



Reasonable Accommodation and Personal Assistance Services Policy

Approved by Inspector General Brian M. Tomney on January 29, 2025

Last revised on January 29, 2025

Summary: This policy sets forth the procedures for processing requests for reasonable accommodation (based on disability, pregnancy, or religion) or personal assistance services.

I. CHANGE LOG

Date	Description of Technical Correction

II. PURPOSE

The Federal Housing Finance Agency Office of Inspector General (OIG) provides reasonable and effective accommodations for qualified employees and job applicants with disabilities or pregnancy-related conditions, and Personal Assistance Services (PAS) to qualified employees with targeted disabilities, provided that doing so does not impose an undue hardship on OIG. Further, OIG provides appropriate reasonable accommodations based on religious beliefs, observances, and practices, provided that doing so does not impose an undue hardship on OIG.

III. SCOPE

This policy applies to all OIG employees and applicants.

IV. AUTHORITY

- Privacy Act, 5 U.S.C. § 552a
- Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq.
- Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg-3
- Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

- 29 C.F.R. Parts 1614, 1630, and 1636
- Executive Order 13164
- Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation
- EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the ADA

V. DEFINITIONS

Applicant. An individual who has applied to a position or positions within OIG, whether the position is paid or unpaid.

Deciding Official. The individual authorized to make a decision on behalf of OIG for a request for reasonable accommodation or PAS.

Disability. A physical or mental impairment that substantially limits a major life activity.

Employee. A person currently or previously employed by OIG as defined in 5 U.S.C. § 2105.

Essential Function. A function so fundamental to a position that one cannot do the job without performing it. A function can be essential if, among other things:

- (1) The position exists specifically for the performance of the function; or
- (2) There are a limited number of other individuals who could perform the function; or
- (3) The function is specialized, and the individual is hired based on the ability to perform the function.

Interactive Process. A collaborative dialogue between OIG and the Requestor to determine whether the Requestor needs a reasonable accommodation or PAS and, if so, what accommodation(s) or PAS may be effective and appropriate.

Known Limitations. Physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that an employee, the employee's representative, or an applicant has communicated to OIG, whether or not such condition meets the definition of disability above.

Major Life Activities. Those basic tasks an average person can perform with little or no difficulty, and the operation of major bodily systems.

- (1) Basic tasks include, but are not limited to, caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; sitting; reaching; lifting; bending;

speaking; breathing; learning; reading; concentrating; thinking; communicating; interacting with others; and working.

- (2) Major bodily systems include, but are not limited to, 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. Major bodily systems include the operation of individual organs within such a system.

Personal Assistance Services (PAS). Assistance with performing the activities of daily living that individuals would typically perform if they did not have a disability, and which assistance is not otherwise required as a reasonable accommodation. PAS includes, but is not limited to, assistance with putting on or removing items of clothing, eating, and using the restroom. PAS does not include medical care.

Qualified Individual. An individual who: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position in question; and (2) can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable Accommodation. A modification or change to a job or the work environment, or the way things are usually done during the hiring process that would enable an individual with a disability to perform essential job functions or enjoy equal benefits and privileges of employment.

Reasonable Accommodation Coordinator. The OIG employee responsible for assisting managers, Deciding Officials, and Requestors with the interactive process and addressing requests for reasonable accommodation.

Reassignment. Movement of a qualified employee to a funded, vacant position at or below the level of the individual's current position as a "last resort" reasonable accommodation.

Related Medical Conditions. Medical conditions associated with or caused by pregnancy or childbirth. Examples include the following: termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; anemia; endometriosis; sciatica; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; lactation and conditions related to lactation, such as plugged ducts or mastitis.

Religious Accommodation. A modification or change to a job or the work environment that allows employees to observe or practice their religious beliefs.

Religious Beliefs. The ideas and values that people hold concerning moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views. This includes traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism. It also includes religious beliefs that are new, uncommon, not part of a formal

church or sect, or only held by a small number of people. Religious beliefs are not required to be theistic (a belief in God).

Requestor. The employee or applicant requesting the reasonable accommodation or PAS.

Targeted Disability. A disability that is designated as a “targeted disability or serious health condition” on the U.S. Office of Personnel Management’s Standard Form 256. Targeted disabilities include the following: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, intellectual disabilities, and distortion of limbs and/or spine, significant mobility impairment benefitting from utilization of supports (such as a wheelchair or walker), and partial or complete paralysis.

Undue Hardship. Significant difficulty or expense that would be imposed on an agency associated with a reasonable accommodation. Undue hardship is determined on a case-by-case basis based on factors such as the nature and cost of the accommodation, the overall financial resources of the agency, and the impact of the accommodation on agency operations.

VI. FUNCTIONAL RESPONSIBILITIES

A. Requestors

1. Make an initial request, including submitting the appropriate form to request a reasonable accommodation
2. Engage in the interactive process.
3. Provide medical information, if requested, to support their request.
4. Provide management with timely notice as to recurring reasonable accommodation needs.

B. Deciding Officials

1. The head of each office within OIG is the Deciding Official for employees within that office’s supervision. The Principal Deputy Inspector General is the Deciding Official for reasonable accommodation and PAS requests made by office heads. The Director of the Human Resources Division (HR) is the Deciding Official for requests made by job applicants.
2. Make a final decision on behalf of OIG on each reasonable accommodation request, in consultation with the Reasonable Accommodation Coordinator and Office of Counsel.

C. Reasonable Accommodation Coordinator

1. The Reasonable Accommodation Coordinator is the Director of HR.
2. Assists Requestors in completing the appropriate forms to make requests.

3. Assists Requestors and Deciding Officials in engaging in the interactive process.
4. Assists DIGs who are responsible for deciding appeals with that process.
5. Works with the Office of Administration and the Requestor's office to ensure that approved reasonable accommodations are procured or implemented timely.
6. Maintains custody of all records obtained or created during the processing of requests for reasonable accommodation or PAS. Records will be kept confidential and maintained in compliance with the Privacy Act.
7. Provides data to the Equal Employment Opportunity (EEO) Officer for reporting purposes.

D. Office of Counsel

Provides advice as needed to managers, Deciding Officials, the Reasonable Accommodation Coordinator, and those OIG officials who decide appeals of denied accommodation requests.

E. Office of Administration

1. Provides information, if needed, regarding the cost of potential reasonable accommodations or PAS and the impact on OIG's overall budget.
2. Assists in procuring or implementing any approved reasonable accommodation or PAS.

F. Equal Employment Opportunity Officer

Provides required reporting on OIG's handling of reasonable accommodation and PAS requests.

VII. PROCESS AND PROCEDURES

A. Requesting a Reasonable Accommodation

1. Requestors may request a reasonable accommodation whenever they believe one is needed, even if they have not previously disclosed the existence of a disability or religious belief.
2. Employees may request reasonable accommodations from their immediate supervisor, a supervisor or a manager in their chain of command within their OIG office or division, the Office of Human Resources, or the Reasonable Accommodation Coordinator
3. Applicants may request a reasonable accommodation orally or in writing from any OIG employee or representative of the Bureau of the Fiscal Service with whom the applicant has contact in connection with the application process.

4. A family member, health professional, or other representative may request an accommodation based on a disability on behalf of a Requestor. Whenever possible, the Deciding Official should confirm the need for the requested accommodation with the affected Requestor.

B. Processing Requests for Reasonable Accommodation for Disability

1. **Factors to Consider.** The need for reasonable accommodation is determined on a case-by-case basis by taking into consideration factors such as: the essential functions of the job; the work environment; the specific disability/condition which limits the individual's ability to perform an essential function of the job, enjoy equal benefits and privileges of employment, or utilize the employment application process; the causal connection between the disability/condition and the proposed accommodation; the feasibility of providing the proposed accommodation; and whether the accommodation would pose an undue hardship for OIG.
2. **Making a Request for Reasonable Accommodation or Personal Assistance Services.** Initial requests for reasonable accommodation may be made orally or in writing. No specific words are required to initiate the process, and the Requestor does not need to have a specific reasonable accommodation in mind. Any oral request or informal written request must be followed by a written request on Reasonable Accommodation and Personal Assistance Services Request Form (Form A), however OIG can start processing a request prior to receipt of Form A. When it is impractical for an employee or applicant to complete Form A, the Reasonable Accommodation Coordinator will do so on their behalf using then available information, and will proceed to process the request.
3. **Interactive Process.** Once OIG receives an oral or written request for reasonable accommodation, the interactive process should begin as soon as possible.
4. **Recurring Need.** A request for an accommodation that will be needed on a recurring basis, e.g., a sign language interpreter, need be made only once. Thereafter, the Requestor should provide management with notice sufficiently in advance of the need for the accommodation to permit management to provide it.
5. **Submission of Medical Documentation.** Unless a disability or need for accommodation is obvious or already known, medical information may be needed. Documentation submitted in furtherance of a request for an accommodation should clearly establish: (1) the existence and nature of the medical condition; (2) the limitations it imposes upon the Requestor; and (3) the causal connection between the medical condition and the reasonable accommodation requested. If the Requestor declines to submit medical documentation, the documentation submitted does not clearly establish the three factors set forth above, the documentation is not credible or appears fraudulent, or the documentation comes from a health care professional who lacks the expertise to opine on the relevant medical condition, then additional documentation may be requested or the request for accommodation may be denied.

OIG may have medical documentation reviewed by a medical expert of OIG's choosing at OIG expense, if necessary.

6. **Confidentiality of Medical Documentation.** Medical documentation submitted in support of a request for an accommodation shall be kept in a secure location and separate from the employee's official personnel file. Information from such medical documentation may be disclosed only to individuals with a demonstrable need to know it, including:
 - OIG officials, including the Deciding Official and the Reasonable Accommodation Coordinator, who are involved in consultations regarding accommodation requests, officials who may monitor and report upon OIG's processing of requests for accommodation, such as the EEO Officer, and those OIG officials who decide appeals of denied accommodation requests.
 - First Responders, or other medical providers, in connection with the performance of their official duties, e.g., rendering first aid to the Requestor; and
 - Government officials or contractors investigating OIG's compliance with relevant laws or regulations.

Whenever practicable, the individual disclosing information from medical documentation should inform the recipient about its confidential nature.

7. **Adjudication of a Request for an Accommodation.** Upon receiving a request for an accommodation, the Deciding Official should determine whether there is sufficient information to adjudicate the request. If the Deciding Official determines that medical documentation is necessary, consultation with the Office of Counsel prior to requesting such information is required. Absent extenuating circumstances, the Deciding Official should issue a decision within 30 calendar days of OIG's receipt of the request for reasonable accommodation. This time may be extended if medical documentation is not timely provided.
8. **Approving a Request for an Accommodation.** Prior to making a determination on a request for accommodation, the Deciding Official should consult with the Reasonable Accommodation Coordinator and the Office of Counsel. If the Deciding Official determines that the request should be granted, then the Requestor should be notified as soon as practicable using Form A. When more than one accommodation is possible, the Deciding Official may select any effective accommodation. If, due to extenuating circumstances, the accommodation cannot be made available to the Requestor within 30 days from its approval, OIG will make good faith efforts to provide the Requestor with such temporary measures as are reasonable in the interim.
9. **Reassignment as a Reasonable Accommodation.** Reassignment to a vacant position for which an employee is qualified is a reasonable accommodation of last resort. OIG will consider providing reassignment to a vacant position as a reasonable

accommodation when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of the current position.

10. **Denying a Request for an Accommodation.** The Deciding Official may deny a request for an accommodation after consulting with the Office of Counsel and the Reasonable Accommodation Coordinator. If the Deciding Official determines that the request should be denied, then the Requestor should be notified as soon as practicable using Denial of Reasonable Accommodation and Personal Assistance Services Form (Form B). Form B should explain the reasons for the denial.
11. **Appealing a Denial of a Request for an Accommodation.** When a request for accommodation is denied, the Requestor may appeal the decision. All appeals will be decided by the DIG for Compliance except those related to reasonable or PAS requests from employees in the Office of Compliance. Those appeals will be decided by the DIG for Evaluations. An appeal shall be made by submitting Reasonable Accommodation and Personal Assistance Services Appeal Form (Form C) to the Reasonable Accommodation Coordinator. Appeals will normally be adjudicated within ten business days of receipt, when practicable. If an appellate decision is not issued within ten business days, this delay shall not constitute a constructive denial of the appeal for the purpose of triggering a right to file an EEO complaint.
12. **Adjudication of Appeal.** The DIGs deciding the appeals will consider each request individually on a case-by-case basis. Appeal decisions shall be recorded on Form C. The Requestor should be notified of this decision in writing as soon as practicable.
13. **Right to file an EEO Complaint.** Requestors whose requests are denied have the right to file an EEO complaint pursuant to 29 C.F.R. § 1614.106. To begin the complaint process, the Requestor must contact the OIG EEO Officer within 45 days of the denial of the reasonable accommodation.

C. Processing Requests for PAS

1. **Factors to Consider.** Qualified individuals with targeted disabilities are entitled to PAS during work hours and job-related travel, unless providing PAS would pose an undue hardship to OIG.
2. **Form A.** Initial requests for PAS may be made orally or in writing. Any oral or informal written request must be followed by a written request on Form A, however OIG can start processing a request prior to receipt of Form A.
3. **Interactive Process.** Once OIG receives an oral or written request for PAS, the interactive process should begin as soon as possible.
4. **Medical Documentation.** If medical documentation is needed to assess the request for PAS, the procedures and confidentiality requirements noted in VII.B.5 and 6 will apply.

5. **Approving a Request for PAS.** When the Deciding Official approves a request for PAS, the decision will be documented in Form A, and the Reasonable Accommodation Coordinator will notify the Requestor and the Requestor's supervisor of the decision and any conditions placed upon it, such as periodic reviews of its continued provision.
6. **Selecting a PAS Provider.** When providing PAS to an individual, OIG will give consideration to the individual's preferred PAS provider. However:
 - OIG may select as PAS providers federal employees, independent contractors, outside sources that provide PAS at their own expense (e.g., State or local social service agencies, veterans' rehabilitation organizations), or a combination thereof.
 - OIG may provide PAS through a network of PAS providers as opposed to a single, dedicated provider.
7. **Denying a Request for a PAS.** The Deciding Official may deny a request for PAS after consulting with the Office of Counsel and the Reasonable Accommodation Coordinator. If the Deciding Official determines that the request should be denied, then the Requestor should be notified as soon as practicable using Form B. If the request for PAS is denied, the employee may appeal using the process described in VII.B.11, 12, and 13.

D. Processing Requests for Reasonable Accommodation for Pregnancy-Related Issues

1. **Factors to Consider.** OIG will make reasonable accommodation to the known limitations of a qualified employee¹ related to pregnancy, childbirth, or related medical conditions, absent undue hardship. Accommodations will only be provided to the specific employee in question, and not to the spouse, partner, or family member of the individual experiencing pregnancy, childbirth, or related medical conditions.
2. **Form A.** Initial requests for reasonable accommodation may be made orally or in writing. Any oral or informal written request must be followed by a written request on Form A, however OIG can start processing a request prior to receipt of Form A.
3. **Interactive Process.** Once OIG receives an oral or written request for reasonable accommodation, the interactive process should begin as soon as possible.
4. **Medical Documentation.** If medical documentation is needed to assess the request for accommodation, the procedures and confidentiality requirements noted in VII.B.5 and 6 will apply.

¹ For purposes of section VII.D only, employees are "qualified" even if they cannot perform one or more essential functions of the job if that inability is temporary, the essential functions will be able to be performed in the near future, and the inability to perform the essential functions can be reasonably accommodated without creating an undue burden on OIG.

5. **Approval, Denial, and Appeals.** The process for approvals, denials, and appeals of reasonable accommodation requests is outlined in VII.B.7-13.

E. Processing Requests for Reasonable Accommodation for Religion

1. **Factors to Consider.** The need for reasonable accommodation is determined on a case-by-case basis by taking into consideration factors such as: sincerity of the religious belief, conflict between the religious belief or practice and the work-related issue, cost and feasibility of the proposed accommodation, extent to which the proposed accommodation or a different accommodation will resolve the conflict, and whether the accommodation would impose an undue hardship on OIG. Examples of reasonable accommodations include the following: schedule changes, permitting specified dress or grooming practices, or voluntary shift substitutions.
2. **Form D.** Requests may initially be made orally or in writing. Requests that are initially made orally must subsequently be submitted in writing using Reasonable Accommodation based on Religious Belief Request Form (Form D). The written request must describe the conflict between the religious needs and the job duties or application process, the suggested reasonable accommodation, and an explanation of how the reasonable accommodation resolves the conflict.
3. **Interactive Process.** Once OIG receives an oral or written request for reasonable accommodation, the interactive process should begin as soon as possible.
4. **Approving a Request for a Religious Accommodation.** Prior to making a determination on a request for a religious accommodation, the Deciding Official should consult with the Reasonable Accommodation Coordinator and the Office of Counsel. If the Deciding Official determines that the request should be granted, then the Requestor should be notified as soon as practicable using Form D. When more than one accommodation is possible, the Deciding Official may select any accommodation that will effectively eliminate the religious conflict.
5. **Denying a Request for a Religious Accommodation.** The Deciding Official may deny a request for a religious accommodation after consulting with the Office of Counsel and the Reasonable Accommodation Coordinator. If the Deciding Official determines that the request should be denied, then the Requestor should be notified as soon as practicable using Form D. If the request for accommodation is denied, the employee may appeal using the process described in VII.B.11, 12, and 13.

VIII. OWNERSHIP AND REVIEW

This policy belongs to the Division of Human Resources and is subject to review every 5 years or to align with any regulatory changes.