

PROCESSING REASSIGNMENTS AS A REASONABLE ACCOMMODATION REGARDING THE COVID-19 VACCINE MANDATE

1. **PURPOSE:** This notice announces a policy change to the process for handling reasonable accommodation requests, specific to requests for exception from the mandatory Coronavirus disease 2019 (COVID-19) vaccine. This modification is needed to provide guidance for fair and consistent processing of religious and medical accommodations to the mandatory COVID-19 vaccination program. It is further necessary to ensure the Department of Veterans Affairs (VA) continues to meet its critical mission requirements, including patient and Veteran care.
2. **POLICY:** Under [VA Notice 22-01](#), VA employees are required to be fully vaccinated. Employees requesting an exception to being vaccinated against COVID-19 due to a disability or sincerely held religious belief, practice or observance will have their request for an exception treated as a request for a reasonable accommodation. VA Handbook 5975.1 defines the procedures for processing requests for reasonable accommodation from employees and applicants with disabilities. Those processes are modified by this notice as outlined below. This notice also supplements VA Directive 5975 for religious accommodations to establish procedures for employee reassignments related to COVID-19 exception requests. This policy does not pertain to employees of the VA Office of Inspector General (OIG).
3. **PROCEDURES:** This notice modifies the accommodation of last resort, i.e., reassignment, processing timeframes and procedures outlined in VA Handbook 5975.1 and establishes such timeframes and procedures for religious accommodations. This modification is specifically for employees with exception requests under the mandatory COVID-19 vaccination policy in VA Notice 22-01 that cannot be accommodated in their current position. The determination that an employee cannot be accommodated in their current position shall be based on the Designated Management Official (DMO)/Supervisor responses on [VA Form 10230a](#), Undue Hardship Review. Each Administration and Staff Office may identify the appropriate responsible official(s) to serve as DMO/Supervisor for processing requests. Generally, the time frame for processing a request is 30 calendar days from initiation of the interactive process by the DMO/Supervisor. This timeframe may be extended beyond 30 days, based on extenuating circumstances. The procedures are as follows:
 - a. Exception requests will generally be processed in the order they are received. The Light Electronic Action Framework (LEAF) will be used to date and time stamp submissions for exception requests. Either the employee submits a request in LEAF, or the employee submits [VA Form 10230](#), COVID-19 Vaccination Form, to the supervisor who then enters the request in LEAF. All submissions must be received no later than November 22, 2021. An employee who fails to submit proof of vaccination or a request for an exception by this date will be deemed noncompliant with VA Notice 22-01 and will be subject to disciplinary action up to and including removal. The DMO/Supervisor will provide written notification acknowledging receipt of the request to the employee.

- b. If a DMO/Supervisor has approved the request via VA Form 10230a and barring any additional requests beyond the vaccine exception (i.e., accommodations related to masking, testing, etc.), the supervisor will annotate the status in the LEAF system and ensure the employee adheres to the safety protocols in place. Regarding disability requests, approvals will be annotated on both the VA Form 10230a and [VA Form 0857f](#), Accommodation Request Determination, in accordance with VA Handbook 5975.1. Regarding religious requests, approvals will be annotated on VA Form 10230b and written notice of the approval specifying the accommodation granted will be provided to the requesting employee.
- c. If a DMO/Supervisor has determined via the VA Form 10230a that approval of the accommodation in the employee's current position will pose an undue hardship, the supervisor will request a review of their denial recommendation from the Office of General Counsel (OGC) by using the [OGC Religious Exception Review](#) process. The final approval or denial will be made by the DMO/Supervisor who is documented in LEAF and communicated in writing to the employee. All documentation regarding the request and decision should also be maintained by the supervisor of record or the Reasonable Accommodation Coordinator (RAC) as appropriate.
- d. Reassignment for medical and religious requests will be handled in the same manner. Once it has been determined that an employee cannot be accommodated in their current position, the DMO/Supervisor will offer the employee the option of the agency searching for a possible reassignment position for the employee. If the employee agrees to the agency searching for a reassignment position, the job search will be processed by the servicing Human Resources Office (HRO). HROs will conduct the resume evaluation and job search based on the following criteria:
 - (1) Reassignment is to a funded position that is vacant position or to a funded position that will be vacant within a reasonable amount of time. The reassignment is non-competitive (no interview or rating/ranking process); however, the employee must meet the minimum qualifications for the position.
 - (2) The employee will have 3 calendar days after accepting the offer for the agency to commence the reassignment search to provide a current resume to the HRO.
 - (3) The HRO will require the employee to indicate, in writing and at the time the employee submits a resume, whether the employee is willing to accept reassignment to:
 - (a) A position that is different from the job series of their current position and if so, which job series;

- (b) Locations outside their current official duty station or the commuting area, and if so, which locations;
 - (c) A lower grade position if there is no vacant and equivalently graded position; and/or
 - (d) A part-time position with number of hours per week the employee is willing to work.
- (4) [VA Form 0857j](#), Offer of Reassignment, shall be used to communicate the offer to the employee if the request is related to a disability. Relocation costs will be provided only if indicated in the vacancy announcement or if relocation expenses are normally paid with respect to the position identified. The employee will have 5 calendar days from the receipt of the offer to consider whether to accept the offered reassignment. The identified vacancy must be held open during this time.
- e. If the reassignment search results in no positions found, DMO/Supervisor shall consult with the OGC regarding the proposed denial of the request. After obtaining OGC review, employees with religious requests shall be notified of the decision in writing by the supervisor. The employee will then be provided a period of 14 calendar days from the decision to begin the vaccination process.
 - f. Employees with disability reassignment search requests that result in no positions found shall be notified in writing pursuant to VA Handbook 5975.1 on VA Form 0857f, Accommodation Request Determination.
 - g. The final disposition of the accommodation request will be updated by the supervisor in the LEAF system. VA Form 10230a will be maintained by the supervisor and a copy will be provided to the RAC if the request was based on a disability.
4. **RESPONSIBLE OFFICE:** Office of Resolution Management, Diversity, and Inclusion (08).
5. **RELATED POLICY:** [VA Directive 5975](#), Diversity and Inclusion dated April 29, 2021.
6. **RELATED HANDBOOK:** [VA Handbook 5975.1](#), Processing Requests for Reasonable Accommodation from Employees and Applicants with Disabilities, dated November 27, 2013.
7. **RESCISSION:** This notice will expire in one year after date of publication.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/

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