# U.S. Army

# Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

November 21, 2008

**U.S. Army**
**Procedures for Providing Reasonable Accommodation for Individuals with Disabilities**

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## INTRODUCTION

### 1. Purpose.

These written procedures are established in accordance with Executive Order (EO) 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation," dated 26 July 2000, which requires federal agencies to implement effective written procedures for processing requests for reasonable accommodation under Section 501 of the Rehabilitation Act of 1973, as amended. This Army Guidance provides written procedures for processing reasonable accommodation requests made by Army employees and applicants with disabilities, throughout Army. These procedures will assist the Army in fulfilling its obligations for ensuring that individuals with disabilities who request reasonable accommodation receive a proper response within the shortest time possible. Further, these procedures establish criteria for collecting and annually reporting data on the numbers and types of reasonable accommodation requests received and processed throughout Army.

### 2. Applicability.

These procedures apply to all Department of the Army appropriated or nonappropriated fund activities, their employees, former employees, and applicants for employment. These procedures do not apply to uniformed members of the military, persons employed or applying for positions in the Army and Air Force Exchange System, Army National Guard technicians, uniformed members of the military working part-time off duty for nonappropriated fund activities or the Army and Air Force Exchange Service. It also does not apply to non-U.S. citizens employed by the Army outside of the United States, or to U.S. Citizens employed as indirect hire employees outside of the United States.

### 3. Authority.

The Rehabilitation Act of 1973, as amended, Title 29,
United States Code, Sections 705 and 791,
Title 29, Code of Federal Regulations, part 1630
The Americans with Disabilities Act of 19990
Title 42, United States Code, Sections 12201-12204, 12210 and 1211 *et seq;*
The Americans with Disabilities Amendments Act of 2008
Public Law 110-325
Executive Order 13164, dated 26 July 2000

### 4. Effective Date.

This document is effective immediately upon signature.

### 5. Expiration Date.

These procedures will remain in effect until rescinded or superseded.

### 6. Questions.

Questions concerning procedures should be directed to the servicing EEO Office. Suggestions for changes should be submitted through command channels to EEOCR, ATTN: Director, Program for Individuals with Disabilities, 1225 S. Clark Street, CG 2, Suite 207, Arlington, VA 22202-4572.

### 7. Originator.

Deputy Assistant Secretary of the Army (Equal Employment Opportunity and Civil Rights) (EEO&CR), Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)). Requests to modify or change this policy should be submitted to EEO&CR, ATTN: Director, Program for Individuals with Disabilities, 1225 S. Clark Street, CG 2, Suite 207, Arlington, VA 22202-4572.

### 8. Proponent and Exception Authority.

The proponent of these procedures is the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)). The proponent has the authority to approve exceptions that are consistent with overall Army policy, controlling laws, regulations and Executive Orders.

### 9. Supplementation.

Supplementation of this Guidance and establishment of command, regional or local forms are prohibited without prior approval.

### ARMY POLICY

The Army's policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended. Under the law, Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The Army is committed to providing reasonable accommodations to its employees and applicants for employment to assure that individuals with disabilities have full access to equal employment opportunity. These requirements cover applicants for and employees in part-time, temporary, and full time positions.

The Army will promptly process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner.

## Section 1. Key Terms

### 1.1 Agency Attorney/Labor Counselor

The agency attorney/labor counselor provides legal advice and assistance to military and civilian managers and supervisors regarding civilian personnel, labor relations, and EEO-related issues, including reasonable accommodation issues. Agency attorneys/ labor counselors are available to provide advice at the earliest possible stage to ensure that management's actions not only comply with applicable laws, regulations, directives and guidance but that they also are legally defensible and otherwise appropriate.

### 1.2 Alternative Dispute Resolution (ADR)

A variety of techniques and methods used to resolve disputed issues informally, including but not limited to facilitation, mediation, fact-finding or any combination thereof.

### 1.3 Computer/Electronic Accommodations Program (CAP)

The Computer/Electronic Accommodations Program, a centrally funded reasonable accommodations program, provides assistive technology and services to people with disabilities, Federal managers, supervisors, and Information Technology professionals. CAP increases access to information and works to remove barriers to employment opportunities by eliminating the costs of assistive technology and accommodation solutions. See Appendix D-2.

### 1.4 Decision Maker
The decision maker is an agency official within the employee's chain of command, usually the employee's immediate supervisor. In the case of an applicant, the decision maker will usually be the selecting official, an agency official in the selecting official's chain of command, or a Human Resources staff member assigned to process the vacancy.

### 1.5 Department of the Army Disability Program Director.
The Department of the Army Disability Program Director under the Office of the Deputy Assistant Secretary of the Army (EEO & Civil Rights), OASA (M&RA), is responsible for developing and evaluating Army-wide policies and procedures for the Army Disability Program and providing leadership to Army Commands (ACOM), Army Service Component Commands (ASCC), and Direct Reporting Units (DRU).

### 1.6 Disability Program Manager
A Disability Program Manager will be appointed at the headquarters of all Army commands (ACOM), Direct Reporting Units (DRU), and Army Service Component Commands (ASCC). Based on Army Doctrine, these commands will determine where subordinate command Disability Program Managers will be appointed. The Disability Program Manager (DPM) is familiar with the principles of personnel management and serves as a resource for supervisors and managers with respect to potential reasonable accommodations and assists in obtaining medical documentation. The DPM facilitates the reasonable accommodation process and shall not serve as an advocate. The DPM also oversees the information tracking and provides ongoing assessment of the organization's reasonable accommodation program.

### 1.7 Equal Employment Opportunity (EEO) Officer
The individual designated by the activity commander to administer the activity's EEO program. This includes managing the Special Emphasis Programs to include the Individuals with Disabilities Program and overseeing the Reasonable Accommodation process.

### 1.8 Essential Functions
The fundamental job duties of the employment position the individual with a disability holds or desires. A function is "essential" if, among other things, the reason the position exists is to perform that function; there are a limited number of other employees available among whom the performance of that job function could be distributed; or, the function is highly specialized so that the incumbent is hired based on her/his expertise or ability to perform it. Determination of the essential functions of a position must be made on a case-by-case basis.

### 1.9 Individual with a Disability.
An individual who has (1) a mental or physical impairment that substantially limits one or more major life activities; (2) a record of such impairment; or (3) is regarded as having such impairment. Under the ADA Amendments Act, individuals who are solely regarded as having a disability are not entitled to reasonable accommodation.

### 1.10 Major Life Activities
Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and

reproductive functions. . This is not an exhaustive list, but is representative of the types of activities that are considered major life activities.

### 1.11 Occupational Health Physician (OHP)

The Occupational Health Physician provides services necessary to anticipate, identify, assess, communicate, mitigate and control occupational disease and injury threats. The Occupational Health Physician may review medical documentation to assist in assessing functional abilities.

### 1.12 Physical or Mental Impairment

a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic skin, and endocrine; **or**

b. Any mental or psychological disorder such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.

### 1.13 "Qualified" Individual with a Disability

An individual with a disability, who satisfies the requisite skill, experience, education, and other job-related requirements of the position, **and** who with or without reasonable accommodation, can perform the essential functions of the position.

### 1.14 Reasonable Accommodation

A change in the work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodations:

a. Modifications or adjustments to the application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats, e.g., large print, Braille)

b. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job, e.g., providing a sign language interpreter;

c. Modifications or adjustments that enable individuals with disabilities to enjoy equal benefits and privileges of employment, e.g., removing physical barriers in buildings.

### 1.15 Undue Hardship

A specific accommodation that would cause significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the Army.

## Section 2. Initiating the Reasonable Accommodation Process

**2.1** An individual with a disability may start the process by making an oral or written request for a reasonable accommodation. The written or oral request for accommodation by an individual with a disability may be for an adjustment or a change at work or in the application process for a reason related to a medical condition. The request does not require the individual to mention the Rehabilitation Act or use the phrase "reasonable accommodation" or "disability." A request for accommodation may be made at any time.

**2.2** Contact and Confirmation Sheets. The **Contact Information Sheet for Reasonable Accommodation** at **Appendix A** must be made readily available in the workplace by posting on bulletin boards, websites or provided as handouts for use in documenting the process.

**2.3** The obligation to consider an individual's request begins when the request is made to any of the following personnel: his/her supervisor, a supervisor or manager in the individual's immediate chain of command; the organization's EEO Office or the servicing EEO Office, Human Resources Office or Disability Program Manager; and, for an applicant, any Army employee with whom the applicant has had contact in connection with the application process.

**2.4** Those individuals requesting accommodation must submit a written confirmation of the request for reasonable accommodation using **Confirmation of Request for Reasonable Accommodation** at **Appendix B** and available through the appropriate supervisor or the Disability Program Manager**.** The decision maker must begin processing an oral request immediately and should not wait for the written confirmation

**2.5** A family member, health professional or other representative may request a reasonable accommodation on behalf of an individual with a disability. Where possible, the supervisor of the employee with a disability or the official that received the request for the reasonable accommodation should confirm that the employee in fact wants an accommodation.

**2.6** Military personnel are covered by separate laws, regulations, and policies. The Equal Opportunity (EO) program for military personnel is implemented by Army Regulation 600-20, Army Command Policy. Military personnel and family members on their behalf who request assistance from the Disability Program Manager and will be referred to the appropriate command EO Office or medical authority.

## Section 3. Processing Requests for Reasonable Accommodation

**3.1** The request for accommodation begins an interactive and flexible process between the requester and the decision maker. This process may include communicating with the requester to clarify the request, obtaining and exchanging information with the requester to the extent necessary regarding needs and alternatives, searching for solutions, consulting Army and outside resources, and evaluating possible accommodations.

**3.2** If the person receiving the request for reasonable accommodation does not have authority to approve the request, the request must be forwarded promptly to the appropriate official, with a copy to the Disability Program Manager. The DPM will forward a copy of a significant request to the servicing agency attorney/labor counselor, the occupational health professional, and human resources as part of coordination process. A copy of routine requests will also be forwarded to the legal staff for information. A significant request is considered as one wherein the accommodation cost is more than $5000 or the accommodation affects the terms or working conditions of employment.

**3.3** If a decision maker does not immediately grant a requested accommodation, s/he should consult directly with the Disability Program Manager. Disability Program Managers or other EEO staff members will coordinate, as needed, with the servicing agency attorney/labor counselor prior to providing a decision maker with any recommendations in connection with a request for accommodation. Legal reviews must be conducted for all proposed denials of a reasonable accommodation or the accommodation requested.

**3.4** As soon as the decision maker determines that an accommodation will be provided s/he shall immediately communicate the decision orally or in writing to the individual. If the decision maker initially communicates the determination orally, s/he must follow-up in writing.

**3.5** A decision maker granting a request is responsible for following through and making any necessary arrangements to ensure that the accommodation is provided within the applicable time limit. Each organization will determine how funding will be provided to support the provision of reasonable accommodation not covered through the Computer/Electronic Accommodations Program (CAP).

**3.6** The decision maker or any other official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request with other Army officials only when those other Army official(s) need to know the information in order to make determinations on an accommodation request, or to assist the decision maker in making such a determination.

**3.7** Information that must be kept confidential includes the fact that someone is receiving an accommodation or has a disability. Should questions arise from coworkers about what is perceived as "different" or "special" treatment of an accommodated employee, managers should explain the policy of assisting any employee who encounters difficulties in the workplace. The manager also may find it helpful to point out that many of the workplace issues encountered by employees are personal, and that, in these circumstances, it is the agency's policy to respect employee privacy.

**3.8** Any EEO Office staff member who has any involvement in processing a request for Reasonable Accommodation should recuse her/himself from participating in the processing of any subsequent formal or informal complaint challenging the activity's handling of the accommodation request. Recusal is a safeguard against actual or apparent conflicts of interest. In EEO offices where there are limited EEO resources, a higher-level EEO command official may be designated to handle the complaint or transfer it to the nearest EEO Office to avoid a conflict of interest.

**3.9** Resources for assistance with reasonable accommodation possibilities and lists of other resources may be found at **Appendices D-1, D-2, and D-3.**

## Section 4. Time Limits

**4.1** The activity will process requests for reasonable accommodations and provide accommodations, when appropriate, as soon as reasonably possible. All parties, however, should recognize that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information and or medical documentation.

**4.2** A first-line supervisor receiving a request for reasonable accommodation may be able to grant the request immediately. Absent extenuating circumstances, the requested accommodation should be granted, modified, or denied within 30 business days from the date of the initial request. The 30 business day time period stops running while waiting to receive information from the requester or a heath care provider. Once the medical information has been received, however, the time period begins to run again.

**4.3** Extenuating circumstances are very limited and include only such situations as waiting for information/documentation from an individual's health care provider or factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation, such as where equipment must be back-ordered or where reassignment is being explored as an accommodation.

**4.4** Where there is a delay in either processing a request for or delivering a reasonable accommodation, the decision maker must notify the individual of the reason for the delay. If there is a delay, the decision maker must consider whether a provisional accommodation should be provided. A decision maker could consider, for example, a temporary job restructuring or the use of equipment that might permit the individual to perform *some* of the functions of the job. Temporary job restructuring should be done in consultation with the Disability Program Manager and the Civilian Personnel Advisory Center (CPAC).

## Section 5. Medical Information

**5.1** When the disability and/or need for accommodation is not obvious, the employee or applicant seeking accommodation may be asked to provide appropriate medical information related to the functional impairment and/or limitations at issue and the requested accommodation. The decision maker must seek the assistance of the Disability Program Manager prior to obtaining any medical documentation. The Disability Program Manager will assist in obtaining appropriate medical documentation. Medical information will only be requested to the extent reasonably necessary to establish that the requester is an individual with a disability and/or needs the requested accommodation, such as:

a. The past, present, and expected future nature, severity, and duration of the impairment (e.g., functional limitations, symptoms, side effects of any treatments, etc.);

b. The activity or activities the impairment limits;

c. The extent to which the impairment limits the individual's ability to perform the activity or activities; and /or

d. Why the individual requires the particular accommodation requested, and how the accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

**5.2** Based on the medical documentation provided, the decision maker may elect to approve the request for reasonable accommodation. On a case-by-case basis, the Disability Program Manager may submit medical documentation to an OHP or other medical expert for assistance in assessing functional abilities and possible reasonable accommodations.

**5.3** Authorization for Disclosure of Medical or Dental Information (Department of Defense (DD) Form 2870) will be used to request the use and/or disclosure of an individual's protected health information in order for the Disability Program Manager to process the reasonable accommodation request. The applicant or employee should check "OTHER," Block 7 of DD Form 2870 and write "reasonable accommodation request" in the space provided. In most cases, entire medical records may not be requested or furnished because they are likely to contain information unrelated to whether an applicant or employee can perform the essential job functions.

**5.4** Supplemental medical documentation may be requested when the information already submitted is insufficient to document the (1) existence of a disability and (2) the need for reasonable accommodation. Additional documentation may be requested to:

a. Clearly explain the nature of or functional limitations due to the disability and the need for reasonable accommodation, or

b. Clarify how the requested accommodation will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.

**5.5** If the supplemental request does not result in sufficient information, the activity may require the employee requesting the accommodation to be examined by a health care professional of the agency's choice at the activity's expense.

**5.6** Persons who have access to information necessary to make a decision on a request for reasonable accommodation must maintain this information in a secure location and **may not disclose this information except as listed below.** Where medical information is disclosed to any of the officials below, the Army must inform those individuals about the confidentiality requirements.

a. Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about necessary accommodation(s).

b. Building managers and others planning for emergency evacuations may be told, in order to include special provisions in emergency evacuation planning and procedures. (See guidance at http://www.dol.gov/odep/programs/emergency.htm).

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

d. Government officials may be given information necessary to investigate the Army's compliance with the Act.

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

f. Other agency officials who have an official need to know in order to execute their mission; for example, agency attorneys/labor counselors, Human Resources personnel, the OHP/medical expert, and EEO specialists.

## Section 6. Reassignments

**6.1** Reassignment is the accommodation of last resort. Reassignment is available only to employees, not to applicants. A reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of the current job, or if the only effective accommodation would cause undue hardship. Reassignment may be made only to a vacant position, not to create new positions or displace employees from their jobs. If a reassignment is being considered, the decision maker must consult with the servicing Civilian Personnel Advisory Center.

**6.2** If reassignment is being considered, the decision maker should explain to the employee why s/he cannot be accommodated in the current position. The decision maker should determine the employee's preferences with respect to the reassignment, such as whether:

a. The employee is willing to be reassigned outside the facility or outside the commuting area, and if so, to what locations;

b. The employee is willing to be reassigned to a different type of position for which s/he may be qualified, and if so to what type(s);

c. The employee is willing to be reassigned to a different sub-component of the department, and if so, to which one(s);

d. The employee is willing, if no position is available at her or his current grade/pay band level, to be reassigned to a lower-grade/pay band position, and if so, down to what grade/pay band.

**6.3** A reassignment can be granted as an accommodation to a probationary, temporary, and career employee and may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. If an employee is being reassigned to a different geographical area, the employee must pay for any relocation expenses unless the activity routinely pays such expenses when granting voluntary transfers to other employees. A qualified employee with a disability requesting accommodation can be offered a reassignment as a reasonable accommodation to a position for which a vacancy announcement has been published as long as a selection to fill the position has not been made and there are no pending DoD Priority Placement matches.

## Section 7. Denial of Requested Accommodation

**7.1** Decision makers must consult directly with the EEO Officer, Disability Program Manager, and the servicing agency attorney/labor counselor prior to denying a request for accommodation or the particular accommodation requested.

**7.2** When an individual's request for an accommodation is denied, the individual must be notified in writing of the denial and the specific reasons for the denial (e.g., why the medical documentation is inadequate to establish that the individual has a disability or needs reasonable accommodation, why the requested accommodation would not be effective, or why the accommodation would pose an undue hardship). The decision maker must use the **Denial of Accommodation Request** at **Appendix E** and include the following information:

a. The name of the manager that made the decision

b. If a specific requested accommodation has been denied and another offered in its place, the reasons for the denial and the reasons the decision maker believes the offered accommodation will be effective

c. Information about the individual's right to file an EEO complaint and to invoke other statutory processes, and

d. Information about the availability of the informal dispute resolution process.

**7.3** In determining whether a proposed reasonable accommodation poses an undue hardship, the overall resources and options available to the Army must be considered, not just the budget or resources of an individual segment, sub-component, or division within the Army.

## Section 8. Information Tracking

**8.1** The EEO Office will establish a system of record keeping to track the processing of requests for reasonable accommodation. At **Appendix F** is the **Reasonable Accommodation Information Report.**

**8.2** The records related to the employee that requested reasonable accommodation will be maintained at a minimum for the duration of the employee's tenure. This will ensure that an employee is not asked to provide medical information previously submitted. Subsequent to an employee's tenure, records must be maintained by the Disability Program Manager in accordance with the Army's records retention policies.

**8.3** The EEO Office will retain information or any cumulative records used to track the activity's performance with regard to reasonable accommodation for at least three years. Tracking performance over a three year period is critical to enable the activity to assess whether it has adequately processed and provided reasonable accommodation.

**8.4** Each EEO Office will establish a system of record keeping to track the processing of requests for reasonable accommodation (see **Appendix F – Reasonable Accommodation Information Report**). This information will be summarized in the annual Management Directive 715 (MD 715) Report to the Equal Employment Opportunity Commission (EEOC) through command channels. On an annual basis, activities will report the following information through the MD 715 process:

a. The number of reasonable accommodations, by type, that have been requested for the application process and whether those requests have been granted or denied.

b. The types of reasonable accommodations that have been requested by job series.

c. The number of reasonable accommodations, by type, for each job that have been approved/denied.

d. The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied.

e. The reasons for denial of requests for reasonable accommodation.

f. The amount of time taken to process each request for reasonable accommodation.

g. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

**8.5** Relevant information will be examined during Army's on-site EEO Program reviews. The Army review will evaluate the organization's performance in responding to requests for reasonable accommodation. Reviews will include the following:

a. Length of time it takes to respond to requests for different types of reasonable accommodations;

b. Whether there are particular types of reasonable accommodations that the Army has been unable to provide;

c. Whether there are activities that are consistently not granting reasonable accommodations; and

d. The various reasons for denial of a request for reasonable accommodation.

## Section 9. Informal Dispute Resolution and EEO Complaints

**9.1** The Army's preferred method of informal dispute resolution is Alternative Dispute Resolution (ADR). An individual whose request for accommodation has been denied has the option to initiate ADR through any applicable ADR process established by the Army that covers such disputes. An individual may also file an EEO complaint. An employee filing an EEO complaint at any stage of the complaint process also may request the use of an ADR.

**9.2** An employee whose request for accommodation has been denied and who is covered by a collective bargaining agreement may elect to file a claim of discrimination or reprisal under a negotiated grievance procedure which covers such claims or through the EEO complaint process, but not both.

**9.3** The informal dispute resolution process does not affect the time limits governing the EEO complaint process. An individual's participation in the ADR procedures does not satisfy the requirements for bringing a claim under the EEO, Merit Systems Promotion Board (MSPB), or union grievance procedures. When a request for reasonable accommodation is denied, the individual must be notified in writing. If the individual wishes to pursue the matter through the EEO complaint process, s/he must do so within 45 days of the denial, even if s/he has already requested participation in the ADR process.

## APPENDIX A

## CONTACT INFORMATION FOR REASONABLE ACCOMMODATIONS

**Employees are encouraged to contact their supervisors as the first step in connection with requests for reasonable accommodation.**

**Organization**

**Name**

**Location**

**Website**

**EEO Officer**

**Name**

**Phone**

**Fax**

**Email**

**Disability Program Manager**

**Name**

**Phone**

**Fax**

**Email**

**Alternative Dispute Resolution Contact**

**Name**

**Phone**

**Fax**

**Email**

# APPENDIX B

**CONFIRMATION OF REQUEST**
**FOR REASONABLE ACCOMMODATION***

**1. INDIVIDUAL INFORMATION**

Applicant or Employee Name (Last, First, MI) _____ Phone _____

Pay Plan, Series, Grade _____ Email _____

(NSPS Occupational Code, Pay Schedule, Pay Band)

Job Title _____ Date of Request _____

Organization _____

Form Completed by _____ Date Form Completed _____

Phone _____ Email _____

**2. ACCOMMODATION REQUESTED** (*Be as specific as possible, e.g., adaptive equipment, reader, interpreter*)

**3. REASON FOR REQUEST**

**If accommodation is time sensitive, please explain:**

**Return Form to Supervisor**

(**Disability Program Manager will assign number**)

**4. Log Number:** _____ **Date** _____

**Note**: This form should be completed by the employee making the reasonable accommodation request and provided to his/her supervisor. An applicant should return the form to any Army employee with whom the applicant has had contact in connection with the application process. If a third party is completing the form on behalf of the employee or a management official is documenting an oral reasonable accommodation request, a copy of the completed form will be provided to the employee to confirm receipt of the reasonable accommodation request. Supervisors must provide a copy of this form to the EEO Disability Program Manager, who will assign a log number and return a copy of the form to the supervisor.

## APPENDIX C
## Reasonable Accommodation Request Resource

- A discussion between management and an employee as part of the interactive process to discuss or clarify the employee's need for an accommodation or to explore potential accommodations might include topics such as the following (as applicable to the particular situation):
    - How is the employee's ability to perform job duties affected by the medical condition?
    - Which job duties are affected?
    - What suggestions does the employee have for accommodation?
    - Is there more than one accommodation that would allow the employee to perform the essential functions of the position?
- If a meeting with the employee is needed as part of the interactive process, has the Civilian Personnel Advisory Center (CPAC) coordinated with the employee's bargaining unit representative (if applicable)?
- Which, if any, of the accommodations being considered are available? Which are reasonable?
- Is there a need to consult with a resource specializing in rehabilitation and accommodation issues, such as the Computer/Electronic Accommodations Program (CAP) officials?
- Is any coordination needed with facilities or fiscal managers?
- Prior to implementing a reasonable accommodation, has the CPAC coordinated with the employee's bargaining unit representative (if applicable)?
- Has the Disability Program Manager been consulted prior to requesting medical information or prior to denying a requested accommodation?

## APPENDIX D-1

### Selected Reasonable Accommodation Resources

**DIRECTOR, DISABILITIES PROGRAM**
Equal Employment Opportunity and Civil Rights Office
Office of Deputy Assistant Secretary of Army (Manpower & Reserve Affairs)
1225 S. Clark Street
Crystal Gateway 2, Suite 207
Arlington, VA 22202-4572
Phone: (703) 604-0616
Fax: (703) 607-0685
Web site: http://www.eeoa.army.mil

**COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM (CAP)**
Defense Medical System Support Center
5111 Leesburg Pike, Suite 810
Falls Church, VA 22041-3206
Phone: (703) 681-8811 (Voice/TTY)
Fax: (703) 681-9075
Web site: http://www.tricare.mil/cap

**COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM TECHNOLOGY EVALUATION CENTER (CAPTEC)**
Pentagon, Room 2A259
Phone: (703) 693-6189 (TTY)
(703) 693-5160 (Voice)
Email: cap@tma.osd.mil

**JOB ACCOMMODATION NETWORK (JAN)**
918 Chestnut Ridge Road
Suite 1, West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
1-800-526-7234 (Voice/TDD)
Web site: http://www.jan.wvu.edu

**DISABILITYINFO.GOV**

This user-friendly Web site contains links to information of interest to people with disabilities, their families, employers, service providers and other community members. President George W. Bush's ***New Freedom Initiative*** directed federal agencies to create **DisabilityInfo.gov**. This interagency Web site connects people with disabilities to the information and resources they need to pursue their personal and professional ambitions - delivering on America's promise of equal access to opportunity for all citizens.

## Appendix D-2

## Department of Defense (DoD)
## Computer/ Electronic Accommodations Program
## http://www.tricare.mil/cap

The Computer/Electronic Accommodations Program (CAP) offers assistive technology, devices, and services at no cost to the activity. CAP provides assistance identifying, evaluating, and selecting the appropriate modification or adjustment to your work environment that enables you to perform the essential functions of your job. CAP was established as a centralized point of contact to assist DoD components and the military services to secure reasonable accommodation equipment for individuals with disabilities.

**DoD CAP's charter is:**

a. To provide assistive technology and accommodations to ensure individuals with disabilities have equal access to the information environment and opportunities in DoD.

b. To assist DoD components in providing assistive technology for individuals with disabilities.

c. To support the DoD goals of increasing representation of employees with targeted disabilities to 2% of the civilian workforce.

d. To assist DoD components and military services to comply with existing laws and regulations.

**The CAP Initiatives include support to the:**

a. Workforce Recruitment Program for College Students with Disabilities by providing assistive technology and services to activities and students who participate in the Program.

b. Healthy Work Practices Program offers prevention and accommodation services to DoD commands; teaming with workers compensations officials to assist employees in their return to work process; and assists DoD managers in implementing telework through workstations/assistive equipment.

c. Military Treatment Facilities (MTF) Partnership. CAP works closely with MTF staff to provide information, resources, and assistive technology to wounded service members and their families. Soldiers recover at MTFs due to injuries sustained on active duty.

d. The Exceptional Family Members Program (EFMP). The Exceptional Family Member Program (EFMP) is a mandatory enrollment program that works with other military and civilian agencies to provide comprehensive and coordinated community support, housing, and educational, medical, and personnel services to families with special needs.

e. DoD Education Activity (DoDEA) schools serve the children of military service members and Department of Defense civilian employees throughout the world.

f. Operation Warfighter, Always a Soldier, U.S. Army Wounded Warrior Program, and CARES (Civilian Army Recruitment of Exceptional Soldiers) initiatives.

| Appendix D-2 (Continued)<br><br>Requesting COMPUTER/ELECTRONIC ACCOMMODATIONS, Equipment, or Services |
| --- |
| Provided through the Department of Defense<br>Computer/Electronic Accommodations Program (CAP) |

**TO MAKE INITIAL REQUEST FOR:**

- **ELECTRONIC EQUIPMENT**
- **COMPUTERS**
- **SOFTWARE PROGRAMS**

| | |
| --- | --- |
| **Confirm request in writing, preferably by completing the "<u>CAP" Request Form</u>** | **1. CAP Form available in alternative formats on web at http://www.tricare.mil/cap/**<br><br>**2. Submit completed form to CAP** |
| | |

## APPENDIX D-3

### Selected EEOC Resources on Reasonable Accommodation

**Persons using these resources are cautioned of the need to determine if the resource has been updated to incorporate new developments in the law.**

Notice Concerning the Americans with Disabilities Act Amendments Act of 2008 *September 2008*

Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act *October, 2002*

See also: ADA Technical Assistance Manual: Addendum *October, 2002*

EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation *October, 2000*

See also: Questions And Answers: Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation

Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA) *July, 2000*

See also: Questions and Answers: Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA)

EEOC Policy Guidance on Executive Order 13145: To Prohibit Discrimination in Federal Employment Based on Genetic Information *July, 2000*

See also: Questions and Answers: EEOC Policy Guidance on Executive Order 13145 Prohibiting Discrimination in Federal Employment Based on Genetic Information

EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities *March, 1997*

EEOC Enforcement Guidance on the Effect of Representations Made in Applications for Benefits on the Determination of Whether a Person Is a "Qualified Individual with a Disability" Under the Americans with Disabilities Act of 1990 (ADA) *February, 1997*

EEOC Enforcement Guidance: Workers' Compensation and the ADA *September, 1996*

Compliance Manual Section 902: Definition of the Term Disability *March, 1995*

See also: Executive Summary: Compliance Manual Section 902: Definition of the Term Disability *June, 1993*

## APPENDIX E
## DENIAL OF ACCOMMODATION REQUEST

**Log Number** _____

1. **Individual Requesting Reasonable Accommodation**: _____

2. **Type(s) of accommodation requested:**

3. **Request for accommodation denied because (may check more than one box):**
   _____ Accommodation Would Cause Undue Hardship
   _____ Medical Documentation Inadequate
   _____ Accommodation Would Require Removal of one or more essential job functions
   _____ Other (Please identify) _____

4. Detailed Reason(s) for the denial of a requested accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

5. 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 the chosen accommodation is effective.

6. An individual who disagrees with the denial of an accommodation request is encouraged to initiate alternative dispute resolution (ADR) through any applicable ADR process established by the Army.

7. If the individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) appeal and union grievance procedures, s/he must take the following steps. The time limits for these steps apply whether or not the individual has initiated ADR:

   - For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO counselor in the Equal Employment Opportunity office *within 45 days from the date of this notice of denial of accommodation request*; or
   - For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
   - Initiate an appeal to the MSPB *within 30 days of an appealable adverse action* as defined in 5 C.F.R. § 1201.3.

_____ _____
**Printed/Typed Name** **Date Requested Accommodation Denied**
**Signature of Deciding Official**

_____ _____
**Employee Signature Acknowledging Receipt** **Date of Receipt**

## APPENDIX F
## REASONABLE ACCOMMODATION INFORMATION REPORT

To be completed by manager/official who processed the accommodation request. Submit to local Disabilities Program Manager (EEO Office). (Use additional sheets if necessary)

1. Request for accommodation: (Check one)
   ____ Approved
   ____ Denied (Attach copy of the written denial memo sent to individual.)

2. Date reasonable accommodation requested:

3. Who received the request:

4. Date reasonable accommodation request referred to decision maker (i.e., supervisor, Office Director)

5. Name and position of Decision Maker:

6. Date request approved or denied:

7. Date reasonable accommodation provided (if different from date approved):

8. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why.

9. Job held or desired by individual requesting reasonable accommodation (include occupational series, grade level/or equivalent NSPS information and office):

10. Reasonable accommodation needed for: (check one)
    _____ Application Process
    _____ Performing Job Functions or Accessing the Work Environment
    _____ Accessing a Benefit or Privilege of Employment (e.g., attending a training program)

11. Type(s) of accommodation requested (e.g., adaptive equipment, staff assistant, removal of architectural barrier).

12. Type(s) of reasonable accommodation provided (if different from what was requested)

13. From what organization was adaptive equipment obtained?

14. Was medical information required to process this request? If yes, explain why.

15. Sources of technical assistance, if any consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, Computer/Electronic Accommodations Program, disability organization, Disability Program Manager).

**Submitted by (Name, Organization, Phone, and Email Address):**