

Chapter 12 .      RELATIONSHIP OF PROCEDURES TO STATUTORY AND  
COLLECTIVE BARGAINING CLAIMS

12-1. RELATIONSHIP TO STATUTORY AND COLLECTIVE BARGAINING

CLAIMS A. Procedures

These procedures are in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

1. An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation must:
  - (a) For an EEO complaint, contact an EEO counselor in the Office of Departmental Equal Employment Opportunity (ODEEO) within forty-five (45) days from the date of receipt of the written notice of denial;
  - (b) For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
  - (c) Initiate an appeal to the Merit Systems Protection Board within thirty (30) days of an appealable adverse action as defined in 5 C.F.R. 1201.3.
2. If a member of the ODEEO staff has had any involvement in the processing of the reasonable accommodation request, that staff

member shall recuse him/herself from any involvement in the processing of an EEO counseling contact or EEO complaint in connection with that request.