



Note: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C 114(n)), this directive establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding Reasonable Accommodation issued under the FAA Personnel Management System.

1. **PURPOSE:** This directive implements Executive Order 13164, which requires each Federal agency to establish effective written procedures for processing requests for reasonable accommodation made by qualified job applicants and employees with disabilities. This directive further fulfills TSA's obligation to provide reasonable accommodations pursuant to the Rehabilitation Act of 1973, as amended, where applicable and in accordance with the provisions of the Aviation and Transportation Security Act (ATSA).
2. **SCOPE:** This directive applies to all TSA organizational elements and field offices, employees, and applicants for employment, with the following limitation: Applicants for, and employees occupying, any Transportation Security Officer (TSO) position must be able to demonstrate the statutory requirements for the position, which include physical, medical, auditory and vision requirements. While this policy does not preclude any applicant or employee from requesting or being considered for reasonable accommodation, notwithstanding the requirements of the Rehabilitation Act, TSO applicants and TSOs who are unable to meet the statutory requirements of the TSO position are not eligible for reasonable accommodation under this policy.¹
3. **AUTHORITIES:**
 - A. Section 101 and 111(d) of the Aviation and Transportation Security Act
 - B. Section 403(2) of the Homeland Security Act of 2002
 - C. Applicable TSA and U.S. Department of Homeland Security delegations of authority
 - D. The Rehabilitation Act of 1973 (29 U.S. C. Section 701), as amended
 - E. The Rehabilitation Act Amendments of 1992 (29 U.S.C. Section 791(g))
 - F. E.O. 13163: Increasing The Opportunity for Individuals with Disabilities to be Employed in The Federal Government
 - G. E.O. 13164: Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation
 - H. 29 C.F.R. Part 1614
 - I. 29 C.F.R. Part 1630

¹ In December 2005, a management decision was made to change the title and series of the Transportation Security Screener, SV-019, to Transportation Security Officer (TSO), SV-1802. This reclassification does not affect the position requirements outlined in ATSA or the implementation of this directive.

- J. Privacy Act of 1974, as amended
- K. Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, No. 915-003 (October 20, 2000)
- L. EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, No. 915.002 (October 17, 2002)
- M. EEOC Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act (January 1992)

4. DEFINITIONS:

- A. Agency: Transportation Security Administration (TSA), including its organizational elements and field offices.
- B. 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-enlarging software, TTYs/TDDs (text telephones), split screen reading software, etc. The term “assistive technology” is used interchangeably with “computer adaptive equipment.”
- C. Day: Calendar day, unless otherwise specified.
- D. Decision maker: The Reasonable Accommodation Program Manager (RAPM) is the decision maker for reasonable accommodation requests.
- E. Direct Threat: A significant risk of substantial harm to health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
- F. Disability: An impairment that substantially limits one or more of the major life activities. This does not include temporary, short-term medical conditions such as those that are covered in TSA’s Light Duty Assignments for Screeners (OD-400-30-6).
- G. Essential Function: A fundamental duty or task that is integral to the position or job to be performed. Making a determination of the essential function(s) of a position must be done on a case-by-case basis and reflect the job as actually performed, not simply the components of a generic job analysis tool, or position description, except for screener positions which have requirements that are established by law.
- H. Extenuating Circumstances: Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. Limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, a delay caused by a sole supplier’s inability to deliver a product in a timely manner because of manufacturing delays. However, the unavailability of a particular staff member to process a request for reasonable accommodation is not an extenuating circumstance.

- I. Individual with a Disability: A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of such impairment, or is regarded as having such an impairment.
- J. Interactive Process: The process by which the individual requesting a reasonable accommodation, supervisors and managers, and the RAPM talk to each other about the request for reasonable accommodation and any issues related to such discussion including potential alternative accommodations and timeframes for providing an accommodation.
- K. Major Life Activity: Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- L. Medical Review Officer (MRO): Medical professional(s) acting on behalf of TSA who reviews medical documentation and provides a medical opinion as it relates to requests for reasonable accommodation.
- M. Organizational Element: Any headquarters or field office of the TSA.
- N. Physical or Mental Impairment: Any 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 any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- O. Qualified Individual with a Disability: An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- P. 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:
 - (1) 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 like large print or Braille):
 - (2) 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.
 - (3) 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.

- Q. Receiving Official: An official in the employee's supervisory chain of command. This is typically the employee's immediate or second level supervisor. For applicants, this official may be the employee with whom the applicant has had contact during the application process. May also be the Reasonable Accommodation Program Manager (RAPM).
- R. Request for Reasonable Accommodation: A verbal statement or a 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.
- S. Requester: An employee or applicant, or an individual acting on his/her behalf, who requests reasonable accommodation.
- T. Substantial Limitation: The inability of an individual to perform a major life activity or being significantly restricted in performing a major life activity that the average person in the general population can perform.
- U. Transportation Security Officer (TSO): An employee occupying a TSO position. This includes those occupying Lead and Supervisory TSO positions. (See footnote 1).
- V. Undue Hardship: The significant difficulty or expense to the agency that would or is likely to result from a proposed arrangement or modification. If a specific accommodation request causes undue hardship, TSA is not required to provide that particular accommodation. Determination of undue hardship must always be made on a case-by-case basis, considering factors that include the nature and cost of the accommodation, the impact of the accommodation on the operations of the agency, and other relevant considerations.

5. RESPONSIBILITIES:

- A. Assistant Secretary, or his/her designee, will ensure that an effective process for responding to requests for reasonable accommodation is established.
- B. Assistant Administrator for the Office of Human Capital (OHC) will:
 - (1) Establish procedures to facilitate the provision of reasonable accommodation to qualified employees or applicants with disabilities.
 - (2) Analyze and evaluate the effectiveness of the process for responding to requests for accommodation.
 - (3) Provide sufficient resources to ensure effective implementation and management of a process for responding to requests for reasonable accommodation.
 - (4) Other duties as set forth in this Management Directive.
- C. Reasonable Accommodation Program Manager (RAPM) will:
 - (1) Be assigned to the OHC and serve as the agency point of contact and the decision maker for reasonable accommodation matters.

- (2) Engage in interactive process with supervisors, managers, applicants and employees on determinations of all reasonable accommodation requests, whether the accommodation requests are received from agency officials or directly from the employee.
- (3) Collect, prepare and report TSA's Reasonable Accommodation data to the Office of Civil Rights (OCR) for dissemination to the Department of Homeland Security (DHS) and the Equal Employment Opportunity Commission (EEOC).
- (4) Develop and maintain a system to track and report the type and cost of reasonable accommodations of disabilities provided throughout TSA.
- (5) Serve as a liaison between TSA and DHS in matters concerning reasonable accommodation of disabilities for applicants and employees.

D. Director, Standards and Testing in OHC will:

- (1) Perform initial evaluation of screener applicant and trainee requests for reasonable accommodation and provide advice and recommendations to the RAPM regarding appropriate accommodations in the screener hiring and initial training process.
- (2) Report and forward to the RAPM copies of all screener applicant and trainee requests for accommodations, and make recommendations to provide reasonable accommodation(s).
- (3) Work with the RAPM in developing and providing reasonable accommodation training and guidance to TSA employees and managers.

E. Director, OCR will:

- (1) Refer all incoming reasonable accommodation requests and inquiries to the OHC within five calendar days of receipt.
- (2) Process EEO complaints alleging unlawful discrimination on the basis of disability.
- (3) Coordinate with OHC to facilitate and ensure accurate tracking and reporting of the provision of reasonable accommodation of disabilities throughout TSA.
- (4) Provide an annual report to the DHS, Office of Civil Rights and Civil Liberties on or before October 15th of each year, as discussed in paragraph six.

F. Office of Chief Counsel (OCC) will: Conduct research and provide legal and technical advice/guidance to OHC, OCR, WPT and TSA managers regarding equal employment opportunity, disability and reasonable accommodation requests, policies, and procedures.

G. Managers and Supervisors will:

- (1) Actively participate in the reasonable accommodation process.

- (2) Engage in an interactive process with employees who request reasonable accommodation and the RAPM to ensure that appropriate consideration of each request is made.
- (3) Forward requests for reasonable accommodation to the RAPM within five calendar days of receipt.
- (4) Ensure implementation of approved accommodations.
- (5) Request and ensure appropriate training for TSA employees who are granted reasonable accommodations.

H. TSA Employees will:

- (1) Communicate requests for reasonable accommodation of disabilities to a supervisor or manager in their chain of command or the RAPM.
- (2) Provide relevant and recent medical and other documentation in support of each request for reasonable accommodation to agency officials in a timely manner.
- (3) Engage in an interactive process with agency officials concerning a request for reasonable accommodation.
- (4) Participate in needs assessments for assistive technology when recommended by agency officials.
- (5) Learn to use and maintain skills required for using any assistive technology provided as a reasonable accommodation, including upgraded versions of assistive technology.

I. TSA Applicants will:

- (1) Communicate requests for reasonable accommodation to agency officials involved in the application and hiring process.
- (2) Provide relevant medical and other documentation in support of each request for reasonable accommodation to agency officials in a timely manner.
- (3) Participate in an interactive process with agency officials concerning a request for reasonable accommodation.

J. Federal Security Director (FSD) or his/her designee will:

- (1) Assist employees, supervisors, and managers in gathering relevant information and/or documentation concerning requests for reasonable accommodation.
- (2) Facilitate the interactive process between manager(s), supervisor(s), the employee and the RAPM who are engaged in a request for reasonable accommodation.

- (3) Track and report reasonable accommodation requests within their area of responsibility and provide the RAPM with a quarterly report.
- (4) Ensure records including medical documentation, are safeguarded in accordance with Section 7K of this document.

6. POLICY: It is the policy of TSA to receive and review each request for reasonable accommodation in a timely manner. It is also the policy of TSA to implement reasonable accommodation whenever the requesting applicant/employee meets all defined criteria and the requested accommodation does not alter or affect TSA operations or otherwise result in a failure to comply with applicable provisions of the Aviation and Transportation Security Act. Requests for which an applicant/employee does not qualify, or which are prohibitively burdensome to TSA operations will not be implemented.

7. PROCEDURES:

A. Requests

- (1) An **employee** may request a reasonable accommodation orally or in writing from his/her supervisor; another supervisor or manager in his/her immediate chain of command; or the RAPM. TSA's reasonable accommodation process begins as soon as the request for accommodation is made either orally or in writing. A [TSA Form 1133, Reasonable Accommodation Request](#) can be accessed through the TSA Intranet *Forms* page. An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability to agency officials.
- (2) An **applicant** may request a reasonable accommodation orally or in writing from any TSA official with whom the applicant has had contact in connection with the application process. Applicants who wish to request a reasonable accommodation may download the appropriate forms at <https://tsacareers.recruitsoft.com/accommodation> or call the TSA Recruitment Center at 1-800-887-1895 or TTY 1-800-887-5506.
- (3) If authorized by the affected employee or applicant a representative may request a reasonable accommodation on behalf of an employee or applicant with a disability. The initial request must be made in writing to the appropriate agency official. The employee or applicant may refuse to accept an accommodation requested by another person on his/her behalf.

B. Written Confirmations

- (1) Employees who request reasonable accommodation orally must follow up their oral request with a written request as soon as possible.
- (2) These written requests must be submitted to a manager or supervisor in the chain of command and/or the RAPM.

- (3) Receiving Officials must forward requests for reasonable accommodations to the RAPM, OHC, as soon as possible, but not more than five calendar days after receipt. While the written confirmation request must be made as soon as possible following an oral request, processing of the request should begin as soon as the oral request for accommodation is made, whether or not the written request has been provided.
- (4) For recurring requests of the same type, (e.g. the assistance of sign language interpreters or readers) the written form is required only for the first request, although appropriate notice must be given each time the accommodation is needed.

C. Interactive Process

- (1) Communication is a priority throughout the reasonable accommodation process. TSA officials involved in the provision of reasonable accommodation of disabilities should take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate, to the extent possible, in helping to identify an effective accommodation. The RAPM serves as the point of contact for such matters.
- (2) On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided are clear, extensive discussions are not necessary. Even so, the RAPM will interact with appropriate agency officials and the requesting individual to ensure that there is a full exchange of relevant information.

D. Reassignment as an Accommodation: Reassignment will only be considered as a reasonable accommodation if a determination is made that no other reasonable accommodations are available to enable the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship. In considering whether there are positions available for reassignment, the RAPM should work with the individual requesting the accommodation and appropriate HR advisors to identify:

- (1) Existing vacant positions within the TSA for which the employee may be qualified, with or without reasonable accommodation; and
- (2) Positions within TSA that will become vacant within **60 days** of the request for which the employee may be qualified.

Note: The first focus will be to identify positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the RAPM will consider vacant lower level positions for which the individual is qualified. Reassignment cannot be made to positions with greater promotion potential than the original position held by the employee.

- (3) Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. Agency officials are not obligated to pay for the

employee's relocation expenses unless TSA policy provides such payments for employees without disabilities who request reassignment to other locations for personal reasons.

- (4) Reassignment as a form of reasonable accommodation can only be offered to TSA employees and is not available as an accommodation for job applicants.
- (5) If a period of initial training is required before the employee can begin performing the duties of the position, reassignment as a form of reasonable accommodation is not available to such employees until they have successfully completed the required training.

E. Requests for Medical Information

- (1) The RAPM may request medical information/documentation that verifies that an employee or applicant has a specific medical or physical impairment or condition. In some cases the impairment or condition will be obvious. In these cases, further medical information may not be necessary. However, when a medical or physical impairment or condition is not obvious or otherwise already known, the RAPM or other appropriate official may require that the individual provide relevant and recent documentation about the disability and his/her functional limitations to enable management to make a determination regarding a request for reasonable accommodation.
- (2) If the RAPM believes that medical information is necessary in order to evaluate a request for reasonable accommodation, and the individual requesting the accommodation fails to provide the information, the RAPM shall notify the requester that failure to provide the necessary medical documentation may result in a denial of the request.
- (3) The RAPM may request a consultation with the MRO and the OCC to aid in the determination whether medical documentation is necessary and, if so, the type and extent of the documentation required.
- (4) If medical documentation is necessary, it should address the impairment/condition, including a description of any functional limitations of the requesting individual. The individual should be asked to obtain such information from an appropriate healthcare professional such as a physician, physical therapist, or other individual with recognized expertise regarding the individual's condition. All requests for medical information should describe the nature of the job, the essential function(s) the individual is expected to perform, and any other relevant data.
- (5) Once the necessary medical information is received, the RAPM, in consultation with the MRO will evaluate the documentation and, if necessary, may consult with any other appropriate agency official such as field counsel or the Human Resources/Employee Relations Specialist. If the requested information is insufficient to enable TSA to determine whether an accommodation is appropriate, TSA may seek further information from the requesting individual. The requesting individual may request that the Assistant Administrator, OHC, or designee, explain why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

- (6) The RAPM should ask the requesting individual to sign a limited release for TSA to obtain the necessary medical information, which may include permission for certain TSA officials and/or the MRO to contact the individual's health care professional. A [TSA Form 1134, Medical Information Release Authorization](#) can be accessed through the TSA Intranet *Forms* page.
 - (7) If the RAPM determines that medical information submitted must be reviewed by other medical experts, TSA will make arrangements for such medical review. Such medical review will be performed at TSA's expense.
 - (8) Failure by the individual to provide appropriate medical documentation or to cooperate with TSA's efforts to obtain such documentation can result in a denial of the request for reasonable accommodation.
- F. Time Frames for Processing a Request and Providing Reasonable Accommodation: The time frame 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 medical information. Generally, requests shall be processed as follows:
- (1) Requests Not Involving Extenuating Circumstances: If the request for reasonable accommodation is approved and the supporting information provided is sufficient, the request should be processed as soon as possible and the accommodation provided generally within 20 business days from the date the request was initially made either orally or in writing. If the RAPM needs the full 20 days to engage in the interactive process and collect all relevant information about possible accommodations, the provision of the accommodation may take longer. If the request requires that additional supporting medical or other information be obtained, the following will apply:
 - (a) The RAPM will make such request to the employee as soon as possible but before the expiration of the 20-day period.
 - (b) If the medical or other documentation is sufficient, the accommodation will be provided as soon as possible after receipt of the documentation. If the documentation is insufficient, see Section 7E.
 - (c) If the RAPM determines that the medical or other documentation is sufficient, he/she shall determine whether the accommodation can be granted or whether an effective alternative accommodation should be provided.
 - (d) The RAPM will inform the supervisor or management official responsible of the determination and any required actions to be taken.
 - (2) Requests Involving Extenuating Circumstances
 - (a) When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as necessary. All TSA officials are expected to act as quickly as reasonably possible in processing requests and providing reasonable accommodations.

- (b) Where extenuating circumstances are present, the RAPM should notify the individual 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. This could include providing an alternative form of accommodation. In addition, the RAPM may suggest measures that do not qualify as reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if:
 - (i) They do not unreasonably interfere with TSA's operations; and
 - (ii) The employee is clearly informed that they are being provided only on a temporary, interim basis until a more permanent accommodation can be arranged.
 - (iii) If a delay is attributable to the need to obtain or evaluate necessary medical information and TSA has not yet determined that the individual is entitled to an accommodation, TSA may also provide an accommodation on a temporary basis. In such a case, the RAPM will notify the individual, in writing, that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.
 - (iv) If temporary measures are taken, the RAPM and the appropriate official, manager, or supervisor are 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.

G. Expedited Process

- (1) In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than 20 days. This includes where a reasonable accommodation is needed:
 - (a) 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 equal opportunity to apply for a job.
 - (b) To enable an employee to participate in a specific agency activity that is scheduled to occur shortly, such as, to attend a meeting scheduled on short notice.
- (2) Where the expedited process is necessary, the supervisor 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 will communicate the decision to the applicant or employee. If the accommodation cannot be provided immediately, the applicant or employee will be advised of the projected time frame for providing the accommodation and the reasons for the delay. This notice will be in writing. If a temporary accommodation can be arranged, the employee should be informed in writing.
- (2) Employees and applicants may decline an accommodation offered by the agency. If this occurs, the manager, supervisor, or other agency official should document the declination and inform the RAPM.
- (3) If a request for accommodation is denied, the RAPM, after consultation with appropriate legal counsel, will issue a written decision that will be forwarded to the individual who requested the accommodation. The written decision should include 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. This requires TSA to find that a specific accommodation would result in significant difficulty or expense, or would have a significant negative impact on TSA's operations or procedures. When evaluating reasonable accommodation requests to determine if undue hardship exists, the RAPM should refer to the EEOC's "*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.*"
 - (b) Medical documentation is inadequate to establish that the 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 refuses to accept an appropriate alternative accommodation.
- (4) Where the RAPM denies a specific requested accommodation, but offers to provide a different accommodation, the written decision should explain both the reasons for the denial of the requested accommodation and the reasons that the RAPM selected the chosen accommodation as an effective alternative.

- (5) The written notice of denial must also inform the individual that he/she has the right to file an EEO complaint with the TSA OCR. This notice must also contain TSA's procedures for seeking reconsideration of a denial decision.

I. Reconsideration of Denial

- (1) Upon denial of an accommodation, the individual may ask the Assistant Administrator for OHC or his/her designee, to reconsider the decision. The individual may present additional information or documentation in support of his/her request to Assistant Administrator, OHC, or designee. The Assistant Administrator, OHC, or designee, must respond to the request for reconsideration within 15 days of receipt of the reconsideration request.
- (2) Pursuing reconsideration does not affect the time limits for initiating the EEO complaint process. If an individual chooses to file an EEO complaint, he/she must contact an EEO counselor in OCR within 45 days from the date of receipt of the written notice of denial. Failure to file a timely EEO complaint may result in a loss of rights in the EEO complaint process.

J. Re-evaluation of Granted Accommodations: The re-evaluation process is intended to allow the agency to ensure that an accommodation, previously granted, is effective, still appropriate and is not causing an undue burden to the overall operations of the agency and operating components. In cases where managers or supervisors are requesting a re-evaluation of an employee's accommodation, the employee will be notified, in writing, within 10 days of the request for re-evaluation. A re-evaluation of a granted accommodation will occur in the following circumstances:

- (1) An employee previously granted a reasonable accommodation, a manager within the employee's supervisory chain, or the employee's supervisor may request a re-evaluation of the existing accommodation at any time.
- (2) The RAPM may initiate a re-evaluation of an existing accommodation, with or without cause, and without the consent of the employee being accommodated at any time.
- (3) The RAPM is responsible for conducting re-evaluations of granted accommodations. Re-evaluations, regardless of the requester, will follow the policy and procedures set forth in this management directive for requesting a Reasonable Accommodation.

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**. The information shall 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 and managers who need to know. Other supervisors and managers may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information should only be disclosed if absolutely necessary.
 - (b) TSA employees or contractors who must implement, process or provide advice regarding reasonable accommodation requests.
 - (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) Appropriate government officials may be provided with information that is necessary to investigate TSA's compliance with the Rehabilitation Act, process EEO complaints, or for other official 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 that attaches to the disclosed information.

L. Information Tracking and Reporting

- (1) The OHC will maintain records relating to reasonable accommodation requests for the duration of the employee's tenure with the TSA or five years, whichever is longer.
- (2) The Director, OCR, or his/her designee will provide an annual report to the DHS, Office for Civil Rights and Civil Liberties on or before October 15. The report shall be maintained for at least three years and contain the following information:
 - (a) The number and types of requests for 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.
 - (d) The types of reasonable accommodations that have been requested for each of those jobs.
 - (e) The number and types of reasonable accommodations that have been approved, and the number and types of accommodations that have been denied.

- (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.
- (i) A qualitative assessment of TSA's reasonable accommodation program, including any recommendations for improvement of policies and procedures.

M. Distribution: A copy of this management directive shall be made available to all TSA employees. All new TSA employees will be provided a written summary of this directive as part of the new employee orientation process. This directive will be posted on TSA's Intranet site.

8. EFFECTIVE DATE AND IMPLEMENTATION: This directive is effective immediately upon signature.



1-25-06

Linda M. Petersen
Acting Assistant Administrator
for Human Capital

Date

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