

TSA Handbook 1100.73-4

Reasonable Accommodation Program

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Approval

Signed



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NOTE: *This Handbook and all related attachments and/or appendices contain stipulations to implement the provisions of [TSA MD 1100.73-4, Reasonable Accommodation Program](#). Until such time as TSA MD 1100.73-4 is rescinded, the management directive, handbook and any attachments or appendices are considered TSA policy, and must be applied accordingly.*

Summary of Changes

- **Section C**
 - Added: “An individual need not have a particular accommodation in mind before making a request.”
 - Added: “Upon request, the reasonable accommodation procedures and associated forms will be made available to applicants and employees in accessible formats.”
- **Section D, Interactive Process**
 - Added a note regarding additional resources.
- **Section E, Requests for Medical Information**
 - Added: “TSA has the right to have medical information reviewed by a medical expert chosen by the Agency, at the Agency’s expense.”
- **Section G, Timeframes for Processing a Request and Providing Reasonable Accommodation**
 - Added: “Where an accommodation can be provided in less than the maximum timeframe, the Agency should do so. Failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act.”
 - Revised the timeframe for rendering a decision on requests for reasonable accommodation, to start from the time the employee/applicant makes the request, not when the request is received by Human Capital, to read: “TSA will make every effort to evaluate and render a decision on requests for reasonable accommodation within 60 business days from the day the employee/applicant makes the request.”
 - Added: “TSA will not be expected to adhere to its usual timelines if an individual and/or their health professional fails to provide needed documentation in a timely manner.”
- **Section H, Granting or Denying a Reasonable Accommodation Request**
 - Specified that the denials of requests must include “instructions on how to file an EEO complaint” and “explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in the informal dispute resolution process.”

- Moved the instructions for filing an EEO complaint from Section I, Reconsideration of Denial to Section H, for better alignment of content.
- **Section L, Information Tracking and Reporting**
 - Updated the records retention schedule information for employee case records.
 - Added: “TSA maintains records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 of the Rehabilitation Act, and that TSA will make such records available to the EEOC upon the EEOC’s request.”
- **Section M, Cost and Resources**
 - Added a Cost and Resources section

Appendices: Attached the TSA Form 1133, *Reasonable Accommodation Request* and TSA Form 1134, *Medical Information Release Authorization*.

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A. Definitions

1. Assistive Technology: An item, piece of equipment, or system that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities. Assistive technology includes ergonomic keyboards, screen-magnification software, TTYs/TDDs (text telephones), screen reading software, etc.
2. Decision maker: The TSA official responsible for processing and granting, or denying, requests for reasonable accommodation. The Reasonable Accommodation Program Manager (RAPM) is the decision maker for all reasonable accommodation requests.
3. Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities; a record of such an impairment; or being regarded as having such an impairment. An individual is “regarded as” having a disability if the individual is subjected to a prohibitive act based on an actual or perceived physical or mental impairment (other than impairments that are transitory and minor), whether or not the impairment limits or is perceived to limit a major life activity.

NOTE: A temporary, short-term medical condition such as those that are covered in the [TSA MD 1100.00-9, *Light Duty Assignments*](#), is not generally considered a disability.

4. Essential Function: The fundamental job duties of the employment position an individual holds or desires. The term “essential functions” does not include the marginal functions of the position.
5. Interactive Process: The process by which the individual requesting a reasonable accommodation, appropriate TSA officials (e.g., supervisor), and the RAPM discuss the request for reasonable accommodation, potential effective accommodations, and the timeframe for providing an accommodation.
6. 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, interacting with others, and working. 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.
7. Medical Review Officer (MRO): TSA-employed or TSA-contracted medical professional who reviews medical documentation and provides a medical opinion as it relates to requests for reasonable accommodation.
8. Mitigating Measures: Items such as: medication, medical supplies, equipment or appliances, low-vision devices (*except ordinary eyeglasses or contact lenses*), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodations or auxiliary aids or services, learned behavioral

or adaptive neurological modifications, or surgical interventions except for those that permanently eliminate the impairment.

9. Physical or Mental Impairment:

- a. Physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
- b. Mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

10. 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 that such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

11. Reasonable Accommodation: An adjustment or alteration that enables a qualified individual with a disability an equal opportunity to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodations:

- a. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job, such as providing application forms in alternative formats (e.g., large print or Braille).
- b. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job, such as providing assistive technology to allow a sight impaired employee to use a computer.
- c. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment, such as removing physical barriers in an organization's office space or facilities.

NOTE: Individuals who only meet the “regarded as” definition of an individual with a disability are not entitled to reasonable accommodation. Also, Transportation Security Officer (TSO) applicants and TSOs who are unable to meet the statutory requirements of the TSO position are not eligible for reasonable accommodation under this directive.

12. Receiving Official: TSA official(s) designated to receive requests for reasonable accommodation from employees or applicants.

13. Request for Reasonable Accommodation: A verbal or written statement indicating that an individual needs an adjustment or a change at work or modification in the application process for a reason related to a medical condition. A request does not have to use any special words, such as “*reasonable accommodation*,” “*disability*,” or “*Rehabilitation Act*.”

14. **Substantial Limitation:** An impairment is “*substantially limiting*” if it substantially limits the ability of an individual to perform a major life activity. Impairment need not prevent, or significantly or severely restrict, the individual in performing a major life activity in order to be considered “*substantially limiting*.” When considering if a person is “*substantially limited*,” the ameliorative effects of a mitigating measure is not considered.
15. **Undue Hardship:** With respect to the provision of an accommodation, significant difficulty or expense incurred by an agency, considered in light of factors that include the nature and cost of the accommodation and the impact of the accommodation on the operations of the agency. All resources available to the Department of Homeland Security (DHS) as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, must be considered when determining an accommodation poses undue hardship.

B. Personal Assistance Services (PAS)

PAS are services that help individuals with disabilities perform activities of daily living, including, for example, assistance with removing and putting on clothing, eating, and using the restroom. TSA will provide PAS to employees who, because of a targeted disability, require such assistance in order to be at work or participate in work-related travel. While the provision of PAS is not a form of reasonable accommodation, requests for PAS will be handled in the same manner as reasonable accommodation requests.

See [Appendix A](#), Personal Assistance Services Frequently Asked Questions, for guidance.

C. Requests for Reasonable Accommodation

1. An employee or applicant with a disability may request a reasonable accommodation whenever they choose, even if the individual has not previously disclosed the existence of a disability.
2. The reasonable accommodation process begins as soon as the request for an accommodation is made, orally or in writing. After a request for an accommodation has been made, the receiving official (if other than the RAPM) must forward the request, in writing, to the RAPM (ReasonableAccommodation@tsa.dhs.gov) within five business days of the request.
3. A request for an accommodation received by anyone other than a receiving official (e.g., a request for sign language interpreter service received by a Program Office sponsoring an official TSA activity) must be forwarded to the RAPM.
4. A request for a reasonable accommodation can be made by an employee, an applicant, or a third party (e.g., family member or health care professional) on behalf of an employee or applicant.
5. An individual need not have a particular accommodation in mind before making a request.

6. Requests for reasonable accommodation should be made to the appropriate receiving official.
 - a. For employees, the receiving officials are the RAPM, Disability Program Manager (DPM), and supervisors/managers in the employee's chain of command, typically the first level supervisor. For applicants, the receiving officials are any TSA official with whom the applicant has had contact during the application or hiring process.
 - b. Employees, in most circumstances, should submit a written request to the receiving official using the [TSA Form 1133, Reasonable Accommodation Request](#). If an employee makes the request orally, the request should be followed up with a written request, generally within five business days.
 - c. A third party making a request for reasonable accommodation on behalf of an employee or applicant should go to the same person to whom the employee or applicant would make the request.
7. When a request for reasonable accommodation is made by a third party, the RAPM should, if possible, confirm with the individual who needs the accommodation that they need a reasonable accommodation, before proceeding. If it is not possible to confirm the request within three business days, the RAPM will process the third party's request and consult directly with the individual needing the accommodation as soon as it is practicable.
8. For recurring requests of the same type, (e.g., sign language interpreter or reader), the written request, (i.e., TSA Form 1133), is required only for the first request. However, efforts should be made to provide appropriate advance notice, a minimum of five business days, each time the accommodation is needed, for requests that are not recurrent on a continuous basis or on a pre-established schedule. The initial written request should contain language describing the accommodation as "*recurring and continuing.*"
9. This handbook outlines the procedure for providing reasonable accommodation for qualified individuals with a disability, as covered under the Rehabilitation Act. Other consideration may apply for certain individuals covered under the [TSA MD 1100.30-17, Uniform Services Employment and Re-employment](#) and/or [TSA MD 1100.00-6, Workers' Compensation Program](#).
10. Upon request, the reasonable accommodation procedures and associated forms will be made available to applicants and employees in accessible formats.
11. Requests for light duty for temporary, short-term medical conditions that are covered in [TSA MD 1100.00-9, Light Duty Assignments](#), should be submitted and processed in accordance with TSA policy and procedures governing light duty.

D. Interactive Process

1. The interactive process between the receiving official and the individual requesting accommodation should begin immediately upon receipt of the request.

2. Supervisors should immediately engage the requesting employee in a dialogue to gather information regarding the employee's accommodation needs as they relate to their medical restrictions. While the RAPM is the decision maker, when an employee in their direct supervision makes a request for reasonable accommodation, supervisors should not wait for the RAPM to begin the interactive dialogue. Supervisors should refrain from asking questions related to an employee's medical condition, and must limit the scope of discussion to the employee's current medical restrictions, such as whether the medical condition is temporary or permanent, expected duration of the medical condition (if temporary), essential job functions the employee is indicating that they cannot perform without an accommodation.
3. After receiving a request for accommodation, the RAPM will contact the individual requesting accommodation to confirm receipt of the request, advise that the RAPM is the decision maker on the request, and describe the reasonable accommodation process.
4. The interactive process to determine what, if any, accommodation should be provided, or how the parties can best resolve the issues, may include, but is not limited to:
 - a. Analyzing the actual position or job to be performed to determine its purpose and essential functions;
 - b. Consulting with the requesting individual and their supervisor/manager to ascertain the job-related limitations caused by the individual's disability and how those limitations could be resolved with an accommodation;
 - c. Identifying potential accommodations and assessing the effectiveness of those accommodations in enabling the individual to participate in the application process, perform essential functions of a job, or receive equal benefits and privileges of employment;
 - d. Discussing the preference of the requesting individual; and
 - e. Exploring accommodations that are effective for the individual, TSA and/or the overall needs of the office.

NOTE: Please see section M.2. below for additional resources regarding reasonable accommodation that individuals with disabilities and agency decision-makers may consult.

5. Communication is a priority throughout the interactive process. All parties involved, (e.g., the requesting individual, supervisors/managers, etc.), should take a proactive approach when considering possible accommodations, including consulting appropriate resources for assistance.
6. Ongoing communication is particularly important:
 - a. Where the specific limitation or barrier is unclear;

- b. Where an effective accommodation is not obvious; or
 - c. Where the parties involved are considering multiple potential accommodations.
7. In cases where the disability, the need for accommodation, and the type of accommodation needed are clear, extensive discussions may not be necessary for the RAPM to make the determination regarding the request for accommodation.

E. Requests for Medical Information

1. If the individual requesting accommodation has an obvious disability or a previously documented medical condition that establishes them as a qualified individual with a disability, and the accommodation request is related to the known disability, the request should be considered immediately without the need for further medical documentation.
2. If the individual requesting accommodation does not have an obvious disability or a previously documented medical condition that establishes them as a qualified individual with a disability, the individual may be required to provide documentation about the disability and their functional limitations to enable the RAPM to make a determination regarding the request for accommodation.
3. When it is necessary to request medical documentation from the individual requesting accommodation, the RAPM will:
 - a. Seek necessary medical information from the individual, or ask the individual to obtain such information from an appropriate healthcare professional, such as a physician, physical therapist, or other professionals with recognized expertise regarding the individual's condition.
 - b. Provide a description of the nature of the job, the essential function(s) the individual is expected to perform, and any other relevant information to assist the individual's healthcare professional(s) in providing the necessary medical information.
 - c. Request only the information that is necessary to substantiate that the individual has a disability and requires an accommodation.
 - d. If necessary, ask the individual to sign a limited release, using [TSA Form 1134, Medical Information Release Authorization](#), available on the TSA Intranet Forms page, authorizing certain TSA officials, such as the MRO, to contact the individual's healthcare professional(s) and obtain the necessary medical information.
4. If the medical documentation provided by the individual requesting accommodation is insufficient, the RAPM will ask the individual to provide additional information. When requesting additional information, the RAPM will explain, in specific terms, why the information that has been provided is insufficient, what additional information is needed, and why such information is necessary for a determination of the reasonable accommodation request.

5. Once necessary medical documentation is received, RAPM will consult with the MRO to evaluate the information received, as appropriate. TSA has the right to have medical information reviewed by a medical expert chosen by the Agency, at the Agency's expense.
6. Failure by the individual requesting accommodation to provide sufficient medical documentation or to cooperate with the TSA's efforts to obtain such documentation may result in denial of the request.

F. Reassignment as Reasonable Accommodation

1. Reassignment will only be considered as a reasonable accommodation of last resort after all other possible accommodations have been explored and ruled out.
2. A reassignment as a form of reasonable accommodation is available only for *eligible employees* and for reassignment to a vacant, funded position for which such employee is *qualified*.

- a. An *eligible employee* is an employee who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodations.

NOTE: Applicants for employment are not eligible.

- b. An employee is "*qualified*" for a position if they:
 - i. Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience request;
 - ii. Can perform the essential functions of the new position, with or without reasonable accommodation; and
 - iii. Meets any special qualifying condition(s), e.g., a successful completion of requisite qualifying assessment or certification process.
- c. An employee need not be the *best qualified* individual for a position in order to receive an offer of reassignment to the position. An employee who is qualified for the position to which they will be reassigned will be reassigned without going through a competitive hiring process.

NOTE: This is an exception to the competition requirement under [TSA MD 1100.30-4, *Permanent Internal Assignments*](#).

- d. TSA is not obligated to help an employee become qualified for a position, for example, by providing training to acquire necessary skills. Thus, TSA will not train or assist an employee who is eligible for reassignment as a reasonable accommodation in acquiring

skills, experience or other qualifications required to qualify for a new position. However, after such employee is reassigned to a new position, TSA will provide the training that is normally provided to any individual hired for or transferred to the position.

3. The Reassignment Process

- a. If an employee is eligible to receive a reassignment as an accommodation, the RAPM will issue a “Decision Letter” notifying the employee that they are eligible to receive a reassignment as an accommodation.
- b. To facilitate the search, the employee will be asked to provide an updated resume and to define the specific parameters of the reassignment job search (e.g., location, pay) in a Job Search Preference Questionnaire.
- c. The RAPM will work with HC’s Recruitment and Hiring staff to initiate the reassignment job search to identify positions available for reassignment.
- d. The Recruitment and Hiring staff will compile a list of:
 - i. Existing vacant, funded positions within TSA for which the employee may be qualified, with or without reasonable accommodation; and
 - ii. Vacant, funded positions that HC, based on experience, can anticipate will become vacant within 60 calendar days of the request for which the employee may be qualified with or without reasonable accommodation.
- e. Vacancies will be considered for reassignment in the following order of consideration:
 - i. Vacancies that are within the local commuting area with the same pay, status, benefits, or other relevant factors.
 - ii. Vacancies that are outside of the local commuting area with the same pay, status, benefits, or other relevant factors.
 - iii. Other lower pay band vacancies that are within the local commuting area.
 - iv. Other lower pay band vacancies that are outside of the local commuting area.
- f. If there are no vacant, funded positions within TSA, TSA will submit a written request to DHS to conduct a job search in other DHS components. Prior to initiating a request to DHS, the RAPM will ensure that all options to reasonably accommodate the employee in their current position and to secure a qualifying vacant position within TSA were considered.
- g. If more than one qualifying position is identified, the RAPM will determine the manner in which an employee is to be offered reassignment using the following:

- i. The RAPM makes the final decision based on the best interest of TSA regarding which position is offered. The employee will be assigned to the position that comes closest to the employee's current position, in terms of pay, status, benefits or other relevant factors for which the employee is qualified. The employee is not entitled to a reassignment to a position of his/her choice; the employee is merely entitled to a reassignment to a vacant, funded position for which such employee is qualified.
 - ii. Reassignments do not include promotions or positions with higher promotion potential than the employee's current position. An employee must compete for any vacant position that would constitute a promotion or include a promotion potential.
- h. TSA will conduct the position search for up to 45 calendar days or until a vacant position for which the employee could be considered is identified, whichever is shorter. TSA will proceed as expeditiously as possible in determining whether there are appropriate vacancies to be considered.
4. At the conclusion of the job search, the RAPM will notify the employee of the results, and either offer an appropriate vacancy to the employee for reassignment or inform the employee that no appropriate vacancies are available.
 - a. The job offer must be in writing and it must provide a description of the work and any conditions of employment (e.g., complete an assessment or pass a polygraph test, etc.). The employee must satisfy all conditions of employment prior to being reassigned to the new position.
 - b. If a period of initial training is required before the employee can begin performing the duties of the position, the employee cannot be reassigned until they have successfully completed the required training.
 - c. Any job offer to an employee with an accepted workers' compensation claim will be coordinated with the HC's Workers' Compensation Program Office.
 - d. Reassignment may be made to a position at a lower pay band if the employee agrees; this constitutes a voluntary demotion.
 - e. Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, TSA will not pay for the employee's relocation costs.
 - f. Reassignment cannot be made to a position with greater promotion potential than original position held by the employee.
5. When a conditional job offer is made, TSA has fulfilled its reasonable accommodation obligation.
6. The employee must accept or decline the job offer in writing within seven calendar days.

- a. An employee's failure to respond within seven calendar days is considered a declination of the job offer. A declination means that the employee waived their rights to further consideration for a reassignment as an accommodation.
- b. Requests for extensions to respond may be granted only in unusual and extreme circumstances. A request for an extension must be in writing and received by the RAPM before the expiration of the seven calendar days.
- c. If the employee chooses to decline a job offer and it has been determined that the employee's disability renders them incapable of performing the essential functions of their current position of record, then TSA may remove the employee from Federal service.

G. Timeframes for Processing a Request and Providing Reasonable Accommodation

1. All TSA officials are expected to act as quickly as reasonably possible, in processing reasonable accommodation requests and providing the approved accommodations. Where an accommodation can be provided in less than the maximum timeframe, the Agency should do so. Failure to provide an accommodation in a prompt manner may result in a violation of the Rehabilitation Act.
2. TSA will make every effort to evaluate and render a decision on requests for reasonable accommodation within 60 business days from the day the employee/applicant makes the request.
3. The timeframe necessary to process a request for reasonable accommodation will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting documentation.
4. Reassignment as a reasonable accommodation of last resort will generally take longer than 60 business days.
5. Generally, requests should be processed as follows:
 - a. After an accommodation has been requested, orally or in writing, the receiving official (if other than the RAPM) should forward the request to the RAPM within five business days of the request.
 - b. The RAPM should notify the individual requesting accommodation, in writing, to confirm receipt of the request and to begin the interactive process within five business days of the RAPM's receipt of the request.
 - c. In cases that require medical documentation, the RAPM should request medical documentation as soon as possible after receiving the request. While in certain cases the need for medical documentation may not become apparent until after the

interactive process has begun, the request should be made as soon as the RAPM decides medical documentation is necessary.

- d. Barring special circumstances, the individual requesting accommodation should provide the necessary medical documentation within 20 business days of the RAPM's request for such documentation. Failure to provide the requested medical documentation within the required timeframe to support the request may result in denial of the request. In the event the individual is unable to provide the necessary medical documentation within 20 business days of the RAPM's request, such individual must submit a written request for extension to the RAPM for approval. Requests for an extension will be granted only in rare circumstances upon demonstration of good cause.
 - e. TSA will not be expected to adhere to its usual timelines if an individual and/or their healthcare professional fails to provide needed documentation in a timely manner.
 - f. Final determination should be made generally within 20 business days of receiving all necessary documentation (e.g., medical documentation, in cases that require medical documentation).
 - g. An approved accommodation should be implemented immediately and provided within 20 business days of the accommodation being approved.
6. Extenuating Circumstances
- a. Extenuating circumstances are factors that could not reasonably have been anticipated, or avoided, in advance of the request for accommodation.
 - b. When extenuating circumstances are present, the RAPM will notify the individual requesting accommodation, in writing, of the reason for the delay and the approximate date on which a decision regarding provision of the reasonable accommodation is expected. Any further developments or changes should also be communicated promptly, in writing, to the individual.
 - c. If there is a delay in providing an accommodation that has been approved, the RAPM must decide whether temporary measures can be taken to assist the individual requesting accommodation. This could include providing an alternative form of accommodation, provided:
 - i. They do not unreasonably interfere with TSA's operations; and
 - ii. The individual is clearly informed that the measure being provided is only being provided on a temporary/interim basis until a more permanent accommodation can be arranged.
 - d. If a delay is attributable to the need to obtain or evaluate necessary medical information and the RAPM has not yet determined that the individual is entitled to an

- accommodation, the RAPM may also provide an accommodation on a temporary basis. In such a case, the RAPM should notify the individual, in writing, that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.
- e. If temporary measures are taken, the RAPM is responsible for ensuring that the modifications do not take the place of an approved accommodation and that all necessary steps are taken to provide the approved accommodation as quickly as possible.
7. Expedited processing of reasonable accommodation requests
- a. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes situations where a reasonable accommodation is needed:
 - i. To enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation in order to ensure that an applicant with a disability has an equal opportunity to apply for a job.
 - ii. To enable an employee to participate in a specific TSA activity that is scheduled to occur in the near future, such as to attend a meeting scheduled on short notice.
 - b. Where the expedited process is necessary, the receiving official is authorized to take the necessary steps to make the accommodation without getting prior approval from the RAPM and is required to simultaneously notify the RAPM of the actions taken or proposed to be taken.

H. Granting or Denying a Reasonable Accommodation Request

1. The RAPM, as the decision maker, will determine whether to grant or deny a request for accommodation, and notify the employee of the decision in writing.
2. A reasonable accommodation does not need to be the most expensive or exactly what the individual requests; however, it must be effective.
3. The individual requesting accommodation may decline an accommodation offered by TSA. If this occurs, the RAPM will document the declination.
4. If the request is granted, the RAPM will issue a written decision letter describing the accommodation that is being granted, and provide a direction for implementation.
5. If a request for accommodation is denied, the RAPM, will issue a written decision to the requestor, including the specific reasons for the denial. Factors supporting the denial of a request for accommodation include, but are not limited to:

- a. A determination that the requested accommodation would result in undue hardship.
 - b. Medical documentation is inadequate to establish that the requesting individual is a qualified individual with a disability and/or needs a reasonable accommodation.
 - c. The requested accommodation would require the removal of an essential function of the job.
 - d. The requested accommodation would require the lowering of a performance or production standard.
 - e. The requested accommodation would not be effective or is not the most appropriate accommodation under the circumstances, and/or there are no alternative appropriate accommodations.
 - f. The individual requesting accommodation refuses to accept an appropriate alternative accommodation.
6. The written notice of denial must inform the individual that they have the right to file an equal employment opportunity (EEO) complaint with the TSA's Civil Rights Division (CRD) and include instructions on how to file an EEO complaint. The written notice of denial must explain that the individual must initiate contact with an EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in the informal dispute resolution process. The written notice of denial must also include any available alternative procedures for seeking reconsideration of the denial decision.
7. If an individual who was denied accommodation chooses to file an EEO complaint, they must contact TSA's CRD within 45 calendar days of receipt of the written notice of denial. This must be done by contacting the TSA's Transportation Contact Center at 1 (877) 336-4872 or Fed Relay 711 or by emailing TSA.Civilrights@tsa.dhs.gov. Failure to file a timely EEO complaint may result in a dismissal of the complaint.
8. The written notice will be provided in an accessible format for the individual.

I. Reconsideration of Denial

1. Upon denial of an accommodation, a TSA employee may ask the Assistant Administrator for Human Capital (AA/HC), or their designee, to reconsider the decision. The reconsideration requests should be made in writing (e.g., email or letter format), within seven business days of denial of accommodation. The employee may present additional information or documentation in support of their request. The AA/HC or their designee must respond to the request for reconsideration in writing within a reasonable amount of time, generally within 20 business days of receipt of the reconsideration request.
2. Pursuing reconsideration does not affect the time limits stated above for initiating the EEO complaint process.

J. Reevaluation of Granted Accommodations

1. The reevaluation process is intended to allow TSA to ensure that an accommodation that was previously granted is effective, still appropriate, and does not cause an undue hardship.
2. The RAPM is responsible for reevaluating granted accommodations. A reevaluation is a continuation of the interactive process and will follow the procedures set forth in this Handbook for processing reasonable accommodation requests.
3. An employee or a supervisor/manager within the employee's chain of supervision may request a reevaluation of the existing accommodation, when one is warranted for the purposes described above in Section J.1.
4. When the reevaluation request is initiated by someone other than the employee, the RAPM will notify the employee in writing within ten business days of receipt of the request.

K. Confidentiality and Disclosure

1. All medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation must be kept confidential in compliance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a). The information must be kept in files separate from the individual's personnel file. The information obtained in the reasonable accommodation process may be disclosed only to the following individuals in the circumstances described:
 - a. Supervisors/managers with a need to know may be provided information about medical restrictions on the work or duties of the employee and the necessary accommodation(s).
 - b. TSA employees or contractors who must implement, process, or provide advice regarding reasonable accommodation requests may be provided with information on a need to know basis.
 - c. First aid and safety personnel may be informed, when appropriate, if the individual's disability might require emergency treatment or assistance during emergency evacuation.
 - d. Government officials may be provided with information that is necessary to investigate TSA's compliance with the Rehabilitation Act, to process EEO complaints, or for other program audit/evaluation purposes.
 - e. Workers' compensation offices or insurance carriers may be informed in certain circumstances.

2. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients about the confidentiality and limited disclosure requirements that attach to the disclosed information.

L. Information Tracking and Reporting

1. HC will maintain employee case records relating to reasonable accommodation requests for at least three years after employee separation from TSA or all appeals are concluded whichever is later, in accordance with the applicable records disposition schedule.
2. TSA maintains records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 of the Rehabilitation Act. TSA will make such records available to the Equal Employment Opportunity Commission (EEOC) upon the EEOC's request.
3. The RAPM will compile and submit an annual report on the reasonable accommodation program to the DHS in coordination with the DPM in CRD on or before October 15 of each year. The report will be maintained for at least three years, in accordance with the applicable records disposition schedule, and contain 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 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;
 - c. The jobs (occupational series, pay band, and organizational element) for which reasonable accommodations were requested and the types of reasonable accommodations that have been requested for each of those jobs;
 - d. The number and types of reasonable accommodations that have been approved, and the number and types of accommodations that have been denied;
 - e. The identity of the deciding official;
 - f. The reasons for denial of requests for reasonable accommodation;
 - g. The amount of time taken to process each request for reasonable accommodation;
 - h. The sources of technical assistance that have been consulted in working to identify possible reasonable accommodations; and
 - i. A qualitative assessment of TSA's Reasonable Accommodation Program, including any recommendations for improvement of policies and procedures.

M. Cost and Resources

1. Cost. Centralized funds are available through the Reasonable Accommodation Program office to pay for reasonable accommodations. If the cost of an accommodation exceeds the allotted budget, the RAPM will work with the appropriate stakeholders (e.g., Resource Management Offices) to identify the requirements and the necessary resources. Most accommodations do not cost any money such as work schedule changes or work adjustments. When there is cost associated with an accommodation, it is unlikely that an accommodation would be denied solely as a result of financial cost. All resources available to the DHS as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, must be considered when determining an accommodation poses undue hardship.
2. Additional resource materials regarding reasonable accommodation are available for employees, managers, and the decision-makers, including but not limited to:
 - a. Resource materials available on the EEOC public website (<https://www.eeoc.gov>) (e.g., the EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act and the EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act).
 - b. U.S. Department of Labor, Office of Disability Employment Policy: Accommodations <https://www.dol.gov/agencies/odep/program-areas/employers/accommodations>
 - c. Job Accommodation Network (JAN) <https://askjan.org>
 - d. Office of Personnel Management, Policy, Data, Oversight: Disability Employment <https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations>

N. Distribution

All new TSA employees will be provided a written summary of this Handbook as part of the new employee orientation process. TSA MD 1100.73-4 and Handbook, *Reasonable Accommodation Program*, will be posted on TSA's Intranet site and public website.

Appendix A: Personal Assistance Services (PAS) Frequently Asked Questions

1. What are PAS?

PAS are services that help individuals with disabilities perform activities of daily living, including, for example, assistance with removing and putting on clothing, eating, and using the restroom. Such services do not, however, include medical care, and need not be provided by someone who has medical training or qualifications.

2. How are PAS different from reasonable accommodations?

Some individuals with disabilities cannot work because personal assistance services are not provided to them in the workplace. The services will allow such individuals to enjoy the opportunity and independence offered by paid employment. They are not the same as services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities. PAS are services that help someone perform basic activities such as eating and using the restroom.

3. Do PAS services include doing part of the person's job?

No. PAS only include assistance with basic human functions, and are only required if they enable the employee to do their job up to normal standards.

4. Who are eligible to receive PAS?

TSA will provide PAS for employees who, because of a targeted disability, require assistance in order to be at work or participate in work-related travel.

5. What are targeted disabilities?

Targeted disabilities are a subset of the larger disability category that the Federal government has emphasized in hiring because they pose the greatest barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities.

They are:

- developmental disabilities, for example, cerebral palsy or autism spectrum disorder;
- traumatic brain injuries;
- deafness or serious difficulty hearing, benefiting from, for example, American Sign Language;
- blindness or serious difficulty seeing even when wearing glasses;
- missing extremities (arm, leg, hand and/or foot);
- significant mobility impairments, benefitting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports;
- partial or complete paralysis (any cause);

- epilepsy and other seizure disorders;
- intellectual disabilities (formerly described as mental retardation);
- significant psychiatric disorders, for example, bipolar disorder, schizophrenia, PTSD, or major depression;
- dwarfism; and
- significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

6. How would an employee request PAS?

The same procedures for requesting reasonable accommodation applies. Requests for PAS will be processed in the same manner as requests for reasonable accommodation.

For additional guidance on the PAS, please contact the Reasonable Accommodation Program Manager via email at ReasonableAccommodation@tsa.dhs.gov.

Appendix B: TSA Form 1133, Reasonable Accommodation Request

DEPARTMENT OF HOMELAND SECURITY
 Transportation Security Administration

REASONABLE ACCOMMODATION REQUEST

INSTRUCTIONS: This form is completed by an employee or an applicant requesting reasonable accommodation or by a third party making a request for reasonable accommodation on behalf of an employee or applicant, and submitted to the receiving official, in accordance with TSA MD 1100.73-4, Reasonable Accommodation Program, and the associated Handbook. For employees, the receiving officials are the RAPM, Disability Program Manager (DFM), and supervisors/managers in the employee's chain of command, typically the first level supervisor. For applicants, the receiving officials are any TSA official with whom the applicant has had contact during the application or hiring process. Requests for reasonable accommodation can be made orally or in writing; if an employee makes the request orally, the request should be followed up with TSA Form 1133. Upon receipt, the receiving official signs the form, and forwards the signed form to the RAPM, or ReasonableAccommodation@tsa.dhs.gov, if the receiving official to whom the request was made is not the RAPM.

SECTION I. APPLICANT DATA

Date of Request: _____ Date Application Received: _____

Name: _____

Duty Location: _____ Airport Code: _____

Current Position: _____
Include Occupational Series & Pay Band (e.g., HR Specialist, 0201, I Band)

Address: _____
Street

_____ *City* _____ *State* _____ *Zip Code*

Phone Number: _____ Email Address: _____

SECTION II. EMPLOYMENT STATUS

Applicant Permanent Temporary Trainee (Initial Training)

SECTION III. CERTIFICATION

*Requestor's Signature** _____
Date

*If Requestor is not the named employee or applicant, information is required to explain why this request is being made on behalf of the named individual and what relationship you have with the individual. You also must provide your address and telephone number in the space provided below.



Address: _____
Street

_____ *City* _____ *State* _____ *Zip Code*

Phone Number: _____

SECTION IV. MEDICAL INFORMATION / REQUESTED ACCOMMODATION

Briefly describe the medical condition requiring accommodation:

Briefly describe the specific accommodation requested:
SECTION V. ADDITIONAL INFORMATION
Explain how the requested accommodation would assist you in (1) performing the essential duties of your position, (2) using the job application process, or (3) taking advantage of a benefit or privilege offered by TSA:
SECTION VI. SUPERVISORY ACKNOWLEDGEMENT / CERTIFICATION
I acknowledge that the above noted individual has requested reasonable accommodation under TSA's existing policy. If approved, I understand that the agency will provide such accommodation in accordance with TSA's policy.
 
<i>Supervisor's Signature</i> <i>Date</i>

PRIVACY ACT STATEMENT: Authority: 49 U.S.C. § 114(n); 29 U.S.C. § 701; E.O. 13164. Principal Purpose(s): This information will be used in order to determine whether an employee should be granted a reasonable accommodation. Routine Use(s): This information may be shared with the EEOC or for routine uses identified in the Office of Personnel Management's system of records notice, OPM/GOVT-10 Employee Medical File System Records. Disclosure: Voluntary; failure to furnish the requested information may result in an inability to grant your request for a reasonable accommodation.

Appendix C: TSA Form 1134, Medical Information Release Authorization

DEPARTMENT OF HOMELAND SECURITY
 Transportation Security Administration

MEDICAL INFORMATION RELEASE AUTHORIZATION

INSTRUCTIONS: This form is completed by an employee or an applicant to voluntarily authorize his/her health care provider to release/disclose his/her medical information to TSA officials with a need to know.	
SECTION I. HEALTH CARE PROVIDER INFORMATION	
Date: _____	
To: <input type="checkbox"/> Physician's Office <input type="checkbox"/> Physical Therapist <input type="checkbox"/> Medical Facility <input type="checkbox"/> Other (specify): _____	
Address: _____ _____ <i>Street</i> _____ _____ <i>City</i> <i>State</i> <i>Zip Code</i>	
Phone Number: _____	
** Upon receipt of this document, you are hereby authorized to release medical information regarding the individual named in Part II. **	
SECTION II. APPLICANT / EMPLOYEE INFORMATION	
Name: _____ Date of Birth: _____	
Address: _____ _____ <i>Street</i> _____ _____ <i>City</i> <i>State</i> <i>Zip Code</i>	
SECTION III. PURPOSE OF INFORMATION	
Information requested in support of: <input type="checkbox"/> Disability/Reasonable Accommodation Determination <input type="checkbox"/> Other (specify): _____	
SECTION IV. INFORMATION DISCLOSURE	
Individual(s) to whom the medical information should be released:	
_____ <i>Name</i> _____ <i>Title</i> _____ <i>Address</i> _____ _____ <i>City</i> <i>State</i> <i>Zip Code</i> _____ <i>Phone Number</i>	_____ <i>Name</i> _____ <i>Title</i> _____ <i>Address</i> _____ _____ <i>City</i> <i>State</i> <i>Zip Code</i> _____ <i>Phone Number</i>
SECTION V. APPLICANT / EMPLOYEE CERTIFICATION	
_____ <i>Signature</i>	_____ <i>Date</i>

PRIVACY ACT STATEMENT: Authority: 49 U.S.C. § 114(n). **Principal Purpose(s):** This information will be used to certify that you have authorized the release of medical information to individuals listed on this form. Authorization may be revoked at any time (except to the extent that the healthcare provider has already released information under this authorization) by notifying the health care provider shown on this form. **Routine Use(s):** This information may be shared with the Department of Labor, Department of Veterans Affairs, Social Security Administration, Federal Retirement Thrift Investment Board, or a national, State or local social security type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program, or for routine uses identified in the Office of Personnel Management's system of records notice, OPM/GOVT-10 Employee Medical File System Records. **Disclosure:** Voluntary; failure to furnish the requested information may result in an inability for your healthcare provider to release your medical information to the individuals listed on this form.