

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-05-12

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 10.162, "Disability Programs and Reasonable Accommodation"

Purpose: Directive 10.162 is being issued to affirm, consolidate, and summarize existing NRC policy related to disability programs and reasonable accommodation. It does not change or replace existing policy; rather, it provides references and appropriate links to more specific or detailed NRC policies related to individuals with disabilities and to the agency's procedures for providing reasonable accommodation to applicants and employees with disabilities. No handbook is required for Management Directive 10.162.

Office and Division of Origin: Office of Human Resources

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Volume: 10 Personnel Management

Part: 7 General Personnel Management Provisions

Directive: 10.162 Disability Programs and Reasonable Accommodation

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Disability Programs and Reasonable Accommodation

Directive
10.162

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U. S. Nuclear Regulatory Commission

Volume: 10 Personnel Management

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Provisions

HR

Disability Programs and Reasonable Accommodation Directive 10.162

Policy
(10.162-01)

- It is the policy of the U.S. Nuclear Regulatory Commission to provide equal employment opportunity and reasonable accommodation to qualified employees and to applicants with disabilities. It is also the NRC's policy to provide members of the public as well as employees with access to facilities, information, and programs comparable to that afforded to people without disabilities and to ensure nondiscrimination in programs or activities conducted by NRC or receiving Federal financial assistance through NRC. NRC complies with its regulations in Title 10 of the *Code of Federal Regulations* (CFR), Chapter I, Part 4, as well as applicable laws and Federal regulations. (011)
- Reasonable accommodation is integral to providing equal employment opportunity to employees and applicants with disabilities because it provides a method for identifying and addressing workplace barriers that might otherwise prevent a qualified individual with a disability from performing a job successfully. A detailed description of NRC's policies and procedures for providing reasonable accommodation for individuals with disabilities is available on NRC's Web site at <http://www.nrc.gov/who-we-are/employment/diversity/reasonable.pdf>. (012)

Objectives
(10.162-02)

- To provide equal employment opportunity and reasonable accommodation for individuals with disabilities in the application process for NRC employment. (021)
- To provide equal employment opportunity and reasonable accommodation for qualified NRC employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities and to perform the essential functions of a position. (022)
- To make NRC programs, facilities, and communications accessible to members of the public and employees with disabilities. (023)
- To comply with Federal Property Management Regulations (FPMRs) when acquiring and leasing NRC space, including guidelines such as the Uniform Federal Accessibility Standards for facility accessibility by people with physical disabilities. (024)
- To remove physical and architectural barriers from NRC buildings and to make NRC public areas and workplaces more accessible to people with disabilities, including members of the public and employees. (025)
- To provide members of the public who are disabled and seeking information or services from NRC with comparable access to and use of information and data as the public without disabilities when NRC develops, procures, maintains, and uses electronic information technology (IT). (026)
- To ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination, including but not limited to employment discrimination, under any program or activity that NRC conducts or that receives Federal financial assistance through NRC. (027)

Organizational Responsibilities and
Delegations of Authority
(10.162-03)

Chairman
(031)

Provides personal leadership and commitment to ensure that NRC provides equal opportunity for individuals with disabilities in all aspects of its programs and activities.

Executive Director for Operations (EDO)
(032)

- Is responsible for implementing the agency's programs providing reasonable accommodation and equal opportunity to members of the public, employees, and applicants with disabilities. (a)
- Ensures that sufficient resources are provided to administer and implement the programs covered by this directive in a positive and effective manner. (b)
- Designates the NRC Section 508 Coordinator, who assesses and advises on the accessibility of Electronic and Information Technology (EIT) in accordance with Section 508 of the Rehabilitation Act of 1973, as amended. (c)

Director, Office of Human Resources (HR)
(033)

- In coordination with the Director of the Office of Small Business and Civil Rights, develops and implements policy for employment disability and reasonable accommodation programs. (a)
- Implements NRC's disability employment policy, including considering requests from employees and applicants for

Organizational Responsibilities and
Delegations of Authority
(10.162-03) (continued)

Director, Office of Human Resources (HR)
(033) (continued)

reasonable accommodation. Accommodations may include but are not limited to changes in duties or hours, leave, technologic or ergonomic accommodation, flexiplace, or other changes in working conditions. (b)

- Maintains records and databases related to disability on the basis of self-identification. (c)
- Designates the NRC Disability Program Manager. (d)
- Administers the Computer/Electronic Accommodation Program, which provides assistive technology, devices, and services for NRC employees with disabilities through the Department of Defense. (e)
- Oversees and manages the agency's Special Employment Programs. (f)
- Provides training to managers and employees regarding employment-related disability and reasonable accommodation programs. (g)

Director, Office of Small Business and Civil Rights (SBCR)
(034)

- Provides overall direction for the development and implementation of the NRC Equal Employment Opportunity (EEO) program. (a)
- Identifies underrepresentation or underutilization of employees with disabilities in the NRC workforce. As appropriate and in

Organizational Responsibilities and
Delegations of Authority
(10.162-03) (continued)

Director, Office of Small Business and Civil Rights (SBCR)
(034) (continued)

conjunction with advisory committees, recommends policies, methods, or procedures likely to improve representation. (b)

- In coordination with HR, ensures that EEO training regarding disability nondiscrimination is provided. (c)
- Administers the formal EEO complaint process, including complaints involving allegations of discrimination based on disability. (d)
- Establishes, implements, and oversees compliance with policy regarding nondiscrimination in programs or activities conducted by NRC or receiving Federal financial assistance in accordance with applicable civil rights statutes and NRC regulations. (e)
- In conjunction with HR, reports as required to agencies such as the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Department of Justice (DOJ) on disability programs and discrimination complaint activity. (f)

Director, Office of Administration (ADM)
(035)

- Implements the Rehabilitation Act with respect to facilities, equipment, and contractors. (a)
- Ensures site accessibility for people with disabilities for NRC buildings and public meeting spaces. (b)

Organizational Responsibilities and
Delegations of Authority
(10.162-03) (continued)

Director, Office of Administration (ADM)
(035) (continued)

- Ensures that NRC facilities support and transportation services meet appropriate guidelines and provide appropriate access to individuals with disabilities, including providing reasonable accommodation in transportation arrangements. (c)
- Ensures that NRC procurements in support of disability and reasonable accommodation programs are carried out in accordance with applicable NRC policy and Federal Government regulation and law. (d)

Director, Office of Information Services (OIS)
(036)

- Implements Section 508 of the Rehabilitation Act of 1973, as amended, regarding accessibility of electronic information when NRC develops, procures, maintains, and uses electronic IT. (a)
- Recommends designation of the NRC Section 508 Coordinator to the EDO. (b)
- Assists NRC offices in evaluating IT procurements to ensure consideration of access by individuals with disabilities in accordance with Section 508 of the Rehabilitation Act. (c)
- Ensures that NRC publications services meet appropriate guidelines and provide appropriate access to individuals with disabilities. (d)

Organizational Responsibilities and
Delegations of Authority
(10.162-03) (continued)

General Counsel (GC)
(037)

Provides legal guidance and counsel on the Rehabilitation Act and compliance with its provisions.

Office Directors and
Regional Administrators
(038)

- Ensure compliance with nondiscrimination provisions within their units; take positive action to recruit people with disabilities; and provide program support and active management participation in reasonable accommodation, affirmative action, and special employment activities, as appropriate. (a)
- Provide appropriate access for members of the public with disabilities to public programs conducted under their auspices. (b)
- Ensure that all requests for IT acquisitions, including purchase card buys, are in compliance with Section 508 of the Rehabilitation Act. (c)

Applicability
(10.162-04)

The nondiscrimination and reasonable accommodation policy in this directive applies to all aspects of NRC employment; the accessibility of NRC programs, facilities, and information to members of the public; and the administration of Federal financial assistance through NRC. (041)

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Applicability

(10.162-04) (continued)

Consistent with the broad nature of this policy, related or more specific guidance is contained in a variety of NRC issuances, some of which are referenced below. (042)

Where provisions of the "Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union" are in conflict with this directive or the guidance listed below, the provisions of the agreement govern with reference to bargaining unit employees. (043)

Related Guidance	
NRC Issuance	Relation to Disability Program
Procedures for Providing Reasonable Accommodation for Individuals with Disabilities http://www.nrc.gov/who-we-are/employment/diversity/reasonable.pdf	Describes procedures for providing reasonable accommodation to employees and applicants for employment.
NRC Web site on Ergonomic and Disability Programs http://www.internal.nrc.gov/HR/disability.html	Affirms NRC policy and provides further links to activities, information, and services.
MD 3.14, "U.S. Nuclear Regulatory Commission External Web Site" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md3.14.pdf	Ensures that external Web content complies with laws and regulations and is accessible by all site users, including those with disabilities. Provides accessibility standards and guidance.
MD 10.13, Part V, "Special Employment Programs" http://www.internal.nrc.gov/	Includes policies, rules, and procedures regarding employment of persons with

Applicability
 (10.162-04) (continued)

Related Guidance (continued)	
NRC Issuance	Relation to Disability Program
ADM/DAS/cag/Management_Directives/md10.13.pdf	disabilities.
MD 10.77, "Employee Training and Development" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.77.pdf	Confirms that NRC (1) provides training and developmental opportunities without regard to factors, including disability, unrelated to the need for training; (2) will not use any training source that discriminates in the admission or in the subsequent treatment of students because of disability; and (3) pays for expenses (such as interpreters for the hearing impaired and readers for the visually impaired) necessary to make training accessible to all employees.
MD 10.122, "Employee Assistance and Wellness Services Program" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.122.pdf	Describes programs and services that may be of value or assistance to employees.
MD 10.161, "NRC Equal Employment Opportunity Program" http://www.internal.nrc.gov/ADM/DAS/cag/Management_	Affirms NRC's policy prohibiting discrimination based, among other things, on physical or mental disability; provides for a

Applicability
 (10.162-04) (continued)

Related Guidance (continued)	
NRC Issuance	Relation to Disability Program
Directives/md10.161.pdf	continuing affirmative employment program; and provides for the prompt, fair, and impartial consideration and disposition of complaints of discrimination and associated allegations of reprisal filed by NRC employees and applicants for employment.
MD 11.1, "NRC Acquisition of Supplies and Services" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md11.1.pdf	Reflects the requirement that when NRC develops, procures, maintains, and uses electronic information technology, it will provide— (1) Federal employees with disabilities with comparable access to and use of information and data as Federal employees who have no disabilities and (2) members of the public seeking information or services from NRC with comparable access to and use of information and data as the public without disabilities. Establishes policy regarding use of mandatory sources such as the Committee for Purchase

Applicability
 (10.162-04) (continued)

Related Guidance (continued)	
NRC Issuance	Relation to Disability Program
	From People Who Are Blind and Other Severely Disabled.
"NRC Purchase Card Handbook" http://www.internal.nrc.gov/ADM/DCPM/Bankcard-Procedures.html	Provides guidance for compliance with Section 508 of the Rehabilitation Act requirements for IT acquisitions through use of the purchase card.
MD 13.2, "Facility Management" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md13.2.pdf	Confirms that NRC space is acquired and leased in accordance with the Federal Property Management Regulations (FPMRs), which provide specific guidelines for Federal and federally funded facilities, including the Uniform Federal Accessibility Standards (41 CFR 101-19.6) for facility accessibility by persons with physical disabilities. Provides that NRC may initiate alterations in order to provide reasonable accommodations for employees with disabilities.

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Applicability
 (10.162-04) (continued)

Related Guidance (continued)	
NRC Issuance	Relation to Disability Program
MD 13.4, "Transportation Management" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md13.4.pdf	Assigns highest priority for parking spaces not required by official needs to employees with disabilities.
MD 14.1, "Official Temporary Duty Travel" http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md14.1.pdf	Provides for authorization of additional travel expenses incurred as a result of a disability (for example, transportation and subsistence expenses incurred by a required attendant accompanying the employee, the cost of specialized transportation, or premium class accommodations when needed).
Headquarters and Regional "Occupant Emergency Plans" Headquarters: http://www.internal.nrc.gov/ADM/OEP.pdf	Provides for ensuring that appropriate plans and provisions are in place to address any special needs of persons with disabilities.

Handbook
 (10.162-05)

No handbook is required for Management Directive 10.162.

References
(10.162-06)

Code of Federal Regulations—

Title 10, "Energy."

Chapter I, Part 4, "Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission."

Title 29, Part 1614, "Federal Sector Equal Employment Opportunity" (29 CFR Part 1614).

Federal Acquisition Regulation Part 39.201.

Title 41, Part 102-76, "Design and Construction."

Title 41, Part 101-19.6, Appendix A, "Uniform Federal Accessibility Standards (UFAS)."

Executive Order

Executive Order 13164, "Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation," July 26, 2000.

Nuclear Regulatory Commission Documents

"Collective Bargaining Agreement Between U.S. Nuclear Regulatory Commission and National Treasury Employees Union," October 5, 2001.

NRC Management Directives

10.1, "Appointments, General Employment Issues, Details, and Position Changes."

10.10, "Recruitment."

References

(10.162-06) (continued)

10.13, "Special Employment Programs."

10.14, "Employee Trial Period."

10.15, "Merit Staffing Program."

10.42, "Hours of Work and Premium Pay."

10.62, "Leave Administration."

10.135, "Senior Executive Service (SES) Employment and Staffing Programs."

10.148, "Senior Level Performance Appraisal System."

10.161, "NRC Equal Employment Opportunity Program."

11.1, "NRC Acquisition of Supplies and Services."

11.6, "Financial Assistance Program."

13.1, "Property Management."

13.2, "Facility Management."

13.4, "Transportation Management."

14.1, "Official Temporary Duty Travel."

NRC Purchase Card Handbook

United States Code

Rehabilitation Act of 1973, as amended, Pub. L. 93-112 (29 U.S.C. 791 et seq.).

References

(10.162-06) (continued)

Americans With Disabilities Act of 1990, as amended (42 U.S.C. 4151 et seq.).

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

The Architectural Barriers Act of August 12, 1968 (Pub. L. 90-480).

"Training and Rehabilitation for Veterans With Service-Connected Disabilities" (38 U.S.C. Chapter 31).

"Employment of Personal Assistants for [Employees with Disabilities]" (5 U.S.C. 3102).