



DEFENSE INFORMATION SYSTEMS AGENCY  
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FORT MEADE, MARYLAND 20755-0549

## **DISA INSTRUCTION 220-15-73**

### **ADMINISTRATION**

#### **Reasonable Accommodations For Civilian Personnel with Disabilities**

- 1. Purpose.** This Instruction assigns responsibilities and duties regarding reasonable accommodations for civilian personnel with disabilities. It outlines the reasonable accommodation process and provides guidance on staff assistants. It also advises of available reasonable accommodations resources.
- 2. Applicability.** This Instruction applies to organizations serviced by the DISA Civilian Personnel Office and civilian applicants seeking employment with the Agency.
- 3. Authority.** This Instruction is published in accordance with the authority contained in Title 29 Code of Federal Regulations (CFR) Section 1614.203; Executive Order (E.O.) 13164, pursuant to Title 29 United States Code, (U.S.C.) Section 791 (also known as and referred as "Section 501 of the Rehabilitation Act of 1973, as amended"); Title 42 U.S.C. Chapter 126 (also known as "The Americans with Disabilities Act (ADA) of 2008, as amended"); E.O. 13548, Increasing Federal Employment of Individuals with Disabilities, 26 July 2010; DoD Directive (DoDD) 1440.1, The DoD Civilian Equal Employment Opportunity (EEO) Program, 21 May 1987; DoDD 5105.19, Defense Information Systems Agency (DISA), 25 July 2006; DoDD 5110.04, Washington Headquarters Services (WHS), 27 March 2013; DoD Instruction 1000.31 Computer/Electronic Accommodations Program (CAP), 26 October 2018; and DoD Manual 8400.01, Accessibility of Information and Communications Technology (ICT), 14 November 2017.
- 4. General.** A reasonable accommodation enables a person with a disability to enjoy equal employment opportunities, benefits, and privileges. Many individuals with disabilities can apply for and perform jobs without an accommodation; but, where workplace barriers exist, a reasonable accommodation: (1) removes barriers that prevent people with disabilities from applying for or performing jobs for which they are qualified; and (2) enables agencies to expand the pool of qualified workers, which permits federal employers to benefit from the talents of people who might otherwise be arbitrarily barred from employment.

  - 4.1** Reasonable accommodation requests should be processed in a timely manner that imposes the fewest burdens on individuals with disabilities and permits the most expeditious consideration and delivery of the reasonable accommodation if one is available. The goal is to process and complete a request for an accommodation within 15 calendar days of the request. Absent extenuating circumstances, reasonable accommodation requests should be granted or denied no later than thirty (30) calendar days after receiving a request for a

reasonable accommodation. When the requested accommodation can be provided in less than the maximum amount of time permitted and is simple and straightforward, the accommodation will be provided immediately. Failure to provide the accommodation may result in a violation of the Rehabilitation Act.

4.2 The Rehabilitation Act of 1973, as amended, adopts the standards applied in the Americans with Disabilities Act of 1990, as amended. The ADA was further amended under the ADA Amendments Act of 2008 (ADAAA). The ADAAA directs that the definition of “disability” be construed broadly, and that the determination of whether an individual has a “disability” under the Act generally should not require extensive analysis.

4.3. Production of this instruction will be made in an accessible format (e.g., large print, braille) as requested.

**5. Definitions.** Main definitions follow; additional definitions are provided in enclosure 1.

5.1 *Disability.* A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or having been regarded as having such an impairment. The Agency is not required to provide reasonable accommodation(s) to an employee who meets the definition of "disabled" solely because they are "regarded as" having a disability. A disability is obvious or already known when it is clearly visible, or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition.

5.2 *Reasonable Accommodation.* Any change in the workplace or in the way things are customarily done that would enable a qualified individual with a disability to experience equal employment opportunities.

5.2.1 There are three categories of reasonable accommodations:

5.2.1.1 Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

5.2.1.2 Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

5.2.1.3 Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

5.2.2 Some common types of accommodations include, but are not limited to: modifying work schedules or supervisory methods; granting breaks or providing leave; altering how or when job duties are performed; removing and/or substituting a marginal function; moving to a different office space; providing telework beyond the Agency's current policy; making changes in workplace policies; providing assistive technology, including information technology and

communications equipment or specially designed furniture; providing an interpreter, reader, etc.; removing an architectural barrier, including reconfiguring workspaces; providing accessible parking; providing materials in alternative formats (Braille, large print); and, lastly, consideration for reassignment.

5.2.2.1 Appropriate accommodations may vary by position based on essential functions of the position and the qualifying disability of the employee.

5.2.2.2 Reassignment to a new position is considered the reasonable accommodation of last resort. The Agency will consider reassigning an employee to a new position when all other possible accommodations will not assist an employee in performing the essential functions of their current position. The Agency is not required to create a position for an employee. A position must be vacant to be included in a position search as part of the reasonable accommodation of reassignment. An employee must be qualified for a vacant position and have the ability to perform the essential functions of the position, with or without a reasonable accommodation, in order to be eligible for reassignment to that vacant position.

5.2.2.3 Removal of an essential job function is not a reasonable accommodation.

**5.3 Confidentiality Requirements.** Information about an employee's reasonable accommodation must be kept confidential. Exception: information may be disclosed to supervisors and managers for necessary work restrictions or reasonable accommodations; to individuals involved in making decisions about reasonable accommodations; when necessary for emergency treatment; to officials investigating compliance with ADA; or for workers' compensation and insurance purposes.

**6. Policy.** It is the Agency's policy to:

6.1 Fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended. Under the law, federal agencies must provide a reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship for the Agency. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the Agency. The DISA is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at the DISA.

6.2 Provide a positive work environment that will encourage employees or applicants with disabilities to maximize and reach their full potential by providing reasonable accommodations (RA), in accordance with applicable laws and guidance from the Equal Employment Office Commission (EEOC) and DoD, unless doing so creates an undue hardship on the Agency.

6.3 Provide RA when an employee with a disability needs an accommodation to perform the essential functions of the job, to gain access to the workplace and/or to enjoy equal access to

benefits and privileges of employment (e.g. details, trainings, office and Agency-sponsored events), unless doing so would cause an undue hardship to the Agency.

6.4 Apply a fair and consistent procedure for determining whether an employee is a “qualified individual with a disability” as defined by law, when evaluating accommodation requests, determining what is reasonable, and what constitutes an undue hardship.

6.5 Provide necessary resources to help supervisors and employees work through each step in the RA process: determining whether a disability exists, deciding on appropriate accommodations, obtaining expert guidance and assessments, and procuring equipment and services needed for accommodation.

6.6 Any agency official, including the DPM and an immediate supervisor, manager, or designated decision-maker, who is in possession of the employee’s medical information, is responsible in maintaining the medical information in compliance with applicable laws and regulations regarding confidentiality.

6.7 Staff assistants (interpreters, readers, and personal assistants) will be made available by the Agency, if appropriate.

## 7. Responsibilities.

7.1 *Director, Workforce Services and Development Directorate (WSD)*. Under the authority, direction, and control of the Director, DISA, the Director, WSD, will oversee implementation of the reasonable accommodation program for the civilian workforce.

7.2 *Chief Financial Officer (CFO)*. Under the authority, direction, and control of the Director, DISA, the CFO will assess a reasonable and supportable fair share allocation on a yearly basis across the Agency and collect funds to establish a yearly centralized budget for reasonable accommodation requirements.

7.2.1 Complete timely processing of funding documentation and or packages for submission to the Procurement Services Directorate (PSD) and other relevant components.

7.3 *Procurement Services Directorate (PSD)*. Under the authority, direction, and control of the Director, DISA, the PSD will:

7.3.1 Ensure all contracts for the use of facilities (i.e., leased buildings and hotels for training programs or conferences) reflect the obligation that such facilities are accessible to all participants, including those with disabilities, in accordance with sections 4151-4157 of "The Architectural Barriers Act of 1968, as amended."

7.3.2 Provide contracting support mechanisms for the provisions of reasonable accommodation such as, sign language interpretative services, readers, and computer-assisted real time captioning.

**7.4 *Director, Office of Equality, Diversity, and Inclusion (OEDI)*.** Under the authority, direction, and control of the Director, DISA, the Director, OEDI, will:

7.4.1 Serve as a resource for alternative dispute resolution of a denial for a reasonable accommodation, in accordance with the procedures outlined in DISA Instruction (DISAI) 220-15-55-771, Administrative Grievance System for Civilian Personnel, 11 December 2017, if a discriminatory claim is substantiated.

7.4.2 Provide support to the Disability Program Manager (DPM) regarding data collection and reporting requirements.

**7.5 *General Counsel (GC)*.** Under the authority, direction, and control of the General Counsel of the Department of Defense, the GC, DISA, will provide legal advice and guidance to the DPM and an immediate supervisor, manager, or designated decision-maker on reasonable accommodation issues and decisions.

**7.6 *Directors, Executives, Commanders, and Chiefs of Major Organizational Elements*.** These individuals will:

7.6.1 Ensure reasonable accommodations are administered under the provisions of this Instruction.

7.6.2 Appoint a primary and alternate decision-maker in lieu of the immediate supervisor, as appropriate.

## **8. Duties.**

**8.1 *Chief, Civilian Personnel Division (MP1)*.** Under the authority, direction, and control of the Director, Workforce Services and Development Directorate (WSD), the Chief, Civilian Personnel Division, will:

8.1.1 Oversee application of the reasonable accommodation procedures and requirements to ensure reasonable accommodations are provided to all qualified individuals with a disability.

8.1.2 Promote the use of reasonable accommodations for civilian employees throughout the Agency.

**8.2 *Chief, Employee Services Branch*.** Under the authority, direction, and control of the Chief, Civilian Personnel Division, the Chief, Employee Services Branch, will:

8.2.1 Designate the Disability Program Manager who will have the lead responsibility to carry out this Instruction.

8.2.2 Oversee the availability of the Agency's reasonable accommodation resources by identifying program shortages and funding requirements when the economy of scale (numbers of employees) makes such arrangements cost effective to the Agency.

8.2.3 Serve as the Agency's official for review of reasonable accommodation reconsideration requests submitted under paragraph 8 of enclosure 2.

8.2.4 Designate a primary and alternate person to maintain a government credit card for reasonable accommodation purchases.

8.2.5 Coordinate reasonable accommodation funding requirements to ensure funding is available to support requirements.

8.2.6 Track and reconcile funding for reasonable accommodation requirements and work with WSD to resolve any funding discrepancies.

8.3 *Disability Program Manager (DPM)*. The DPM, designated by the Chief, Employee Services Branch, will:

8.3.1 Serve as the Agency's subject matter expert (SME) on the reasonable accommodation process within the Agency; advise the immediate supervisor, manager, or designated decision-maker of their roles and responsibilities with regard to the reasonable accommodation process; and assist them in promptly responding to requests for accommodation.

8.3.2 Promote or advise the use of reasonable accommodations for civilian employees with disabilities by using various communications vehicles (e.g., Dateline DISA and social media sites).

8.3.3 Obtain and evaluate documentation supporting a reasonable accommodation request (e.g., medical documentation demonstrating the requestor is an individual with a disability) whenever the disability or need for accommodation is not obvious.

8.3.4 Coordinate and consult, as needed, with appropriate Agency centers and directorates, including, but not limited to, the OEDI, WSD, and GC, for the implementation of this Instruction.

8.3.5 Coordinate the support mechanisms for the provision of reasonable accommodation, such as, sign language interpretive services, readers, and computer-assisted real time captioning.

8.3.6 Serve as a liaison to ensure all information and computer technology devices and platforms are accessible for people with disabilities, in accordance with section 7104d of Section 508 of the Rehabilitation Act, as amended, and DoD Manual 8400.01-M, Accessibility of Information and Communication Technology (ICT), 14 November 2017.

8.3.7 Provide or coordinate training to supervisors and employees on the Agency's reasonable accommodation program.

8.3.8 Compile and maintain data to evaluate the Agency's performance in responding to reasonable accommodation requests and consult with OEDI when reporting reasonable

accommodation requests and dispositions to ensure compliance with Equal Employment Opportunity Commission (EEOC) applicable laws and regulations.

8.3.9 Assist the Civilian Personnel Office, Staffing and Classification Branch with collecting reasonable accommodation information needed for the EEOC's Management Directive (MD)-715 Report.

8.3.10 Maintain secure storage for all medical information provided in the reasonable accommodation process, in accordance with applicable laws and regulations, and ensure access to such medical information is strictly limited to those individuals with a legitimate need to know.

8.3.11 Complete the Health Insurance Portability and Accountability Act (HIPAA) and Privacy Act training annually. (Training is available through the Corporate Management Information System [CMIS] portal at <https://cmis.disa.mil/training/onlinetraining>.)

8.3.12 Ensure all reasonable accommodations are reviewed and updated every twelve (12) months to validate an accommodation is still warranted and request updated medical documentation, if needed.

8.3.13 Maintain or ensure the maintenance of the government credit card for reasonable accommodation purchases and reconcile funding discrepancies on a monthly basis with bank statements and the designated contracting officer.

8.3.14 Absent extenuating circumstances, process purchase requests for reasonable accommodation equipment, services, or assistive technology using the Agency's Centralized Reasonable Accommodation Fund within fourteen (14) calendar days after sufficient medical documentation is received and the request is approved by the appropriate management representative (immediate supervisor, manager, or designated decision-maker). Receipt of requested items is subject to availability of the equipment.

8.4 *Agency Section 508 Program Manager.* Under the authority, direction, and control of the Agency's Chief Information Officer (CIO), the Agency's Section 508 Program Manager will ensure the Agency's information and communication technology (ITC) assets are accessible to all employees, to include employees with disabilities, to eliminate barriers in the Agency's information technology areas of control.

8.5 *Immediate Supervisor, Manager, or Designated Decision-Maker.* The Immediate Supervisor, Manager, or Designated Decision-Maker will:

8.5.1 Serve as the decision-maker on a reasonable accommodation request unless the Director, Executive, Commander, or Chief of the major organizational element has designated a different individual to accomplish this request. If the immediate supervisor or manager does not have the authority to approve a reasonable accommodation request, the immediate supervisor or manager shall inform the DPM and the employee and escalate the request to the appropriate official with the authority to grant the accommodation.

8.5.2 Forward the employee's request for reasonable accommodation to the DPM no later than three (3) business days from the date of notification.

8.5.3 Coordinate with the DPM on all reasonable accommodation requests and denials for employees under the immediate supervisor's/manager's chain of command.

8.5.4 Absent extraordinary circumstances, respond to status update requests associated with the reasonable accommodation request(s) from employees no later than five (5) business days from the date of receipt of the employee's inquiry.

8.5.5 Review the employee's request for a reasonable accommodation and medical documentation if the employee's disability is not obvious and decide whether or not an interim accommodation is available to assist the employee, if the immediate supervisor, manager, or designated decision-maker cannot immediately provide the employee's requested accommodation. An immediate supervisor, manager, or designated decision-maker should conduct this review within five (5) business days of receiving the employee's initial reasonable accommodation request. Follow-on notification informing the employee that a temporary accommodation will be provided while their reasonable accommodation request is under review, will be made in writing to the employee no later than five (5) business days following the review. (Refer to enclosure 2, para 3.4 on the process of requesting an interim accommodation).

8.5.6 Identify alternative measures that may or may not be a reasonable accommodation based upon the employee's request, documents provided by the employee, and essential functions of the employee's current position. (Such efforts will be coordinated by the supervisor, manager, or designated decision-maker and the DPM before implementation.)

8.6 *Employees and Applicants for Employment.* These individuals, based upon need and medical documentation, will:

8.6.1 Obtain documentation about any disability and the functional limitations caused by that disability from an appropriate health care or rehabilitation professional.

8.6.2 Request a reasonable accommodation from an appropriate management representative (immediate supervisor, manager, or designated decision-maker) or the DPM.

8.6.3 Respond to requests for medical documentation within fifteen (15) calendar days after receipt of notification from the DPM or an appropriate management representative, as defined above. (This timeframe includes the interactive process and the twelve (12)-month periodic review. Failure on the part of the employee or their designated representative to respond in the timeframe specified above and/or cooperate during the interactive process can result in a delay and/or denial of the reasonable accommodation request.)

8.6.4 Provide an updated reasonable accommodation request every twelve (12) months to validate the accommodation is still warranted and provide updated medical documentation, if requested by the DPM.



8.6.5 Advise the appropriate management representative (immediate supervisor, manager, or designated decision-maker) and the DPM should an existing accommodation no longer be required.

8.6.6 Prior to departure or transfer from the Agency, notify the DPM and coordinate with the Facilities and Property Management Division for removal of any workspace modification or specially designed furniture (for example: sit-stand desk, adjustable height chair) from designated seat/office space and coordinate with your Property Custodian for any other DISA provided property.

**9. Process.** The reasonable accommodation process is described in enclosure 2.

**10. Staff Assistants.** Specific guidance pertaining to staff assistants (interpreters, readers, and personal assistants) is provided in enclosure 3.

**11. Confidentiality.** Under the Rehabilitation Act, medical information obtained in connection with a reasonable accommodation request must be kept confidential, subject to limited exceptions, and must be kept in files separate from the individual's personnel file. Information requested in connection with an employment decision may be disclosed to those making the decision whether to grant a reasonable accommodation. Those individuals must be informed of the limits on further disclosure of the information. Specifically, individuals who have access to information necessary to make a decision about whether to grant a requested accommodation may not disclose this information except under the following circumstances:

11.1 The DPM and the employee's supervisor may share certain information with other Agency officials, as necessary, to make an appropriate determination on a reasonable accommodation request. Medical documentation should be reviewed in accordance with the employee's reasonable accommodation request. It should not be copied or retained.

11.2 Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodations.

11.3 First aid and safety personnel may be told if the disability might require emergency treatment.

11.4 Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

11.5 The information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers.

11.6 Agency EEO officials may be given the information to maintain records and evaluate and report on the agency's performance in processing reasonable accommodation requests.

**12. Information Tracking and Reporting.** In order for the Agency to ensure compliance with this Instruction and the Rehabilitation Act, the processing of reasonable accommodation requests

for employees and applicants shall be maintained in CMIS (System of Records Notice Number: K890.27). This information will be used to (1) ensure approved accommodations are appropriately documented and implemented, (2) allow the Agency to anticipate and limit impediments that may cause unnecessary delay in providing or modifying a reasonable accommodation requested by an individual, and (3) comply with the nondiscrimination and affirmative action requirements imposed under Section 501 and making those records available to the EEOC upon a request from the EEOC.

12.1 EEOC's MD-715 Report. At the end of each fiscal year, the DPM will provide the following information to the Agency's OEDI for inclusion into the Agency's response:

12.1.1 The average timeframe for processing initial requests for reasonable accommodations minus repetitive accommodations, such as interpreting services during the reporting period; and

12.1.2 A description of the effectiveness of the policies, procedures, or practices to implement the Agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

12.1.3 Assist the Civilian Personnel Office, Staffing and Classification Branch with collecting data on:

12.1.3.1 The number and types of reasonable accommodations that were requested in the application process and whether those requests were granted or denied.

12.1.3.2 The number and types of requests for reasonable accommodations that related to the benefits or privileges of employment and whether those requests were granted or denied.

12.1.3.3 The number and types of requests for reasonable accommodations to perform the essential functions of a job and whether those requests were granted or denied.

12.1.3.4 The jobs (occupational series, grade level, and Agency component) for which reasonable accommodations have been requested.

12.1.3.5 The types of reasonable accommodations that were requested, and the number of approvals, alternative effective accommodations, and denials of such requests.

12.1.3.6 The reasons for denial of requests for reasonable accommodation.

12.1.3.7 The number of days taken to process each request for a reasonable accommodation, noting the date of the request, date sufficient medical documentation was received (as appropriate), date an assessment was completed (as appropriate), and date the accommodation was provided or date of the denial decision;

12.1.3.8 The sources of technical assistance that were consulted in trying to identify possible reasonable accommodations; and

12.1.3.9 A qualitative assessment of the Agency's reasonable accommodation policies and procedures, including recommendations for improvement.

12.2 Records used to track the Agency's performance in processing and providing reasonable accommodations are maintained by the DPM for a period of three (3) years.

12.3 Information related to specific individuals who have requested a reasonable accommodation will be maintained for the duration of the individual's employment with the Agency.

**13. Funding.** Funding for the Agency's reasonable accommodation program is maintained in the Agency's Centralized Reasonable Accommodation Fund by the CFO. Supervisors may direct questions regarding the management of the fund to [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil).

**14. Relation to Statutory and Collective Bargaining Agreements.** This Instruction does not limit, supersede, or replace statutory and collective bargaining protections for persons with disabilities and the remedies they provide, if any, for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims remain unchanged, including the timeframes for filing such claims.

**15. Resources.** Names and contact information of resources to obtain additional information on reasonable accommodations are provided in enclosure 4.



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7 Enclosures a/s

LAURA A. RADNEY  
Chief of Staff

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## ENCLOSURE 1

### DEFINITIONS

**Ameliorative Effects of Mitigating Measures.** The extent to which a mitigating measure eliminates or reduces the symptoms or impact of an impairment of a major life activity. These should not be taken into consideration when determining whether a substantial impairment to a major life activity meets the definition of a disability.

Exception - ordinary eyeglasses or contact lenses shall be considered in determining whether impairment substantially limits the major life activity of seeing or vision. The term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; the term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

**Applicant.** An individual who is seeking employment with the DISA and is qualified to perform the essential functions for that position with or without reasonable accommodation.

**Auxiliary Aids and Services.** Term includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; or other similar services and actions.

**Day.** Unless otherwise stated, any reference to days in this Instruction will refer to the "calendar" day.

**Designated Decision-Maker.** An agency official, usually the employee's immediate supervisor, manager or designated center or directorate official. In the case of an applicant seeking employment, the decision-maker will be the selecting official or Human Resources staff member assigned to process the selection.

**Disability Program Manager (DPM).** The DPM serves as the day-to-day point of contact at the DISA and communicates decisions regarding requests for accommodations. The DPM facilitates and engages in the interactive process to determine whether an accommodation is required, the identity of the accommodation and the effectiveness of the accommodation.

**Employee.** An individual who currently works for, and is not providing services as a contractor to, the DISA.

**Essential Functions.** Those job duties that are so fundamental to the position that the individual holds or desires that they cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized, and the individual is hired based on his/her ability to perform it. Determination of

the essential functions of a position must be done on a case-by-case basis by the Immediate Supervisor, Manager, or Designated Decision-Maker so that it reflects the job as actually performed and not simply the components of a generic position description.

**Extenuating Circumstances.** Factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation. Limited situations in which unforeseen or unavoidable events prevent the prompt request, process, and delivery of a reasonable accommodation.

**Healthcare Professional.** This individual need not be a physician and can include mental health practitioners, licensed social workers, rehabilitation counselors, chiropractors, and physical therapists, among others who have completed a course of study and are licensed to practice in a field of health care, which includes the diagnosis and assessment of a particular disability or disabilities in question. The terms health care professional and health care provider are used interchangeably in this instruction.

**Individual with a Disability.** A person who has a physical or mental impairment that substantially limits one (1) or more of the person's major life activities, has a record of such an impairment, or is regarded as having such an impairment.

**Interactive Process.** An ongoing dialogue that occurs between the requestor and the DPM and/or the immediate supervisor, manager, or designated decision-maker in order to identify whether the requestor has a disability, is qualified for the position, to discuss the requestor's functional limitations, and the accommodation(s) that will allow the employee to perform the essential functions of his/her position or in the case of an applicant, to apply for a position. This process begins upon receipt of an oral or written request for a reasonable accommodation.

On-going communication between the employee and the DPM is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not apparent; or where the parties are considering different possible accommodations. The purpose of the interactive process is to identify the precise limitations resulting from the disability and potential reasonable accommodations appropriate in order to assist the requestor to overcome those limitations and allow the employee to perform the essential functions of his/her position or in the case of an applicant, to apply for a position.

### **Major Life Activities.**

(A). Major life activities in general include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B). A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Medical Documentation.** Documents from a healthcare provider which may be required to show the requestor's disability, functional limitations, and the need for reasonable accommodation.

**Mitigating Measures.** Measures that eliminate or reduce the symptoms or impact of an impairment of a major life activity. Under the ADAAA, mitigating measures (other than ordinary corrective lenses) will not be considered when assessing whether or not someone is an individual with a disability. Chapter 42 United States Code Section 12102(4)(E)(i) of ADAAA: The determination of whether an impairment substantially limits a major life activity shall be made without regard to the effects of mitigating measures. Such measures should include but are not limited to: medication; medical supplies; equipment; appliances; low vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; learned behavioral or adoptive neurological modifications, reasonable accommodations; psychotherapy, behavioral therapy or physical therapy.

**Modifications.** Modifications are considered to be (1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires, (2) modifications or adjustments to the work environment or to the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

**Personal Assistance Services (PAS).** Assistance with performing activities of daily living that an individual would typically perform if they 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. Persons with disabilities have different needs and may require a unique combination of PAS. PAS must be performed by a personal assistance service provider.

**Qualified Individual with a Disability.** An individual with a disability is qualified if (1) they satisfy the requisite skill, experience, education, and other job-related requirements of the position and (2) they can perform the essential functions of the position, with or without reasonable accommodation.

**Reassignment.** A form of reasonable accommodation that an agency may consider as an accommodation of last resort for employees (not applicants), who because of a disability, can no longer perform the essential functions of the job with or without the reasonable accommodation, unless the employer can show that it would be an undue hardship.

**Representative or Advocate.** An individual other than the employee or applicant who represents the requestor's interests. A representative or advocate may include a family member, health care provider, a union representative or any other person designated by the requestor.

**Requestor.** A DISA employee, including supervisors, managers, Presidential appointees; an applicant for employment with the DISA, or any person designated by the employee/applicant, seeking an accommodation. The requestor is responsible for providing information requested by the DPM, including, when necessary, medical documentation or other information to support the request for accommodation.

**Substantially Limit.** Shall be interpreted consistently with the findings and purposes of the Americans with Disabilities Act (ADA) Amendments Act of 2008 as follows: (1) an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability; (2) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and (3) the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. (Examples are assistive technology, medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.)

**Undue Hardship.** An action requiring significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the operation. The DISA must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. See EEOC Guidance Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act 9015.002 10/17/2002, page 4.

**Vacant Position.** The position is available when the employee asks for reasonable accommodation, or that the employer knows that it will become available within a reasonable amount of time. A "reasonable amount of time" should be determined on a case-by-case basis considering relevant facts, such as whether the employer, based on experience, can anticipate that an appropriate position will become vacant within a short period of time. A position is considered vacant even if an employer has posted a notice or announcement seeking applications for that position. The employer does not have to bump an employee from a job in order to create a vacancy, nor does it have to create a new position.

## ENCLOSURE 2

### REASONABLE ACCOMMODATION PROCESS

**1. Requesting a Reasonable Accommodation.** An employee or applicant may request a reasonable accommodation at any time, orally or in writing, without having a particular accommodation in mind. The request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." The individual making the request need only indicate the need for assistance based on a medical condition. If the nature of the initial communication is unclear, a supervisor, manager, designated-decision maker or the Disability Program Manager (DPM) may ask an individual whether they are requesting a reasonable accommodation.

1.1 An employee may request a reasonable accommodation through his or her supervisor, the DPM via email at [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil) or electronically through the Corporate Management Information System (CMIS), (See enclosure 5 for sample paper copy).

1.1.1 The reasonable accommodation process begins as soon as the oral or written request for the accommodation is made to an appropriate management representative (immediate supervisor, manager, or designated decision-maker) or the DPM. Absent extenuating circumstances, if an employee makes a reasonable accommodation request to someone other than the DPM, such as to an appropriate management representative (immediate supervisor, manager, or designated decision-maker), the request should be provided to the DPM by the appropriate management representative within a reasonable time frame but no more than three (3) business days from the date of the notification. In instances where CMIS is unavailable or inaccessible by the employee, the employee's immediate supervisor, manager, or designated decision-maker must notify the DPM via email at [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil) to request a copy of the reasonable accommodation application (See enclosure 5 for sample paper copy).

1.1.2 A third party (i.e., family member, health professional, or requestor's designated representative) may request an accommodation on behalf of the employee to the employee's supervisor or the DPM. For example, a doctor's note outlining medical restrictions for an employee can constitute a third party's request for a reasonable accommodation. The DPM shall verify the accommodation request with the employee prior to processing. If the employee is unavailable (i.e., hospitalized, temporary duty assignment), the DPM will process the request and consult with the employee upon their return.

1.1.3 An employee requiring a reasonable accommodation on a reoccurring basis (i.e., the assistance of a sign language interpreter) is only required to submit the reasonable accommodation request for the initial request. However, the employee requesting the accommodation is required to give advance notice, whenever possible, each subsequent time the accommodation is required, preferably within seven (7) to ten (10) calendar days. Additional advance notice may be required for certain accommodation requests, such as those with high costs, complex requests, federal contracting concerns, etc. Failure of the employee to provide sufficient advance notice may result in the Agency's inability to provide an accommodation at the requested time due to an undue burden.



1.1.4 To ensure continuity of the reasonable accommodation, the employee must notify the DPM when there is a change in supervisor and/or a change in job responsibilities.

1.2 An applicant seeking employment within the Agency may direct their reasonable accommodation request to the selecting official, person scheduling the interview, or Defense Finance and Accounting Service – Human Resources Office, Indianapolis, point of contact for the vacancy announcement, or by e-mailing [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil) at any time during the application or hiring process.

1.2.1 At a minimum, the reasonable accommodation request should include the applicant's name, the name of the interviewing or hiring directorate, a description of the reasonable accommodation being requested, and a brief description of the reason for the request. The Agency may request that documentation of the need for the accommodation in the application process accompany the request.

1.2.2 A third-party request for an applicant or a new hire is processed in the same manner as stated in subparagraph 1.1.2.

**2. Processing the Request.** The request for an accommodation begins as an interactive and flexible process between the requestor and the immediate supervisor, manager, or designated decision-maker. This process may include communicating with the requestor to clarify the request, obtaining, and exchanging information with the requestor to the extent necessary regarding needs and alternatives, searching for solutions, consulting with outside resources, and evaluating possible accommodations and additional information, if needed.

2.1 Once it is determined that the medical documentation supports a request for a reasonable accommodation, the DPM must forward the documentation directly to the Supervisor/Manager within 3 business days of such determination. The medical documentation should not be shared, except as consistent with above paragraph 11 (Confidentiality). When a third party, such as an individual's doctor, requests an accommodation on behalf of an applicant or employee, the DPM should, if possible, confirm with the applicant or employee whether or not they want a reasonable accommodation before proceeding.

2.2 The DPM should work closely with the immediate supervisor, manager, or designated decision-maker in responding to the request. When the request involves job performance, the DPM and appropriate management representative (immediate supervisor, manager, or designated decision-maker) should work closely with the Human Resources Field Advisor (HRFA) to respond to the request. The DPM is to consult with the appropriate management representative (immediate supervisor, manager, or designated decision-maker) to gather relevant information necessary to respond to the request and to assess whether a particular accommodation will be effective. However, at no time during the process shall the DPM serve as an advocate on behalf of the employee.

2.3 The appropriate management representative (immediate supervisor, manager, or designated decision-maker) will receive a notification from the RA mailbox (action officer DPM) that a reasonable accommodation has been submitted by an employee and is awaiting their review and

decision. The appropriate management representative (immediate supervisor, manager, or designated decision-maker) should follow the instructions stated in the notification from the RA mailbox. The appropriate management representative (immediate supervisor, manager, or designated decision-maker) and DPM shall engage in the interactive process with the employee immediately, no later than five (5) business days after the request is made, to begin discussing the accommodation request.

### **3. Timeframe for Processing Requests and Providing Reasonable**

**Accommodations.** Absent extenuating circumstances, RA requests should be approved and processed in a timely manner, no later than thirty (30) calendar days from the date the request is made. This 30 calendar-day period includes the five (5) business days in which the DPM must contact the requestor after the RA request is made. Therefore, everyone involved in processing the request should respond as quickly as possible. (This includes the immediate supervisor, manager, or designated decision-maker forwarding the request to the DPM and notifying the employee that the request has been submitted, the employee contacting a doctor if additional medical information or documentation is needed, and technical assistance provided to the DPM regarding issues raised by a request [e.g., information from a supervisor regarding the essential functions of an employee's position or information from the Section 508 Program Manager regarding compatibility of certain adaptive equipment with the Agency's technology]).

3.1 If medical information or documentation from a requestor's doctor is required, the timeframe stops on the day the DPM or appropriate management representative (immediate supervisor, manager, or designated decision-maker) makes the request to the individual to obtain the appropriate medical information or sends out a request for information or documentation and resumes on the day the DPM confirms receipt of the requested information and/or documentation.

3.2 *Expedited Processing.* In certain circumstances, a reasonable accommodation request may be expedited for review and processing if the accommodation is needed in a short turn-around time (i.e., to enable an individual with a disability to apply for a job, to allow an applicant with a disability to attend an interview, to obtain a sign language interpreter within five (5) calendar days or less, or to provide an employee additional breaks because of insulin-dependent diabetes). An employee or applicant should notify in writing the immediate supervisor, manager, or designated decision-maker of the need to expedite the reasonable accommodation request and the reasons that such a request must be provided. In these instances, the employee's immediate supervisor, manager, or designated decision-maker must notify the DPM via email at [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil) and include "Expedited RA Request" in the title.

3.3 *Extenuating Circumstances.* There may be extenuating circumstances that could not reasonably have been anticipated or avoided in advance of the reasonable accommodation request or that are beyond the Agency's control. In such cases, the DPM will work with the requestor and the appropriate management representative (immediate supervisor, manager, or designated decision-maker) for an appropriate resolution in a timely manner. Extensions will be limited when they are necessary and any extensions beyond forty-five (45) calendar days from the date the initial interactive process begins, requires a written explanation to the employee

from the DPM and/or appropriate management representative (immediate supervisor, manager, or designated decision-maker).

**3.4 *Interim Accommodation.*** The immediate supervisor, manager, or designated decision-maker should review an employee's request for a reasonable accommodation and medical documentation if the employee's disability is not obvious and decide whether an interim accommodation is available to assist the employee if the immediate supervisor, manager, or designated decision-maker cannot immediately provide the employee's requested accommodation. When all the facts and circumstances known to the immediate supervisor, manager, or designated decision-maker make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the immediate supervisor, manager, or designated decision-maker shall consult with the DPM to provide an interim accommodation that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency. See 29 C.F.R. § 1614.203(d)(3)(i)(Q) for more discussion of an interim accommodation.

3.4.1 The immediate supervisor, manager, or designated decision-maker should conduct this review within five (5) business days of receiving the employee's initial reasonable accommodation request.

3.4.2 The immediate supervisor, manager, or designated decision-maker should notify the employee in writing no later than five (5) business days following their review, that the employee is being provided a temporary accommodation while their reasonable accommodation request is under review.

3.4.3 A copy of the notification should be attached to the employee's RA request in CMIS or emailed to the DPM via email at [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil). The email must include "Interim Accommodation" in the title and the employee's name and date that the RA request was submitted.

3.4.4 Absent extenuating circumstances, an interim accommodation should be limited to 60 calendar days. If an alternative accommodation is offered that is different from the one requested, the requestor will be informed, in writing, why the alternative accommodation is being offered, rather than the requested accommodation.

**4. Request for Medical Information.** In determining whether documentation is necessary to support a reasonable accommodation request and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the DPM will be guided by the principles set forth in The Americans with Disabilities Act (ADA) Amendments Act of 2008. The ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis. Notwithstanding, the DPM may require medical information in order to design an appropriate and effective accommodation. (See enclosure 6 for a sample).

4.1 The DPM will work with the appropriate management representative (immediate supervisor, manager, or designated decision-maker) to determine whether additional medical information is needed to process the reasonable accommodation request if the requestor's disability and or need for accommodation are not obvious or already known as having a covered disability that requires accommodation. It is the responsibility of the employee or applicant to provide the appropriate medical information requested by the Agency when the disability and or need for accommodation is not obvious or already known.

4.1.1 In many instances, the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and or need for a reasonable accommodation. If an individual has already submitted medical documentation in connection with a previous accommodation request, the individual is to inform the DPM and provide a copy of the document.

4.1.2 The DPM and appropriate management representative (immediate supervisor, manager, or designated decision-maker) will review the initial request and determine whether medical information is needed. The DPM will then request additional medical information from the requestor. The DPM does not necessarily have to request medical documentation from a health care provider if the disability is obvious, already known to the DPM or it is clear why a reasonable accommodation is needed.

4.2 If the DPM or appropriate management representative (immediate supervisor, manager, or designated decision-maker) needs additional medical information in order to process a request for reasonable accommodation, then:

4.2.1 The DPM or appropriate management representative (immediate supervisor, manager, or designated decision-maker), as applicable, must provide the employee or applicant with:

4.2.1.1 An explanation of why the submitted medical documentation is insufficient, and

4.2.1.2 A description of the medical information needed.

4.2.2 If not previously provided, the DPM will provide a list of questions for the employee or their designated representative to provide to their health care provider or other appropriate professional to obtain medical information that is sufficient to explain:

4.2.2.1 The nature of the individual's disability, including all functional limitations and restrictions due to the disability;

4.2.2.2 The need for reasonable accommodation; and

4.2.2.3 How the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace.

4.3 The Agency has the right to have medical information submitted in support of a reasonable accommodation reviewed by a medical expert chosen by the Agency at the Agency's expense.

The Agency may ask the requestor to sign a limited release permitting the Agency to contact the requestor's health care provider or appropriate professional for additional information, or have the medical documentation reviewed by a doctor of the Agency's choosing, at the Agency's expense. The DPM will provide the health care provider or appropriate professional with a job description and or other materials relevant to evaluating the accommodation request.

**5. Implementing the Reasonable Accommodation.** All decisions regarding the reasonable accommodation request will be communicated in writing to employee or applicant. The DPM will update the request via the Corporate Management Information System (CMIS) within five (5) business days of the final accommodation decision being made.

5.1 If the reasonable accommodation request is approved, the immediate supervisor, manager or designated decision-maker will inform the employee or their designated representative, in writing of their decision, and discuss implementation of the accommodation. This documentation should be detailed as much as possible (e.g., what accommodation is being granted, duration if applicable, days of the week if applicable).

5.2 A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The reasonable accommodation agreement will explain both the reasons for the denial of the individual's specific requested accommodation and why the Agency believes the chosen accommodation will be effective.

5.3 If the request is approved but the accommodation cannot be provided immediately, the DPM will inform the employee or their designated representative, in writing within five (5) calendar days of the projected timeframe for providing the accommodation. The Agency will provide the individual with an effective interim accommodation, absent undue hardship.

5.4 Any appropriate management representative who believes an employee no longer requires the reasonable accommodation is to contact the DPM. The DPM or appropriate management representative (immediate supervisor, manager, or designated decision-maker) will decide if there is a reason to contact the employee to discuss whether the employee has a continuing need for the reasonable accommodation.

**6. Denial of a Requested Accommodation.** After working with the DPM, if the appropriate management representative (immediate supervisor, manager, or designated decision-maker) denies the employee's reasonable accommodation request and/or the employee declines the alternative accommodation offered, the Agency will give the requestor a written "denial letter" at the time the request for accommodation is denied.

6.1 When the requested accommodation is denied, the appropriate management representative (immediate supervisor, manager, or designated decision-maker) will work with the DPM to determine an alternate effective reasonable accommodation. The agency must give the requestor a written "denial letter" at the time the request for accommodation is denied. The offer of an alternative accommodation by the Agency is not a denial of a reasonable accommodation request.

6.2 A denied reasonable accommodation request does not prevent the employee from submitting another request at a later time, if circumstances change. (e.g., the disability worsens, or an employee is assigned new duties that require an additional or different reasonable accommodation).

6.3 When completing the reasonable accommodation request, the explanation for the denial will be in plain language and will state the specific reason(s) for the denial. The Agency cannot simply state that the reasonable accommodation request is denied because of undue hardship on the Agency or because it would be ineffective. Rather, the letter will state the specific reason(s) for the denial and inform the employee of their equal employment opportunity (EEO) rights and the informal dispute procedures, as stated in paragraph 8.

6.4 If the appropriate management representative (immediate supervisor, manager, or designated decision-maker) offers an accommodation other than the one requested by the employee, and the alternative accommodation is not accepted by the employee, the appropriate management representative (immediate supervisor, manager, or designated decision-maker) will record the employee's rejection of the alternative accommodation via the reasonable accommodation request in CMIS within five (5) business days.

6.5 Appropriate management representatives making decisions on reasonable accommodations should reference training materials on the reasonable accommodation process and consult with the DPM for a sample denial letter for assistance in compliance with this section of the instruction.

**7. Reassignment.** A reasonable accommodation reassignment is the "accommodation of last resort." The Agency will first consider accommodations that would keep the employee in their current position. Reassignment requests will only be approved after a determination has been made that there are no other effective reasonable accommodations that will enable the employee to perform the essential functions of their current position, or the only effective alternative reasonable accommodation would cause an undue hardship on the Agency.

7.1 A reasonable accommodation reassignment will only be made non-competitively to an open and vacant position at the time of the reassignment search that is at or below the employee's grade for which the employee is qualified for and which the employee can perform the essential functions of the position, with or without a reasonable accommodation.

7.1.1 In considering whether there are positions available for reassignment, the DPM will work with the employee and their immediate supervisor, manager, or designated decision-maker requesting the accommodation to identify: (1) all funded vacant positions within the Agency for which the employee may be qualified, with or without reasonable accommodation; and (2) all funded positions which the Agency has reason to believe will become vacant over the next 60 calendar days and for which the employee is qualified.

7.1.2 A reassignment as a reasonable accommodation is not an appropriate accommodation for applicants.

7.2 An employee will not be promoted or reassigned to a higher-grade position to satisfy the reasonable accommodation reassignment request. In addition, if a vacant position that the employee is qualified for is no longer available, the Agency is not required to create a new position for the employee.

7.3 Upon notification of a reasonable accommodation reassignment request, the DPM will work with the Civilian Personnel Division Staffing and Classification Branch, the employee, and their supervisor to identify an open and vacant position Agency-wide that they may be qualified for and can perform the essential functions of the position being considered.

7.4. As with other transfers not directed at the need (mission readiness) of the Agency, the Agency will not pay for the employee's relocation costs if the reassignment is made to a position outside the employee's permanent duty station commuting area. The employee incurs all relocation expenses associated with their move.

7.5 If an employee refuses a reassignment offered in response to a requested accommodation and that employee's request for reconsideration (as outlined in paragraph 8 of this enclosure) is denied, then the employee may be removed from the Agency if the employee is no longer qualified or unable to perform the essential functions of their position.

**8. Request for Reconsideration.** A requestor dissatisfied with the decision of a reasonable accommodation request can request reconsideration of the decision to the Chief, Employee Services Branch. A requestor must file a request for reconsideration within ten (10) calendar days of receiving the written reasonable accommodation decision. The written reasonable accommodation decision may be sent via e-mail and will provide information to the requestor on the decision including the requestor's right to file an equal employment opportunity (EEO) complaint and the possible right to pursue Merit Systems Protection Board (MSPB) and/or Collective Bargaining Agreement (CBA) grievance procedures. A requestor who chooses to pursue statutory or CBA remedies for denial of reasonable accommodation must accomplish the following:

8.1 For an EEO complaint, contact an EEO counselor in the DISA Office of Equality, Diversity, and Inclusion (OEDI) within forty-five (45) calendar days from the date of receipt of the written reasonable accommodation decision or a verbal response to the request (whichever is earlier) at <https://disa.deps.mil/ORG/OEDI>, 301-225-6459. (The forty-five (45) calendar day filing period may not be applicable if there is an extenuating circumstance in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.)

8.2 For adverse actions over which the MSPB has jurisdiction, the employee may initiate an appeal to the MSPB within thirty (30) days of the appealable adverse action, as defined in Title 5 CFR Subpart A, Section 1201.3.

8.3 For a CBA grievance claim, the claimant must file a written grievance, in accordance with the provisions of any applicable CBA. This Process creates no new enforceable rights under Section 501 of the Rehabilitation Act, any other law, or any CBA. Executive Order 13164, which requires all Federal agencies to adopt reasonable accommodation procedures, explains in section

5(b) that the procedures are "intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies."



## ENCLOSURE 3

### STAFF ASSISTANTS

1. Staff assistants are sign language interpreters, readers, and assistants who perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a charge file. The investigator will perform the essential functions of the position (e.g., conduct the investigation and draft documents); the assistant would only perform the physical task. Interpreters, readers, or assistants hired to fill approved positions (full-time, part-time, or on an intermittent basis) may be appointed under the noncompetitive Schedule A authority, Title 5, Code of Federal Regulations (CFR), Section 213.3102 (II). Persons with disabilities hired as interpreters, readers, or assistants may also be hired under Title 5, CFR, Section 213.3102 (u).
2. Requests for hiring a staff assistant must be referred to the Disability Program Manager (DPM). Before hiring or soliciting to hire a new staff assistant, a determination will be made by the DPM as to whether current assigned or contracted staff assistants can fulfill the employee's needs and, if so, will make the necessary arrangements. If the DPM concurs with the request to hire a staff assistant, the employee's manager, or supervisor, in consultation with the DPM, is required to submit a Request for Personnel Action (Standard Form [SF]-52: Request for Personnel Action) and a position description through the Corporate Management Information System (CMIS) for processing with the Civilian Personnel Division Staffing and Classification Branches. The information a person with a disability provides is an integral part in the interview and selection process of an interpreter, reader, or assistant.
3. The staff assistant slots are to be used only to hire interpreters, readers, and assistants as a reasonable accommodation for employees with disabilities. A staff assistant will not be used to perform the essential functions of the job held by the employee with the disability. The staff assistant will not be assigned additional duties unless the person they were hired to assist has no work for them to perform at that time.
4. When the need for a staff assistant is reduced or eliminated, the supervisor or manager will notify the DPM who will take appropriate steps to either reassign, change hours of work (i.e., from full-time to part-time or from part-time to an intermittent basis), or terminate the staff assistant.

## ENCLOSURE 4

### REASONABLE ACCOMMODATION RESOURCES

The EEOC's Publication Center has many free documents on the Title I employment provisions of the ADA, including both the statute, 42 U.S.C. § 12101 et seq., and the regulations, 29 C.F.R. § 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. The three main sources of interpretive information are: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, 8 FEP Manual 405:7601 (1999); and (3) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (Technical Assistance Manual). The Technical Assistance Manual includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.  
<https://www.eeoc.gov/eeoc/publications/fs-ada.cfm>

**Defense Information System Agency (DISA), Disability Program Manager (DPM)** 301-225-4031, 301-225-6524, and 301-225-1505. (Voice)  
 Email: [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil)

#### **Department of Defense Computer/Electronic Accommodations Program**

703-681-8813 (T) 703- 681-3978 (TTY) 703-681-9075 (F)  
<https://www.cap.mil>

CAP ensures that people with disabilities and wounded Service members have equal access to the information environment and opportunities in the Department of Defense (DOD) and throughout the Federal government. CAP helps to make the Federal government the model employer for people with disabilities.

#### **Employee Assistance Program (EAP)-Magellan Health Care**

[www.MagellanAscend.com](http://www.MagellanAscend.com)  
 1-866-580-9046

The EAP provides assessments, counseling, referral, management consultation, and coaching services to Federal employees and agencies throughout the United States.

#### **U.S. Equal Employment Opportunity**

**Commission** 1-800-669-3362 (Voice) 1-800-800-3302 (TT)

<https://www.eeoc.gov/>

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at [www.eeoc.gov](http://www.eeoc.gov).

### **Job Accommodation Network**

**(JAN)** 1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>.

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

### **ADA Disability and Business Technical Assistance Centers**

**(DBTACs)** 1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

### **Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

### **RESNA Technical Assistance Project**

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products), centers where individuals can try out devices and equipment, assistance in obtaining funding for and repairing devices, and equipment exchange and recycling programs.

### **State Vocational Rehabilitation Agencies**

State Vocational Rehabilitation Agencies have a wealth of resources related to employment options for people with disabilities. Vocational rehabilitation (VR), a state-supported division of services, assists individuals with disabilities who are pursuing meaningful careers. VR assists those individuals to secure gainful employment commensurate with their abilities and capabilities through local job searches and awareness of self-employment and telecommuting opportunities. These state agencies also provide work retention services, such as financial assistance to help individuals with disabilities obtain personal devices, such as hearing aids.

In addition to VR, some states have separate agencies serving individuals who are blind and visually impaired. Contact information for each state's vocational rehabilitation agency is available from <https://askjan.org>, search for State-Vocational-Rehabilitation-Agencies.

### **State Independent Living Centers (SILCs)**

As defined in Section 702 of the Rehabilitation Act of 1973, as amended, the term “center for independent living” means a consumer-controlled community-based, cross-disability nonresidential private nonprofit agency that is designed and operated within a local community by individuals with disabilities, and which provides an array of independent living services. At least 51% of staff and 51% of the Board of Directors are persons with disabilities. State independent living centers provide four core services: (1) information and referral, (2) independent living skills, (3) individual and systems advocacy, and (4) peer counseling. A state-by-state directory of these centers is available at: <http://www.ilru.org>.

### **United States Access Board or Architectural and Transportation Barriers Compliance Board**

1-800-872-2253 (Voice)

1-800-993-2822 (text telephone (TTY))

1-202-272-5448 (Electronic Bulletin Board)

<http://www.access-board.gov>

The U.S. Access Board is a federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards for the built environment, transportation, communication, medical diagnostic equipment, and information technology.

## ENCLOSURE 5

### PAPER COPY REQUEST FOR REASONABLE ACCOMMODATION

#### REQUEST FOR ACCOMMODATION

Privacy act statement: Authority for collecting the requested information is contained in 5 U.S. Code § 552a, 10 U.S. Code 136, § 1614.203, 29 U.S. Code § 791, Public Law 101-336, Executive Order 13164, and DISA Instruction 220-15-73. The information you provide will be used to facilitate the decision-making process regarding the request for an accommodation and for record keeping purposes. Disclosure of the requested information is voluntary. However, failure to furnish the requested information may result in a denial of your request.

1. Name/information of the employee with a disability requesting an accommodation  
(Please print all entries clearly):

#### Employee Information

Name:	Org/Dcode:
Phone:	Email:
Location:	Room/Cubicle:
Position Title:	Series/Grade:
Supervisor Name:	Supv Phone Number:
Bargaining unit status: (1-Eligible Member or 2-Ineligible Member)	# Computer monitors:

2. Date of Request:

Note: When the disability and/or need for an accommodation is not obvious, the agency (Disability Program Manager (DPM)) may ask the individual for reasonable documentation about his/her disability and functional limitations. The agency is entitled to know that the individual has a covered disability for which they may need a reasonable accommodation.

3. Disability:

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4. Healthcare Professional recommended accommodation: (Be specific as possible, e.g. adaptive equipment, interpreter, etc.):

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5. Attached Supporting Documents: (Title description of medical documentation to support request).

Employee/Applicant's Signature: \_\_\_\_\_

## ENCLOSURE 6

### REQUEST FOR MEDICAL DOCUMENTS

A patient under your care is requesting Reasonable Accommodations in the Workplace through the Reasonable Accommodations Program. The medical documentation will be reviewed by an appointed Disability Program Manager (DPM) and in some cases a Safety Officer. Please provide your accurate and comprehensive responses within fifteen 15 business days from the date of this memorandum or sooner. Please respond to the below questions on your official office letterhead. Failure to provide responses will significantly delay our office's ability to proceed with implementing accommodations. Accurate documentation is required due to the official use of this form.

The Genetic Information Nondiscrimination Act of 2008 (GNA) prohibits employers covered by GNA 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 are asking that you not provide any generic information when responding to this request for medical information "Genetic Information" as defined by GNA, includes an individual's family member history, the results of an individual's or family member's genetic tests, the fact that an individual's family member sought or received genetic tests, the fact that an individual or individual's family sought or received genetic services, and genetic information of a fetus carried by an individual or individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. 29 CFR &1635.8(b)(1)(i)(B).

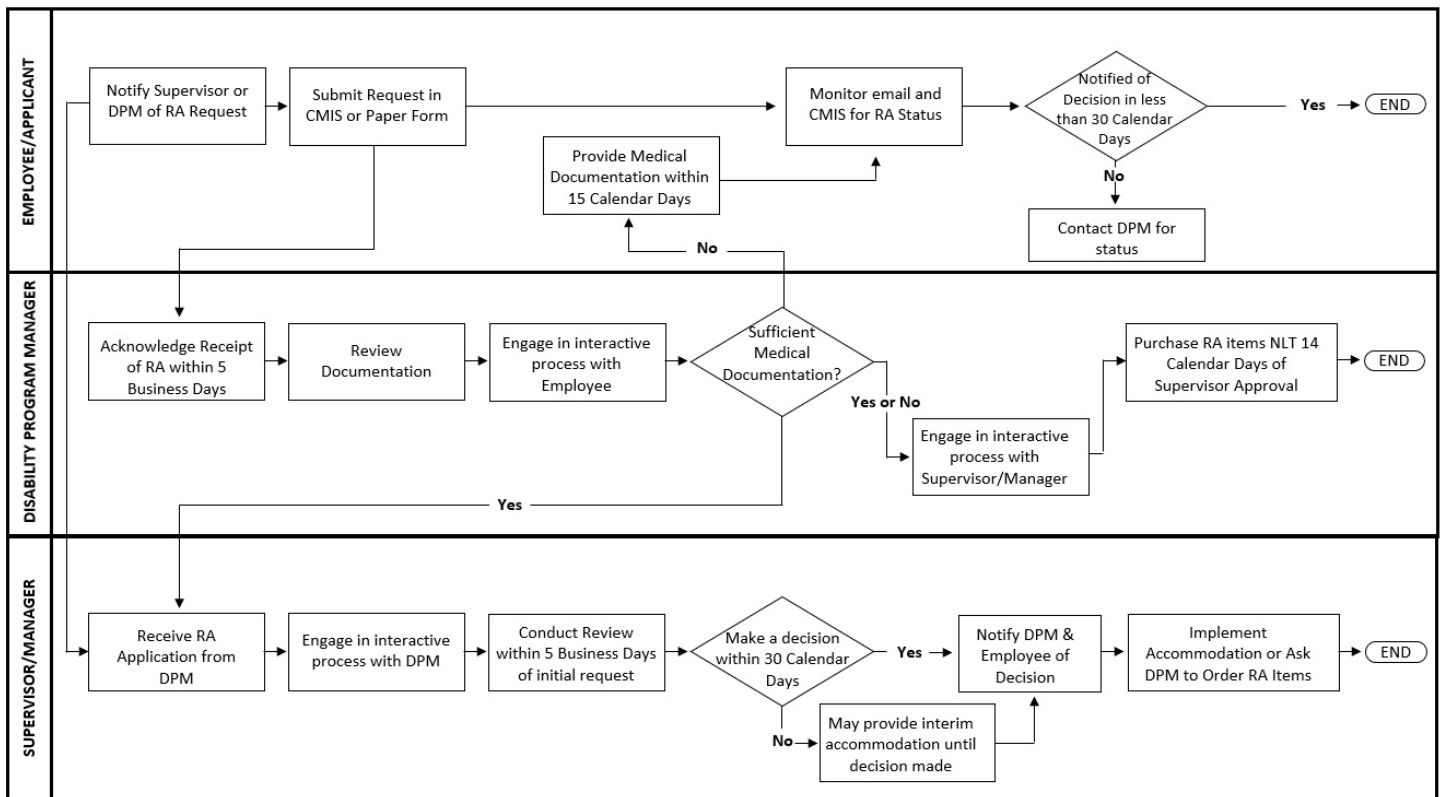
1. Presenting Complaint (Covered Disability): Please state whether this is a physical or mental impairment.
2. Please specify how and to what degree the patient is limited in performing the life activity or activities related to the health condition/impairment/
3. How long will the patient be limited in performing the life activity or activities related to the health condition/impairment?
4. If the patient's impairment is episodic in nature, how often does it occur and how long do the symptoms last?
5. Do the limitations you identified restrict the patient's ability to perform the job or comply with the requirements of the position? State limitations.
6. Please identify the functions of your patient's job that they are able to perform and those functions they are unable to perform.
7. List your recommended accommodations and clarify how the requested accommodation(s) will assist the patient in performing the essential functions of their job or to enjoy the benefits and privileges of the workplace (Be specific as possible, e.g. adaptive equipment, ergonomic chair, a treatment plan)
8. 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?

Any further questions may be sent to the reasonable accommodations mailbox at [disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil](mailto:disa.meade.wsd.mbx.wsd-ra-mailbox@mail.mil).

# ENCLOSURE 7

## REASONABLE ACCOMMODATION PROCESS FLOW CHART

Enclosure 7 - RA Process Flowchart



**Employee/Applicant Row:**

1. Notify supervisor or DPM of RA Request
2. Submit Request in CMIS or Paper Form
3. Monitor email and CMIS for RA Status
4. Provide Medical Documentation within 15 Calendar Days
5. Notified of Decision in less than 30 Calendar Days
6. YES
7. END
8. NO
9. Contact DPM for status

**Disability Program Manager Row:**

1. Acknowledge Receipt of RA within 5 Business Days
2. Review Documentation

3. Engage in interactive process with Employee.
4. Sufficient Medical Documentation?
5. YES or NO?
6. Engage in interactive process with Supervisor/Manager
7. Purchase RA items NLT 14 Calendar Days of Supervisor Approval
8. END

Supervisor/Manager Row:

1. Receive RA Application from DPM
2. Engage in interactive process with DPM
3. Conduct Review within 5 Business Days of initial request.
4. Make a decision within 30 Calendar Days?
5. YES
6. Notify DPM & Employee of Decision
7. NO
8. May provide interim accommodation until decision made.
9. Implement Accommodation or Ask DPM to Order RA Items
10. END