration of your employment, as allowed by federal law.

D. Tracking.

1. Executive Order 13164 requires executive agencies to track the following information:
 - a. The number and types of reasonable accommodations 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 have been requested;
 - c. The types of reasonable accommodations that have been requested for each of those jobs;
 - d. The number and types of reasonable accommodations for each job, by agency component, that have been approved, and the number and types that have been denied;
 - e. The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;

- f. The reasons for denial of requests for reasonable accommodation;
 - g. The amount of time taken to process each request for reasonable accommodation; and
 - h. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
2. The Bank may maintain tracking information for as long as is necessary to serve the purpose of the reasonable accommodation program.
 3. The Bank may provide to the EEOC, information or any cumulative records used to track the Bank's performance with regards to reasonable accommodation.
 4. All records relating to a particular individual who requested a reasonable accommodation must be kept for the duration of that individual's employment.
 5. Cumulative records used to track the Bank's performance with regards to reasonable accommodation must be kept for at least three (3) years.
 6. When a reasonable accommodation request is made, human resources professionals should use the attached **Form RA-6, Reasonable Accommodation Information Reporting Form** to track data, as advised by the EEOC.

TAB A

Appendix A: Definitions

Appendix A: Definitions

Disability

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment.

Essential functions

- (1) In general. The term essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.
- (2) A job function may be considered essential for any of several reasons, including **but not limited to** the following:
 - (i) The function may be essential because the reason the position exists is to perform that function;
 - (ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
 - (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
- (3) Evidence of whether a particular function is essential includes, **but is not limited to**:
 - (i) The employer’s judgment as to which functions are essential;
 - (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
 - (iii) The amount of time spent on the job performing the function;
 - (iv) The consequences of not requiring the incumbent to perform the function;
 - (v) The terms of a collective bargaining agreement;
 - (vi) The work experience of past incumbents in the job; and/or
 - (vii) The current work experience of incumbents in similar jobs.

Major life activities

Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, and learning.

Medical documentation or documentation of a medical condition

A statement from a licensed physician or other appropriate practitioner which provides information the agency considers necessary to enable it to make an employment decision.

Physical or mental impairment

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

Qualified individual with a disability

An individual with a disability 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 reasonable accommodation, can perform the essential functions of such position.

Reasonable

Reasonable means reasonable on its face, i.e., ordinarily or in the run of cases. Reasonable also means feasible and plausible.

Reasonable accommodation

- (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- (3) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- (4) Reasonable accommodation may include but is not limited to:
 - (ii) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
 - (iii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
- (5) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should

identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

Substantially Limits

(1) The term substantially limits means:

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

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

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

Undue hardship

(1) In general. Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (2) of this definition.

(2) Factors to be considered. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- (i) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;
- (ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
- (iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities;
- (iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
- (v) 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.

(3) Undue hardship means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

TAB B

Appendix B: Selected Reasonable Accommodation Resources

Appendix B: Selected Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

<http://www.eeoc.gov/>

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The three main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, 8 FEP Manual 405:7601 (1999); and (3) *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (*Technical Assistance Manual*). The *Technical Assistance Manual* includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) *Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations* at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995); (2) *Enforcement Guidance: Workers' Compensation and the ADA* at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) *Enforcement Guidance: The Americans with Disabilities Act and Psychiatric Disabilities* at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) *Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964* at 6-9, 8 FEP Manual (BNA) 405:7371, 7374-76 (1996); and (5) *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act* at 20, 22, 23, 24-5, 8 FEP Manual (BNA) 405:7701, 7711, 7712-14, 7715-16 (2000).

All of the above-listed documents, with the exception of the *Technical Assistance Manual* are also available through the Internet at www.eeoc.gov. All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

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

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

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, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

<http://www.rid.org/>

The Registry offers information on locating and using interpreters and transliteration services.

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, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities.

Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);
- centers where individuals can try out devices and equipment;
- assistance in obtaining funding for and repairing devices; and
- equipment exchange and recycling programs.

TAB 1

Form RA-1, Confirmation of Request for Reasonable Accommodation

Export-Import Bank of the United States
Form RA-1
Confirmation of Request for Reasonable Accommodation

Date of Original Request _____ Verbal Written (check one)

Date Form Completed (If Different From Date of Original Request): _____

Employee	Applicant
Name:	Name:
Title, Series & Grade:	Vacancy Ann. No. (if applicable):
Room No./Location:	Address:
Telephone No.:	Telephone No.:
	E-mail Address:

Reason for Request:

Accommodation Requested (Be as specific as possible, e.g., interpreter, adaptive equipment, reader):

If Accommodation is Time-Sensitive, Please Explain:

Medical Documentation Attached. You do not have to attach medical documentation to this request to invoke your rights to reasonable accommodation.

Requester's Signature

Date

Please return completed form to your immediate supervisor.

TAB 2

**Form RA-2, HIPAA-Compliant Release for Medical Information
Concerning Disability and Reasonable Accommodation Request**

Export-Import Bank of the United States
Form RA-2
**HIPAA-Compliant Release for Medical Information Concerning Disability and
Reasonable Accommodation Request**

AUTHORIZATION TO RELEASE MEDICAL RECORDS AND INFORMATION

TO: MY HEALTH CARE PROFESSIONAL(S):

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

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

I understand that I have the right to revoke this authorization by sending a letter to the Assistant General Counsel for Administration, Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above

named person requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-Import Bank of the United States, Office of Human Resources from requesting additional records with this release and sharing the records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter. Finally, I understand that my treatment, payment, enrollment in any health plan, or eligibility for benefits may not be and are not conditioned upon my agreeing to sign this authorization.

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

Dated this _____ day of _____, _____.

(Signature)

Date of Birth: _____

TAB 2a

**Form RA-2A, HIPAA-Compliant Release for Psychotherapy Notes
Concerning Disability and Reasonable Accommodation Request**

Export-Import Bank of the United States
Form RA-2A
**HIPAA-Compliant Release for Psychotherapy Notes Concerning Disability and
Reasonable Accommodation Request**

**AUTHORIZATION TO RELEASE PSYCHOTHERAPY RECORDS AND
INFORMATION**

TO: MY MENTAL HEALTH CARE PROVIDERS:

In accordance with 45 CFR §§ 164.508(a)(2) and (b)(3)(ii) you are permitted to give The Export-Import Bank of the United States, Office of Human Resources and any of its employees copies of all my psychotherapy notes since _____.

You should give this information regardless of whether it is written, in the form of electronic data on cassette, microfiche, microfilm, or any other form. This authorization does not permit you to confer with any employee of the Export-Import Bank of the United States, Office of Human Resources about any substantive matters unless I or my attorney is present.

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

I understand that I have the right to revoke this authorization by sending a letter to the Assistant General Counsel for Administration, Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above named person requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-

Import Bank of the United States, Office of Human Resources from requesting additional records with this release and sharing the records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter.

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

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

Dated this _____ day of _____, _____.

(Signature)

Date of Birth: _____

TAB 3

**Form RA-3, Medical Questionnaire Concerning Disability and
Reasonable Accommodation Request**

Export-Import Bank of the United States
Form RA-3
**Medical Questionnaire Concerning Disability and
Reasonable Accommodation Request**

Name of Patient/Employee: _____

Instructions to Health Care Provider: Please find attached a HIPAA-compliant release for medical information concerning the above-named employee/patient. The employee/patient listed above has made a request to the Export-Import Bank of the United States for reasonable accommodation due to a disability. In order to properly review and analyze the request, please complete the questions listed below. If you feel that you need more space to answer questions (by attaching more complete answers on additional pages) or would like to attach medical documentation to support your statements below, please feel free to do so.

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

2. What is the nature of the impairment?

3. How severe is the impairment?

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

5. If the impairment is episodic, how often do the episodes occur, how long do they last, and how long do you expect the employee to have such episodes?

6. Is there any permanent or long-term impact or expected permanent or long-term impact resulting from the impairment? If so, what?

7. Does the impairment limit any major life activity(ies)?

8. What major life activity(ies) does it limit and how does it limit it (i.e. what activities is the employee unable to perform)?

9. Is the limitation substantial, i.e. considerable or to a large degree?

10. Is the employee taking any medication for the impairment? If so, what medication?

11. How does taking the medication in question 10 above affect the employee's ability to perform any limited major life activity in question 8 above?

12. How does taking the medication in question 10 above affect the employee's impairment?

13. Do you believe that there exist reasonable accommodations that would assist in relieving any workplace barriers to the employee performing the essential functions of his/her job?

14. List all the reasonable accommodations you believe would assist in relieving any workplace barriers to the employee performing the essential functions of his/her job? Please list all possible reasonable accommodations you can think of.

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

16. Is there any other medical information that would assist the Bank in determining whether or not to grant the employee's reasonable accommodation request?

Signature of Health Care Professional

Date

Printed Name of Health Care Professional

Address and Phone Number of Health Care Professional

Legal Authority for Questions

All questions posed in this *Medical Questionnaire Concerning Disability and Reasonable Accommodation Request* are based upon the employer's legal right to medical information concerning an employee's request for disability reasonable accommodation. The legal bases for each question are as follows (this list is neither exclusive nor exhaustive):

1. 29 CFR § 1630.2(h).
2. 29 CFR § 1630.2(j)(2).
3. 29 CFR § 1630.2(j)(2).
4. 29 CFR § 1630.2(j)(2).
5. 29 CFR § 1630.2(j)(2).
6. 29 CFR § 1630.2(j)(2).
7. 29 CFR § 1630.2(i).
8. *Toyota Motor Manufacturing, Kentucky, Inc., v. Williams*, 534 U.S.184, 122 S.Ct. 681, 151 L.Ed.2d 615 (2002).
9. *Toyota Motor Manufacturing, Kentucky, Inc., v. Williams*, 534 U.S.184, 122 S.Ct. 681, 151 L.Ed.2d 615 (2002).
10. *Sutton v. United Air Lines, Inc.*, 527 U.S. 471, 119 S.Ct. 2139, 144 L.Ed.2d 450 (1999).
11. *Sutton v. United Air Lines, Inc.*, 527 U.S. 471, 119 S.Ct. 2139, 144 L.Ed.2d 450 (1999).
12. *Sutton v. United Air Lines, Inc.*, 527 U.S. 471, 119 S.Ct. 2139, 144 L.Ed.2d 450 (1999).
13. EEOC Enforcement Guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (October 2002).
14. EEOC Enforcement Guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (October 2002).
15. EEOC Enforcement Guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (October 2002).
16. EEOC Enforcement Guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (October 2002).

TAB 4

**Form RA-4, HIPAA-Compliant Request for Release of Medical
Information for Analysis**

Export-Import Bank of the United States
Form RA-4
HIPAA-Compliant Request for Release of Medical Information for Analysis

AUTHORIZATION TO RELEASE MEDICAL RECORDS AND INFORMATION

TO: EXPORT-IMPORT BANK OF THE UNITED STATES:

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

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

I understand that I have the right to revoke this authorization by sending a letter to Assistant General Counsel for Administration, Export-Import Bank of the United States, 811 Vermont Ave., NW, Washington, DC 20571, requesting that this authorization no longer be used or by directing my attorney to send a letter to the above named person

requesting the same on my behalf. In the event that I choose to change my mind and revoke this authorization, I understand that my letter will stop the Export-Import Bank of the United States, Office of Human Resources from sharing my aforementioned medical records with others involved in evaluating my reasonable accommodation request, only after receipt of my letter. Finally, I understand that my treatment, payment, enrollment in any health plan, or eligibility for benefits may not be and are not conditioned upon my agreeing to sign this authorization.

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

Dated this _____ day of _____, _____.

(Signature)

Date of Birth: _____

TAB 5

Form RA-5, Denial of Reasonable Accommodation Request

Export-Import Bank of the United States

Form RA-5

Denial of Reasonable Accommodation Request

(Must complete numbers 1-4; complete number 5, if applicable)

1. Name of Individual requesting reasonable accommodation: _____

2. Type(s) of reasonable accommodation requested:

3. Request for reasonable accommodation denied because (may check more than one box):

- Requester Not Disabled
- Accommodation Ineffective
- Accommodation Would Cause Undue Hardship
- Medical Documentation Inadequate
- Accommodation Would Require Removal of an Essential Function
- Accommodation Would Require Lowering of Performance or Production Standard
- Other (Please identify) _____

4. Detailed Reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

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

Deciding Official

Date

NOTICE OF EMPLOYEE RIGHTS

If an individual wishes to request reconsideration of this decision, s/he may take the following steps:

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

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

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

TAB 6

Form RA-6, Reasonable Accommodation Information Regarding Form

Export-Import Bank of the United States
Form RA-6
Reasonable Accommodation Information Reporting Form

1. Reasonable accommodation: (check one)

Approved

Denied (If denied, attach copy of the written denial letter/memo that was sent to individual)

2. Date reasonable accommodation requested:

Who received request: _____

3. Date reasonable accommodation request referred to decision maker (i.e., supervisor, Office Director, Disability Program Manager, Personnel Management Specialist):

Name of decision maker: _____

4. Date reasonable accommodation approved or denied:

5. Date reasonable accommodation provided (if different from date approved):

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

7. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):

8. Reasonable accommodation needed for: (check one)

Application Process

Performing Job Functions or Accessing the Work Environment

Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)

9. Type(s) of reasonable accommodation requested (e.g., adaptive equipment, staff assistant, removal of architectural barrier):

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

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

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

Comments:

Submitted by: _____ Phone: _____