



DEFENSE HUMAN RESOURCES ACTIVITY
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OPERATING INSTRUCTION

SUBJECT: Defense Human Resources Activity Reasonable Accommodations Program

REFERENCES:

- (a) Executive Order 13164, 3 CFR § 102, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation," July 28, 2000.
- (b) Title 29 U.S.C. § 791, 794, 794d, "The Rehabilitation Act of 1973," Sections 501, 504 and 508, as amended.
- (c) The Americans with Disabilities Act Amendment Act of 2008 (ADAAA), January 1, 2009.
- (d) DoD Directive 1020.012E, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," November 21, 2003.
- (e) DoD Instruction 1000.31, Computer/Electronic Accommodations Program (CAP).
- (f) DoD Instruction 6025.18, "Privacy of Individually Identifiable Health Information in DoD Health Care Programs," December 2, 2009
- (g) Title 42 U.S.C 2000gg et seq, "The Pregnant Workers Fairness Act" (PWFA)

1. **PURPOSE.**

This Operating Instruction (OI) establishes policies, responsibilities, and procedures for the Reasonable Accommodations (RA) Program within the Defense Human Resources Activity (DHRA).

2. **APPLICABILITY.**

2.1 This OI applies to the DHRA Enterprise with the exception of contractor employees and military members who fall under the individual military services medical treatment facilities.

3. **SUMMARY OF CHANGES.**

This instruction supersedes DHRA OI, RA Program, dated, March 3, 2021, and incorporates changes recommended by Equal Employment Opportunity Commission (EEOC) to include more detailed information regarding DHRA "Procedures."

4. **DEFINITION OF TERMS.**

4.1 Approving official. The Chief of Staff for each DHRA Center or Office shall approve or deny all reasonable accommodation requests. The decision to approve or deny requests shall include consideration provided by the employee's first line supervisor. The employee's first line supervisor/manager understands the needs, requirements, essential functions of the position and its duties and responsibilities required when making the reasonable accommodation determination and shall provide details on the nature of duty of the employee and recommendations based on this knowledge to the

Approving Official. The Approving Official is required to have personal first-hand knowledge of the circumstances surrounding the Reasonable Accommodation request and will meet with the employee in all cases to ensure full depth of understanding.

- 4.2 Disability. Physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment. The term disability will be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADAAA.
- 4.3 Employee. Any civilian assigned to DHRA. This does not include contractor employees and military members who fall under individual services medical treatment facilities.
- 4.4 Essential functions. The fundamental and critical duties of a particular job that an employee must be able to perform to successfully fulfill the position; essentially, these are the core responsibilities that define the purpose of the job. These duties can be discerned by examining (1) the position description, (2) the experiences of employees who already hold or have previously held the same or similar position, (3) the amount of time spent performing the functions, (4) the consequences of not requiring the employee to perform a specific function, and (5) whether another employee can be tasked to perform a job function instead.
- 4.5 Interactive Process. Informal conversation between the Agency and an employee to assess whether an employee's disability can be reasonably accommodated. This is a conversation that covers an array of questions and answers to determine the best possible accommodation solution for the individual and that will not create an adverse impact on the DHRA Enterprise's ability to fulfill mission obligations. The Center or Office Chief of Staff must participate in the interactive process to assist in the decision to approve or deny the request. The Center or Office Chief of Staff must have detailed knowledge of the nature of duty of the employee. Direct personal interaction between the employee and the Center or Office Chief of Staff is required.
- 4.6 Job applicant. Any person seeking employment with DHRA but who does not yet work at DHRA.
- 4.7 Qualified individual with a disability. An individual with a disability is qualified if the individual satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the position, with or without accommodation.
- 4.8 Reasonable Accommodation (RA). Any change in the work condition or environment, or in the way in which work is customarily accomplished that would enable a qualified individual with a disability to perform the essential functions of their position and obtain equal employment opportunities. Reasonable accommodations must be provided, if appropriate, to qualified individuals regardless of whether they work part-time, full-time, or are considered probationary.
- 4.9 RA Manager. The RA Manager provides policy, coordination, and oversight for issues of employment, advancement, retention, accessibility, as they apply to or impact requests for reasonable accommodations.
- 4.10 Reassignment. Movement of an employee from one position to another position.
- 4.11 Undue hardship. A significant difficulty or expense focused on the resources and circumstances in relationship to the cost or difficulty of providing a specific reasonable accommodation. Undue hardship refers not only to financial difficulty, but also to

reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature of operations. DHRA will assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. In making the determination as to “significant difficulty or expense,” DHRA will consider:

- 4.11.1 Overall size of DHRA’s program with respect to the number of employees, number and type of facilities and size of budget; type of operation, including the composition and structure of DHRA’s workforce;
 - 4.11.2 The nature and net cost of the accommodation needed under this part, taking into consideration the availability of outside funding;
 - 4.11.3 The overall financial resources involved in the provision of the reasonable accommodation, the number of persons employed and the effect on expenses and resources;
 - 4.11.4 The overall financial resources available to DHRA with respect to the number of its employees and the number, type, and location of its facilities.
 - 4.11.5 The type of operation or operations of DHRA, including the composition, structure and functions of the workforce and the geographic separations and administrative or fiscal relationship of DHRA’s facility or facilities in question; and the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.
- 4.12 Personal Assistance Services (PAS). PAS is defined as assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom.

5. POLICY.

- 5.1 DHRA is both committed and required to provide reasonable accommodations to the known physical or mental limitations of qualified employees or applicants for employment with a disability, unless doing so would cause undue hardship to DHRA. This policy is in accordance with Section 501 of the Rehabilitation Act of 1973 which requires Federal agencies to provide reasonable accommodation for qualified employees or applicants with disabilities, unless to do so would cause undue hardship. This Policy, and the accompanying procedures, fully comply with the Rehabilitation Act of 1973, Executive Order 13164 (requiring Federal agencies to establish procedures to facilitate the provision of reasonable accommodation), and EEOC regulations at 29 C.F.R. § 1614.203(d)(3) (clarifying the written procedure requirement).
- 5.2 It is DHRA’s policy that no qualified employee or applicant for employment shall be subjected to discrimination on the basis of disability under any program or activity that receives or benefits from Federal financial assistance disbursed by a Department of Defense (DoD) Component or under any Federal program or activity that is conducted by a DoD Component.
- 5.3 Requests for reasonable accommodation will be processed in accordance with References (a) through (g), as relevant, and this OI. Approving officials should recognize potential request for Reasonable Accommodation by using three (3) methods:

(1) self-observation; (2) third party notification; and (3) individual does not request a reasonable accommodation but communicates to their approving official a need for assistance to perform their position duties.

6. RESPONSIBILITIES.

- 6.1 Employees and/or applicants for employment are responsible for requesting and participating in the interactive process of reasonable accommodations.
- 6.2 Approving officials are responsible for the following:
 - 6.2.1 Documenting requests for all RAs.
 - 6.2.2 Engaging in the interactive process with the individual to discuss the job functions, the need for accommodation, and identify an effective accommodation that does not impose an undue hardship on DHRA.
 - 6.2.3 Notifying the requesting individual in writing of the final decision whether to grant or deny the accommodation. If the request is granted, the notice will include how the accommodation will be provided. If the request is denied, the notice will include the requestor's reconsideration and appeal rights and/or the right to seek Equal Employment Opportunity (EEO) counseling.
- 6.3 The DHRA Chief of Staff (COS) is responsible for ensuring the effective functionality of the DHRA RA policy and procedures with oversight of the DHRA Reasonable Accommodation program and shall oversee the decision authority executed by the Center and Office Chiefs of Staff on approval or denial of individual employee requests.
- 6.4 The DHRA RA Manager is the representative responsible for managing the processing of requests for reasonable accommodation, as well as:
 - 6.4.1 Administering the RA program by reviewing requests for employees and applicants for completeness; assessing requests to determine whether the individual meets the definition of an individual with a disability and needs the accommodation requested; initiating the interactive process with the requesting employee and appropriate officials.
 - 6.4.2 Obtaining and evaluating documentation supporting an accommodation request, including medical information, when the disability and/or need for accommodation is not clearly identified or articulated in the request.
 - 6.4.3 Working with the employee's approving official to ensure that any accommodation, if appropriate, meets the individual's disability-related needs, does not entail eliminating essential functions of the position, is feasible, and does not pose an undue hardship.
 - 6.4.4 Working with applicants with disabilities who need accommodation to apply for or be interviewed for a job.
 - 6.4.5 Administering the agency-wide budget to cover all costs associated with providing reasonable accommodations, including sign language interpreters, furniture, technology, and other significant purchases.
 - 6.4.6 Receiving and maintaining reasonable accommodation requests and notifying approving officials and the approving official immediately when employees submit a RA request.
 - 6.4.7 Requesting and receiving medical documentation in support of the reasonable accommodation request, safeguarding the documentation, and forwarding it to a medical provider for medical sufficiency review when the disability and/or need for RA is not obvious.

- 6.4.8 Entering information related to all RA requests and case disposition into an electronic tracking system.
- 6.4.9 Medical information or documentation of an employee's impairment or disability must be kept in a separate file from normal personnel records and be properly secured when not in use by the authorized parties. All information about employees' disabilities or impairments and reasonable accommodation(s) must be kept confidential and must not be shared with others unless on a need-to-know basis or where that person is directly involved in the decision-making or is providing consultation. Record retention and disposition shall be managed in accordance with established DHRA records management guidance.
- 6.5 Physicians contracted by DHRA are responsible for reviewing the medical documentation and assisting DHRA in determining whether the documentation is sufficient to make a decision, whether the medical condition impairs the individual's ability to perform the essential functions of the job, and for providing detailed information on the individual's functional limitations to assist the approving official in identifying what types of accommodation(s) would be reasonable and effective.
- 7. REASONABLE ACCOMMODATIONS (RA) PROCEDURES. This instruction prescribes procedures for recognizing and processing reasonable accommodation requests submitted by employees of DHRA Enterprise and their authorized representatives. (See Enclosure 1 for detailed procedures regarding the RA Process).
- 8. PERSONAL ASSISTANCE PROGRAMS (PAS). Pursuant to Section 501 of the Rehabilitation Act of 1973, as amended, DHRA provides Personal Assistance Services (PAS) to its employees.
- 9. EFFECTIVE DATE: The Effective Date of this OI is on the date of the signature below.

Jeffrey R. Register
Director

ENCLOSURES:

- 1. Reasonable Accommodation (RA) Procedures
- 2. Personal Assistant Services (PAS)
- 3. DHRA Form 1 - Request for Reasonable Accommodation
- 4. DHRA Form 2 - Reasonable Accommodation Medical Documentation Request
- 5. DHRA Form 3 - Interactive Process Checklist for Approving official
- 6. DHRA Form 4 - Denial of Reasonable Accommodation
- 7. DHRA Form 5 - Information Reporting

ENCLOSURE 1
REASONABLE ACCOMMODATION PROCEDURES

1. Requesting for a Reasonable Accommodation (RA).
 - 1.1 The RA process begins when either (1) an individual with a disability, or the individual's representative including the individual's approving official, requests an adjustment or modification to assist the individual to perform the essential functions of the position, to complete the application process, or to allow the individual to obtain equal access to a term, benefit, or privilege of employment or (2) if a manager becomes aware of or reasonably suspects that an employee may need an RA and that manager reaches out to the employee to determine if further action should be taken.
 - 1.2 A healthcare professional, family member, or any other person may serve as a representative to request an accommodation on behalf of an individual. This request should be in writing but is not mandatory. Employees are recommended to fill out DHRA Form 1, "Request for a Reasonable Accommodation" (See Enclosure 3) which will document the request to the Center or Office Chief of Staff serving as the approving official, and copying the RA Manager.
 - 1.3 An individual need not have a particular accommodation in mind before making a request.
 - 1.4 The Center or Office Chief of Staff serving as the approving official will confirm the request with the individual needing the accommodation. Should the RA request be submitted to a DHRA official other than the Center or Office Chief of Staff serving as the approving official, within five business days, the DHRA official who receives the request, will promptly forward the request to the approving official for action. Regardless of which DHRA official receives the initial notification, the approving official will provide a decision approving or denying the request for reasonable accommodation within 30 business days of receipt of all relevant documentation to support the reasonable accommodation request. This timeline may be extended when medical documentation is requested and when the interactive process is ongoing.
 - 1.5 Reasonable accommodation requests can be made orally or in writing, at any time, to an employee's Chief of Staff, copying the first line supervisor and the RA Manager. DHRA requires the completion of a RA request form for recordkeeping purposes.
 - 1.6 Once a decision is made by the approving official, the requester will be notified of the decision by the approving official.
 - 1.7 The approving official and the employee with a disability should engage in an informal discussion to clarify the employee's needs and identify the appropriate reasonable accommodation. This discussion begins the RA Interactive Process, and is documented using the DHRA Form 3 at Enclosure (5).
 - 1.8 The approving official may ask the individual requesting the accommodation relevant questions to enable an informed decision about the request including the nature of the disability, the individual's functional limitations, and the appropriate types of reasonable accommodation.
 - 1.9 In all instances where the individual's disability is not obvious, sufficient medical documentation can be required to substantiate the request for the accommodation.
 - 1.10 Recurring reasonable accommodations, such as the assistance of sign language interpreters or readers, do not need a written confirmation. Only the first request

requires a written confirmation. Thereafter, the individual must give appropriate notice each time they need the accommodation.

2. Timeframes for Processing Requests.

- 2.1 The amount of time it takes to respond to a request for reasonable accommodation depends on the nature of the accommodation and whether medical documentation is needed to confirm the existence of the disability and the need for a reasonable accommodation.
- 2.2 The approving official should respond to reasonable accommodation requests as soon as possible. The process timeframe begins when an individual makes an oral or written request for a reasonable accommodation. The official receiving the RA request should forward the RA request to the RA Manager immediately via Form 1 (See Enclosure 3).
- 2.3 Initial approving official Steps:
 - 2.3.1 Within five (5) calendar days of receipt of the request, the Center or Office Chief of Staff shall acknowledge the request in writing and respond to the requestor by explaining that he/she will be the approving official on the request.
 - 2.3.2 Within five (5) calendar days of receipt of the request, the Chief of Staff serving as the approving official shall complete the required DHRA Forms 1, possibly 2 if additional medical documentation is needed, and 3, and provide to the requestor for signature if the request is made in an alternate format.
 - 2.3.3 Within five (5) calendar days of receipt of the request, the Chief of Staff shall have an initial discussion with the employee and/or their representative to discuss the processing of the request. If the needed accommodation is not obvious or clearly observable, the Chief of staff supported by the RA manager will notify the employee whether medical or additional supporting information is needed to process the request.
 - 2.3.4 Interactive process. Communication is priority and essential throughout the entire process. This means that the applicant or employee requesting the accommodation should also participate, to the extent possible, in helping to identify effective accommodations that are related to the interview and/or the essential functions of the job. Resources available to help both the approving official and the individual requesting the accommodation are explained. As part of the interactive process, the approving official (or RA Manager) and the employee (or applicant) requesting the reasonable accommodation shall communicate to ensure a full exchange of relevant information. The Approving Official is required to be an active participant in this communications and information exchange process. The Approving Official is expected to communicate directly with the employee to ensure full understanding of the requested Reasonable Accommodation.
 - 2.3.5 The approving official , normally within 30 calendar days, will notify the RA manager and requester whether his or her request has been approved or denied pursuant to the decision made.
 - 2.3.6 Third Party Requests. Prior to proceeding, the approving official, if practical, shall confirm that the individual with the disability does, in fact, want a reasonable accommodation. In this situation, the approving official will process the third party's request to the extent possible and consult directly with the individual potentially needing the accommodation as soon as it is practicable.

- 2.3.7 Absent extenuating circumstances, the approving official must begin the Interactive Process within five (5) business days and use the existing information to approve or reject the reasonable accommodation request within 30 business days. The requirement to provide a decision within 30 business days is suspended when the approving official requires medical documentation or additional information to make an informed decision and starts again once adequate documentation or the required additional information is provided.
- 2.4 However, if the approving official can provide a particular reasonable accommodation in less time than is authorized under these procedures, the approving official should respond promptly to the request.
- 2.5 Expedited Processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a timeframe that is shorter than 30 calendar days.
- 2.6 If approved, the employee will normally receive the accommodation within 15 business days unless extenuating circumstances delay implementation. Extenuating circumstances include factors that could not have reasonably been anticipated or avoided in advance of the request for accommodation.
- 2.7 When delays occur, approving officials must consider and provide temporary accommodations whenever possible. Approving officials will notify the employee within three calendar days, if practicable, that such delays exist and a reason for the delays.
- 2.8 When there is a delay, any official who is involved in facilitating an effective accommodation solution must notify the approving official. In such cases, the approving official must then confer with the employee to discuss providing a temporary or interim accommodation. If there is a delay in providing an approved reasonable accommodation, the approving official shall determine whether other temporary or interim measures can be taken to assist the employee. For example, where employee requests telework or an alternative work schedule as an accommodation due to their impairment, the approving official may grant the accommodation on a temporary, provisional basis while evaluating the request.
- 2.9 If a delay exists in either processing a request or delivering a reasonable accommodation and the delay is not attributable to the requesting individual, the approving official will notify the individual, in writing, of the specific reasons for the delay.
- 2.10 Whenever possible, the approving official should keep the individual informed of DHRA's expected process completion date.
- 2.11 Case-by-Case Basis. Every reasonable accommodation is evaluated on a case-by-case basis. When the disability or the need for an accommodation and the type of accommodation to be provided is clear, extensive discussions may not be necessary. If the approving official can provide a particular reasonable accommodation in less time than is authorized under these procedures, the approving official should respond promptly to the request.
- 2.12 Non-Responsiveness
- 2.12.1 To the extent that DHRA fails to respond at all to a request for reasonable accommodation within the prescribed timeframes, this may constitute a "denial" of reasonable accommodation. In such cases, employees may appeal this "denial" to the DHRA Chief of Staff.

- 2.12.2 To the extent that an employee who has requested a reasonable accommodation becomes non-responsive during the process; that is, does not respond to requests for requested documentation after repeated attempts, or otherwise, fails to continue the interactive discussion, absent extenuating circumstances, the approving official should make reasonable efforts to contact the employee and determine the reasons for the employee's non-responsiveness.
- 2.12.3 If the employee remains non-responsive for 60 calendar days after the original request, the approving official shall administratively close the case by completing the Denial of Reasonable Accommodation and the Reasonable Accommodation Information Reporting Worksheets, filling in the item pertaining to the reasons for the closure, attaching all supporting documents and provide a copy of the Denial of Reasonable Accommodation Worksheet to the employee. The approving official shall also provide a copy of both worksheets to the RA Manager.
3. Requests for Computer and Electronic Equipment. When funds are available, the Computer/Electronic Accommodations Program (CAP) provides computer and electronic equipment to all DoD employees with disabilities. To maximize the use of all available resources, DHRA employees with a disability will first request assistive technology from CAP, if relevant to the disability, to fulfill a reasonable accommodation request. When funding or equipment is not available from CAP, DHRA will provide the assistive technology as part of an approved accommodation, as applicable.
- 3.1 Employees or approving officials may directly submit equipment requests to CAP. All information will be kept confidential. Employees or approving officials must provide a copy of the CAP request to the RA Manager. Additional information is available on the CAP website at www.cap.mil.
- 3.2 CAP Procurement Exceptions. DHRA will acquire assistive technology equipment for an approved reasonable accommodation when CAP has notified the RA Manager that funding is not available, or the requested accommodation will take substantially longer than 30 business days to acquire using the CAP process.
4. Approval of Reasonable Accommodation Requests.
- 4.1 The approving official must provide reasonable accommodation decisions in writing. The form used to document the approval is DHRA Form 5, Information Reporting (See Enclosure 7).
- 4.2 The approving official does not need to provide specific reasons for the decision to approve or partially approve a request but should do so for record-keeping purposes.
- 4.3 Within five business days, as practicable, of providing the written decision to the requesting individual, the approving official will provide a copy of the final official reasonable accommodation decision to the RA Manager, for recordkeeping.
5. Requests for Medical Documentation.
- 5.1 The approving official, in coordination with RA Manager, must confirm that the individual requesting a reasonable accommodation has a disability covered by reference (c). When the disability and need for reasonable accommodation is obvious or the individual previously provided the approving official with sufficient information to substantiate the need for reasonable accommodation, the approving official does not need to seek additional medical documentation to prove the existence of the disability.

- 5.2 If not already known to the approving official, the individual must provide medical documentation regarding the disability and any resulting functional limitations that show the need for a reasonable accommodation to the DHRA RA Manager. Documentation must:
 - 5.2.1 Describe the nature, severity, and duration of the individual's disability, the activities the disability limits, and the extent to which the disability limits the individual's ability to perform the essential job functions.
 - 5.2.2 Substantiate the need for the requested reasonable accommodation.
 - 5.3 Employees may be requested to sign an Authorization for Disclosure of Information (See Enclosure 4 for current form) and send it to the RA Manager. The RA Manager will send the complete medical package to the contractor provider for recommendations. Any provided information must be treated and handled in accordance with directives and regulations on handling sensitive personal information. Employees must understand that unwillingness to authorize disclosure of pertinent medical information may impact the final decision on approval or denial of the requested reasonable accommodation.
 - 5.4 The approving official will determine if additional medical documentation is necessary. The approving official will promptly process the individual's request when additional documentation is not necessary.
 - 5.5 The approving official may provide an interim reasonable accommodation until the employee provides sufficient documentation. The RA Manager will work with the approving official and the requesting individual to acquire sufficient documentation to substantiate the reasonable accommodation.
6. Denial of Reasonable Accommodation Requests.
- 6.1 When an approving official denies an employee's or applicant's request for reasonable accommodation, the approving official must complete DHRA Form 4 (See Enclosure 6) in its entirety and record the reason for the denial. The form must be in writing and contain one or both of the following reasons for the denial:
 - 6.1.1 Why the requested accommodation would not be effective; and/or
 - 6.1.2 Why the requested accommodation poses an undue hardship.
 - 6.2 Before denying the request, the approving official shall confer with the DHRA Office of General Counsel to ensure the legality of the denial and with appropriate subject matter experts to determine whether other effective reasonable accommodations exist which would not impose an undue hardship and, therefore, could be provided.
 - 6.3 When evaluating budgetary or administrative concerns to determine if undue hardship exists, the DHRA shall follow the regulatory standards in 29 CFR § 1630.2(p)(2).
 - 6.4 If the approving official denies the reasonable accommodation request, he or she will promptly communicate this decision to the requestor, complete DHRA Form 4 (See Enclosure 6). The approving official shall provide a copy of the written denial to the individual who made the request and a copy of both worksheets to the RA Manager documenting the final decision by the approving official.
 - 6.5 The approving official must write the reasons for the denial in plain language with as much specificity as possible.
 - 6.6 If the approving official denied the specific requested reasonable accommodation, but offers an alternate solution, the approving official should explain both the reason(s) for

the denial of the individual's requested reasonable accommodation and the reason(s) why the alternative accommodation may be more effective.

6.7 Notification of Denial must be provided to the DHRA employee by the approving official notifying them of their right to:

6.7.1 Engage in informal dispute resolution, including the right to request for reconsideration and appeal to the DHRA Chief of Staff; and

6.7.2 Contact the DHRA EEO Office within 45 days of receipt of the written notice of denial, in accordance with 29 CFR § 1614.105(a)(1).

6.8 If an employee elects to seek reconsideration and appeal of the denial, the 45-day time period to contact the DHRA EEO Office is suspended until the final disposition of the request. Upon final disposition of the appeal, it is the employee's responsibility to contact the within 45-days of learning of the denial of the final appeal.

7. Medical Information Confidentiality.

7.1 Any DHRA official involved in the reasonable accommodation process should only disclose the individual's medical documentation to those with a specific need to know, such as relevant personnel in OGC. Coworkers do not need to know the medical condition or be made aware that an accommodation was granted to the individual.

7.2 All medical documentation obtained through the reasonable accommodation process is confidential. The approving official must keep all medical documentation obtained regarding a request for reasonable accommodation, including information about functional limitations and needs, in designated files separate from the employee's personnel file. It also requires anyone with knowledge of such information is strictly bound by confidentiality requirements to limiting access on a need-to-know basis. The approving official will provide the RA Manager with a copy of all medical documentation involved in the request which should be protected to ensure PII, HIPPA, and confidentiality clauses and requirements. All records shall be maintained in accordance with DHRA records management guidance.

7.3 Personnel with knowledge of the disability will only discuss the information if necessary. The approving official may be told about the employee's work restrictions, adjustments, limitations, and necessary accommodations.

7.4 If the medical documentation provided by the employee does not result in sufficient information, DHRA may request the employee to go to a health care provider of DHRA's choice at the Activity's expense. Consideration should be given to providing the employee interim or partial reasonable accommodations during the time the additional documentation is being obtained.

8. Reassignments.

8.1 A reassignment can be granted and will only be considered if no reasonable accommodations are effective to enable the employee to perform the essential functions of the current job, or if the only effective reasonable accommodation would cause undue hardship to DHRA, as determined by management.

8.1.1 If an alternative reasonable accommodation is not available, DHRA shall attempt to reassign the employee to a vacant position for which the employee is qualified, and the reassignment would not cause an undue hardship. Consideration of a reassignment is only available to current DHRA employees.

- 8.1.2 A reassignment can be granted as a reasonable accommodation to a qualified probationary or career employee to a vacant position outside the employee's commuting area if the employee is willing to relocate.
- 8.1.3 A qualified employee with a disability requesting reasonable accommodation may be offered a reassignment as a reasonable accommodation to a position for which a vacancy announcement has been published, if a selection to fill the position has not been made.
- 8.1.4 In considering whether there are positions available for reassignment, the approving official shall coordinate with DHRA HR, DLA HR and the individual requesting the reasonable accommodation to identify:
 - 8.1.4.1 All vacant positions within DHRA Enterprise for which the employee is qualified, with or without reasonable accommodation; and
 - 8.1.4.2 All positions that DLA HR has reason to believe will become vacant over the next 90 calendar days and for which the employee is qualified.
- 8.1.5 The approving official, DHRA HR and DLA HR shall initially focus on positions that are equivalent to the employee's current job in terms of pay, status and other relevant factors.
- 8.1.6 If there is no vacant equivalent position, the approving official, DHRA HR and DLA HR shall consider vacant lower-level positions for which the individual is qualified.

9. Information Tracking.

- 9.1 The RA Manager will maintain records related to an individual's request for a reasonable accommodation for five years or the length of the employee's tenure whichever is longer. The RA Manager will track all RA requests and collect at a minimum:
 - 9.1.1 The specific reasonable accommodation requested.
 - 9.1.2 The job (occupational series, grade level, and agency office) sought by the applicant or held by the employee requiring the accommodation.
 - 9.1.3 Whether the request was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment.
 - 9.1.4 Whether the request was granted or denied. If denied the basis for the denial.
 - 9.1.5 The identity of the approving official.
 - 9.1.6 The number of days to process the request.
 - 9.1.7 The annual report will also be provided to the EEOC Federal Agency Annual EEO Program Status Report Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Targeted Disabilities.

10. Costs and Resources.

- 10.1 The RA Manager shall identify appropriate funding for approved reasonable accommodations.
- 10.2 No reasonable accommodation will be denied for reasons of cost alone, unless the cost amounts to an "undue hardship," and individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation.

ENCLOSURE 2
PERSONAL ASSISTANCE SERVICES (PAS)

1. BACKGROUND

1.1 Overview

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501 Rule). Section 501 of the Rehabilitation Act prohibits federal agencies from discriminating against individuals with disabilities in employment and requires agencies to engage in affirmative action on behalf of individuals with disabilities. As a part of its obligation to engage in affirmative action, federal agencies are required by the new rule to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities. See Title 29.C.F.R. § 1614.203(d) (5).

PAS are services that aid individuals with targeted disabilities to perform basic activities of daily living, such as removing and putting on outerwear, eating, and using the restroom, or providing travel assistance for an employee with a mobility impairment. The Section 501 Rule requires federal agencies to provide PAS and reasonable accommodations to certain employees who have targeted disabilities unless doing so would impose an undue hardship on the agency. Federal agencies cannot discriminate against an individual based on the need for PAS.

1.2 Requirements to Provide PAS

The Office of the Secretary of Defense, the military departments, the defense agencies, the Department of Defense (DoD) field activities, and all other organizational entities within the DoD (referred to collectively as “DoD Components”) are required to provide reasonable accommodations to individuals with disabilities if doing so would enable them to apply for a job, perform job functions, or enjoy the benefits and privileges of employment, absent undue hardship. For example, Defense Human Resources Activity (DHRA) may be required to provide sign language interpreters, readers, and assistance with note taking or photocopying, or permission to use a job coach as a reasonable accommodation.

The new Section 501 Rule requires DoD Components to provide PAS to individuals with targeted disabilities assistance to perform basic activities of daily living. For example, the agency may be required to provide individuals with targeted disabilities assistance with removing and putting on outerwear, eating, using the restroom, or providing travel assistance for an employee with a mobility impairment.

1.3 Expected Cost of PAS

The number of individuals with targeted disabilities that will require PAS is estimated to be very low. If resources available to the Agency are insufficient to grant an individual's request for PAS, the Agency may deny the request on the grounds that it would impose an undue hardship.

1.4 Affirmative Action Plan

The Section 501 Rule requires the DoD Components to prepare and submit to the EEOC for approval, an affirmative action plan that includes a copy of its PAS procedures and information on its efforts to implement them. The affirmative action plan must be submitted every year.

1.5 Purpose and Organization

The purpose of this document is to provide the Agency with guidance to meet its obligations under the Section 501 Rule by developing policies, practices, and procedures to ensure the provision of PAS for eligible employees.

The following topics are covered:

- Definition of PAS
- Nature and Scope of the Legal Obligation
- Relationship Between Reasonable Accommodation and PAS
- Process for Requesting PAS
- Selection and Evaluation of Providers
- Funding PAS
- Complaint Resolution Process for Employees and PAS Providers
- Enforcement
- Effective Date

2. Definition of PAS

The term “personal assistance services” means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. For example, assistance in removing and putting on clothing, eating, and using the restroom. *See 29 CFR 1614.203(a)(5).*

The Section 501 Rule does not attempt to list every activity that might constitute PAS. The Agency is only required to provide PAS when the individual is working and while he or she is on work-related travel.

Personal Assistant Service does not include, for example, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). DHRA is not required to provide additional services to employees with disabilities, including services with getting to and from work, identifying transportation options and accessing transportation, assistance with becoming familiar with surroundings, informational, and navigational awareness as well as lightweight communication.

3. Nature and Scope of Legal Obligation

3.1 General

Under the Section 501 Rule, the affirmative action plan requires the Agency to provide an employee with PAS during work hours and job-related travel according to *Title 29 CFR 1614.203(d) (5) (i)*, including when:

- The employee requires such services because of a targeted disability;
- Provision of such services would, together with any reasonable accommodations enable the employee to perform the essential functions of his or her position; and
- Provision of such services would not impose undue hardship on the agency.

3.2 Eligibility of Individual

DHRA is only required to provide PAS to an individual if:

- The individual is an employee of the Agency;
- The individual has a targeted disability;
- The individual requires the services because of his or her targeted disability;
- The individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any reasonable accommodations have been provided; and
- Providing PAS will not impose undue hardship on the Agency.

Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act refer to https://www.opm.gov/Forms/pdf_fill/sf256.pdf. The federal government has recognized that qualified individuals with targeted disabilities face significant barriers to employment that are above and beyond the barriers faced by people with the broader range of disabilities. However, not everyone with a targeted disability will be entitled to PAS under the new regulations, because only some individuals with targeted disabilities require assistance with basic activities like eating and using the restroom. Impairments that are more likely to result in the need for PAS include, for example, missing limbs or paralysis due to spinal cord injury.

Targeted disabilities include the following:

- Developmental disability, for example, autism spectrum disorder
- Traumatic brain injury
- Deaf or serious difficulty hearing, benefiting from, for example, American Sign Language, Communication Access Real-Time (CART), hearing aids, a cochlear implant and/or other supports
- Blind or serious difficulty seeing even when wearing glasses
- Missing extremities (arm, leg, hand and/or foot)
- Significant mobility impairment, benefiting from the utilization of a wheelchair, scooter, walker, leg braces(s) and /or other support

- Partial or complete paralysis (any cause)
- Epilepsy or other seizure disorders
- Intellectual disability
- Significant psychiatric disorder, for example, bipolar disorder, schizophrenia, post-traumatic stress disorder (PTSD), or major depression
- Dwarfism
- Significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders

3.3 Prohibition against Taking Adverse Action

Under the Section 501 Rule, the affirmative action plan prohibits the Agency from taking adverse actions against job applicants or employees based on their need for, or perceived need for PAS. *See Title 29 CFR 1614.203(d) (5) (iii).*

3.4 Scope of Obligation

The Section 501 Rule requires the Agency to provide PAS to employees who, because of a targeted disability, require such assistance to be at work, or participate in work-related travel. This includes providing PAS for employees to participate in employer-sponsored events, to the same extent as they must provide reasonable accommodations. The Rehabilitation Act requires reasonable accommodations that enable employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. Benefits and privileges of employment include physical access to spaces available to all employees (such as cafeterias or break rooms), employer-sponsored training, and employer-sponsored social events.

The Section 501 Rule only requires the Agency to provide PAS providers who will assist the employee with removing and putting on clothing, eating, using the restroom and similar activities to individuals with a targeted disability. The rule does not require the Agency to provide services that the individual does not need to participate in the workplace, or services that are needed for reasons other than disability. Further, the Section 501 Rule does not require DHRA to hire an assistant to perform essential functions of the individual's job, or to perform tasks that the individual can perform on his or her own.

3.5 Undue Hardship

Undue hardship considers the nature, extent, and cost of an accommodation or providing PAS in relation to the impact of the accommodation or the requirement to provide PAS on the operation of the Agency's business. The Section 501 Rule emphasizes that, as with reasonable accommodation, the determination of whether granting an individual's request for PAS would impose "significant" difficulty or expense and must consider all resources available to the Agency as a whole. The Agency's written reasonable accommodation procedures explain the term's meaning and application.

4. Relationship Between Reasonable Accommodation and PAS

4.1 General

Reasonable accommodations include services that assist an individual to perform job-related tasks, such as sign language interpreters who enable individuals who are deaf to communicate with coworkers, and readers who enable individuals who are blind or have learning disabilities to read printed text. Other examples of reasonable accommodations include assistance in filing or manipulating paper documents and retrieving work materials that are out of reach. The Agency's obligation to provide reasonable accommodations is unchanged by the new Section 501 Rule.

The PAS allows individuals to perform activities of daily living that an individual would typically perform if he or she did not have a targeted disability such as assistance in removing and putting on outerwear, eating, using the restroom, or providing travel assistance for an employee with a mobility impairment. The PAS does not assist individuals with disabilities to perform their specific job functions.

The PAS does not require the Agency to assist employees in reviewing documents, answering questions that come through a call-in center, typing, or reading work materials because those types of job-related services are already required as reasonable accommodations, absent undue hardship (DHRA would not be required to provide these specific accommodations if an alternative would be both less expensive and equally effective).

4.2 Reasonable Accommodation during Work-Related Travel

DHRA may be obligated to pay the cost of a travel attendant to travel with an employee as a reasonable accommodation. *Title 29 CFR part 1630, app.1639.2 (o)* states that it may be a reasonable accommodation for an employer to provide the reimbursement of travel expenses for family members or other attendants (a travel attendant) needed by an employee with a disability to make work-related travel possible. When assignment of work-related travel results in an employee's inability to rely on his or her usual source of PAS during both work and off-work hours, the Agency will be required to always provide a travel attendant during that work-related travel, independent of the new regulations, as a reasonable accommodation. Each trip taken by an employee is considered a unique event and must be carefully considered as to how best provide the accommodation. For example, one trip might involve a single overnight stay, while another might involve being on travel for several weeks.

Even if an employee's usual PAS provider is available during work-related travel, the Agency will be required to pay any additional costs related to providing a travel attendant while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation.

The Agency will always have the option of exploring with the employee the alternative of arranging for a travel attendant at the destination site, rather than paying for the employee's travel attendant to travel with him/her. This option can be explored even if the

PAS is prepared to travel with the employee. If an employee insists on taking his or her PAS on work-related travel, the Agency may request justification to determine if the request is reasonable. DHRA will recognize the delicate and intimate work of a PAS and not automatically assume that anyone will suffice.

4.3 Teleworking

The Section 501 Rule specifies that PAS must be provided during “work hours.” The term “work hours” includes time that an employee is teleworking, whether the telework is part of the Agency’s telework program available to all employees or is being provided as a reasonable accommodation. There is no legal reason to treat the provision of PAS for workers who are teleworking any differently from the provision of other services by individuals as a reasonable accommodation, such as sign language interpreters and readers. Determination of whether PAS can be provided to an employee who is teleworking should be made on a case-by-case basis as are decisions about reasonable accommodations. It is important not to revoke an individual’s permission to telework because he/she is entitled to PAS under the new Section 501 Rule.

5. Process for Requesting PAS

5.1 Adoption of Written Policies and Procedures

The Section 501 Rule specifies that the affirmative action plan requires DHRA to adopt, post on its public web site, and make available to all job applicants and employees in written and accessible formats, procedures for processing requests for PAS. The Agency is required to state in the reasonable accommodation procedures that the process for requesting PAS, the process for determining whether such services are required, and the Agency’s right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodation. *See Title 29 CFR 1614.203(d) (5) (v).*

5.2 Requesting PAS

As with reasonable accommodation, an individual may request PAS by informing an approving official, management, Disability Manager (DPM) or other appropriate individual that he/she needs assistance with daily life activities because of a targeted disability. The individual does not need to mention Section 501 or the EEOC’s regulations explicitly or use terms such as “PAS” or “affirmative action” to trigger the Agencies obligation to consider the request.

The request for a personal assistant is initiated when a DHRA employee’s first line supervisor or management receives a verbal and/or written request. The process may also begin when the employee contacts the Agency’s DPM, either verbally or in writing.

An employee wishing to request a personal assistant must submit a verbal or written request to his/her first line supervisor. Employees submitting a verbal request may subsequently be asked to provide a written request for internal record keeping purposes only. The verbal request will initiate the process even though a written request may follow. Written

requests must be submitted on the DHRA Request for Reasonable Accommodation /DHRA Form 1(Enclosure 3).

Requests for a personal assistant submitted to any Agency official other than the employees' first line supervisor will be immediately forwarded back to the supervisor for appropriate action. When an employee has requested a personal assistant that he/she is likely to need on a repetitive basis, a verbal/written request is not required each time a personal assistant is needed.

A family member, friend, health professional, or other representative may request a personal assistant on behalf of an individual with a targeted disability. The supervisor should then confirm with the individual with the disability that he/she in fact wants a reasonable accommodation.

5.3 Role of EEO/RAM

DHRA is responsible for ensuring that the RA Manager is given sufficient resources and training to comply with the new Section 501 Rule. However, the rule provides that the process for requesting PAS, the process for determining whether such services are required, and the Agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations. *See Title 29 C.F.R. § 1614.203(d) (5) (v).*

5.4 Determining/Documenting Need

To determine whether an individual is entitled to PAS and the nature of the required services, DHRA should use the same type of informal interactive process used for reasonable accommodation. The Agency should expect the process to be brief in most cases. An employee is not likely to request assistance with activities such as removing or putting on clothing, eating, or using the restroom unless it is truly necessary, and, in general, such assistance is only necessary for individuals who have targeted disabilities such as paralysis and missing limbs. For further information on the interactive process, refer to the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (October 2002).

<https://www.eeoc.gov/policy/docs/accommodation.html#workplace>

5.5 Interactive Process

When an employee with a disability makes a request for PAS in the workplace, the interactive process is initiated. If required, a disability determination must be made, an analysis completed, and an "Action Plan" developed. If an Action Plan exists for a different type of PAS service, such plan should be updated with an addendum describing the new PAS service.

DHRA Reasonable Accommodation Interactive Process/DHRA Form 3(Enclosure 5) and DHRA Information Reporting/ DHRA Form 5 (Enclosure 6) will include frequency,

duration, and type of tasks to be performed in the most general terms. The approving official must provide a copy of DHRA Form 3 and DHRA Form 5 to the responsible staff prior to the start of PAS.

The Agency will order the PAS and provide the employee, the supervisor and approving official with information instructing them on scheduling and canceling services as needed. The PAS provider will be provided with the following:

- Employee's name and contact information
- Work site location - name and address
- Start date
- End date if applicable
- General schedule of services
- General description of tasks to be provided, as agreed upon in the Action Plan.

The PAS provider will meet with the employee to review the details of the individual's needs, tasks to be performed, and the way tasks are to be performed. The PAS provider will document specific needs for their own information and recordkeeping but will not share such personal information with the Agency approving official/decision maker.

If the PAS provider believes that services requested by the employee with a disability falls outside of the Agency's written contract/agreement or the employee with a disability believes that he/she is not receiving appropriate services, both parties should immediately contact the RA Manager. The RA Manager will work with the employee and the PAS provider to resolve the situation. The approving official/decision maker may need to be involved in some situations to assist with the resolution.

The employee must notify the RA Manager immediately if there are any changes needed to the services currently in place. The PAS coordinator will work with the employee and his/her approving official/decision maker to address these changes. Changes in the type, manner or frequency of service cannot be made without consultation with and approval of the approving official/decision maker.

The employee will be asked to acknowledge receipt of the PAS by signing paperwork provided by the PAS provider describing services provided. The schedule for PAS could be daily, weekly, or monthly, as established in the contract between DHRA and the PAS provider. If the employee believes that there is a discrepancy between what is listed on the paperwork and actual services received, he or she should notify the RA Manager immediately.

5.6 Self-Identification (Office of Personnel Management (OPM) SF 256)

The Agency cannot require an employee to complete a self-identification form regarding whether he or she is an individual with a disability, such as OPM's voluntary "Self-Identification of Disability" form (SF-256) or any other self-identification form. DHRA

cannot require the completion of the form as a condition of receiving PAS. However, the Agency may count an individual who is receiving PAS in its annual disability workforce analysis, even if the individual does not self-identify as having a disability. *See Title 29 C.F.R. § 1614.203(d) (6) (ii).*

5.7 Confidentiality and Privacy

The Rehabilitation Act prohibits the disclosure of medical information except in certain limited situations. Information that is otherwise confidential under the Rehabilitation Act may be shared only with individuals involved in the PAS process who need to know the information to consider PAS for a specific individual.

6. Selection and Evaluation of PAS Provider

6.1 Definition of PAS Service Provider

The term “personal assistance service provider” means an employee or independent contractor whose primary job functions include provision of PAS. *See Title 29 CFR 1614.203(a) (5).*

Under the Section 501 Rule, the affirmative action plan must state that PAS must be performed by a PAS provider.

- PAS providers are permitted to provide PAS services to more than one individual.
- PAS providers are permitted to perform tasks unrelated to PAS services if it does not result in failure to provide required PAS in a timely manner. (*See Title 29 CFR 1614.203(d) (5) (ii).*)

6.2 Qualification of PAS Providers

The Agency shall establish qualification for PAS providers. The PAS need not be provided by a person who medical training or qualifications.

6.3 Selection of PAS Providers (Use of federal employees or contractors)

6.3.1 General

DHRA may use federal employees, independent contractors, or a combination of employees and contractors. The Agency also has discretion as to how to classify their PAS providers concerning pay grade, benefits, and leave.

6.3.2 Use of Federal Employees

The Agency can use Schedule A to fill positions on a full time, part-time, or temporary basis, as needed. The EEOC has issued a guide for federal agencies implementing reasonable accommodation procedures. EEOC's Enforcement Guidance on Reasonable Accommodation

and Undue Hardship under the Americans with Disabilities Act includes sample language regarding the creation of staff assistance positions, including requesting staff assistant slots, use of staff assistants, hiring authority, and release of positions. See Title 5 C.F.R. § 213.3102.

It is not appropriate to require a person who does not provide PAS or similar services as part of his or her job, to assist another employee with tasks such as eating and using the restroom. However, the Section 501 Rule does not prohibit the Agency from assigning the responsibility to perform PAS to an existing employee who already performs a similar service as part of his or her regular job. When utilizing this strategy, DHRA should ensure that the resulting number of providers is sufficient to provide PAS in a timely manner.

6.3.3 Use of Independent Contractor to provide PAS

It is permissible to use a pool of PAS providers if everyone who is entitled to PAS under the Section 501 Rule receives them in a timely manner. If utilizing a pool of PAS providers would foreseeably result in some individuals not receiving services when they are needed, the Agency should increase the number of available providers or arrange for dedicated PAS providers.

6.4 Use of Pool Providers/Assigning One PAS Provider to Each Employee

It is permissible to use a pool of PAS providers if everyone who is entitled to PAS under the Section 501 Rule receives them in a timely manner. If utilizing a pool of PAS providers would foreseeably result in some individuals not receiving services when they are needed, the Agency should increase the number of available providers or arrange for dedicated PAS providers.

6.5 Consideration of Employee's Choice of Particular PAS Provider

When hiring a PAS provider who will be exclusively assigned to an individual employee, or if that individual employee prefers a particular provider (e.g., because the provider has worked with him/her in the past), the Agency must give primary consideration to the employee's choice, to the extent permitted by law. It may not be possible to honor the individual's preferences in all cases and the Agency may choose a different provider. Examples of when DHRA may choose a different provider includes when the individual's preferred provider is not qualified or less qualified than another PAS provider; if the Agency decides to utilize a pool of shared providers instead of dedicated providers; for reasons of cost or convenience; or if the Agency decides to have appropriate existing employees provide PAS for reasons of cost or convenience.

6.6 Use of Own PAS Provider/Family Member

An individual may request permission to bring his or her own PAS provider to work as a reasonable accommodation if the individual does not request that the Agency will assume the cost of providing the services. If the individual wants the Agency to assume the cost of providing the services, the Agency may have reasons to choose a different provider. If the individual's own PAS provider or family member is hired as a professional PAS provider at

the Agency, the Agency must compensate the PAS provider as either a contractor or federal employee.

6.7 Security Clearance for PAS Provider

If a PAS provider would have access to classified information, the Agency should find a provider who has, or who likely could obtain, the appropriate security clearance. Under some circumstances, finding such a provider may be sufficiently difficult as to constitute an undue hardship. If an individual with a targeted disability is unable to perform essential job functions because an appropriate PAS provider cannot be found, the Agency may consider the individual to be unqualified for the position.

6.8 Use of Volunteers/Co-Workers

If a current employee volunteers to provide PAS for his/her co-worker, the approving official should seek advice from legal counsel before agreeing to such an arrangement. Otherwise, the Agency could be subject to undue liability. It is recommended that managers take a case-by-case approach and only consider allowing co-workers to voluntarily assist employees with disabilities when the Agency does not face potential liability and the assistance does not substantially disrupt the workplace. Assistance with taking off and putting on a coat, as well as putting items in or taking items out of a bag or purse are examples of services that could be provided by a co-worker. Before allowing a co-worker to assist with tasks such as chair transfers or assistance in using the restroom, the Agency should ensure that proper training is provided. Refer to the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (October 2002). <https://www.eeoc.gov/policy/docs/accommodation.html#workplace>

6.9 Unavailability of PAS Provider

The PAS providers should notify the Agency of any absences as soon as possible, so that it can make alternative arrangements. Such arrangements could include, for example, contracting with different providers on a short-term basis, adjusting the schedules of shared PAS providers, or allowing the individual to telework if the employee can work at home without the need for PAS provided by the Agency.

6.10 Assignment of Non-PAS Job Function to PAS Providers

The Agency may employ PAS providers who also perform other work-related tasks. Sometimes these work-related tasks are those that are required as a reasonable accommodation. Other times, the work-related tasks are the type that any assistant would provide. If Agency does assign additional duties to its PAS providers, it should ensure that those duties do not interfere with provision of PAS, and that all individuals who are entitled to PAS continue to receive them in a timely manner.

7. Funding PAS

7.1 Budgeting for PAS

Although federal agencies are generally not permitted to use appropriated funds on personal expenses for employees, those restrictions do not apply to services that DHRA is legally required to provide to comply with the Section 501 Rule. Refer to GAO, Principles of Federal Appropriations Law, 4th ed., 2017 rev., ch. 3, § C.6, GAO-17-797SP (Washington, D.C.: SEP. 2017). <https://www.gao.gov/assets/690/687162.pdf>

8. Complaint Resolution Process for Employees and Providers

8.1 General

If the PAS provider believes that the services requested falls outside of the Agency's written contract/agreement or the employee believes that he or she is not receiving appropriate services, both parties should immediately contact the DPM. The DPM will work with the employee, and the PAS provider to resolve the situation. The approving official/decision maker may need to be involved in some situations to assist with the resolution.

8.2 Employee Complaint Resolution Process

If a complaint by an employee is not resolved, the employee may elect to engage in informal dispute resolution, including the right to request for reconsideration and appeal to the next-line approving official.

9. Enforcement

If the Agency fails to meet the Section 501 Rule requirements, it risks having its disability affirmative action plans disapproved by the EEOC. EEOC will work with the Agency to achieve compliance with all such requirements. However, where such efforts are not successful, the Chair of the EEOC may issue a notice to the head of any such noncompliant and publicly identify the agency.

ENCLOSURE 3
DHRA FORM 1, REQUEST FOR A REASONABLE ACCOMODATION

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

REQUEST FOR REASONABLE ACCOMMODATION <i>(Read Instructions And Privacy Act Statement on back of form Before Completing)</i>	
1. REQUEST NUMBER (Internal Use Only) :	2. NAME OF EMPLOYEE OR APPLICANT:
RA-18-	
3. PHONE NUMBER:	4. ORGANIZATION:
5. TODAY'S DATE:	6. REQUEST DATE:
7. ACCOMMODATION REQUESTED:	
8. REASON FOR REQUEST:	
9. ACCOMMODATION IS:	
<input type="radio"/> Temporary <input type="radio"/> Permanent	
10. IF TEMPORARY, EXPLAIN AND PROVIDE EXPECTED DURATION OF THIS ACCOMMODATION	
11.REQUESTOR'S NAME:	13.REQUESTOR'S SIGNATURE:
12. REQUESTOR'S TITLE:	

INSTRUCTIONS

PRINT OR TYPE ALL RESPONSES

Request for Reasonable Accommodation Worksheet: This is what gives authorization to start the Reasonable Accommodations process. Form must be completed by the employee and/or supervisor and return it to Disability Program Office as soon as possible.

Instructions:

1. Disability Program Office or designee will assign Reasonable Accommodations request number. This number will be used on "ALL" correspondence pertaining to this request.
2. Name of Employee or Applicant: Provide the name (Last, First, M.I.) of the employee or applicant requiring the accommodation.
3. Contact Number: The ten digit (000-000-0000) preferred phone number where the employee/applicant can be reached during normal duty hours.
4. Office Location: Component name and location; e.g., Mark Center, HQ, Alexandria VA.
5. Today's Date: The date (DD-MMM-YYYY) the form is completed.
6. Request Date: Use the earliest date (DD-MMM-YYYY) the supervisor or Disability Program Office was notified of the request.
7. Accommodation Requested: Be as specific as possible, e.g., Adaptive equipment, Reader, Interpreter, Testing Material. Use a separate piece of paper or add additional supporting documents if necessary.
8. Reason for Request: Explain reasoning and time sensitivity by answering the following question. What limitation is interfering with the employees' ability to perform their job or utilize an employment benefit? E.g., employee is visually impaired and requires a larger computer monitor or applicant is hearing impaired and requires a sign language interpreter for their interview on 31 August 2025. Use a separate piece of paper or add additional supporting documents if necessary.
9. Accommodation Is: Check one box. Less than one year is considered temporary.
10. If Temporary: Explain and provide expected duration of this accommodation. Use a separate piece of paper or add additional supporting documents if necessary.
11. Requestor's Name: Provide the name (Last, First, M.I.) of the person completing the form.
12. Requestor's Title: Provide the title of the person completing the form.
13. Requestor's Signature: Electronic/digital or wet signature of the person completing the form.

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

PRIVACY ACT STATEMENT

AUTHORITY: 29 U.S.C. 791, Employment of Individuals with Disabilities; 42 U.S.C. Chapter 126, Equal Opportunity for Individuals with Disabilities; 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act; E.O. 13163, Increasing the Opportunities for Individuals with Disabilities to be Employed in the Federal Government; E.O. 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation; DoD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense; and Director of Administration and Management Administrative Instruction 114, Reasonable Accommodation Program for Individuals with Disabilities

PRINCIPAL PURPOSE(S): To establish case records and document the consideration, decision, and implementation of requests for reasonable accommodation made by DHRA employees and applicants with physical and mental impairments.

ROUTINE USE(S): Disclosure of records are generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended. Applicable Blanket Routine Use(s) are: Law Enforcement Routine Use, Disclosure When Requesting Information Routine Use, Disclosure of Requested Information Routine Use, Congressional Inquiries, Disclosure to the Office Personnel Management Routine Use, Disclosure to the Department of Justice for Litigation Routine Use, Disclosure of Information to the National Archives and Records Administration Routine Use, Disclosure to the Merit systems Protection Board Routine Use, and Data Breach Remediation Purposes Routine Use. The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found Online at: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx>.

DISCLOSURE: Voluntary; however, failure to provide information may delay or impede the process of this Reasonable Accommodation Request.

ADDITIONAL COMMENTS:

ENCLOSURE 4
DHRA FORM 2, REQUEST FOR MEDICAL DOCUMENTATION

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

REQUEST FOR MEDICAL DOCUMENTATION <small>(Read Privacy Act Statement and Instructions on back of form before completing)</small>	
SECTION 1- PATIENT AND MEDICAL PROFESSIONAL INFORMATION	
1. REQUEST NUMBER (Internal Use Only):	2. NAME OF PATIENT:
3. NAME OF MEDICAL PROFESSIONAL:	4. TITLE OF MEDICAL PROFESSIONAL:
5. NAME OF MEDICAL FACILITY:	6. ADDRESS OF MEDICAL TREATMENT FACILITY:
SECTION 2 – PHYSICAL OR MENTAL IMPAIRMENT	
7. DOES YOUR PATIENT HAVE ANY PHYSICAL OR MENTAL IMPAIRMENT(S)? <input type="radio"/> YES <input type="radio"/> NO	
8. IF YES, PLEASE STATE THE IMPAIRMENT(S):	
9. HISTORY OF THE IMPAIRMENT INDICATED IN QUESTION #8:	
10. IF A LIFE ACTIVITY IS LIMITED BY THE PHYSICAL OR MENTAL IMPAIRMENT LISTED IN QUESTION #8, PLEASE IDENTIFY WHICH LIFE ACTIVITY IS LIMITED.	
<div style="display: flex; flex-wrap: wrap;"><div style="width: 20%;"><input type="checkbox"/> REACHING</div><div style="width: 20%;"><input type="checkbox"/> WALKING</div><div style="width: 20%;"><input type="checkbox"/> SEEING</div><div style="width: 20%;"><input type="checkbox"/> EATING</div><div style="width: 20%;"><input type="checkbox"/> CARING FOR ONESELF</div><div style="width: 20%;"><input type="checkbox"/> THINKING</div><div style="width: 20%;"><input type="checkbox"/> READING</div><div style="width: 20%;"><input type="checkbox"/> SPEAKING</div><div style="width: 20%;"><input type="checkbox"/> BREATHING</div><div style="width: 20%;"><input type="checkbox"/> INTERACTING WITH OTHERS</div><div style="width: 20%;"><input type="checkbox"/> LIFTING</div><div style="width: 20%;"><input type="checkbox"/> STANDING</div><div style="width: 20%;"><input type="checkbox"/> SITTING</div><div style="width: 20%;"><input type="checkbox"/> BENDING</div><div style="width: 20%;"><input type="checkbox"/> PERFORMING MANUAL TASKS</div><div style="width: 20%;"><input type="checkbox"/> HEARING</div><div style="width: 20%;"><input type="checkbox"/> SLEEPING</div><div style="width: 20%;"><input type="checkbox"/> WORKING</div><div style="width: 20%;"><input type="checkbox"/> CONCENTRATING</div><div style="width: 20%;"><input type="checkbox"/> LEARNING</div><div style="width: 20%;"><input type="checkbox"/> OTHER</div><div style="width: 40%;">IF OTHER, PLEASE SPECIFY: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div></div></div>	

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

11. PLEASE SPECIFY HOW AND TO WHAT DEGREE YOUR PATIENT IS LIMITED IN EACH OF THE LIFE ACTIVITIES IDENTIFIED IN QUESTION 10?

LIFE ACTIVITY	TO WHAT DEGREE RESTRICTED	ABLE TO PERFORM

12. IF YOUR PATIENT'S IMPAIRMENT IS EPISODIC IN NATURE, HOW OFTEN DOES IT OCCUR AND HOW LONG DO THE SYMPTOMS LAST?

13. HOW LONG WILL YOUR PATIENT BE LIMITED IN PERFORMING THE LIFE ACTIVITY OR ACTIVITIES, IDENTIFIED IN QUESTION #8?

- ☐ 1 MONTH OR LESS ☐ 1-3 MONTHS ☐ 3-6 MONTHS
☐ 6-12 MONTHS ☐ 1 YEAR OR MORE

SECTION 3 - ACCOMMODATION

14. DO THE LIMITATIONS YOU IDENTIFIED IN QUESTION #10 RESTRICT THE PATIENT'S ABILITY TO PERFORM THE JOB OR COMPLY WITH THE REQUIREMENTS OF THE POSITION?

- ☐ YES ☐ NO

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

15. IF YES, PLEASE IDENTIFY THE FUNCTIONS OF YOUR PATIENT'S JOB THAT HE OR SHE IS ABLE TO PERFORM AND THOSE FUNCTIONS HE OR SHE IS UNABLE TO PERFORM.	
UNABLE TO PERFORM:	
ABLE TO PERFORM:	
16. DOES THE PATIENT REQUIRE A LEAVE OF ABSENCE? <input type="radio"/> YES <input type="radio"/> NO	
17. IF YES, WOULD THE LEAVE OF ABSENCE BE: <input type="radio"/> CONTINUOUS <input type="radio"/> INTERMITTENT	
18. IF CONTINUOUS, WOULD THE LEAVE BE INDEFINITE? <input type="radio"/> YES <input type="radio"/> NO	
19. IF THE LEAVE OF ABSENCE IS NOT INDEFINITE, PLEASE SPECIFY THE FIRST DAY OF LEAVE AND THE DATE THE PATIENT IS EXPECTED TO RETURN TO WORK.	
FIRST DAY OF LEAVE:	RETURN TO WORK DATE:
20. IF INTERMITTENT, PLEASE SPECIFY THE PERIOD OF THE TIME FRAME THE INTERMITTENT LEAVE IS NEEDED FOR, AS WELL AS, THE NUMBER OF DAYS PER MONTH OR WEEK THAT YOUR PATIENT WOULD REQUIRE MEDICAL LEAVE.	
INTERMITTENT LEAVE START DATE:	INTERMITTENT LEAVE END DATE:
NUMBER OF DAYS PER WEEK	NUMBER OF DAYS PER MONTH
21. IN YOUR MEDICAL OPINION, IF YOUR PATIENT CANNOT PERFORM THEIR CURRENT JOB WITH OR WITHOUT A REASONABLE ACCOMMODATION WOULD YOUR PATIENT BE ABLE TO WORK ANOTHER POSITION?	
<input type="radio"/> YES <input type="radio"/> NO	

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

22. IF YES, PLEASE SPECIFY WHAT OTHER POSITION(S) OR WORK YOUR PATIENT COULD DO.

SECTION 4 – THREAT TO SELF OR OTHERS

23. WOULD PERFORMING ALL OF THE FUNCTIONS OF THE PATIENT'S JOB, EITHER WITH OR WITHOUT AN ACCOMMODATION, RESULT IN A DIRECT THREAT (SIGNIFICANT RISK OF SUBSTANTIAL HARM) TO THE SAFETY OR HEALTH OF THE PATIENT OR OTHER PERSONS?

☐ YES ☐ NO

24. PLEASE DESCRIBE ANY DIRECT THREAT TO HEALTH OR SAFETY IDENTIFIED IN QUESTION #23.

25. WOULD AN ACCOMMODATION ELIMINATE THE DIRECT THREAT TO HEALTH OR SAFETY, OR REDUCE IT BELOW THE LEVEL OF A DIRECT THREAT?

☐ YES ☐ NO ☐ NOT APPLICABLE

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

26. IF YES, WHAT ACCOMMODATION, IF ANY, WOULD ELIMINATE ANY DIRECT THREAT, OR REDUCE IT BELOW THE LEVEL OF A DIRECT THREAT?

27. PROGNOSIS AND DIAGNOSIS:

SECTION 5 – CERTIFICATION

THE INDIVIDUAL NAMED ABOVE IS MY PATIENT. THE INFORMATION PROVIDED HERE IS BASED UPON MY KNOWLEDGE OF THE PATIENT AND THE PATIENT'S PHYSICAL OR MENTAL IMPAIRMENT.

28. SIGNATURE OF MEDICAL PROFESSIONAL:

29. DATE:

30. WORK PHONE :

31. WORK EMAIL:

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

RELEASE AUTHORIZATION

I understand that:

- A. I have the right to revoke this authorization at any time and my revocation must be in writing and provided to the Disability Program Office.
- B. I am aware that if I later revoke this authorization, the person(s) I herein Name will have used and/or disclosed my protected information on the basis of this authorization.
- C. If I authorize my protected health information to be disclosed to someone who is not required to comply with federal privacy protection regulations, then such information may be re-disclosed and would no longer be protected.
- D. I have a right to inspect and receive a copy of my own protected health information to be used or disclosed, in accordance with the requirements of the federal privacy protection regulations found in the privacy act and 45 CFR §164.524.

I request and authorize the named provider/treatment facility to release the information described above to the named individual/organization indicated.

PRIVACY ACT STATEMENT

AUTHORITY: 29 U.S.C. 791, Employment of Individuals with Disabilities; 42 U.S.C. Chapter 126, Equal Opportunity for Individuals with Disabilities; 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act; E.O. 13163, Increasing the Opportunities for Individuals with Disabilities to be Employed in the Federal Government; E.O. 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation; DoD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense; and Director of Administration and Management Administrative Instruction 114, Reasonable Accommodation Program for Individuals with Disabilities

PRINCIPAL PURPOSE(S): To establish case records and document the consideration, decision, and implementation of requests for reasonable accommodation made by DHRA employees and applicants with physical and mental impairments.

ROUTINE USE(S): Disclosure of records are generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended. Applicable Blanket Routine Use(s) are: Law Enforcement Routine Use, Disclosure When Requesting Information Routine Use, Disclosure of Requested Information Routine Use, Congressional Inquiries, Disclosure to the Office Personnel Management Routine Use, Disclosure to the Department of Justice for Litigation Routine Use, Disclosure of Information to the National Archives and Records Administration Routine Use, Disclosure to the Merit systems Protection Board Routine Use, and Data Breach Remediation Purposes Routine Use. The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found Online at: <http://dpcl.dod.mil/Privacy/SORNsIndex/BlanketRoutineUses.aspx>.

DISCLOSURE: Voluntary; however, failure to provide this information may delay or impede your Reasonable Accommodation Request.

HOW TO USE THIS FORM

Your patient has requested a reasonable accommodation due to a medical condition and to expedite the processing of your patient's request please ensure your responses are **VERY** specific. Once completed, please return this document to your patient. The patient will return the document to The Defense Human Resources Activity (DHRA) Disability Program Office (DPO). **PLEASE PRINT OR TYPE YOUR RESPONSES.**

Please attach additional pages as necessary as well as any supporting medical documentation, and execute the attached medical release. However, **the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits** employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive productive services.

INSTRUCTIONS

PRINT OR TYPE ALL RESPONSES

Medical Request Worksheet: Completed by the employee and the employee's medical provider. The employee's current position description is attached to this form, as the medical provider will need to have knowledge of the essential functions of the employee's job. Feel free to use bond paper if necessary and attach all documentation needed to support the request.

Section 1

1. Patient Request Number: Provided by the Disability Program Office.
2. Name of Patient: Last name, first name and middle initial of patient.
3. Name of Medical Professional: Last, First, M.I. of medical professional providing treatment for the medical condition or limitation in question. Please use a SEPARATE form for each "medical professional."
4. Title of Medical Professional: Doctor, Physician's Assistant, Nurse, etc.
5. Name of Medical Treatment Facility/Business: Self-explanatory.
6. Medical Treatment Facility/Business Address: Self-explanatory.

Section 2

7. Does the patient have any physical or mental impairment: Select Yes or No.
8. If you answer YES for question 7, please explain the impairment. Example: vision impaired or hearing impaired,

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

9. Please indicate the **INITIAL DATE** the condition was medically diagnosed and describe in detail any previous medical restrictions associated with the impairment to include the degree to which the patient was limited. Please include the before and after dates of any previous restrictions associated with impairment in question.
10. If life activity is limited by the physical or mental impairment listed in question #8, please identify which life activity is limited, (Check all boxes that apply.)
11. Please **specify** how and to what degree your patient is limited in each of the life activities identified in question #10? For example: If lifting was identified as a limited life activity, how many pounds can your patient lift and the frequency or duration? If working was identified, please specify the class of jobs or broad range of jobs that the patient is unable/able to perform. If performing manual tasks was identified, please specify the tasks that are important to most people's daily lives that the patient is unable/able to perform.
12. If your patient's impairment is episodic in nature, how often does it occur and how long do the symptoms last?
13. How long will the patient be limited in performing the life activity or activities, as described in question #12? If unsure, check the box that will best describe the longevity of your limitation.

Section 3

14. Please review the patient's job requirements in the attached position description. Do the impairments identified in question #8 restrict the patient's ability to perform their job or comply with the requirements of the position? (Check yes or no)
15. If yes, please identify the functions of the patient's job he or she is able to perform and those functions he or she is unable to perform.
16. Does the patient require a leave of absence? Self-explanatory
17. If yes, would the leave of absence be? Self-explanatory
18. If continuous, would the leave be indefinite? *****For questions #20 and #21, only answer the question that addresses the box you check for question #18 and #19.**
19. If the leave of absence is not indefinite, please specify the day of leave and the date the patient is expected to return to work.
20. If intermittent, please specify the time frame the intermittent leave is needed for as well as, the number of days per month or week the patient would require medical leave.
21. In your medical opinion, if the patient cannot perform their current job with or without a reasonable accommodation would the patient be able to work another position? (Self-explanatory)
22. If yes, please specify what other position(s) or work the patient could perform. (Self-explanatory)

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

Section 4

23. Would performing all of the functions of the patient's job, either with or without an accommodation, result in a direct threat (significant risk of substantial harm) to the safety or health of the employee or other persons?: Self-explanatory
24. Please describe any direct threat to health or safety identified in question #23. (Self-explanatory)
25. Would an accommodation eliminate the direct threat to health or safety, or reduce it to below the level of a direct threat?: (Self-explanatory)
26. If yes, what accommodation, if any, would eliminate any direct threat, or reduce it below the level of a direct threat. :Self-explanatory
27. Please provide the prognosis and diagnosis of "each" medical condition and/or limitation associated with this request. **Prognosis** is defined as a medicine or medical a forecasting of the probable course and outcome of a medical condition to include the chances of recovery. **Diagnosis** is the process of determining which disease or condition explains a person's symptoms and signs.

Section 5

The individual named above is my patient. The information provided here is here is based upon my knowledge of the patient and the patient.

28. Signature of Medical Professional
29. Date (DD-MMM-YYYY)
30. Phone (XXX-XXX-XXXX) Preferred phone number in the event there are questions.
31. Email: Preferred email number in the event there are questions.

ADDITIONAL COMMENTS:

ENCLOSURE 5
DHRA FORM 3, RA INTERACTIVE PROCESS DOCUMENTATION FORM

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in
the DHRA Reasonable Accommodations System.

REASONABLE ACCOMMODATION INTERACTIVE PROCESS <i>(Read Privacy Act Statement and Instructions on back of form before completing)</i>			
SECTION 1- EMPLOYEE AND REQUEST INFORMATION			
1. REQUEST NUMBER (Internal Use Only): 			
2. EMPLOYEE NAME:		3. ORGANIZATION:	
4. JOB TITLE:	5. GRADE/RANK:	6. JOB SERIES:	7. DATE OF REQUEST:
SECTION 2- SUPERVISOR COMPLETING CHECKLIST			
8. NAME:		9. JOB TITLE:	
10. GRADE/RANK:	11. DATE CHECKLIST INITIATED:	12. DATE CHECKLIST COMPLETED:	
SECTION 3 – THE INTERACTIVE CONVERSATION			
13. IDENTIFY THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S POSITION OR ASSIGNED DUTIES.			

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

14. DESCRIBE THE EMPLOYEES WORK RESTRICTIONS OR LIMITATIONS IN LIGHT OF THE ESSENTIAL FUNCTIONS OF THE EMPLOYEE'S POSITION OR ASSIGNED DUTIES.

15. HOW LONG DOES THE EMPLOYEE THINK HE/SHE WILL HAVE RESTRICTIONS?

16. DOES THE EMPLOYEE FORESEE ANY BARRIERS OR DIFFICULTIES IN PERFORMING THE ESSENTIAL FUNCTIONS OF THEIR JOB OR ASSIGNED DUTIES WITH THE RESTRICTIONS OR LIMITATIONS?

17. WHAT ACCOMMODATIONS, WOULD EFFECTIVELY ENABLE THE EMPLOYEE TO PERFORM THE ESSENTIAL FUNCTIONS OF THEIR JOB OR ASSIGNED DUTIES?

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

18. ARE ANY OF THE IDENTIFIED ACCOMMODATIONS REASONABLE?	
19. DOES THE EMPLOYEE HAVE ANY MEDICAL DOCUMENTATION? <input type="radio"/> YES <input type="radio"/> NO	
20. DATES FOR FOLLOW-UP DISCUSSIONS:	
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
DATE OF PLANNED FOLLOW-UP DISCUSSION:	DATE FOLLOW-UP DISCUSSION CONDUCTED:
SECTION 4 - REVIEW OF THE INITIAL INTERVIEW	
Use the questions and your answers to help create a possible solution or explain why the accommodation cannot be provided.	
21. WHAT ACCOMMODATIONS CAN THE AGENCY PROVIDE?	

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

22. WHAT EQUIPMENT CAN THE AGENCY PROVIDE?
23. IS THE EMPLOYEE OPEN TO A JOB CHANGE IF NECESSARY?
24. WOULD A CHANGE IN SCHEDULE SOLVE THE PROBLEM? IF SO, IDENTIFY THE PROPOSED SCHEDULE?
25. IF THE REQUESTED ACCOMMODATION IS EXTENSIVE LEAVE OF ABSENCE, CAN THE POSITION BE HELD?
26. IF THE ACCOMMODATION IS APPROVED, WHAT AFFECT, IF ANY, WOULD IT HAVE ON THE WORK CENTER?

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

27. HAVE YOU MADE OR DENIED SIMILAR ACCOMMODATIONS WITH OTHER EMPLOYEES IN THE PAST?

28. IF OTHER EMPLOYEES WITH SIMILAR NEEDS ASKED FOR THIS ACCOMMODATION, WHAT IMPACT WOULD THAT HAVE ON THE WORK CENTER?

29. CAN YOU SUPPORT THIS REASONABLE ACCOMMODATION REQUEST? IF NOT, WHY?

30. CHECK THE BOX THAT BEST DESCRIBES YOUR PROPOSED SOLUTION (PLEASE CHOOSE ONE):

☐ MODIFIED WORK DUTIES

☐ LEAVE OF ABSENCE

☐ SPECIAL EQUIPMENT OR
OTHER RESOURCE

☐ CANNOT ACCOMMODATE
REQUEST

☐ SCHEDULE CHANGE

☐ NEED FURTHER GUIDANCE

☐ JOB CHANGE

☐ OTHER (DESCRIBE BELOW)

DESCRIBE THE PROPOSED ACCOMMODATION, IF APPLICABLE:

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

SECTION 5 – REVIEW AND APPROVAL

- Send this completed checklist to the DPM who will advise on how to move forward with the accommodation.
- The Disability Program Office (DPO) may contact you for more information.
- If you have determined you cannot accommodate the employee the Disability Program Office can assist in facilitating the discussion with the employee.
- Be prepared to meet with the employee on multiple occasions to provide additional solution.

SECTION 6 – MONITORING AND FOLLOW-UP

- Meeting with the employee to establish or implement the accommodations;
- Provide the employee written confirmation of this approved accommodation;
- Periodically confirm with the employee that the accommodation is effective; and
- Document the plan's progress and provide all follow-up notes to the DPO for inclusion in the employees request for reasonable accommodation file.

PRIVACY ACT STATEMENT

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DISCLOSURE: Voluntary; however, failure to provide this information may delay or impede your Reasonable Accommodation Request.

INSTRUCTIONS PRINT OR TYPE ALL RESPONSES

DHRA is committed to creating a rewarding place for our employees to work. From time to time, an employee may not be able to perform all of the duties of his or her job without a reasonable accommodation. We engage in an interactive process with employees to explore accommodations that allow them to continue to work without creating an undue hardship on the work environment. This form is designed to assist you in that process and in documenting your conversations with the employee, the Disability Program Office (DPO) and the assessment of possible accommodations.

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

The supervisor should have a meeting or series of meetings with the employee to discuss the request for accommodation, the work restrictions and identify reasonable accommodations, if any, to permit the employee to perform all of the essential job functions. This should be a two-way conversation with the objective of finding an effective accommodation that would permit the employee to perform the essential functions of a job. **The supervisor should take notes on the "Interactive Process Checklist" any time they talk to the employee regarding these issues.** The checklist and any notes should be maintained in a confidential file for that employee separate from any other documentation or personnel actions not associated with the request for accommodation. Before meeting with the employee, review the employee's current job description and any available physical job analysis for the position in question. Identify the essential and non-essential functions of the job duties and purpose(s) for which the job exists.

The supervisor should ask the following questions during the interactive conversations. (NOTE: You may need to ask additional follow-up questions based on the information provided by the employee.)

Section 1- Employee and Request Information

1. Request Number: Provided by the Disability Program Office.
2. Employee Name: Last name, first name and middle initial of the person needing the reasonable accommodation.
3. Organization: Office location of the person needing the accommodation. For example: Mark Center, HQ, Alexandria VA.
4. Job Title: Self-explanatory.
5. Grade/Rank: Self-explanatory.
6. Job Series: Self-explanatory.
7. Date of Request: DD-MMM-YYYY

Section 2- Supervisor Completing Checklist

8. Name: Last name, first name and middle initial of the person completing the checklist.
9. Job Title: Self-explanatory.
10. Grade/Rank: Self-explanatory.
11. Date Checklist Initiated: Date (DD-MMM-YYYY) the checklist was initiated.
12. Date Checklist completed: Date (DD-MMM-YYYY) the checklist was completed.

Section 3- Interactive Conversation

Before meeting with the employee, review the employee's current job description and any available physical job analysis for the position in question. Identify the essential and non-essential functions of the job duties and purpose(s) for which the job exists.

13. Review the job description with the employee and explain the essential functions of the employee's position. (Essential functions should be determined prior to the meeting).
14. Summarize your discussion with the employee. What can the employee do? What can the employee not do? What does the employee find challenging?

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15. Summarize your discussion with the employee. Ensure you capture the anticipated duration and what can be done to ease or eliminate the restrictions or what type of activities associated with required duties or activities may have a negative impact on the restrictions.
16. Summarize your discussion with the employee: Document all perceived barriers or difficulties the employee may have in performing the essential functions of their job or assigned duties because of the restrictions or limitations?
17. Summarize your discussion with the employee: List the possible accommodations. Either the employee or the supervisor may suggest additional accommodations. The following is a list of possible accommodations (the list is not exhaustive): redesign of essential job function; modified work duties; part-time or modified work schedule; shift change; leave of absence; transfer to vacant position if qualified; create light duty; special equipment or other resource.)
18. Summarize your discussion with the employee: List the accommodation(s), assess if it is reasonable and if not, use **FACTS** and not assumptions or assertions to explain why not. For example, explain if the accommodation is not reasonable because it would eliminate the reason for the position or essential functions of the job, or because it would affect operations or the ability of other employees to perform their duties and/or the work section's ability to conduct business.
19. If yes, do not accept any medical documentation from the employee. Ask the employee to provide the documentation to the Disability Program Office. The supervisor can review any medical documentation the employee wishes to share. Do not force, require or demand the employee to disclose medical information.
20. Use this block to annotate dates of follow-up discussion with the employee. At the end of the interview advise the employee that you must consult with the Disability Program Office and provide an estimation of when you will follow-up with the employee. A good estimation is three to five duty days.

Section 4- Review of the Initial Interview

Use this section to create a possible solution or explain why the accommodation cannot be provided.

21. Identify what the agency can do to accommodate the employee. For example: telework, flexible work schedule, change office space, etc.
22. Identify what type of equipment the agency can provide. For example: ergonomic keyboard, mouse or chair.
23. This is a last resort in the event the agency is unable to provide a reasonable accommodation.
24. Identify the schedule to include days of the week and hours the employee would be expected to work.

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

25. If the requested accommodation is a leave of absence, consult with Disability Program Office who will coordinate with the Human Resources and the Office of General Counsel to determine how long the agency can hold the employee's position?
26. Identify mission-impacting issues such as additional personnel or funding not directly connected to the reasonable accommodation but would be impacted by granting the accommodation?
27. List the accommodation(s) and reason(s) for the denial, however, do not include the name of the employee whose accommodation was denied or their medical condition?
28. Identify if several of your other employees requested the same accommodation is this something the agency could support without creating an undue hardship. An example would be if all employees wanted to telework full time that may be a hardship. If all employees wanted adjustable work stations that may not be a hardship.
29. If the accommodation is denied, provide a **FACT** based synopsis of the hardship on the agency. Be prepared to provide additional documentation to support the denial.
30. Check the box(s) that best describes your proposed solution and provide a synopsis if necessary?

ADDITIONAL COMMENTS:

ENCLOSURE 6
DHRA FORM 4, DENIAL OF REASONABLE ACCOMODATION

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the DHRA Reasonable Accommodations System.

DENIAL OF REASONABLE ACCOMMODATION <i>(Read Privacy Act Statement and Instructions on the back of form before completing)</i>	
1. REQUEST NUMBER (Internal Use Only):	2. DATE REASONABLE ACCOMMODATION DENIED:
RA-17-	
3. NAME OF INDIVIDUAL IN NEED OF THE REASONABLE ACCOMMODATION:	
4. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED:	
5. REQUEST FOR REASONABLE ACCOMMODATION DENIED BECAUSE:	
<div style="padding-left: 20px;"><input type="checkbox"/> ACCOMMODATION INEFFECTIVE <input type="checkbox"/> ACCOMMODATION WOULD CAUSE UNDUE HARDSHIP <input checked="" type="checkbox"/> MEDICAL DOCUMENTATION INADEQUATE <input type="checkbox"/> ACCOMMODATION WOULD REQUIRE REMOVAL OF AN ESSENTIAL FUNCTION <input type="checkbox"/> ACCOMMODATION WOULD REQUIRE LOWERING OF PERFORMANCE OR PRODUCTION STANDARD <input type="checkbox"/> OTHER</div>	
IF OTHER PLEASE SPECIFY:	
6. DETAILED REASON(S) FOR THE DENIAL OF REASONABLE ACCOMMODATION	

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

7. WAS AN ALTERNATE REASONABLE ACCOMMODATION OFFERED? IF SO, EXPLAIN WHY.	
8. DID THE EMPLOYEE EXERCISE THEIR RIGHT TO RECONSIDERATION? IF SO, WHAT ADDITIONAL INFORMATION WAS PROVIDED?	
9. WAS THE EMPLOYEE ADVISED OF THEIR RIGHTS TO FILE AN EEO COMPLAINT OR GRIEVANCE?	
10. NAME OF DECIDING OFFICIAL	11. SIGNATURE OF DECIDING OFFICIAL
<p align="center">PRIVACY ACT STATEMENT</p> <p>AUTHORITY: 29 U.S.C. 791, Employment of Individuals with Disabilities; 42 U.S.C. Chapter 126, Equal Opportunity for Individuals with Disabilities; 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act; E.O. 13163, Increasing the Opportunities for Individuals with Disabilities to be Employed in the Federal Government; E.O. 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation; DoD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense; and Director of Administration and Management Administrative Instruction 114, Reasonable Accommodation Program for Individuals with Disabilities</p> <p>PRINCIPAL PURPOSE(S): To establish case records and document the consideration, decision, and implementation of requests for reasonable accommodation made by DHRA employees and applicants with physical and mental impairments.</p> <p>ROUTINE USE(S): Disclosure of records are generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended. Applicable Blanket Routine Use(s) are: Law Enforcement Routine Use, Disclosure When Requesting Information Routine Use, Disclosure of Requested Information Routine Use, Congressional Inquiries, Disclosure to the Office Personnel Management Routine Use, Disclosure to the Department of Justice for Litigation Routine Use, Disclosure of Information to the National Archives and Records Administration Routine Use, Disclosure to the Merit systems Protection Board Routine Use, and Data Breach Remediation Purposes Routine Use. The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found Online at: http://dpcl.d.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.</p> <p>DISCLOSURE: Voluntary; however, failure to provide this information may delay or impede your Reasonable Accommodation Request.</p>	

INSTRUCTIONS
PRINT OR TYPE ALL RESPONSES

The Supervisor shall complete and provide a copy of the Denial of Reasonable Accommodation Request Worksheet to the Disability Program Office.

Must complete numbers 1-4; complete number 5, if applicable.

1. Provided by the Disability Program Office.
2. Date (DD-MMM-YYYY) the reasonable accommodation was denied.
3. Last name, first name and middle initial of the individual in need of the reasonable accommodation.
4. Type(s) of reasonable accommodation requested.
5. Identify why the reasonable accommodation was denied (check all that apply).
6. Provide detailed reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship).
7. If the individual proposed one type of reasonable accommodation, which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and why you believe the chosen accommodation would be effective.
8. If an individual wishes to request reconsideration of this decision, he/she may take the following steps:
 - a) Ask the supervisor to reconsider the denial. Additional information may be presented to support this request and if the supervisor does not reverse the denial.
 - b) The individual can ask the next person in the chain of command to approve the accommodation.
 - c) If the individual is still not satisfied, then he/she can seek counseling from the DHRA Equal Employment Opportunity (EEO) office.
9. If an individual elects to file an EEO complaint, he/she must contact the DHRA EEO office within 45 calendar days from the date of the notice of denial of reasonable accommodation or file a written grievance through the Human Resources office.
10. Last name, first name and middle initial of the individual making the final determination of the reasonable accommodation.
11. Signature of the individual making the final determination of the reasonable accommodation.

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

17. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED?	
18. REASON FOR ACCOMMODATION?	
19. TYPES OF REASONABLE ACCOMMODATION PROVIDED:	
20. COST OF ACCOMMODATION:	\$
21. WAS MEDICAL INFORMATION REQUIRED TO PROCESS THIS REQUEST? If yes, explain why: <input type="radio"/> YES <input type="radio"/> NO	
22. SOURCES OF TECHNICAL ASSISTANCE:	
23. COMMENTS:	
24. SIGNATURE OF DECISION MAKER:	25. WORK PHONE:

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

INSTRUCTIONS

PRINT OR TYPE ALL RESPONSES

Attach copies of **ALL** documents obtained or developed in processing this request.

Please return the completed form to the Disability Program Office.

DO NOT include medical documentation to the Disability Program Office.

1. Request Number: Provided by the Disability Program Office.
2. Name of Individual Needing Reasonable Accommodation: Provide the name (Last, First, M.I.) of the employee or applicant requiring the accommodation.
3. Organization of person needing a Reasonable Accommodation: (Work site)
4. Job Title: (Self-explanatory)
5. Grade/Rank: (Self-explanatory)
6. Job Series: (Self-explanatory)
7. Date of Request: (DD-MMM-YYYY) – Enter Date of Request initiation
8. Reasonable Accommodation Request: (If denied, state reason in block 16.)
9. Decision Date: (DD-MMM-YYYY) – Enter date Decision made
10. Data accommodation was approved and provided: (Provide Date (DD-MMM-YYYY))
11. Reasonable Accommodation Request Received By: (Enter name of person taking request)
12. Date Request was Received: (DD-MMM-YYYY)
13. Date Referred to Decision Maker: (DD-MMM-YYYY)
14. Name and Title of Decision Maker: (i.e., supervisor, Employee Relations Specialist, Disability Program Manager, Personnel Management Specialist)
15. Were timelines met? If not, why? (Select Yes or No)
16. Job Held or Desired by Individual Requesting Reasonable Accommodation, Include Occupational Series, Grade Level and Office
17. Types of Reasonable Accommodation Requested: (e.g., Adaptive Equipment, Staff Assistant, removal of Architectural Barrier)
18. Reason for Accommodation? (Explain why)
19. Types of Reasonable Accommodation Provided: (If Different From What Was Requested)
20. Cost of Accommodation: (Enter in dollar amount)
21. Was Medical Information Required to Process this Request? If Yes, Explain Why

Per General Records Schedule (GRS) 4.3, Item 12, destroy after the information has been captured in the DHRA Reasonable Accommodations System.

22. Sources of Technical Assistance, If Any, Consulted in Attempts to Identify Possible Reasonable Accommodations: (e.g., Job Accommodation Network, Disability Organization, Disability Program Manager)

23. Comments: (Enter additional comments as necessary)

24. Signature of Decision Maker:

25. Work Phone: (XXX-XXX-XXXX) Best number to reach you at.

ADDITIONAL COMMENTS:

PRIVACY ACT STATEMENT

AUTHORITY: 29 U.S.C. 791, Employment of Individuals with Disabilities; 42 U.S.C. Chapter 126, Equal Opportunity for Individuals with Disabilities; 29 CFR Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act; E.O. 13163, Increasing the Opportunities for Individuals with Disabilities to be Employed in the Federal Government; E.O. 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation; DoD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense; and Director of Administration and Management Administrative Instruction 114, Reasonable Accommodation Program for Individuals with Disabilities

PRINCIPAL PURPOSE(S): To establish case records and document the consideration, decision, and implementation of requests for reasonable accommodation made by DHRA employees and applicants with physical and mental impairments.

ROUTINE USE(S): Disclosure of records are generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended. Applicable Blanket Routine Use(s) are: Law Enforcement Routine Use, Disclosure When Requesting Information Routine Use, Disclosure of Requested Information Routine Use, Congressional Inquiries, Disclosure to the Office Personnel Management Routine Use, Disclosure to the Department of Justice for Litigation Routine Use, Disclosure of Information to the National Archives and Records Administration Routine Use, Disclosure to the Merit systems Protection Board Routine Use, and Data Breach Remediation Purposes Routine Use. The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found Online at: <http://dpold.defense.gov/Privacy/SORNSIndex/BlanketRoutineUses.aspx>.

DISCLOSURE: Voluntary; however, failure to provide this information may delay or impede your Reasonable Accommodation Request.