

# Reasonable Accommodation Procedures for NSA/CSS Civilian Applicants

## Purpose

This document sets forth guidance and describes the process for requesting reasonable accommodations at the National Security Agency/Central Security Service (“NSA/CSS” or “Agency”). These Standard Operating Procedures (SOP) apply to civilian applicants for NSA/CSS employment who are seeking reasonable accommodations due to a disability.

## General Information

The Office of Reasonable Accommodations and Accessibility (ORAA) is responsible for managing the reasonable accommodations process at NSA/CSS. ORAA will coordinate with applicants for employment as well as NSA/CSS organizations to implement workplace accommodations. The Agency is required to provide workplace accommodation(s) for qualified civilian applicants with a disability.

## Process for Requesting a Reasonable Accommodation

### How to Request an Accommodation:

1. Applicants should contact ORAA at the following email, [ReasonableAccommodations@uwe.nsa.gov](mailto:ReasonableAccommodations@uwe.nsa.gov), if they need reasonable accommodations due to a disability. Requests may also be made by telephone: (301) 688-7779.

Examples of accommodations include, but are not limited to, sign language interpreting, Communication Access Realtime Translation (CART), and personal assistance services.

Recruiters may refer applicants with accommodation requests to ORAA.

Telecommunications Relay Service (TRS) assists individuals with hearing or speech disabilities in making and receiving phone calls at no cost. [Several forms of TRS are available](#) depending on an individual’s needs and the equipment available.

Individuals can dial 711, anywhere in the United States, to connect to a TRS communications assistant. TRS is also available in Puerto Rico and the U.S. territories.

For more information, please review the [Federal Communications Commission's 711 Consumer Guide](#).

2. After documentation pertaining to an applicant's reasonable accommodation request is received, ORAA will follow up with the applicant within five (5) business days to discuss the request.
3. An applicant may request a reasonable accommodation orally or in writing at any time. They do not need to fill out any specific form in order for the interactive process to begin, and they need not have a particular accommodation in mind before making the request.

#### Documentation:

4. In determining whether an applicant has a qualifying disability within the meaning of the Rehabilitation Act of 1973 as amended, ORAA will follow applicable authorities and procedures.
5. ORAA may request additional information from the applicant/requestor – to include medical information – to determine if an individual has a qualifying disability, understand the nature of the individual's disability, and/or assess the need for a reasonable accommodation and the type of reasonable accommodation that is most appropriate.
6. Where medical information is needed, the applicant will provide documentation to support their request. The Agency has a right to request relevant supplemental medical information if the information submitted by the applicant/requestor is insufficient to properly assess the individual's case.
7. Once the required documentation is received by ORAA, ORAA will then review it to determine if the applicant is a person with a disability and eligible for workplace accommodations.
8. When medical information is considered insufficient, or if clarification or additional information is needed, ORAA may refer to the Agency's Occupational Health & Well-Being (OHWB) Services medical staff or another medical professional (at the Agency's expense) to review the applicant's medical documentation. ORAA or Agency medical staff may also give the applicant a list of questions to give to their health care provider to answer or ORAA/Agency medical staff may contact the medical provider directly.

9. The time period to clarify the medical documentation when contacting an outside medical provider is dependent on the availability of the applicant's medical provider and therefore ORAA may have to postpone providing an accommodation if the information is not submitted in a timely manner, but interim reasonable accommodations may be available in such a situation (see Item 12 below).
10. Absent extenuating circumstances, requests are processed (including providing an accommodation, if approved) as soon as possible, and no later than thirty (30) business days from the date the request is made. This thirty (30) day business period includes the five (5) days in which ORAA must contact the requestor after a request for a reasonable accommodation is made.
11. If ORAA must request medical information or documentation from an applicant's doctor, the processing period will stop on the day that ORAA makes the request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by ORAA.
12. If an accommodation cannot be provided within thirty (30) business days, an interim accommodation will be implemented, when possible. The interactive process between the applicant and the Agency will occur to determine what interim measures are needed.

#### Extenuating circumstances:

13. There may be circumstances that could not reasonably have been anticipated or avoided in advance of a request for accommodations, or that are beyond the Agency's control. When extenuating circumstances are present, the time for processing a request for reasonable accommodations and providing the accommodations will be extended as reasonably necessary. Extensions will be limited to circumstances where they are necessary and only for as long as required to deal with the extenuating circumstance.
14. Individuals can track the processing of their reasonable accommodations request with ORAA by email: [ReasonableAccommodations@uwe.nsa.gov](mailto:ReasonableAccommodations@uwe.nsa.gov) or telephone: 301-688-7779.
15. Absent undue hardship, the approved accommodation will be implemented immediately. If there is a delay in processing or providing a reasonable accommodation, the individual will be notified of the reason for the delay, including information

regarding any extenuating circumstances.

#### Decisions:

16. ORAA will communicate all decisions regarding a request for reasonable accommodations to the applicant/requestor.
17. A decision to provide an effective accommodation, even if it is one that differs from the one specifically requested by the applicant/requestor, will be considered a decision to grant a reasonable accommodation. The decision to provide an alternative, effective accommodation will be discussed with the applicant before implementation to ensure the applicant understands the alternative accommodation. If ORAA offers an effective accommodation other than the one requested, and the alternative, effective accommodation is not accepted, the applicant's rejection of the alternative accommodation will be documented.

#### Job Reassignment:

18. Once an individual is hired, job reassignment may be an accommodation for which they may be eligible. Job reassignment is considered an accommodation of last resort. Qualified individuals with disabilities who cannot be accommodated in their current position will be considered for reassignment to a vacant position as an accommodation in accordance with applicable authorities and procedures.
19. Prior to considering job reassignment as an accommodation, the Agency will implement reasonable accommodations in the employee's current position, if possible. Qualified individuals with disabilities who can no longer perform the essential functions of their job, with or without reasonable accommodations, due to a new or worsening condition, will be considered for job reassignment to a valid, vacant position, for which they qualify for, as a reasonable accommodation.
20. When a qualified individual with a disability makes a request for job reassignment as a reasonable accommodation, ORAA will follow applicable authorities and procedures to determine if the individual is eligible for reassignment.

#### Denial of Accommodation:

21. The Agency may deny an applicant their request for a reasonable accommodation. For example, the Agency may deny an accommodation when the applicant is not a qualified individual with a disability under the Rehabilitation Act of 1973 as amended, the accommodation creates an undue hardship, for national security considerations, and/or

any other circumstances permitted under applicable authorities.

22. If the Agency denies an applicant's request for accommodation, ORAA will provide the decision to the applicant. Specific reasons for the denial will be provided.
23. When an accommodation is denied or alternative accommodations are granted and not accepted, individuals will be informed of their right to file an Equal Employment Opportunity (EEO) complaint with the Office of Discrimination Complaints within Equal Employment Opportunity & Accessibility (EEO&A). EEO counselors can be reached by email: [EEO\\_Counselors@nsa.gov](mailto:EEO_Counselors@nsa.gov) or by telephone: (301) 688-1087.
24. If an applicant disagrees with the approved accommodation(s) or believes their request should not have been denied, the applicant may request an appeal or a reconsideration of the approved/denied accommodation(s) within ten (10) business days of the receipt of the Reasonable Accommodation Decision (RAD) by completing the Request for Reconsideration of a RAD form. The form can be requested by emailing [ReasonableAccommodations@uwe.nsa.gov](mailto:ReasonableAccommodations@uwe.nsa.gov). Completed forms can be submitted to that aforementioned email address or faxed to (301) 688-5405. Applicants are encouraged to submit updated medical documentation (if they have it) as part of their appeal/reconsideration.
25. ORAA reviews reconsideration requests on a case-by-case basis. If it is determined there is a valid reason to reconsider the accommodation decision, ORAA will forward the reconsideration request to the Reasonable Accommodations Denial Board (RADB). If a valid reason for the reconsideration is not determined, the current accommodation decision will remain in place.

#### Reconsideration of Decision:

26. The Reasonable Accommodations Denial Board (RADB) will convene within 10 business days of receipt of a request for reconsideration in ORAA. Individuals will be notified of the date their request for reconsideration was received in ORAA. The RADB will consist of voting and non-voting members designated by Workforce Support Activities.
27. A final decision will be rendered within 15 business days from the date of receipt of the reconsideration request in ORAA. The chief of ORAA will provide the applicant the final decision from the board in writing.
28. The RADB appeals/reconsideration process does not apply to requests for religious accommodations; nor does it apply to decisions regarding requests for exemption to the

Agency's COVID-19 facial covering, screening testing and vaccination requirements.

29. These procedures do not limit or supplant statutory protections for persons with disabilities and the remedies provided for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims remain unchanged, including the time frames for filing such claims.

#### Confidentiality:

30. Generally, medical records are maintained in accordance with the Rehabilitation Act, Privacy Act, and Equal Employment Opportunity Commission (EEOC) guidance. Under the Rehabilitation Act of 1973 as amended, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This generally means that all medical information that the Agency obtains in connection with a request for a reasonable accommodation must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about an employee's functional limitations. It also means that any Agency employee who obtains or receives such information is strictly bound by these confidentiality requirements. Individuals with access to information necessary to make a decision about granting a reasonable accommodation may not disclose this information unless one or more of the exceptions apply:

- ORAA may inform an employee's supervisor or manager of certain information.
- ORAA may inform other Agency official(s), as necessary, to make appropriate determinations on a reasonable accommodation request. The information disclosed will be no more than is necessary to process the request.
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- Government officials investigating compliance with the Rehabilitation Act.
- In certain circumstances, information may be disclosed to workers' compensation offices or insurance carriers.
- Agency EEO&A officials may be given the information in aggregate terms to maintain records and evaluate and report on the Agency's performance in processing reasonable accommodation requests.
- When release is required by law or court order.

If medical information is disclosed under these circumstances, ORAA will inform the recipients about confidentiality requirements associated with the medical information and the obligation of the recipients to safeguard the information accordingly. If an individual's medical information is disclosed under these circumstances, ORAA will inform the individual of the disclosure, explain why their information was disclosed, and that recipients are to abide by confidentiality requirements and safeguard medical information.

## Relation of Procedures to Statutory Claims:

31. An individual who chooses to pursue applicable remedies for denial of a reasonable accommodation must:
- a. **For an EEO complaint:** Contact an EEO counselor in the Office of Discrimination Complaints within 45 days from the date of receipt of the written resolution notice or verbal response to the request (whichever comes first). EEO Counselors can be reached by email: [EEO\\_Counselors@nsa.gov](mailto:EEO_Counselors@nsa.gov) or by telephone: (301) 688-1087. If a counselor is not contacted within 45 days, the right to file a complaint may be lost. Individuals are encouraged to use informal dispute resolution processes to resolve complaints regarding reasonable accommodations. An EEO counselor can advise the applicant of those processes.
  - b. **Notice of Rights Architectural Barriers Act (ABA) of 1968 (42 U.S.C. § 4151-4156):** The ABA generally requires facilities that are designed, built, altered, or leased with federal funds be accessible to individuals with disabilities. The Agency's Installations & Logistics organization is responsible for ensuring the physical accessibility of Agency facilities. Visit the Agency's "[Report a Barrier to Facilities and Services](#)" webpage to report an ABA issue.

The U.S. Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. The Access Board's ABA accessibility standards are available on its website: <https://www.access-board.gov/aba/>. Subject to certain limitations and exclusions, the Department of Defense (DOD) has adopted the Access Board's ABA accessibility standards. Information about filing an ABA complaint with the Access Board is located on its online ABA complaint form: <https://access-board.my.site.com/s/>.

- c. In accordance with Executive Order (EO) 13164 and other applicable authorities, these procedures do not create any new rights for Executive branch applicants or employees nor do they limit an individual's rights under the Rehabilitation Act of 1973 as amended. Per EO 13164, these procedures are "intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person."

## Schedule Changes

Schedule change requests for pre-employment processing (interviews or testing), that do not pertain to a reasonable accommodation due to a disability, should be directed to the following points of contact:

- Hirevue Interview: please contact [NSA\\_Hirevue@uwe.nsa.gov](mailto:NSA_Hirevue@uwe.nsa.gov).
- Psych, Polygraph, SI Testing, or Language Testing: please contact [App\\_Scheduling@uwe.nsa.gov](mailto:App_Scheduling@uwe.nsa.gov).
- Pearson or Specific Data Testing: please contact [PreHire\\_Testing@uwe.nsa.gov](mailto:PreHire_Testing@uwe.nsa.gov).

## Medical Device Approvals

If an applicant is required to maintain possession of medically necessary device(s), man-made objects/foreign objects located inside or outside of the body that may or may not be electronic (to include, but not limited to: hearing aids, glucose devices, insulin pumps, pace makers, etc.) inside NSA facilities, a medical device questionnaire must be completed. The device will need approval prior to entry/exit into NSA facilities.

Request the questionnaire by email: [DL A5124\\_ALL@nsa.gov](mailto:DL A5124_ALL@nsa.gov). Upon submission of the request, it generally takes two weeks to process and therefore it is advised that the questionnaire be completed and submitted immediately.

## Definitions<sup>1</sup>:

1. **Disability<sup>2</sup>** – With respect to an individual: 1) physical or mental impairment that substantially limits one or more major life activities of such individual; 2) having a record of such impairment; or 3) being regarded as having such an impairment.
2. **Essential Job Functions** – The fundamental job duties of the employment position an individual holds or desires. It does not include the marginal functions of a position.

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<sup>1</sup> Most of the terms and definitions set forth in this section can be found in Title 29 of the Code of Federal Regulations (CFR) §1614.203(a); § 1630 app. § 1630.2(o); §1630.2; EEOC Questions & Answers: Federal Agencies' Obligations to Provide Personal Assistance Services Under Section 501 of the Rehabilitation Act (Sept. 28, 2017); EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA (Oct. 17, 2002); EEOC Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA.; and NSA/CSS Policy 4-23 ("Reasonable Accommodations and Accessibility").

<sup>2</sup> Generally, the Rehabilitation Act does not require an employer to provide reasonable accommodation to an individual who only meets the "regarded as" definition of disability. An employee must meet either the "actual" definition (i.e., person has an impairment that substantially limits a major life activity) or the "record of" definition (i.e., person has a record of an impairment that substantially limited a major life activity) to be eligible for reasonable accommodation.



3. **Major Life Activities** – Activities that 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, working, and the operation of a major bodily function.
4. **Medical Information/Documentation** – Information or documentation from individual’s personal health care provider. Documentation is sufficient if it addresses: 1) the nature, severity, and duration of the employee’s impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee’s ability to perform the activity or activities; and 2) substantiates why the requested reasonable accommodation is needed.
5. **Personal Assistance Services (PAS)** – Assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including for example, assistance with removing and putting on clothing, eating and using the restroom. PAS does not include the performance of medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure).
6. **Physical or Mental Impairment** – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more bodily systems such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. It also includes any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
7. **Qualified** – With respect to an individual with a disability means that the individual satisfied the requisite skills, experience, education and other job-related requirements of the employment position that such individual holds or desires, and with or without reasonable accommodation, and can perform the essential functions of such position.
8. **Reasonable Accommodation** – A modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such applicant desires; a modification or adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables an individual with a disability who is qualified to perform the essential functions of the position; or 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. A reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily

accessible to and useable by individuals with disabilities; job restructuring; modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustments or modifications of examinations, training materials or policies and/or the provision of interpreters and other similar accommodations for individuals with disabilities.

9. [Reasonable Accommodations Denial Board](#) – NSA/CSS members who are the final decision authority members in the event a decision by ORAA is reconsidered. This board consists of voting and non-voting members designated by Workforce Support Activities.
10. [Reasonable Accommodation Interactive Process](#) – An informal process the employer and the individual with a disability in need of an accommodation participate in in order to determine the appropriate reasonable accommodation. An employee’s or applicant’s request for reasonable accommodation is usually the first step in the reasonable accommodation interactive process but under some circumstances, an agency can initiate the interactive process. This process should identify the precise limitations resulting from a disability and potential reasonable accommodations that could overcome those limitations.
11. [Request for Accommodation](#) – A statement (oral or written) that an individual makes to request a reasonable accommodation. No specific form is needed for the interactive process to begin nor does the applicant or employee need to have a particular accommodation in mind prior to making the request.
12. [Targeted Disability](#) – A condition that is designated as a targeted disability or health condition on the Office of Personnel Management’s Standard Form 256 or that falls under one of the first 12 categories of disability listed in Part A of question 5 of the Equal Employment Opportunity Commission’s Demographic Information on Applicant’s form.
13. [Undue Hardship](#) – With respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of 1) the nature and net cost of the accommodation needed, taking into consideration tax credits and deductions, and/or outside funding; 2) 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; 3) 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; 4) the type of 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 5) the impact of the accommodation upon the operation of the facility, including the impact of the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

14. **Workplace Accommodation** – Any change or adjustment in the work environment or in the way things are usually done that results in equal employment opportunity for an individual with a disability.

## Copy of Procedures:

Upon request, a copy of these procedures can be provided in alternative, accessible formats.

## Reasonable Accommodations Resources

- U.S. Equal Employment Opportunity Commission, 1-800-669-3362 (Voice) 1-800-800-3302 (TT), <http://www.eeoc.gov>
- U.S. Access Board, 202-272-0080 (Voice), email: [info@access-board.gov](mailto:info@access-board.gov), <https://www.access-board.gov>
- Job Accommodation Network (JAN), 1-800-232-9675 (Voice/TT), <https://askjan.org>
- Computer/Electronic Accommodations, 833-227-3272, 703-614-8416, email: [cap@mail.mil](mailto:cap@mail.mil), <https://www.cap.mil>