U.S. Customs and Border Protection

Guide to Processing Reasonable Accommodation Requests Based on a Disability

1. **Purpose:** This guide implements the U.S. Department of Homeland Security (DHS) policy regarding reasonable accommodation for individuals with a disability,[1] and provides guidance to U.S. Customs and Border Protection (CBP) employees, managers, and supervisors regarding the processing of reasonable accommodation requests.

2. **Policy:** CBP is committed to providing reasonable accommodation for its employees and applicants for employment in order to ensure that qualified individuals with disabilities enjoy full access to equal employment opportunity, unless a particular accommodation would impose an undue hardship on the operation of CBP's programs.

3. **Scope:** The procedures contained herein shall apply exclusively to all CBP employees and applicants. Employees represented by the National Border Patrol Council (NBPC) should refer to Attachment A for additional guidance.

4. **Background:** The Rehabilitation Act of 1973 (29 U.S.C 701), as amended, requires federal employers to provide reasonable accommodation to qualified individuals with disabilities except when such accommodation would cause undue hardship:

   4.1 When an applicant with a disability requires a reasonable accommodation to enable him or her to apply for a job;[2]

   4.2 When a qualified employee with a disability requires a reasonable accommodation to enable him or her to perform the essential functions of the job; and

   4.3 When a qualified employee with a disability requires a reasonable accommodation to enjoy equal benefits and privileges of employment.

5. **Responsibilities**

   5.1 **Assistant Commissioners.** Each Assistant Commissioner, independent Executive Director Office, or independent Office Director is responsible for taking reasonable steps to ensure that: (1) employees within their respective organizations are made aware of the process for requesting reasonable accommodations; and (2) managers are aware of their obligation to respond in a timely manner to a request for reasonable accommodation.

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[1] The DHS Procedures to Facilitate the Provision of Reasonable Accommodation can be found on the CBP DCR Intranet Webpage at http://www.cbp.gov/xp/cgov/admin/fl/eeo/accommodation/.

[2] Applicants may request a reasonable accommodation by contacting the Human Resources Official processing their application for employment.

5.2 Office of Human Resources Management (HRM). HRM shall ensure that all vacancy announcements and hiring and promotion procedures include language describing how applicants may submit reasonable accommodation requests, including accommodations for promotions testing. HRM shall also process requests for accommodation from applicants for employment and perform personnel reassignment functions for qualified individuals with a disability as required by law.

5.3 Office of the Chief Counsel (OCC). Attorneys in OCC are available to provide legal advice to management officials on issues associated with requests for reasonable accommodation.

5.4 Office of Information and Technology (OIT). OIT shall ensure that employees with disabilities have access to electronic and information technology, such as computers, software, telephones, information kiosks, Internet and intranet sites, multimedia materials, and office equipment, that is comparable to the access available to people without disabilities unless an undue hardship would be imposed. When development, procurement, maintenance, or use of electronic and information technology meeting accessibility standards would impose an undue hardship, access to allow individuals with disabilities to use the information and data will be provided by an alternative means. OIT will ensure that information is available in accessible format to applicants with disabilities who are applying for employment through means such as telephones, information kiosks, and Internet and intranet sites.

5.5 Office of Diversity and Civil Rights (DCR). DCR shall facilitate the provision of reasonable accommodation by engaging in the required interactive process with the requester and the Decision-maker**.** DCR will also ensure the confidentiality of medical information and maintain systems to track and report on the provision of reasonable accommodation. DCR will provide advice and guidance to supervisors and managers, HRM, and DCR officials regarding their roles and obligations with respect to facilitating, considering, and/or providing reasonable accommodation. DCR is also responsible for collaborating with HRM to ensure that appropriate actions are implemented, in accordance with the requirements of the Rehabilitation Act of 1973, as amended, to reassign qualified individuals with disabilities to any available, vacant funded position within any CBP office for which the employee qualifies, as a form of reasonable accommodation.

5.6 Selective Placement Coordinators (SPC's). SPC's serve as liaisons between CBP and any applicant requesting a reasonable accommodation, and provide assistance to CBP supervisors needing information or guidance about this program. The SPC's provides information and assistance to applicants and review application packages to ensure all documentation required to make an informed decision is submitted to management.

5.7 Local Managers and Supervisors from CBP Operating Offices. Local senior management officials (e.g., Sector Chief; Director, Field Operations; Director, Air

and Marine Branch, Regulatory Audit, HRM, Office of Administration, etc.) are the Decision-makers authorized to determine whether a requested accommodation will be granted or denied. This authority may be delegated at their discretion to lower-level management officials or supervisors.

6. Definitions

6.1 Decision-maker: A management official in the employee's chain of command with the authority to determine, based on the facts presented, whether a requested accommodation will be provided.

6.2 Department: U.S. Department of Homeland Security, including its subordinate organizational elements (components) and offices.

6.3 Disability: An impairment that substantially limits one or more major life activities.

6.4 Dispute Resolution Process: Any voluntary mechanism through which an individual can seek reconsideration of, or appeal, the decision reached on his or her request for reasonable accommodation.

6.5 Essential Function: The job duties that are so fundamental to the position the individual holds or desires that he or she cannot do the job without performing them. Factors to consider in determining whether a function is essential include:

6.5.1 whether the reason the position exists is to perform that function;

6.5.2 the number of other employees available to perform the function or among whom the performance of the function can be distributed; and

6.5.3 whether the function is specialized and the individual is hired based upon his or her ability to perform it.

6.6 Individual with a Disability: A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having an impairment. An individual may be "regarded as" having an impairment even if he or she is not "substantially limited."

6.7 Interactive Process: The process by which the individual requesting an accommodation and the Decision-maker talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations. A DCR representative may participate in and/or facilitate the discussion.

6.8 Major Life Activities: Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The operation of a major bodily function is also considered a major life activity.

6.9 DCR Staff Member: The DCR staff member assigned to provide assistance, as needed, to employees, human resources officials and Decision-makers in processing requests for reasonable accommodation. The DCR staff member is available to participate in and/or facilitate the required interactive process with the requester and the Decision-maker.

6.10 Qualified Individual with a Disability: An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position he or she holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the position.

6.11 Reasonable Accommodation: An adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties or enjoy the benefits and privileges of employment. There are three categories of reasonable accommodations:

6.11.1 Modifications or adjustments to a **job application process** to permit an individual with a disability to be considered for a job;

6.11.2 Modifications or adjustments to enable a qualified individual with a disability to **perform the essential functions** of the job; and

6.11.3 Modifications or adjustments that enable employees with disabilities to enjoy equal **benefits and privileges of employment**.

6.12 Receiving Official: The CBP supervisor, manager, HRM staff member, or the DCR staff member who initially receives the request for accommodation.

6.13 Requester: The employee or applicant, or someone acting on his or her behalf, who is requesting a reasonable accommodation based on a disability. The requester could be a family member, friend, health care professional or other representative.

6.13.1 Applicants requesting reasonable accommodation for any part of the application or hiring process must submit a request for accommodation to the HRM staff member with whom they have contact or to the Indianapolis or Minneapolis Hiring Center, as applicable.

6.13.2 An immediate supervisor who receives a request from an **employee**, shall forward the request to the DCR staff member assigned to provide service to the management area.

6.14 Request for Reasonable Accommodation: An oral or written statement that an employee or applicant needs an adjustment or change in the job application process or the manner in which work is performed, or to access the benefits and/or privileges of employment, for a reason related to a specific mental or physical condition.

6.15 Undue Hardship: An action requiring significant difficulty or expense when considered in light of factors such as the agency's size, financial resources, and the nature and structure of the position. The determination whether an accommodation will cause undue hardship is made on a case-by-case basis.

7. Initiation of the Reasonable Accommodation Process

7.1 The reasonable accommodation process begins, for an applicant, when the applicant, or someone acting on his/her behalf, presents a request[3] for accommodation either orally or in writing to the Indianapolis or Minneapolis Hiring Center or to the Office of Personnel Management (OPM) when OPM is the agency that is administering assessments to applicants.

7.2 The reasonable accommodation process begins, for a CBP employee, when the employee, or someone acting on his/her behalf, presents a request[4] for accommodation either orally or in writing to his or her immediate supervisor, another management official in the chain of command, or to a DCR staff member.

7.3 The CBP management official who receives a request for accommodation from an employee--Receiving Official--shall forward the employee's request for reasonable accommodation to the DCR staff member assigned to provide service to the management area as soon as possible, but not more than three (3) business days after receipt. Likewise, a DCR staff member who receives a request for accommodation will notify the employee's supervisor of the request within three (3) business days of receipt.

7.4 OPM or the HRM staff member who receives a request from an applicant--Receiving Official--shall forward the request to HRM's Personnel Research and Assessment Division (PRAD).

8. Written Confirmation: To ensure that CBP maintains accurate records regarding requests for accommodation, the assigned DCR or HRM staff member will ask the employee or applicant to follow-up an oral request for accommodation with a written confirmation of the request by completing the "CBP Request for Reasonable Accommodation Form." (The CBP Request for Reasonable Accommodation Form is provided as Attachment B.) The date of

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[3] The request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."

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the initiation of the reasonable accommodation process, however, remains the date upon which the oral or written request was made.

9. **The Interactive Process:** The interactive process is the dialogue between the employer and employee about the request for an accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

   9.1 The assigned DCR staff member shall facilitate the interactions between the **employee** and the Decision-maker.

   9.2 HRM shall facilitate the interactive discussion with **applicants**.

   9.3 The employee or applicant requesting the accommodation must participate, to the extent possible, in the effort to identify an effective accommodation.

   9.4 If the Decision-maker believes that the information initially provided by the requester during the interactive process is insufficient to determine whether an accommodation is appropriate, he or she may seek further information from the requester.

10. **Accommodation Requests for Applicants:** Reasonable accommodation requests from applicants for employment will be processed pursuant to this Guidance.

   10.1 Applicants requiring testing accommodations for entry-level employment must submit their requests through the OPM Service Center when completing the application on the Internet.

   10.2 The appropriate HRM official will adjudicate these requests.

   10.3 HRM shall track and report to DCR the disposition of all applicant requests for testing accommodations at the end of each fiscal year.

11. **Accommodation Requests for CBP Employees:** A DCR staff member will be assigned to facilitate the processing of employee requests for reasonable accommodation, which includes assisting both the requester and the Decision-maker and providing guidance to ensure that requests for accommodation are processing in accordance with EEOC regulations and DHS policy.

   11.1 Requests for an Interactive Evaluation and Accommodation Recommendation: CBP is entitled to know that an employee has a covered disability that requires a reasonable accommodation. In some cases, the disability and need for accommodation will be obvious or otherwise already known to the Decision-maker. In these cases, further medical information will not be sought. However, when a disability and/or need for reasonable accommodation is not obvious or otherwise known to the Decision-maker, the agency may require that the requester provide reasonable documentation about the disability and his or her functional limitations.

11.1.1 If the Decision-maker believes that there is insufficient information to determine whether the requester's **identified impairment** meets the definition of a disability under the law, or additional information is required to determine an effective accommodation, the DCR staff member will request in writing that the individual seeking an accommodation provide an Interactive Evaluation and Accommodation Recommendation from his or her health care professional regarding his or her impairment(s) and functional limitations.

11.1.2 If the information provided by the health professional is insufficient to enable CBP to determine whether an accommodation is appropriate, additional information may be requested. In such cases, CBP will provide a written explanation to the individual seeking the accommodation that sets forth in specific terms why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of a reasonable accommodation request.

11.1.3 If the employee requesting an accommodation fails to provide appropriate medical information or to cooperate in CBP's efforts to obtain such documentation, his or her request for accommodation may be denied at the Decision-maker's discretion.

11.1.4 The agency may, if necessary, ask the requester to authorize access to the medical information he or she provided in connection with the request to CBP officials with a need to know to consider and address the request.

11.2 Time Frames for Processing Requests and Providing Reasonable Accommodations: The time necessary to process a request will depend on the nature of the identified impairment, the accommodation requested, and whether it is necessary to obtain supporting information.

11.2.1 Requests Not Involving Extenuating Circumstances: If a management official determines that the request does not require supporting documentation, the request shall be processed and the accommodation, if granted, provided as soon as possible but not more than **15 business days** from the date the request was initially made, and sooner, if possible.

11.2.2 Requests Involving Extenuating Circumstances: The time for processing the request and providing the accommodation will be extended as reasonably necessary. Extensions based on extenuating circumstances should be limited to circumstances where they are strictly necessary. The Decision-maker and other involved agency officials are expected to act as quickly as possible in processing requests and providing accommodations.

11.2.3 The Decision-maker must notify the requester in writing of the reason for the delay, and the approximate date on which a decision or provision of the reasonable accommodation is expected.[5]

11.2.4 If a delay is attributed to the need to obtain or evaluate medical information, the Decision-maker may provide an accommodation on a temporary basis. In such cases, the Decision-maker, will notify the employee in writing that the accommodation is being provided on a temporary basis pending a decision on his or her initial accommodation request.[6]

11.2.5 The assigned DCR staff member is responsible for ensuring that the temporary accommodation does not take the place of a permanent accommodation and that all necessary steps are taken to determine whether a permanent accommodation is required under the law.

11.3 Granting a Reasonable Accommodation Request: Upon determining that the employee is entitled to a reasonable accommodation, the Decision-maker will issue a written decision to the employee granting the request.[7] The approval notice shall also inform the employee of the right to request reconsideration of the decision if he or she is dissatisfied with any aspect of the decision and the right to file an informal EEO complaint if he or she wishes to pursue a claim of employment discrimination. Instructions for filing an informal EEO complaint can be found at the following web-address: http://www.cbp.gov/xp/cgov/admin/fl/eeo/

11.4 Denial of Reasonable Accommodation Request: If the Decision-maker determines that an employee or applicant is not entitled to an accommodation under the law, the written decision will specify the reason(s) for the denial.

11.4.1 The denial notice will also inform the employee of the right to request reconsideration of the decision if he or she is dissatisfied with any aspect of the decision and the right to file an informal EEO complaint if he or she wishes to pursue a claim of employment discrimination.

11.4.2 Instructions for filing an informal EEO complaint can be found at the following web-address: http://www.cbp.gov/xp/cgov/admin/fl/eeo/ **(Please note the DCR staff member who facilitated the processing of the reasonable accommodation request is strictly prohibited from processing a request for informal EEO counseling on the same matter).**

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[5] The assigned DCR staff member will help the Decision-maker prepare the appropriate written notification. When requested, Chief Counsel will provide legal review of the letter.

[6] The assigned DCR staff member will help the Decision-maker prepare the appropriate written notification. When requested, Chief Counsel will provide legal review of the letter.

[7] The assigned DCR staff member will help the Decision-maker prepare the appropriate approval and/or denial letter. When requested, Chief Counsel will provide legal review of the letter.

11.5 Dispute Resolution: If the request for accommodation is denied, the employee may:

11.5.1 Request Reconsideration: Within ten (10) calendar days of receipt of the initial denial notice, the employee may request in writing that the Decision-maker reconsider his or her decision. The Decision-maker will respond to the request for reconsideration within five (5) business days.

11.5.2 Appeal the Denial of the Reconsideration Request: Within ten (10) calendar days of receipt of the Decision-maker's denial of the request for reconsideration, the employee may appeal the denial to the Executive Director, DCR. The appeal must be in writing. The Executive Director, DCR, must acknowledge receipt of the appeal request in writing within ten (10) business days of receipt.

11.5.3 Upon receipt of the initial denial, the employee or applicant may elect to initiate an informal EEO complaint by following the instructions found at: http://www.cbp.gov/xp/cgov/admin/fl/eeo/. The employee or applicant may have appeal rights to the Merit Systems Protection Board (MSPB), or may be entitled to pursue a grievance through the applicable negotiated grievance procedure.

11.5.4 Please note that requesting reconsideration or filing an appeal with either the Decision-maker or the Executive Director, DCR, does not toll the 45-calendar day time period allowable to file an informal EEO complaint, the time limit set by the MSPB for filling an appeal, or any contractually established time limit allowed for the filing of a grievance.

11.6 Funding Accommodations

11.6.1 Funding of accommodations, such as interpreters, readers, personal assistants, and job coaches, is the responsibility of the office where the individual making the request is employed.

11.6.2 Procurement of assistive technology can be requested through a federal program housed within the Department of Defense called the Computer/Electronic Accommodations Program (CAP). CAP provides assistive technology and services to people with disabilities throughout the federal government free of charge. CAP will provide needs assessment, purchase the needed technology, train the employee on how to use it, and follow-up with updates. CAP services may be accessed through their website at http://www.tricare.mil/cap/. **All requests for technology shall be coordinated with the 508 Compliance officer assigned to the Office of Information and Technology.**

11.7 Implementation of Accommodation: After the accommodation is granted, it is the responsibility of the assigned DCR staff member to ensure that the accommodation is fully implemented. The assigned DCR staff member shall provide written verification that the accommodation has been fully implemented to the Decision-maker and to his or her immediate supervisor in a timely manner based on the circumstances.

11.8 Follow-up Requirement

11.8.1 The assigned DCR staff member will follow-up with the employee within two weeks of implementation of the approved accommodation to ensure that it is effective.

11.8.2 If the accommodation is not fully implemented, or it proves to be ineffective, the assigned DCR staff member will assist the employee in resolving the issue.

11.9 Confidentiality and Disclosure: All medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation must be kept confidential.

11.9.1 The assigned DCR staff member will maintain the medical information received during the interactive process. The information shall be kept in files separate from the individual's personnel file.

11.9.2 This information can be disclosed for official use only. Supervisors and managers (including the Decision-maker) who need to know may be told about necessary work restrictions or limitations, and necessary accommodations, but medical information should be disclosed only if absolutely necessary.

11.9.3 All applicable federal confidentiality laws, regulations and policies apply with regard to the disclosure of information obtained or received in the processing of a request for reasonable accommodation.

12. References

12.1 The Rehabilitation Act of 1973

12.2 The Americans with Disabilities Act (ADA) of 1990

12.3 The Americans with Disabilities Act (ADAAA) of 2008

12.4 29 CFR 1614.203

12.5 29 CFR 1630.2 (o)

12.6 EEOC Management Directive – 715

12.7 Uniform Federal Accessibility Standards

12.8 DHS Procedures to Facilitate the Provision of Reasonable Accommodation

13. Contact: For more information, contact your local DCR staff member.

Notice: Consistent with Federal law, nothing in this guide shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States. In addition, this guidance does not create any greater protection than otherwise is currently available under Federal law.

ATTACHMENT A:

MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. CUSTOMS AND BORDER PROTECTION (CBP)
AND
NATIONAL BORDER PATROL COUNCIL (NBPC)

BACKGROUND:

On May 25, 2010 the National Border Patrol Council (NBPC or Union) was provided notice of U.S. Customs and Border Protection's (CBP or Agency) intention to implement a policy entitled "CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability."

On June 24, 2010, the NBPC acknowledged receipt of the notice and initiated bargaining over the above-referenced policy. The parties met September 22, 2010 to bargain over such policy.

The parties have negotiated over the CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability to the fullest extent permissible under law without waiving any of management's rights, and as such, it is fully enforceable. In other words, the Union and/or any employee(s) have the right to grieve any alleged violation(s) thereof, including, but not limited to, failure(s) to adhere to the provisions therein and unilateral changes thereto pursuant to the Negotiated Grievance Procedure. Nothing herein shall be construed as an expansion of the scope of the Negotiated Grievance Procedure.

Moreover, in accordance with applicable law and the Negotiated Agreement, the Agency acknowledges its obligation to notify the Union and provide it with an opportunity to bargain concerning any proposed changes to the CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability that would affect the conditions of employment of bargaining unit employees.

Accordingly, the Union agrees to the immediate implementation of the attached CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability.

The following additional terms also apply:

1. The procedures contained in the CBP Guide to Processing Reasonable Accommodation Requests Based on a Disability clarify and augment the guidance contained in the DHS Procedures to Facilitate the Provisions of Reasonable Accommodation. If a conflict arises between the two documents, the procedures contained in the CBP Guide will apply to all employees represented by the NBPC.

2. Bargaining unit employees represented by the NBPC are entitled to be assisted in the reasonable accommodation process by a personal representative of their choosing. This representative will be required to sign a designation of representative and non-disclosure agreement. (See Attachment C)

3. CBP will provide the NBPC with an annual report at the conclusion of each fiscal year containing the number of reasonable accommodation requests, approvals, denials, withdrawals, and pending cases for employees represented by the NBPC.

4. CBP is currently working on a policy regarding reassignments as a reasonable accommodation and will provide the Union with notice and an opportunity to bargain over such policy prior to implementation.

5. This agreement is effective upon signature of both parties, subject to the requirements of 5 U.S.C. § 7114 (c). It will expire upon mutual agreement, or if otherwise terminated or superseded in accordance with law.

FOR CBP:

F. C. Jones Date 9/23/2010
Franklin C. Jones
Executive Director
Office of Diversity and Civil Rights

Date 9/23/2010
Xavier L. Rios
Assistant Chief
U. S. Border Patrol

Stefnie K. Gintz Date 9/23/2010
Stefnie K. Gintz
Labor Relations Specialist
Human Resources Management

FOR NBPC:

Date
George E. McCubbin III
Executive Vice President
National Border Patrol Council

Date 9/23/2010
George E. McCubbin III
Executive Vice President
National Border Patrol Council

ATTACHMENT B:

CBP REQUEST FOR REASONABLE ACCOMMODATION FORM

REQUEST FOR REASONABLE ACCOMMODATION	
Applicant/Employee Name:	**Office Location and Address:**
Position Title, Series and Grade:	**Work Phone Number:**
Home Address:	**Home or Cell Phone Number:**
Supervisor's Name and Title:	**Work Phone Number:**
Briefly describe the medical condition requiring accommodation.	
Briefly describe the specific accommodation being requested. (If additional space is needed, attach a separate sheet.)	
Explain how the requested accommodation would assist you in: (1) performing the essential duties of your position, (2) using the job application process, or (3) taking advantage of a benefit or privilege offered by the office/bureau.	

Applicant/Employee's Signature: _____ Date: _____

ATTACHMENT C:

DESIGNATION OF REPRESENTATIVE AND NON-DISCLOSURE AGREEMENT FOR REASONABLE ACCOMODATION REQUESTS

I, _____, hereby appoint the following named individual
(Print Name)
or organization as my Representative:

_____ _____
Name of Representative (Telephone Number)

_____
Address (Number and Street)

_____ _____ _____
City State Zip Code

I have discussed with my Representative his/her authorization to represent me in connection with my request for reasonable accommodation based on a disability. Unless indicated otherwise, my Representative is authorized to:

1. Appear, assist, and advise me during the processing of my reasonable accommodation request;
2. Appear with me during meetings to engage in the interactive process with U.S. Customs and Border Protection (CBP) officials to discuss the request and potential accommodations; and
3. Receive copies of correspondence issued to me by CBP in connection with the processing of my request. Please note that such correspondence may include medical documentation necessary to process the reasonable accommodation request. Unless expressly stated otherwise, in writing, by the CBP employee named below, this Designation of Representative authorizes the agency to release such information to the above-named representative.

_____ _____
Signature of Employee/Requester Date

CANCELLATION OF DESIGNATION

1. This designation may be canceled by the CBP employee named above upon written notice to the appropriate CBP Diversity and Civil Rights (DCR) Office.
2. A subsequent designation and non-disclosure agreement, if properly executed on this, or similar form, and filed with the appropriate CBP DCR Office, automatically cancels a previous designation.
3. The CBP employee named above is responsible for notifying his/her Representative and the CBP DCR Office when the designation and non-disclosure agreement is canceled.

NON-DISCLOSURE AGREEMENT

Information obtained regarding the medical condition or history of an employee is a confidential medical record. The Representative agrees that he/she will not disclose to any person, or other entity, or use for his/her own benefit nor in connection with any other person, or other entity any information which is deemed to be medical information protected by the Rehabilitation Act of 1973 or the Privacy Act 1974, as amended.

_____ _____
Signature of Representative Date