

National Reconnaissance Office
Business Function 80, Oversight
Directive 80-3, Equality & Inclusion
Instruction 80-3-3, Reasonable Accommodations Process



9 September 2021

Version 5.0

TABLE OF CONTENTS

NRO INSTRUCTION (NI) 80-3-3 CHANGE LOG..... 3

SECTION I - INTRODUCTION..... 4

SECTION II - REASONABLE ACCOMMODATIONS PROCESS DOCUMENTATION..... 4

Governing NBF..... 4

Description..... 4

Instruction Points of Contact..... 5

Support Systems and Information Tracking..... 5

Process Narrative..... 5

 Interactive Process..... 5

 Initiating a Reasonable Accommodation..... 6

 Medical Information..... 7

 Confidentiality..... 8

 Time Limits..... 9

 Reassignment..... 10

 Denials..... 11

 Tracking..... 11

 Costs and Resources..... 12

SECTION III - PROCESSING RA REQUESTS..... 12

Process Flow Diagram..... 14

Table 1: Risk & Internal Control Table..... 15

SECTION IV - CONFIGURATION CONTROL..... 15

APPROVING SIGNATURE..... 15

APPENDIX A - PROCESS FLOW DIAGRAM LEGEND..... 16

APPENDIX B - GLOSSARY AND ACRONYM LIST..... 17

APPENDIX C - RESOURCES..... 25

APPENDIX D - REFERENCES/AUTHORITIES..... 26

APPENDIX E - SAMPLE REASONABLE ACCOMMODATION WRITTEN DENIAL..... 27

APPENDIX F - SAMPLE REASONABLE ACCOMMODATION REQUEST..... 29

NI 80-3-3, Reasonable Accommodation Process
FY 2021

NRO INSTRUCTION (NI) 80-3-3 CHANGE LOG

Revision	Date	Revised By	Pages Affected	Remarks
0	9 Sep 15	Office of Equality & Inclusion (OE&I)	All	Initial Release
1	29 April 2019	OE&I & Accommodations Program (AP)	All	
2	24 Feb 2020	OE&I	All	Admin changes to remove duplicate information and improve readability
3	18 Dec 2020	OE&I	All	Admin changes in response to EEOC recommendations
4	29 Apr 2021	OE&I	5, 6, 12, 15, and 17	Admin changes to reflect pronoun consistency and updates to links
5	9 Sept 2021	OE&I	All	Changes to reflect compliance with Regulations and EEOC Feedback

SECTION I - INTRODUCTION

In accordance with the National Reconnaissance Office (NRO) Governance Plan, NRO Business Function (NBF) 80, and NRO Directive (ND) 80-3, this NRO Instruction (NI) sets forth the procedural implementation guidance and provides applicable information in addenda. All NRO personnel¹ who perform tasks or have duties specific to the Reasonable Accommodations (RA) Process will comply with this NI. When the work to be performed under an NRO contract must comply with this NI, the program office shall list this NI as a reference document in the contract statement of work.

SECTION II - REASONABLE ACCOMMODATIONS PROCESS DOCUMENTATION

The sub-sections that follow detail the RA Process.

Governing NBF

NBF 80, *Oversight*

Description

Pursuant to Section 501 of the Rehabilitation Act of 1973, as amended, federal executive branch agencies are prohibited from discriminating against a qualified individual with disabilities (IWD). Executive Order 13164 further requires all Federal Agencies to establish procedures on handling requests for reasonable accommodations (RA). Under the law, NRO must provide an RA to qualified NRO personnel or qualified applicants with disabilities, unless to do so would cause undue hardship. Accommodation decisions are made based on NRO personnel or the applicant's abilities and essential functions of the position. Upon request by an applicant or NRO personnel, the procedures for RAs will be provided in an accessible format.

This instruction applies to applicants and NRO personnel who meet the definition of a qualified individual with a disability (QIWD) in need of an RA. Contractor personnel performing work under NRO contracts in contractor facilities should follow their employer's procedures; however, if the employer does not have prescribed procedures, contractor personnel may reach out to their government point of contact for guidance. All requests for accommodation made through/by the contractor's employer will be coordinated between the Office of Equality & Inclusion (OE&I) Accommodations Program (AP) staff and the contractor's employer to ensure that any agreed-upon accommodation meets NRO requirements.

¹ For purposes of this document, NRO personnel and the term "NRO Total Workforce" are interchangeable and defined as permanent NRO civilians (i.e., NRO Cadre), Department of Defense (DoD) and Intelligence Community civilians assigned or detailed to the NRO, and contractors performing work under NRO contracts in NRO facilities.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

The Director of the NRO has designated the OE&I to oversee and manage the RA process and Personal Assistance Services (PAS) agency-wide. The Director, OE&I has delegated the management of RA and PAS requests to the Chief, (C/AP). OE&I is the responsible office for this instruction and a resource available on behalf of the NRO and any of its external locations, foreign or domestic.² The RA process is interactive and implemented in a manner consistent with the Rehabilitation Act of 1973 and EEOC implementing regulations @ 29 CFR 1614.203 to ensure equal opportunity of every individual who requests an accommodation.

Instruction Points of Contact

NRO Personnel: Chief, AP, 850-2561,
Email: OEI-Accommodations@nro.ic.gov

Military personnel: Chief, Military Equal Opportunity, 850-5775,
Email: MEO@nro.ic.gov

Military personnel are not covered under the Rehabilitation Act or the EEOC's implementing regulations. Military personnel can receive a RA for a documented disability when the RA request is a computer or electronic accommodation. With a signed/recommended document by their Primary Care Manager, military personnel (active duty, reserve, and guard) may submit an accommodation request through the Computer Accommodations Program. See Appendix C.

Medical Portable Electronic Device: Office of Security & Counterintelligence, OSCI-FISD-PTSB-MPED@nro.ic.gov.

Ergonomic or wellness items may be requested directly through the Office and Desktop Wellness Supplies Ordering Site. This service is available to NRO personnel.³ Items available include: adjustable desk, ergonomic chair, standing mat, screen cover/anti-glare, Mouse pad, wrist guard, footrest, and document holder.

Support Systems and Information Tracking

NRO Management Information System and the Equal Accessibility Services Environment (EASE)

Process Narrative**Interactive Process**

Communication is a priority and is encouraged through the entire RA process. Thorough discussion begins between the Office of Human

² Supervisors and managers may work directly with NRO personnel requesting ergonomic or wellness items as outlined in this issuance.

³ Individuals at other NRO locations, outside the WMA, may contact their applicable facilities, furniture, or nurse's program for guidance.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

Resources (OHR) and the applicant or between NRO personnel, AP staff, and supervisors. Communication should include a review and analysis of the job functions to establish essential functions of the job, identification to barriers to performance, the individual's precise limitations resulting from the disability, and the potentially most effective accommodations that would allow the individual to overcome the limitations. Ongoing communication is important when the specific limitation is not obvious, the barrier is unclear, or alternative or additional RAs are being considered.

During the interactive process, several factors to consider include: a) if the individual is found to have met the definition of a QIWD and is thereby eligible for an RA, b) the effect on the individual's performance, c) personal preferences of the individual d) time needed to complete the tasks, and e) the cost of the accommodation. Temporary accommodations may be agreed upon until an effective RA is attained.

The interactive process may require information sharing with other Agency officials only when those officials have a legitimate need to know in order to fulfill the RA request.

Initiating a Reasonable Accommodation

Generally, an applicant or NRO personnel must let the NRO know that an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition, is needed.

A requestor⁴ may request an RA orally, in writing, or via the EASE⁵ application to: 1) a supervisor or manager in the requestor's chain of command, 2) OE&I AP staff, 3) any individual connected with the Agency's application process, or 4) any other individual designated by the agency to accept such requests. A requestor may request an accommodation at any time even if the individual has not previously disclosed the existence of a disability and need not have a particular accommodation in mind before making a request. Requests may be made on behalf of an individual by a family member, qualified health provider, or other representative.

Once a request is approved for the first time, the requestor may obtain the accommodation by notice to an appropriate individual or OE&I/AP staff (e.g., the requestor's supervisor). Requests likely to need repeat services (e.g. a sign language interpreter) are tracked as separate 'event driven' requests using the EASE application. Requestors who have recurring or on-going requests for an RA (e.g., the assistance of sign language interpreters or readers) do not need to fill out a written form to document the need for an accommodation or otherwise make a formal request each time that particular

⁴ A requestor is an individual making an RA request.

⁵ EASE is an internal Agency repository for the receipt, tracking, and processing of RA requests made by NRO personnel.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

accommodation is needed. The requestor should give appropriate advance notice, where feasible, each time the recurring accommodation is needed, unless arranged to do otherwise.

The RA process begins as soon as the oral or written request for accommodation is made by, or on behalf of, the individual. As such, it is vital that requests made to NRO personnel, authorized to receive requests, be made known to the OE&I AP staff within **three (3)** business days. NRO personnel may initiate an RA or make requests through an individual's manager or supervisor. When requests are received, contact must be made to a member of the AP staff to ensure that the request enters into the RA process described in this Instruction.

Supervisors who receive RA requests may seek clarity from the requestor about the request. Supervisors should not rely on assumptions about an impairment to determine if the requestor is a QIWD. Examples of how to recognize a request for an RA may include:

a. Michelle tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of the anti-depressants I take." This is a request for a RA. Whether, or not, Michelle is ultimately entitled to an accommodation, the agency must start to consider the request.

b. An applicant who is vision-impaired asks for assistance with the agency's application materials. This is a request for a RA and triggers the agency's obligation to engage in its RA process.

c. If the supervisor is unable to provide the RA or cannot determine whether an RA is necessary, the supervisor should contact OE&I/AP staff immediately.

Applicants may initiate an RA through the individual associated with hiring/recruitment process. The NRO OHR's Recruitment Group (RG) will contact OE&I/AP staff regarding an accommodation request. OE&I/AP staff will follow up with the RG within **three (3)** business days to discuss the needs of the applicant.

An IWD may designate a representative to submit an RA request on their behalf. When a representative makes a request, the OE&I AP staff should confirm the request with the IWD to ensure that an accommodation is desired.

Medical Information

Pursuant to EEOC Guidance and 29 C.F.R. Part 1614, when the disability and the need for accommodation is obvious or when the individual has already provided sufficient information to document the existence of the disability and functional limitations has been provided, NRO personnel will not request medical information. Additionally, the request for medical information is limited. Only information relevant to the disability at issue will be considered when making a decision about the requested reasonable accommodation.

NI 80-3-3, Reasonable Accommodation Process
FY 2021

Specifically, medical information will not be requested where:

- a. The requestor's disability and need for accommodation are obvious; or
- b. The NRO has determined the requestor has already provided sufficient information/medical documentation to determine the existence of a disability and their functional limitations.

Conversely, if the disability and the need for an accommodation is not obvious, or if the individual has not provided sufficient information to document the existence of the disability and functional limitations, the Agency may require the requestor to provide medical information, or supplemental medical information, as needed, that is sufficient to explain:

- a. The nature of the individual's disability;
- b. The need for an RA (the limitations created by the disability, and how they impact an essential function of the position or limit access to the benefits and privileges of employment);
- c. How the requested accommodation, if any, will assist the individual to apply for a position, perform the essential functions of the position, or enjoy the benefits and privileges of the workplace.

The AP staff may require medical documentation, that is provided by the individual, be reviewed by the NRO Medical Director. The review, if needed, is at NRO's expense. NRO recognizes the timeframe set forth in this issuance for providing/denying an accommodation does not stop when the NRO Medical Director is reviewing medical documentation. If an individual prefers to employ an outside medical professional to review the medical documentation instead, any expenses associated or incurred will be at the expense of the individual requesting the RA. Additionally, the NRO will be not be expected to adhere to its usual time frames if an individual's health professional fails to provide needed documentation, in a timely manner.

Confidentiality

Pursuant to 29 CFR 1630-14, medical information, obtained by the AP staff, must be collected and maintained on separate forms, in separate medical files, treated as confidential medical records⁶, and must be kept separate from and not included in the IWD's personnel records.

⁶ Confidential medical records refer to all information obtained regarding an applicant or employee's medical condition or history. Documentation of an individual's diagnosis or symptoms is confidential medical information and protected under the Privacy Act of 1974.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

Additionally, there are limited circumstances when the Agency may disclose confidential medical information to certain individuals to include:

- a. Supervisors and managers who need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s);
- b. First aid and safety personnel if the disability might require emergency treatment;
- c. Government officials when necessary to investigate the agency's compliance with the Rehabilitation Act;
- d. In certain circumstances, workers' compensation offices or insurance carriers;
- e. DoD Component equal employment opportunity (EEO) officials to maintain records and evaluate and report on the agency's performance in processing reasonable accommodation requests.

Time Limits

Once the Agency receives the RA request, by, or on behalf of the individual requesting an RA, a decision to approve or deny a request will be made no later than **10 business days**.

In most cases, the AP staff will notify the QIWD of an approved accommodation within **10 business days**, an expectation as to the date the QIWD can expect the implementation or provision of the accommodation within **45 calendar days**, or 30 business days, or a justification for denying any requested accommodation. This notification will be provided to the requestor in an accessible format.

Execution of the request is completed in a timely, efficient, and fair manner, excluding extenuating circumstances. However, when possible, and in collaboration with the requestor and other stakeholders, requests may be executed in less than the timelines set forth in this issuance. Expedited processing of requests will be made available, excluding extenuating circumstances. Failure to provide the accommodation in a prompt manner may be a violation of the Rehabilitation Act of 1973, as amended. Normally, a QIWD should expect an approved accommodation to be implemented within 45 calendar days, or 30 business days, following receipt of the request. If extenuating circumstances justify delays in processing requests beyond the designated time limit, the QIWD must be informed of the status of the request and periodically updated as to when to expect the accommodation. A delay may be justified by circumstances that could not be reasonably anticipated or avoided in advance of a request, or are outside the AP's ability to control (e.g., specialized equipment requiring vetting prior to use in the NRO or requiring supplemental medical documentation). A member of the AP staff will notify the

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

individual or the RG, for an applicant, of the reason for a delay and keep the individual informed of the expected process date. If there is a delay in providing an approved request, an individual from the AP staff, in coordination with management or other resources, will provide an interim/alternative accommodation that allows the QIWD to perform some or all of the essential functions of the job.

An RA request from an applicant to engage in the applicant/hiring process must be approved and provided to the AP staff within **three (3)** days. If the request is not feasible (because it would cause an undue burden on the Agency), the applicant should be advised and an alternative accommodation immediately explored. An alternative accommodation should be provided so that the applicant can engage in the application/hiring process. The decision as to the type of accommodation to be afforded is made by a collaborative process between OE&I AP staff and NRO's OHR recruitment official responsible for the hiring action.

Reassignment

Reassignment is a "last resort" form of an RA that will be provided. Reassignment to a vacant (equivalent) position for which an individual is qualified, and not just permission to compete for such a position, is an RA. If an appropriate accommodation cannot be identified to enable a requestor to perform the essential functions of the individuals' current job, OE&I/AP staff consults with the OHR, NRO OGC, or other appropriate parties for alternative reassignment options. Reassignment is only available if the requestor is qualified for the work, if available, and can perform the essential functions of another position, with or without accommodation(s).

Reassignment is available only to NRO personnel and may be made only to a valid vacant position. A valid position is a position for which the Agency has a need and the Agency intends to fill the position. The law does not require that agencies create new positions, fill positions for which the Agency has no need, or move other personnel in order to create a vacancy for a QIWD to be placed.

After it is determined and documented that the QIWD cannot perform the essential functions of their current position because of a disability, and the Agency cannot otherwise accommodate the QIWD, authorized AP staff will ask the individual if they are willing to accept a reassignment.

If the individual will accept a reassignment, the AP staff will notify OHR and appropriate D/O. The OHR will work with the individual to determine positions for which the individual qualifies. To qualify for a vacant position, the QIWD must have the requisite skills, experience, education, and other job-related requirements necessary to fill the vacant position. The OHR must maintain a list of all valid vacancies considered for placement of the individual.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

If after a reasonable amount of time (no less than 30 days) has been exhausted to locate a position for the QIWD without success, the individual should be notified in writing of any other options available, including disability retirement, if eligible.

Denials

If the individual is unable to confirm they are a QIWD, AP staff will prepare a written notice and provide it to the applicant (via OHR) or NRO personnel at the time of the denial, and in an accessible format when requested.

Where there has been a denial of a specifically requested accommodation but an offer to make a different accommodation, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation offered would be effective.

The written notice of denial of an RA will explain the procedures available for reconsideration and should inform the individual that they have the right to file an EEO complaint if they believe the denial discriminatory.

If an applicant or NRO personnel has additional information to provide in support of their request, or details a position or argument the NRO personnel believes was not properly considered by the recruiting official or supervisory decision-maker, the case file with additional information, along with the request for reconsideration, should be forwarded to OE&I/AP staff. OE&I will convene the NRO Review Advisory Board (NRAB)⁷. The applicant or NRO personnel must file a request for reconsideration within **ten (10)** business days from receipt of the written notice of denial to the applicant's recruitment official or to the OE&I/AP staff.

The Board's decision will be provided to the applicant (via OHR) or NRO personnel in writing by the C/AP. It will include instructions on how to file an EEO complaint, complete with guidance that the individual must contact an EEO counselor within **45** days of receipt of the denial. If the individual is dissatisfied with the Board's decision on reconsideration and wishes to engage the EEO process, they must contact an EEO counselor within **45** days of receipt of the written correspondence from the Board. Participation in any other resolution process does not pause the running of the **45** days.

Tracking

Individuals in the application process may reach out to their recruiting point of contact to request a status on the requested reasonable accommodation. NRO personnel may reach out to OE&I/AP

⁷ The NRAB consists of OE&I Chief, AP, Office of General Counsel, Office of Security & Counterintelligence, Office of Human Resources, Communications Directorate, and Directorate leadership.

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

Staff; appropriate contact information for OE&I/AP staff is located on the Agency's Intranet, to request a status on the requested RA. RA requests will record the following information: the specific reasonable accommodation; the job (occupational series, grade level, and agency component) sought by requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request.

Costs and Resources

Pursuant to subpart 1614 of Title 29, CFR, the budget of the NRO, as a whole, must be considered when determining whether the expense of a potential accommodation constitutes an undue hardship. Budget resources allocated by statute for a specific purpose that does not include RA are excluded. It is unlikely that cost will be a basis for denying a request for an RA.

The NRO is not required to provide RAs that would impose an undue hardship on the operation of the agency. An undue hardship means that a specific accommodation would require significant difficulty or expense. This determination, which must be made on a case-by-case basis and is fact-specific.

SECTION III - PROCESSING RA REQUESTS

1.0 Requestor submits a request, orally or in writing, at any time, for an RA

1.1 AP staff establishes a case file in EASE

2.0 AP begins the interactive process with the requestor

3.0 AP determines eligibility for an RA

3.1 Military personnel are referred to Chief, MEO for processing, thereby closing any action by OE&I/AP staff.

3.2 NRO personnel requests are processed through the AP.

3.3 Applicant requests are processed through the AP; however, applicant requests are coordinated through the OHR. OHR serves as the applicant point of contact and liaises between OE&I and the applicant.

3.4 Contractor requests may be processed through the AP. See Footnote 1.

4.0 AP staff reviews and renders a decision to approve or deny a request no later than 10 business days. Implementation of the request is completed within 45 calendar days, or 30 business days, absent

NI 80-3-3, Reasonable Accommodation Process
FY 2021

extenuating circumstances. If the request is approved, go to step 6.0.

4.1 Prior to denial of a request, AP staff will work with the requestor to offer an alternative RA. If the alternative RA is accepted, go to step 5.0.

4.1.1 If an appropriate accommodation cannot be identified to enable a requestor to perform the essential functions of the individual's current job, OE&I/AP staff will consult with OHR, NRO OGC, Medical personnel, and/or other appropriate parties for alternative reassignment options (see Section on reassignments).

4.1.1.2 The AP staff may determine to approve a RA, in consultation with appropriate Directorates or Offices (i.e. NRO Communications Directorate, OGC, Office of Security & Counterintelligence, OHR, or the requestor's management), that otherwise is inconsistent with an existing policy.

5.0 The requestor accepts the RA, or proposed alternative.

6.0 The NRO/AP, implements the RA within 45 calendar days, or 30 business days, absent extenuating circumstances⁸.

7.0 The AP staff follows up with the requestor within 14 business days after implementation to verify the effectiveness of the RA.

⁸ An extenuating circumstance is defined as factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation. See Appendix B for additional information.

NI 80-3-3, Reasonable Accommodation Process
FY 2021

Process Flow Diagram

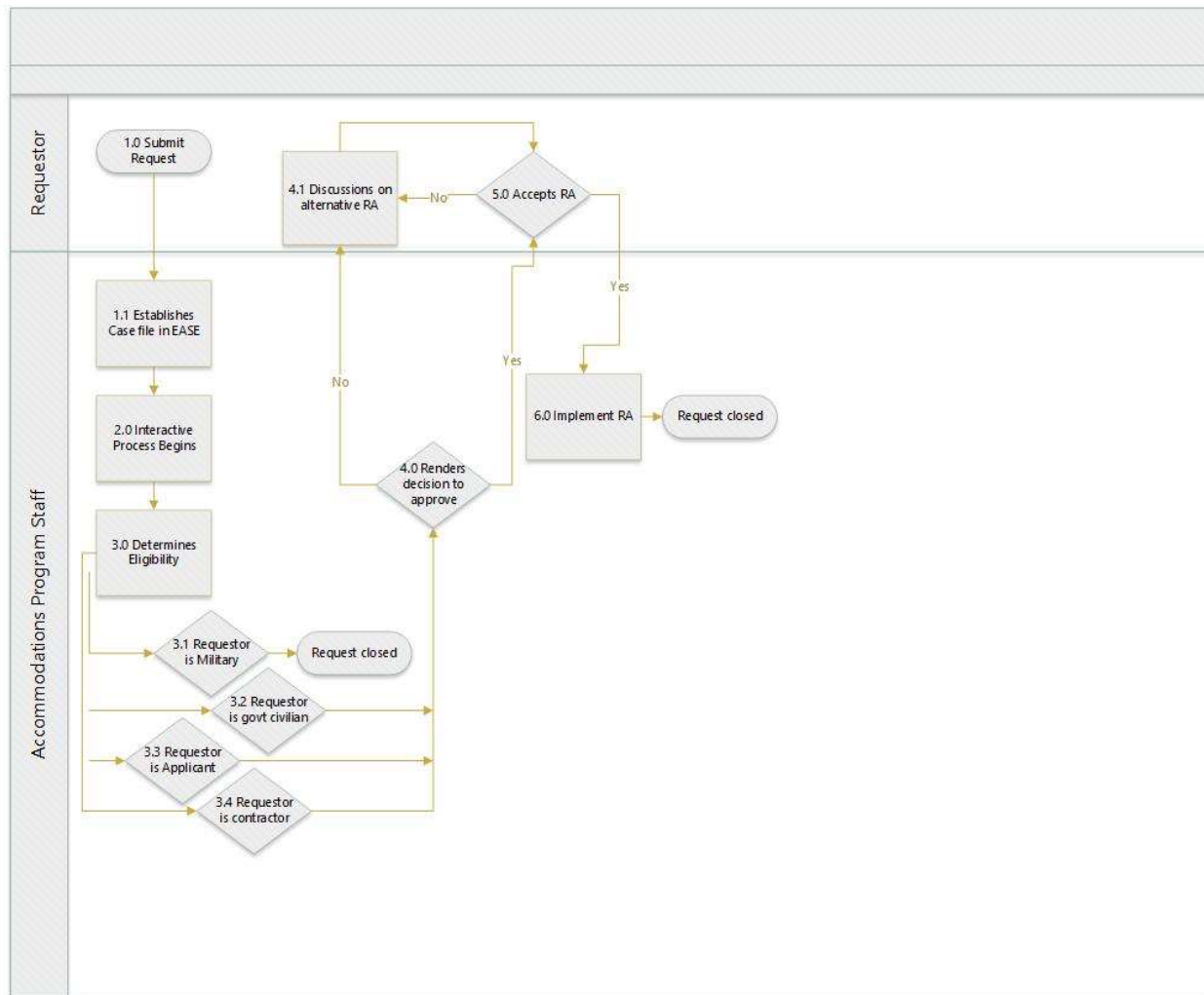


Table 1: Risk & Internal Control Table

Risk	Internal Control
Complaints of discrimination arising from failure to provide a RA.	Annual review of organization policies relative to EEO issues. Written documentation received from office detailing reason for any denial of RA. Coordination with applicable stakeholders as appropriate for each case.

SECTION IV - CONFIGURATION CONTROL

All changes to the NI 80-3-3, Reasonable Accommodation Process require Director, OE&I approval.

APPROVING SIGNATURE

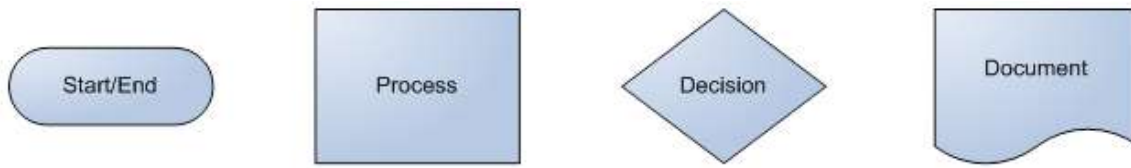
With the authority delegated by the NBF owner for Oversight, I confirm that this document provides a complete representation of the Reasonable Accommodations Process Instruction and that the document has been coordinated with stakeholders of the process.



 Miguel A. Rivera
 Director, OE&I

09 September 2021
 Date

APPENDIX A - PROCESS FLOW DIAGRAM LEGEND



NI 80-3-3, Reasonable Accommodation Process
FY 2021

APPENDIX B - GLOSSARY AND ACRONYM LIST

Acronym or Term	Definition
ADA	Americans With Disabilities Act
ADR	Alternative Dispute Resolution
AP	Accommodations Program
D/O	Directorate or Office
EASE	Equal Accessibility Services Environment
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission (non NRO)
IWD	Individuals with Disability
NBF	National Reconnaissance Office Business Function
NI	National Reconnaissance Office Instruction
NMIS	National Reconnaissance Office Management Information System
NRAB	NRO Review Advisory Board
NRO	National Reconnaissance Office
OE&I	Office Of Equality & Inclusion
ORT	OHR Recruitment Team
QIWD	Qualified Individual with a Disability
Alternative Dispute Resolution	ADR is a voluntary process which uses several methods, most commonly mediation or facilitation, to attempt resolution
Benefits and privileges of federal employment	"Benefits and privileges" of Federal employment may include, but are not limited to: DoD Component-sponsored training (whether provided by the DoD Component or an outside entity), services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), social and professional functions, emergency evacuation plans, and workplace communications through e-mail, public address systems, or during meetings, whether that communication relates directly to performance of an employee's essential job functions.
Confidential Medical Information	All information obtained regarding an applicant or employee's medical condition or history. Documentation of an individual's diagnosis or symptoms is confidential medical information and is protected under the Privacy Act of 1974.
Disability	A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. (1630 of Title 29 CFR)

NI 80-3-3, Reasonable Accommodation Process
 FY 2021

Acronym or Term	Definition
Equal Accessibility Services Environment	RA database tool and records repository.
Essential Job Functions	<p>The fundamental job duties of the employment position the individual with a disability holds or desires. Essential functions do not include marginal functions. A job function may be considered essential for any of several reasons, including but not limited to the following:</p> <p>The reason the position exists is to perform that function.</p> <p>There are a limited number of employees available among whom the performance of that job function can be distributed.</p> <p>The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.</p> <p>Evidence of whether a particular function is essential includes, but is not limited to:</p> <p>The NRO's judgment as to which functions are essential.</p> <p>Written job descriptions prepared before advertising or interviewing applicants for the position.</p> <p>The amount of time spent on the job performing the function.</p> <p>The consequences of not requiring the incumbent to perform the function.</p> <p>The terms of a collective bargaining agreement.</p> <p>The work experience of past incumbents in the job.</p> <p>The current work experience of incumbents in similar jobs.</p>

**NI 80-3-3, Reasonable Accommodation Process
FY 2021**

Acronym or Term	Definition
Extenuating Circumstance	Factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation. These can include situations in which equipment must be back-ordered or the vendor typically used by an agency has unexpectedly gone out of business. In addition, an agency will be not be expected to adhere to its usual time frames if an individual's health professional fails to provide needed documentation, in a timely manner.

NI 80-3-3, Reasonable Accommodation Process
 FY 2021

<p>Impairments that substantially limits a major life activity</p>	<p>An impairment is a disability within the meaning of this section if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Not every impairment will constitute a disability.</p> <p>It should easily be concluded that the following types of impairments will, at a minimum, substantially limit the major life activities indicated:</p> <p>Deafness substantially limits hearing.</p> <p>Blindness substantially limits seeing.</p> <p>An intellectual disability (formerly termed mental retardation) substantially limits brain function.</p> <p>Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function.</p> <p>Autism substantially limits brain function.</p> <p>Cancer substantially limits normal cell growth.</p> <p>Cerebral Palsy substantially limits brain function.</p> <p>Diabetes substantially limits endocrine function.</p> <p>Epilepsy substantially limits neurological function.</p> <p>Human Immunodeficiency Virus (HIV) infection substantially limits immune function.</p> <p>Multiple Sclerosis substantially limits neurological function.</p> <p>Muscular Dystrophy substantially limits neurological function.</p> <p>Major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limit brain function.</p> <p>The types of impairments described in this section may substantially limit additional major life activities not explicitly listed above.</p>
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NI 80-3-3, Reasonable Accommodation Process
FY 2021

Acronym or Term	Definition
Interactive Process	The process that offers the ability for AP and all applicable parties involved to maintain open and on-going communication throughout the RA process. This interaction includes: explaining the RA process, offering alternative accommodations to requestor when necessary, or continuing dialogue between parties to obtain appropriate medical documentation when the disability or need for accommodation is not obvious.

NI 80-3-3, Reasonable Accommodation Process
 FY 2021

Acronym or Term	Definition
Major Life Activity	<p>In general, major life activities include, but are not limited to:</p> <ul style="list-style-type: none"> 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. <p>The operation of a major bodily function, include functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.</p> <p>The operation of a major bodily function includes the operation of an individual organ within a body system.</p> <p>In determining other examples of major life activities, the term "major" shall not be interpreted strictly to create a demanding standard for disability.</p>

NI 80-3-3, Reasonable Accommodation Process
FY 2021

Acronym or Term	Definition
Mental Impairment	Any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities
Personal Assistance Services	The term personal assistance services means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. Examples of personal assistance services include assistance with removing and putting on clothing, eating, and using the restroom.
Physical Impairment	Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems.
Qualified Individual with a Disability	An IWD who satisfies the requisite skills, experience, and education and other job related requirements of the employment position such individuals holds or desires, and who, with or without, reasonable accommodation, can perform the essential functions of such position.
Reasonable Accommodation	<p>In accordance with Part 1630 of Title 29 CFR, Reasonable accommodation means:</p> <p>Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or</p> <p>Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or</p> <p>Modifications or adjustments that enable a DoD employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.</p>

NI 80-3-3, Reasonable Accommodation Process
 FY 2021

Acronym or Term	Definition
Request	<p>A request is a statement that an individual needs an adjustment or a change at work for a reason related to a medical condition. Below are examples of a request:</p> <p>An employee informs their supervisor that he or she is having trouble getting to work at the scheduled start time because the employee is undergoing medical treatments.</p> <p>A new employee, who uses a wheelchair, informs the DoD Component that the wheelchair does not fit under the office desk.</p>
Undue Hardship	<p>With respect to the provision of an accommodation, an undue hardship means significant difficulty or expense. The determination that a specific accommodation would impose an undue hardship must be based on an individualized assessment. Factors to be considered include:</p> <p>The nature and cost of the accommodation needed.</p> <p>The overall financial resources of the DoD Component facility making the reasonable accommodation, the number of persons employed at this DoD Component facility, and the effect on expenses and resources of the facility.</p> <p>The overall financial resources, size, number of employees, and type and location of facilities of the DoD Component.</p> <p>The overall financial resources of DoD as a whole, excluding resources designated by statute for a specific purpose that does not include reasonable accommodation.</p> <p>The type of operation or operations of the DoD Component, including the composition, structure, and functions of the DoD Component's workforce.</p> <p>The impact of the accommodation on the nature of the operation or mission of the DoD Component, including the impact on the ability of other employees to perform their duties and the impact on the DoD Component facility's operation or mission.</p>

APPENDIX C - RESOURCES

Accommodations Program Website on NMIS:

<https://oei.nro.ic.gov/accommodations-program/>

Accommodations Program group email address:

OEI-Accommodations@nro.ic.gov

Alternative Dispute Resolution email address:

OmbudsandGrievance@nro.ic.gov

Computer Accommodations Program web address:

<http://www.cap.mil/WSM>

Equal Accessibility Services Environment (EASE) link on NMIS:

<https://ease.nro.ic.gov/>

Military Equal Opportunity email address: MEO@nro.ic.gov

OS&CI F&ISD email address:

OSCI-FISD-PTSB-MPED@nro.ic.gov.

Office and Desktop Wellness link on NMIS:

<https://share.svc.nro.ic.gov/sites/MSO/OandDWellness/default.aspx>

Equal Employment Opportunity Commission (EEOC) website: www.eeoc.gov; specifically, 1) EEOC Enforcement Guidance; Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act (July 27, 2000), and 2) EEOC Enforcement Guidance on Reasonable Accommodations and Undue Hardship under the Americans with Disabilities Act (revised October 17, 2002).

The Job Accommodation Network (JAN) (www.askjan.org), is a source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. JAN is one of several services provided by the United States Department of Labor's Office of Disability Employment Policy.

APPENDIX D - REFERENCES/AUTHORITIES (authorities moved as appropriate)

- a. 29 Code of Federal Regulations part 1630, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*.
- b. The Americans with Disabilities Act of 1990, as amended, and the Americans with Disabilities Act Amendments Act of 2008.
- c. Rehabilitation Act of 1973, as amended.
- d. Executive Order 13164, "Requiring Federal Agencies to Facilitate the Provision of Reasonable Accommodation," July 26, 2000.
- e. DoD Directive 1020.01, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982, as amended.
- f. DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015, as amended.
- g. DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008.
- h. DoD Directive 5145.01, "General Counsel of the Department of Defense (GC DoD)," December 2, 2013, as amended.
- i. DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020.
- j. NRO Governance Plan, Version 3.1, 9 August 2019.
- k. NRO Business Function 80, *Oversight*, Version 3.0, 5 October 2018.
- l. NRO Directive 80-3, *Equality & Inclusion*, Version 2.0, 1 June 2020.
- m. NRO Directive 100-4, *Introduction and Use of Personally Owned Portable Electronic Devices and Personal Removable Media at NRO Facilities*, 6 March 2020.
- n. NRO Instruction 80-3-2, *Military Equal Opportunity Complaint Process*, 9 September 2015.
- o. NRO Directive 80-8, *Grievance Resolution, Ombuds, and Alternative Dispute Resolution*, Version 2.0, 18 September 2020.
- p. NRO Instruction 80-8-2, *Alternative Dispute Resolution*, Version 1.0, 2 January 2020.

APPENDIX E - SAMPLE REASONABLE ACCOMMODATION (RA) WRITTEN DENIAL

1. Name: _____

2. Accommodation(s) Requested:

3. REASON(S) FOR DENIAL (may check more than one box)

- Accommodation Ineffective
- Accommodation Would Cause Undue Hardship
- Medical Documentation Inadequate
- Accommodation Would Require Removal of an Essential Job Function
- Accommodation Would Require Lowering of Performance or Production Standard
- Other (explain):

4. DETAILED REASON(S) FOR THE DENIAL OF ACCOMMODATION

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

5. If an individual wishes to request reconsideration of this decision, they may make their request known to the NRAB. following steps:

6. Pursuant to 29 C.F.R. § 1614, if a federal applicant or employee wishes to file an EEO complaint, they must contact an EEO counselor in the OE&I within 45 days from date of this notice of denial of reasonable accommodation.

7. The Alternative Dispute Resolution process may be an option offered to a federal applicant or employee. For further guidance on the ADR process, please see ND 80-8 and NI 80-8-2.

Name of Deciding Official: _____

Signature of Deciding Official: _____

Date reasonable accommodation denied: _____

NEXT STEPS

- Provide Additional Information
- Meet to Discuss Other Accommodation Options
- Explore Reassignment
- Terminate Employment
- Other:

NI 80-3-3, Reasonable Accommodation Process
FY 2021

COMMENTS:

NI 80-3-3, Reasonable Accommodation Process
FY 2021

APPENDIX F - SAMPLE REASONABLE ACCOMMODATION REQUEST

CLASSIFY APPROPRIATELY WHEN FILLED IN

**Equal Accessibility Services Environment (EASE)
Reasonable Accommodation Request**

Requestor Information

Last Name:
First Name:
NMIS User ID:
Organization:
Affiliation:
Company:
Office Location:
Secure Phone:
Non-Secure Phone:
Alternate Phone:

Consumer Information

Last Name:
First Name:
NMIS User ID:
Organization:
Affiliation:
Company:
Office Location:
Secure Phone:
Non-Secure Phone:
Alternate Phone:

Supervisor Information

Name:
Secure Phone:
Non-Secure Phone:

Request Information

Category:
Type:
Medical Diagnosis:
Reason for Request:
Time Sensitive Request: **Yes or No**
Self-Identification of Disability: **Yes or No**