

National Supplement

Between the United States Department of Housing and Urban Development and

American Federation of Government Employees

Hud Council of Locals 222

Subject: Reasonable Accommodation Portal

Scope: The purpose of HUD's Reasonable Accommodations Portal/Case Management System hereafter references as the (Portal) is solely to monitor, track, facilitate and report for continuous improvement, the administrative functions and case management of the reasonable accommodations process in the Agency. HUD's Reasonable Accommodation Portal is intended to be an automated record-keeping system whose functions include the secure storage of information on reasonable accommodation requests, supporting documentation, disposition of requests, decisions and justifications for decisions, appeals, and implementation. It will facilitate initial reasonable accommodation requests or requests for modifications. It will provide information used to hold the Agency accountable for timely and appropriate responses to reasonable accommodations requests. It will facilitate the development and maintenance of a system of records on reasonable accommodation, generate procedural notices, and generate summary reports.

1. This Supplement shall not modify the Contract unless stated expressly in this Supplement. Implementation of the Portal shall not diminish or waive any employee rights under the Contract, statutes, regulations, policies and procedures, directives, or other issuances – for example, with respect to:
 - a. The Rehabilitation Act of 1973,
 - b. The Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008,
 - c. Executive Order 13164,
 - d. EEOC's regulations implementing the ADA 29 CFR 1630, and
 - e. Handbook 7855.1 dated April 2003 and any successor Handbook.
2. Status quo shall remain, and the Department shall delay the implementation of the Portal until the Portal is redesigned to meet the entire Reasonable Accommodations process covered by Article 45 of the Contract, including but not limited to Section 45.04, *Process for Requesting a Reasonable Accommodation*, and completion of mid-term bargaining on any matter relevant to this topic not already covered by the Contract.
3. In accordance with Article 45, *Reasonable Accommodation*, the Portal and all materials and information related to it, as well as all guidance related to reasonable accommodation at HUD, shall clearly and prominently state that employees are not required to use the

Portal or any other specific form, format, or medium to request a reasonable accommodation.

4. The Agency shall process all requests for reasonable accommodations – whether oral, written, or electronic – through the Portal or by other means, in accordance with Article 45, *Reasonable Accommodation*, and with the same speed and responsiveness as any other reasonable accommodation request, giving no preference to one means of request over another.
5. There shall be no change to bargaining unit employees’ duties as a result of the implementation of the Portal.
6. The implementation of the Portal shall not affect employee titles, grades, series, or work schedules.
7. There shall be no adverse impact on any bargaining unit employee as a result of the implementation of the Portal.
8. Implementation of the Portal shall be compliant with Article 45, *Reasonable Accommodations*, and shall not affect the timeliness of reasonable accommodations request review, the interactive process, or disposition of such requests.
9. The Agency shall ensure that the Portal (including the user interface, instructions, policies and procedures, and guidance) is accessible to individuals with disabilities – including but not limited to the standards under Section 504 and 508 of the Rehabilitation Act of 1973. The agency shall ensure that the Portal is user friendly.
10. The paper HUD form 1000 will not be modified or expanded as a result of this Supplement.
11. Upon identifying/selecting a Union Representative and with written consent from the employee via the Portal, the Agency will include the designated representative(s) with system generated emails, including decisions regarding the Reasonable Accommodation (RA), documentation and the status of the RA request. The Agency will provide to the Union any copies of RA documentation, including all medical documentation, assessments and evaluations from Federal Occupational Health (FOH). The Agency will provide the documentation within ten (10) business days of the request or seven (7) business days before the RAC meets, whichever is earliest.
12. The Agency shall prepare item-by-item user instructions for the completion of a record in the Portal. The Portal instructions shall include the following:
 1. how complaints may be filed with respect to the Rehabilitation Act of 1973 or other applicable authority, and how information may be provided to investigative or enforcement authorities such as HUD’s Inspector General, and;

2. unique numbers for all items in the user interface to the Portal. User instructions shall be made readily available, as secondary (or hover) windows within the application, and in written format available online.

13. Prior to publication of the Portal's initial user interface, the Agency shall provide:
 - a. instructions, policies and procedures, or guidance;
 - b. a 30-day review and comment period for the Union;
 - c. facilitate on-line access for Union review and comment;
 - d. consult on the initial user interface, instructions, policies and procedures, and guidance prior to publication.
14. Updates, revisions, new releases, or other modifications of the Portal, its instructions, policies and procedures, or guidance shall not be undertaken without notice to the Union under Article 49 of the Contract. Notice shall include a description of the modifications and explanation of the purpose of the modifications. The Agency will provide an invitation to the Union to attend a demonstration of the proposed changes, which may be provided prior to the notice but occur no later than at the time of the notice.
15. The Agency shall provide copies of all performance assessments of the Portal. The Agency shall provide an annual statistical summary, within 90 days of the end of the fiscal year, of the following (inferred titles are for ease of use):
 - a. Portal Case Count - Number of new requests to the Portal;
 - b. Total Case Count - Number of new requests to the Agency regardless of whether there was a record entered into the Portal;
 - c. Number of requests unresolved, and/or carried over from the previous fiscal year;
 - d. Number of requests approved and disapproved;
 - e. The types of reasonable accommodations requested for approved and disapproved cases;
 - f. Number of requests disapproved and appealed through the RAC and the outcome of those appeals;
 - g. Number of cases that exceed 30 days as required by Agreement, Policy, or law.

The Union may request, and the Agency shall provide, additional information on reasonable accommodation requests and decisions entered to the Portal.

16. The implementation of the Portal shall not affect existing or pending reasonable accommodations. Implementation of the Portal shall not impose substantive requirements or modify authorities or precedent for reviewing or approving reasonable accommodations. The entry of such data and information shall not impede the review and processing of open or new RA requests. The entry/transfer of past RA decisions, current cases, or non-electronic requests into the portal shall not result in a material alteration of the record and shall be reviewed by the requestor to ensure completion.

17. The Agency shall provide training on the Reasonable Accommodation process in accordance with Article 45, including the Portal. Further, the Agency shall provide training on any updates to the Portal and shall provide a notice to all employees.
18. To facilitate understanding and usage, the Agency shall provide a user manual that can be accessed within the Portal. The Union shall be provided a copy of the Portal user manual a minimum of 90 days prior to Portal release for review and comment.
19. The Union/Employee may request, and the Agency will provide the employee or requester with a current funded vacancy list for reassignments in accordance with the process. The Agency will provide continuous assistance for the employee in finding reassignments that meets the need of his/her reasonable accommodation.
20. Prior to the conclusion of the RA Portal negotiations, the Agency shall provide the performance work statement (PWS), functional requirements documents, and other task instructions for the AINS contract in support of the Portal development, release, and maintenance.
21. The Agency shall certify that the Portal and sensitive data and case information held within the Portal shall meet all information security standards. The Agency shall certify that the Portal has met current system development, usage, and maintenance as dictated by Agency or law, including but not limited to The Privacy Act of 1974, the E-Government Act of 2002, the FISMA of 2002, Title 3 of e-Gov of 2002, and the Paperwork Reduction Act of 1995. Certifications shall be provided thirty (30) days prior to implementation of the RA Portal. The Agency shall provide to the Union, within thirty (30) days of implementation of the Portal, the results of the PIA, SORN, and other privacy documents, as well as the location of the data and system storage.
22. Records in the Portal shall be maintained in accordance with data security, confidentiality, and privacy standards. Upon request, the Agency shall provide the Union with certifications that data in the Portal is maintained in accordance with such standards.
23. When files and attachments (such as medical provider letters) are made available through the Portal, they shall be sent in password protected and encrypted format.
24. Employees with RA requests may designate more than one representative to receive notices generated by or related to their Reasonable Accommodation requests.
25. All documents, interim decisions, and communications associated with a Reasonable Accommodations request, including but not limited to, Form HUD 1000, Form HUD 11600, shall be sent to the employee and their representative(s).

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