

NATIONAL SUPPLEMENT
Between
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
And
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL COUNCIL OF HUD LOCALS 222

Subject: Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

Scope: The scope of this supplement encompasses the impact and implementation of the HUD Handbook 7855.1, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities. This handbook covers management's responsibilities under Section 501 of the Rehabilitation Act of 1973, as amended, Executive Order 13164, and the Americans with Disabilities Act of 1990 (ADA). For purposes of easy reference, this supplement also provides the Office of Information Technology (IT) timeframes for responding to employee's reasonable accommodation requests for electronic equipment.

1. Training – Management agrees to provide training on reasonable accommodation responsibility and applicable laws via various methods including interactive intranet and distance learning to HUD employees within 12 months. This Supplement will be included in the training materials.
2. Report – Management will provide to the HUD Council of Locals 222 within 30 days of receipt of a request which will list activities based on the field office from which the request was made, the date the request was submitted, the accommodation requested, the name and title of the deciding official, the date of the decision(s), a summary of the decision and the date the accommodation was provided.
3. Types of Reasonable Accommodations – Examples of reasonable accommodation are found in HUD Handbook 7855.1, Chapter 2, Section 2-3 B. Each reasonable accommodation request will be reviewed and evaluated on a case-by-case basis.
4. Medical Documentation – When medical documentation is required, it is limited to the provisions set forth in HUD Handbook 7855.1, Chapter 4, Section 4-4, Paragraph B-4. This information must be provided by management to the employee in writing for submission to their health care provider. Additionally, management will provide the employee a list of his/her essential job duties and may provide a copy of the employee's performance standards and a copy of their position description, when necessary.

Submission of Medical Documentation - If after submission of the medical documentation, the manager believes that it is insufficient, he/she shall provide to the employee in writing the reason and allow the employee an opportunity to provide the missing information in a timely manner.

Resubmission of Medical Documentation - When the medical documentation resubmitted to management is insufficient, at its option, management may do any of the following: 1) offer a medical examination (including a psychiatric evaluation), at the agency's expense, 2) allow the employee to provide additional medical documentation to management, 3) allow the employee to provide the additional medical documentation in a sealed envelope directly to management to be forwarded to HUD's physician/Medical Review Officer, or 4) allow the employee's physician to provide the medical documentation directly to HUD's physician/Medical Review Officer.

Medical Examination - Management will grant the employee a reasonable amount of administrative leave to attend the offered examination.

Medical Documentation Time Frame - If additional documentation is required, the timeframes in Handbook 7855.1 will be suspended until the information is received. If the information is not received within a reasonable time, a final notice will be sent to the employee with a 15-day deadline prior to denial.

5. Provisions of Essential Job Functions – Essential job functions are the fundamental or grade-controlling duties that an employee must be able to perform, with or without reasonable accommodation. Management agrees to provide an employee a copy of his/her current position description, highlighting the essential job functions and a copy of their performance standards within 15 days of the employee's request for accommodation.
6. Determination of Essential Job Functions – Essential job functions shall be determined by the employee's first or second-line supervisor and certified as accurate by a qualified classifier.
7. Distribution of Disability Program Manager (DPM) Information - The Department's DPM contact information will be placed on the official Equal Employment Opportunity Poster and distributed in HUD Headquarters and field offices. This information will also be posted under the Office of Departmental Equal Employment Opportunity's HUD web page.
8. Denial of Reasonable Accommodation Request – The management official who denies a reasonable accommodation request will complete the Form HUD 11600, Denial of Reasonable Accommodation request, and forward it to the HUD DPM within 3 days of the denial. The form will indicate the specific reason(s) for denial, outline the reconsideration process and notify the employee of their rights (Alternative Dispute Resolution (ADR), EEO Complaint process, Grievance process, or Merit Systems Protection Board process).
9. Previously Approved Accommodation - An employee who is already receiving a reasonable accommodation and has changing or expanding needs for a new or additional accommodation associated with the existing medical condition, only those new or additional needs shall be subject to review and evaluation. When a permanent disability has been established it will not be subject to further medical documentation, or revocation.
10. Delay in Management Decision - If an employee's reasonable accommodation request is not processed within the timelines stated in Handbook 7855.1, management will consider providing an alternative accommodation on interim basis. It is understood that unnecessary delays may result in

a violation of the Americans with Disabilities Act, the Rehabilitation Act of 1973, as amended, or other applicable laws.

11. Subsequent Agreements – Management agrees that nothing in this Handbook supersedes the HUD/AFGE Agreement, including but not limited to Supplement 31 Alternative Dispute Resolution (ADR) Program.
12. Local Bargaining – The parties agree that Impact and Implementation (I&I) bargaining shall be conducted at the local level, as appropriate.
13. Union Representation – When an employee requests union representation or assistance in a reasonable accommodation process, the representative will use official time as outlined in Article 7 of the HUD/AFGE Agreement.
14. Final Decision – The Reasonable Accommodation Committee (RAC), on behalf of the Department, shall make the final decision regarding the denial of a reasonable accommodation request.
15. Reasonable Accommodation Committee (RAC) – The Director of Office of Departmental Equal Employment Opportunity will not participate as a member of the RAC.
16. Implementation – Management agrees that the implementation of a decision to grant a reasonable accommodation request will be met within 30 business days unless there is an extenuating circumstance.
17. Funding – The Chief Financial Officer has Department-wide control over the allocation of funds in support of all reasonable accommodations.
18. Partial approval – In the event that an employee requests multiple reasonable accommodations, any portion readily approvable will be provided. The remainder will be processed through the procedures as outlined.
19. Privacy Act – The Rehabilitation Act requires that all medical information be kept confidential. This means that all medical information the agency obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel files. It also means that any employee who obtains or receives such information is strictly bound by these confidentiality requirements. Managers and supervisors are responsible for the safe keeping and confidentiality of all documents medical or otherwise obtained during the processing of reasonable accommodation requests.
20. Emergency Evacuation Plan – Any medical information released to assist in the development of the emergency evacuation plan shall be subject to the confidentiality requirements of Handbook 7855.1.
21. EEO Complaint Process – If an employee's request for reasonable accommodation is denied, he/she has a right to file an EEO complaint within 45 days of the denial, even if he/she is participating in the ADR process.

22. Reassignment – Management agrees that reassignment will be considered as a form of reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position.

Management will reassign the employee to a vacant position that is equivalent in terms of pay, status, or other relevant factors (e.g., benefits, geographical location) if the employee is qualified for the position. If there is no vacant equivalent position, management will reassign the employee to a vacant lower level position for which the individual is qualified. If there is more than one vacancy for which the employee is qualified, management will place the employee in the position that comes closest to the employee's current position in terms of pay, status, etc. A position is considered vacant even if management has posted a notice or announcement seeking applications for that position. Management does not have to bump an employee from a job in order to create a vacancy; nor does it have to create a new position.

("Vacant" means that the position is available when the employee asks for the accommodation, or that the employer knows that it will become available in a reasonable amount of time. A reasonable amount of time will be determined on a case-by-case basis.)

23. Position Description and EPPES – Position Descriptions will be modified when applicable to match the employee's duties. Elements and Standards (EPPES) will be modified to match the position description.
24. Assistive Technology Equipment – Reasonable accommodations requests for Assistive Technology (AT) equipment will be submitted via HUD Form 22006. HUD Form 22006 will be submitted to the local Information Technology Director (ITD) representative for processing. Standard equipment will be provided to the employee, normally, within forty-eight (48) hours. If the request for non-standard AT equipment cannot be provided within forty-eight (48) hours, IT will provide the individual and the immediate supervisor a notice of when the equipment is expected to be provided. Requests that involve both electronic technology and other reasonable accommodation request processing will run concurrently.
25. Handbook Provisions – Management agrees that Handbook 7855.1 applies to management's responsibilities, requirements and obligations to provide reasonable accommodation and the employee's right to request reasonable accommodation. However, the procedures for processing assistive technology equipment requests will be handled as outline in Article 24 above and is not included in the handbook.

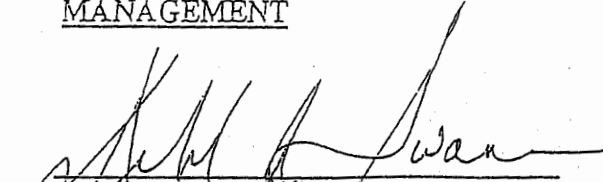
The non-inclusion of the procedures for processing assistive technology equipment within the Handbook does not lessen management's responsibilities, requirements and obligations to provide requested reasonable accommodations for assistive technology equipment.

26. Appendix 7 – Management will review and update Appendix 7 of Handbook 7855.1 prior to printing and distribution.

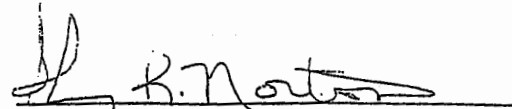
27. Portability of Equipment – If an employee physically moves or relocates, equipment obtained under a reasonable accommodation request will be transferred or replaced.
28. Executive Order 13164 – Management agrees that a copy of the Executive Order 13164 will be an appendix to Handbook 7855.1.

MANAGEMENT

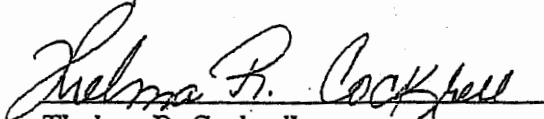
AFGE



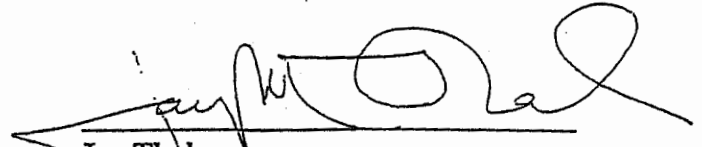
Deborah A. Swann
Chief Negotiator



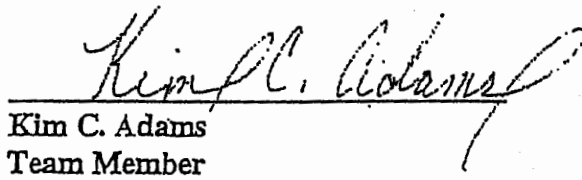
Sherry K. Norton
Chief Negotiator



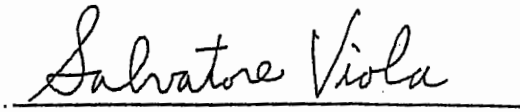
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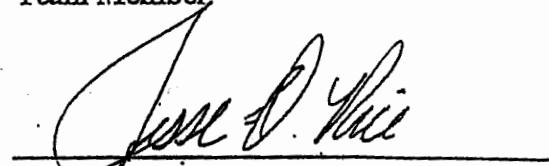
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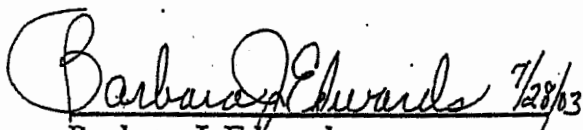
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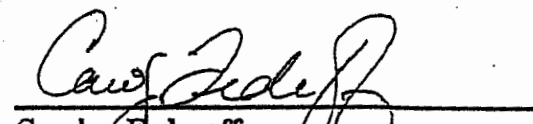
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APPROVED:

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Date Signed: 7/22/03