

**VHA COVID-19 Accommodation Processing Frequently Asked Questions (FAQ)
For Supervisors/Managers/HR Staff
Issue Date: February 4, 2022**

1. Q: Where are the primary sources of information related to COVID-19 Vaccine accommodations found?

Forms/Templates

- A. VA Form 10230a- Undue Hardship *Updated 2/2022:
Link: [VA Forms](#)
- B. VA Form 10230b- Religious/Pregnancy Decision *New 1/2022:
Link: [VA10230b, TITLE VII ACCOMMODATION REQUEST DETERMINATION](#)
- C. VA Form 10230c- VHA Request for VHA HCP *New 2/2022:
Link: [VA10230c, COVID-19 VACCINATION FORM](#)
- D. *Medical* Reasonable Accommodation forms, e.g., VA Form 0857f or 0857g
*Please contact your Reasonable Accommodation Coordinator for assistance

Memorandums/Guidance

- E. VHA Directive 1193.01, Coronavirus Disease 2019 Vaccination Program for Veterans Health Administration Health Care Personnel.
Link: [VHA Publications \(va.gov\)](#)
- F. VA Notice 22-04, Processing reassignments as a reasonable accommodation regarding the COVID-19 vaccine mandate.
Link: [VA Publications Search List](#)
- G. OCHO Bulletin, SUBJECT: Processing Accommodation Requests Under the Mandatory Coronavirus Disease 2019 (COVID-19) Vaccination Program, October 29, 2021. *This guidance is also currently on hold due to the government-wide pause on the implementation and enforcement of E.O. 14043
Link: [ochco-bulletin-20211029-01.pdf \(va.gov\)](#)
- H. Guidance on Administrative Action for Noncompliance with Mandatory Coronavirus Disease (COVID-19) Vaccination Program for Department of Veterans Affairs Employees VA Notice 22-01. *This guidance is also currently on hold due to the government-wide pause on the implementation and enforcement of E.O. 14043.
Link: [Guidance-Noncompliance-with-VA-Notice-22-01.pdf](#)
- I. VA Notice 22-01, Mandatory Coronavirus Disease 2019 (COVID-19) Vaccination Program for VA Employees. *This guidance is also currently on hold due to the government-wide pause on the implementation and enforcement of E.O. 14043
Link: [VA Publications Search List](#)

Site Links

- J. Vaccine LEAF site for supervisors:
Link: https://leaf.va.gov/NATIONAL/101/supervisor_reporting/
- K. Vaccine LEAF site for employees:
Link: [leaf.va.gov Employee](#)

- L. Mandatory COVID-19 Vaccination Program Implementation Resources:
Link: [Mandatory COVID-19 Vaccination Program Implementation Resources \(sharepoint.com\)](#)

2. Q: Can you tell me the bottom line in all these new memorandums and guidance on this topic?

Below are highlights only and are not policy statements, please read the documents in their entirety.

VHA Directive 1193.01 issued January 27, 2022.

This directive applies to VHA health care personnel (HCP) only. The policy addresses the COVID-19 vaccine mandate for VHA HCP, defines who is considered HCP, and sets forth the process for requesting reasonable accommodations to the COVID-19 vaccine requirement and related safety protocols.

Memorandum—Processing of Requests for Accommodation to the Requirements under Veterans Health Administration (VHA) Directive 1193.01 Coronavirus Disease 2019 (COVID-19) Vaccination Program for VHA Health Care Personnel (HCP).

This Undersecretary for Health Memorandum restarts the processing of COVID-19 related requests for reasonable accommodation for VHA HCP that was paused on November 19, 2021. This memorandum explains the framework to be used to analyze requests, lists high risks positions, and indicates that final decisions on reasonable accommodation will be made by service chiefs or equivalent management officials.

Memorandum—Authority to Decide COVID-19 Reasonable Accommodations Within Veterans Health Administration (VHA) Pursuant to VHA Directive 1193.01

This AUSHO Memorandum instructs that the decision-maker for requests for reasonable accommodation related to the COVID-19 vaccine mandate and related safety protocols will be the Division Chief/Service Chief, or equivalent level official(s) in field facilities, Supervisory Program Managers at the GS-14/15, Nurse IV/V, or equivalent level in Network offices, and Service Line Directors GS-14/15, Nurse IV/V, or equivalent level in VHA Central Office.

VA Notice 22-04, Processing reassignments as a reasonable accommodation regarding the COVID-19 vaccine mandate

This notice provides information regarding the handling of reasonable accommodations requests from the mandatory Coronavirus disease 2019 (COVID-19) vaccine and modifies the processes for accommodations based on disability as outlined in VA Handbook 5975.1 as well as supplements the procedures outlined in VA Directive 5975 for religious accommodations.

VA Notice 22-01, Mandatory Coronavirus Disease 2019 (COVID-19) Vaccination Program for VA Employees

This VA Notice establishes the Department's mandatory COVID-19 vaccine requirement for all employees, **except for health care personnel in VHA** whose vaccination policies are covered in VHA Directive 1193.01 issued on January 27, 2022.

VA Notice 22-01 was issued partially pursuant to the provisions of E.O. 14043 which requires COVID-19 vaccination for federal employees. However, the implementation and enforcement of E.O. 14043 is currently on hold throughout all federal agencies. If or when the implementation of E.O. 14043 resumes, this notice will be in effect as well. The guidance regarding related safety protocols under E.O. 13991, Protecting the Federal Workforce and Requiring Mask-Wearing is still in effect.

OCHO Bulletin, SUBJECT: Processing Accommodation Requests Under the Mandatory Coronavirus Disease 2019 (COVID-19) Vaccination Program, October 29, 2021

This guidance is also currently on hold due to the government-wide pause on the implementation and enforcement of E.O. 14043.

This Bulletin indicates that COVID-19 vaccine accommodations requests will be processed as reasonable accommodations and provides supplemental guidance.

Guidance on Administrative Action for Noncompliance with Mandatory Coronavirus Disease (COVID-19) Vaccination Program for Department of Veterans Affairs Employees VA Notice 22-01

This guidance is also currently on hold due to the government-wide pause on the implementation and enforcement of E.O. 14003

This provides guidance for addressing employees who are not compliant with COVID-19 vaccine requirement and includes steps for administrative action. This guidance also included a FAQ with notes on requirements to track administrative actions in ALERT HR, and information regarding the option for employees to pursue vaccination before final actions are issued.

3. Yes or no, is the individual considered VHA Health Care Personnel (HCP) and covered under VHA Directive 1193.01?

- A. **I work for OIT**—*No, VA employees who work in VHA locations but are not part of VHA are not covered by the contents of VHA Directive 1193.01.*
- B. **I am a volunteer**—*Yes, volunteers in VHA Locations are covered by the contents of VHA Directive 1193.01.*

- C. **I am a contractor**—*No, contractors are not covered by the contents of VHA Directive 1193.01*
- D. **I am going to be a resident**—*Yes, residents, other health professionals, and trainees are covered by the contents of VHA Directive 1193.01.*
- E. **I am an unpaid trainee doing a short rotation**—*Yes, trainees are covered by the contents of VHA Directive 1193.01.*
- F. **I am a fee basis health care provider with infrequent services**—*Yes, fee basis employees are covered by the contents of VHA Directive 1193.01.*
- G. **I telework**—*Yes, teleworkers are covered by the contents of VHA Directive 1193.01.*
- H. **I work for NCA or VBA on a shared campus with VHA**—*No, VA employees who work in VHA locations but are not part of VHA are not covered by the contents of VHA Directive 1193.01.*
- I. **I work in a VHA lease space that does not provide medical services**—*No, unless the duties of the position require travel to a VHA location as defined in VHA Directive 1193.01 or there is contact with patients outside of the lease space.*
- J. **I am remote but may have to visit a VHA medical facility for IT support**—*No, VHA HCPs do not include remote workers who only infrequently enter VHA locations.*

4. Can an individual who is not considered VHA Health Care Personnel (HCP) be required to follow COVID-19 safety measures such as masking, testing, or other mitigation strategies?

Yes. VHA Healthcare facilities follow CDC guidance and the requirements set forth in Executive Order 13991, OMB Memorandum M-21-15 and [the Agency Model Safety Principles issued by the Safer Federal Workforce Task Force on September 13, 2021.](#) In addition, testing may be required under VA-wide and VHA specific policy. For example, all individuals entering a VHA location may be required to mask, or a remote employee visiting a VHA location may be required to test within 3 days prior or on the date of the visit if testing is provided.

5. Q: What is VA Form 10230c?

VA Form 10230c is new, and the current version is from January 2022. The form is used to document an employee's vaccination status, i.e., whether the employee is vaccinated or is requesting an accommodation. The form is similar to VA Form 10230, but the 10230c will be used for VHA HCP employees going forward. VHA HCPs who previously submitted VA Form 10230 or used the VA system for electronic submission with completed documentation are considered compliant and do not need to resubmit.

6. Q: Has VA Form 10230a changed, and what is VA Form 10230b?

VA Form 10230a was updated, and the current version is from February 2022. The updated form includes additional high risk positions in VHA and adds an additional

question regarding interactions with immunocompromised patients in Part B. A previous update also provided a specific section to facilitate the processing of accommodations related to pregnancy or related medical conditions.

VA Form 10230b is new, and the current version is from January 2022. The form is used to document decisions for Title VII Religious or Pregnancy accommodation requests.

7. Q: When reviewing guidance, why does the term MO/Supervisor appear in some places and DMO (Designated Management Official) in others?

Both terms are used when referring to the designated decision-maker for COVID-19 related accommodation requests although MO/Supervisor is preferred. Please note that as of January 28, 2022, the management officials responsible for making determinations on accommodations changed in VHA. For most employees requesting accommodation, the MO/Supervisor will be their service or division chief or equivalents. Please refer to the AUSHO Memorandum, Authority to Decide COVID-19 Reasonable Accommodations Within Veterans Health Administration (VHA) Pursuant to VHA Directive 1193.01 for details about the proper delegation of authority.

8. Q: Since service chiefs will decide reasonable accommodations related to the COVID-19 vaccine in VHA, why are first-line supervisors involved at all?

First-line supervisors are responsible for ensuring employees have complied with the requirement to have a completed entry in LEAF, entering information in LEAF on behalf of the employee if necessary, and verifying testing and safety protocols are being followed. In addition, first-line supervisors are responsible for notifying the appropriate service chief of accommodation requests that require processing, providing the necessary information to the service chief about the work unit to process the accommodation, and to provide support for the service chief and employee through the accommodation process. First-line supervisors will also document the accommodation decision in LEAF. The first-line supervisor ensures administrative actions are taken where appropriate.

9. Q: What information do first-line supervisors provide to the MO/service chief about the accommodation request that needs to be processed?

The first-line supervisor will determine the type of reasonable accommodation, e.g., medical, religious, or pregnancy, and provide this information to the MO/service chief. Supervisors will also complete an initial draft of VA Form 10230a for review by the designated MO/Supervisor assessing the request. This is to ensure that information regarding the employee's individual duties and circumstances are provided. Supervisors will also assist both employees and MO/service chief with any additional information necessary to process the request or reach a decision.

10.Q: How are multiple accommodation requests from an employee or applicant handled?

An employee or applicant may request an accommodation for multiple reasons, i.e., a medical and religious accommodation. An employee may also request an accommodation to mitigation measures/safety protocols such as testing or masking. These requests should be processed together and simultaneously.

11.Q: What is the reasonable accommodation interactive process?

The purpose of the interactive process is for employees, applicants, and employers to work together to identify reasonable accommodations. The interactive process may include discussions with the individual employee or applicant or other means for consulting with the individual such as written communication. The interactive process may include exploring other mitigation measures that may be effective. The interactive process applies to all COVID-19 vaccine or safety protocol accommodation requests. The interactive process may occur at different, or even multiple times during the process, but it must occur before the MO/Supervisor makes a final determination to deny a request.

12.Q: The employee has requested an accommodation for pregnancy or religious reasons. How does the MO/Supervisor determine if the request is adequate?

The employee's or applicant's verbal or written statement should normally be accepted unless there is objective evidence that the request is not legitimate. If that arises, the MO/Supervisor should consult with OGC. The MO/Supervisor can proceed with completing VA Form 10230a.

13.Q: Are there examples of an employee or applicant being affected by pregnancy or childbirth where the circumstances do not fall under medical disability?

Pregnancy itself is not a disability under the Americans with Disabilities Act/Rehabilitation Act. Even though pregnancy alone is not a disability, pregnancy related medical conditions may be. If an employee makes a request for reasonable accommodation due to a pregnancy related medical condition, consider it a request for medical accommodations. Title VII as amended by the Pregnancy Discrimination Act more broadly requires that women affected by pregnancy, childbirth etc., be treated the same as other who are similar in their ability or inability to work. This means that pregnant employees may be entitled to job modifications to the extent provided for other employees who are similar in their ability or inability to work (even absent a medical condition qualifying as a disability). In other words, a pregnancy without a related medical condition or issue would likely not fall under medical disability, but it would fall under the Title VII process.

14.Q: What are some examples of an employee or applicant being affected by pregnancy or childbirth where the circumstance rises to the level of disability?

Examples may include but are not limited to impairments or complications due to pregnancy such as gestational diabetes, preeclampsia, or morning sickness. If there is a reference to a medical issue beyond the pregnancy itself, process the request as a request for medical accommodation.

15.Q: Who in OGC should MO/Supervisors contact for review of a recommendation for denial of an accommodation request?

There are different mechanisms for requesting OGC review depending on the accommodation type. Please submit requests for review in accordance with the following:

- A. **Medical disability accommodation requests** must be submitted to the servicing OGC district office SharePoint site or mailbox and should normally be submitted by the Reasonable Accommodation Coordinator (RAC). Links provided below:

Link: [North Atlantic District](#)
[Southeast District](#)
[Midwest District](#)
[Continental District](#)
[Pacific District](#)
[Personnel Law Group](#)

- B. **Title VII Religious/Pregnancy requests** must be submitted to the Central OGC SharePoint site and should normally be submitted by the MO/Supervisor.

Link: [OGC Title VII Accommodation Review](#)

16.Q: If the MO/Supervisor determines that an employee cannot be accommodated in their position of record, what happens next?

If there is a valid accommodation request and it would be an undue hardship to accommodate an employee in their position, reassignment must be considered as an accommodation of last resort. This process is governed by VA Notice 22-04, and that process includes coordinating the reassignment search with the employee. A reassignment is an approved accommodation, even though it may not be what the employee requested. A denial of a valid accommodation request can only occur if no reassignment is located or accepted.

17.Q: What are the last steps to closing out the Reasonable Accommodation process?

If the reasonable accommodation is approved (note that an approval may be an alternative accommodation, i.e., different from the request from the employee)

- A. Issue decision to employee using the appropriate VA Form (VA Form 0857f for medical/disability or VA Form 10230b for Title VII religious/pregnancy).
- B. MO/Supervisor forwards a copy of the file to the Reasonable Accommodation Coordinator (RAC). In VHA, the RAC will maintain a copy of accommodation files for record retention.
- C. Supervisor will enter the decision in LEAF.

If the reasonable accommodation is denied

- A. For an employee: Issue decision to employee using the appropriate VA Form (VA Form 0857f for medical/disability or VA Form 10230b for Title VII religious/pregnancy). Notify Human Resources Employee and Labor Relations of the denial and determine if a temporary detail is required pending the outcome of administrative action. Note: an employee still has the opportunity to comply with the vaccine requirement if good faith efforts to receive required doses including proof of the first dose is provided.
- B. For an applicant: Notify staffing specialist that the applicant's accommodation request has been denied. The job offer will be rescinded.
- C. Forward a copy of the file to the Reasonable Accommodation Coordinator (RAC). In VHA, the RAC will maintain a copy of accommodation files for record retention.
- D. Supervisor will enter the decision in LEAF.

18.Q: Will more information be provided regarding job searches?

Yes. Workforce Management and Consulting (WMC) is working with Servicing Human Resource Offices on the identification of vacancies for the job searches.

19.Q: What if an employee refuses safety protocols/mitigation measures such as testing or masking?

An employee who refuses to comply with mitigation measures/safety protocols may pose a safety risk. The supervisor should remind the employee of the requirement in an effort to get the employee to voluntarily comply. If the employee still refuses to comply, options such as detail, telework, or to approve appropriate leave when requested by the employee. Weather and Safety Leave is not an option in these circumstances because the employee is not ready, willing, and able to work at the facility. Failure to comply with mitigation measures should be referred to HR Employee Relations for administrative action. Please note that this does not apply if the employee has pending accommodation requests related to compliance with the safety protocols/mitigation measures. If that occurs, please refer to the accommodation process and note that interim adjustments or arrangements may be needed, depending on the circumstances.

20.Q: Do employees who request or have an accommodation denied need to be detailed?

After an employee has requested an accommodation to the vaccine requirement and/or safety protocols, it may be possible to temporarily accommodate an employee in the position of record, or a detail/temporary assignment may need to be identified for the employee. Additionally, employees may be detailed during the duration of a reassignment search under VA Notice 22-04.

21.Q: What type of details are available?

Utilization of informal details may be necessary and should be defined as a temporary assignment of an employee to a different position, an unclassified set of duties, or special projects/work assignments that would allow for an operationally acceptable work status. These are temporary work assignments to facilitate operations while the outcome of an accommodation request and employee's status is pending.

22.Q: What are the procedures for detailing an employee?

Each situation where a detail is being considered may be different. Evaluating details will likely involve the supervisor, leadership, and Human Resources working together. The following steps should be considered when detailing due to the vaccine and/or safety protocols requirement:

- 1) Identify the employee
- 2) Explore available options in the current position and within the supervisor's scope of authority.
- 3) Explore available options in other areas. It may be necessary to bring in the next level of management, i.e., the Service Chief.
- 4) If a suitable detail has not been identified, the Service Chief may review at the ELT level.
- 5) Notify employee of the detail in writing ensuring to note the detail is temporary and is not a reassignment.