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US ARMY INSTALLATION MANAGEMENT COMMAND
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IMWE-EEO

11 April 2007

SUBJECT: Standing Operating Procedure (SOP) for Reasonable Accommodation (RA)

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1. References.

- a. Rehabilitation Act of 1973.
- b. The Americans with Disabilities Act of 1990.
- c. Executive Order 13164, 26 July 2000.
- d. EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.
- e. EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, 17 October 2002.

2. Purpose. To provide guidance and procedures to Installation Management Command-West (IMCOM-W) personnel regarding employee requests for reasonable accommodation due to a disability.

3. Introduction.

a. Title I of the Americans with Disabilities Act (ADA) of 1990 prohibits employers from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act.

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b. The Rehabilitation Act of 1973 requires Federal agencies to provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship.

4. Scope. This SOP applies to all civilian personnel in IMCOM-West and further will serve as a model for all IMCOM-W installations to assist them in developing their own procedures.

5. General. The IMCOM-West is committed to support reasonable accommodation of a known mental or physical limitation of an otherwise qualified individual with a disability, unless to do so would cause undue hardship; and to provide equal employment opportunities to all individuals regardless of race, national origin, color, sex, age, religion, or disability.

6. Definitions:

a. Individual with a disability: A person who has a mental or physical disability that substantially limits one or more major life activity; has a record of such impairment; or, is regarded as having such impairment.

(1) Impairment: A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting a body system; or a mental or psychological disorder, such as emotional or mental illness, or a specific learning disability.

(2) Major life activity: A basic activity the average individual in the general population can perform with little or no difficulty. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Other major life activities have been noted by the courts. For example, reproduction, eating, sleeping and interacting with others have been deemed major life activities.

(3) Substantially limits: To be substantially limited an individual should be either unable to perform the major life activity or significantly restricted as to the condition, manner, or duration under which the individual can perform a particular major life activity when compared with individuals in the general population. Impairments such as a broken bone are usually not considered substantially limiting because of the likelihood that the impairment will not be of long duration and will not have a permanent impact.

b. Qualified individual with a disability: A qualified individual with a disability is a disabled individual who meets the skill, experience, education and other job-related requirements, and who, with or without reasonable accommodation, can perform the essential functions of the position in question.

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c. Essential functions: The essential functions or primary functions of a job are those duties that are so fundamental to the position that the individual cannot do the job without being able to perform them.

d. Reasonable accommodation:

(1) An accommodation is any change in the work environment, or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

(2) A modification or adjustment is "reasonable" if it is "possible" or "plausible" and "effective" in the sense that it will enable the individual to perform the essential functions of the job, or give equal access to the application process or a benefit/privilege of employment.

e. Undue Hardship: A specific accommodation that involves significant difficulty or expense. The determination, which must be made on a case-by-case basis, considers factors such as the nature of the cost of the needed accommodation, the size and the budget of the organization, and the impact of the accommodation on the operations of the agency. All accommodations that require assistive devices must be coordinated with the Computer/Electronic Accommodations Program (CAP) prior to determination of undue hardship to the organization.

f. Computer/Electronic Accommodations Program (CAP): CAP is the Federal Government's centrally funded accommodation program. The CAP provides reasonable accommodation technology and equipment and services to individuals with disabilities in the in the Department of Defense and other Federal agencies to enable them to perform the essential functions of their job. The CAP website can be accessed at: www.tricare.osd.mil/cap.

7. Responsibilities.

a. The IMCOM-West Chief of Staff (COS) is the overall responsible official for this program and will establish and maintain a Reasonable Accommodation (RA) Committee to address accommodation requests. This committee will consist, at a minimum, of a representative from the Equal Employment Opportunity (EEO) Office, Region Counsel, Human Resources Division, a Management Employee Relations (MER) Representative from the Civilian Personnel Advisory Center (CPAC) and the supervisor/manager of the requesting employee. The employee's physician will be consulted, through the employee, as appropriate. The Chief of Staff will review and assess all recommendations from the RA Committee and make the final decision.

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b. The IMCOM-West EEO Director will chair the RA committee and will ensure that this SOP is made available to all employees. The EEO Office Director will notify the COS when a request for a RA has been filed and will convene a meeting of the RA Committee as soon as possible after the initial receipt of the RA request. The EEO staff will act as the employee advisor in matters pertaining to requests for reasonable accommodation and will coordinate mediation services, as needed. .

c. The RA Committee will meet as needed to review RA requests brought to their attention to determine whether the employee's stated disability meets the definition of a qualified employee with a disability under the law and to determine feasibility of RA requested by the employee. If the employee's RA is not determined to be feasible, the committee will prepare written justification as to why the requested accommodation cannot be met and develop alternative recommendations that are feasible. The committee may choose among reasonable accommodations as long as the chosen accommodation is effective. The committee will provide the RA recommendation(s) to the IMCOM-West COS for decision and will meet periodically, and as necessary, to discuss the status of RA requests.

d. The IMCOM-West supervisor/manager who receives the RA request will review the request for clarity and content, verify employee's written consent to RA (if submitted by someone else); determine whether he/she can address the requested accommodation at his/her level; or refer it to the EEO Office for procedural guidance. The supervisor will ensure the individual with the disability signs a statement agreeing to release medical information related to the request for RA to individuals with a right to know before referring the request to any other party. A Request for Reasonable Accommodation Form is enclosed.

e. The individual with the disability is responsible for informing the agency, in writing, that an accommodation is needed and is required to sign a statement of release of information to individuals with a right to know. The RA Request Form is provided at enclosure to facilitate this process.

8. Procedures.

a. The individual with a disability is responsible for informing the agency that an accommodation is desired. The request should be provided in writing to the employee's first or second line supervisor. The employee may also contact the IMCOM-West EEO Office for guidance and advice. In addition to a direct request by the employee, a family member, friend, supervisor, or other representative may also request reasonable accommodation on behalf of an individual with a disability. However, all requests for RA must have the employee's written approval prior to submission of the request. To facilitate this process, a Request for Reasonable Accommodation Form has been to this SOP to be completed by the employee. The RA process should be an interactive process between the individual and the RA committee representative(s).

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b. The employee's supervisor/manager will review the RA request and determine its feasibility, and make the necessary arrangements to accommodate the employee. The supervisor will notify the EEO Office of any and all requests for tracking purposes and to inform them of actions taken, if any. If the accommodation requires computer/electronic and assistive devices, the supervisor/manager will coordinate with the IMCOM-West EEO Office to request assistance from the Department of Defense CAP. The supervisor will request assistance from the EEO Office as needed.

c. The IMCOM-West EEO Office will convene a meeting of the RA Committee as soon as possible, if assistance from the committee is needed.

d. The RA committee will review accommodation request and discuss potential methods of addressing that request. They will engage in an interactive process with the individual to obtain relevant information, as needed. The committee may also seek relevant medical documentation from the employee that is related to the disability and the requested accommodation, if not already received or known by management. This is done **only** when medical documentation is needed to evaluate the accommodation request. No medical information may be requested without previous coordination with the IMCOM-West EEO Office. Medical documentation includes but is not limited to the nature, severity and duration of the individual's impairment, the activity or activities that the impairment limits; the extent to which the impairment limits the individual's ability to perform the activities; and why the individual requires reasonable accommodation or the particular reasonable accommodation requested, to perform the essential functions of the job, or enjoy a benefit of the workplace.

e. The RA request packets will be maintained in the supervisor's/manager's office in a locked cabinet. Medical information is strictly confidential and only shared on a need to know basis. Under no circumstances will medical documentation be filed with the personnel files maintained by the supervisor.

f. The RA committee may also seek advice from the CPAC, the Occupational Health Office, CAP, or other subject matter experts, as appropriate. It is incumbent on the committee to explore all possibilities in accommodating the employee without undue hardship to the organization. In all cases, the RA committee will respond expediently to the request for reasonable accommodation and will act promptly to provide a recommendation to the IMCOM-West COS.

g. The IMCOM-West COS will make a final decision on whether to grant the reasonable accommodation within thirty 30-calendar days after initial receipt of RA request from the employee. If extenuating circumstances preclude providing the requested accommodation within 30-calendar days, the employee will be notified of the reason for the delay. If the request is approved, the COS will respond to the employee, in writing, and describe the terms and conditions of the RA.

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h. If the requested accommodation is disapproved, the COS will respond to the employee, in writing and will provide the reason(s) for the denial along with the employee's right to request mediation and the right to appeal the decision. If the employee decides to request mediation, the request will be made through the IMCOM-West EEO Office within 10 working days of the receipt of the denial decision. If the employee requests mediation, the employee cannot make an appeal until the mediation has ended and was unsuccessful in reaching an agreement. The IMCOM-West EEO Office will coordinate mediation services, when required. Appeals must be addressed, in writing, to the IMCOM-West Director within 10 working days of receipt of decision to deny accommodation or within 10 working days after an unsuccessful mediation. The IMCOM-West Director will respond within 15 working days of receipt of the appeal. If the RA is still denied after the appeal, the employee may seek other avenues of redress, including EEO.

9. The proponent for this SOP is IMCOM-West EEO Office.

Enclosure
as


J. RANDALL ROBINSON
Director

DISTRIBUTION:
All IMCOM-West Employees

REQUEST FOR REASONABLE ACCOMMODATION

Part I. Employee information.

Employee Name: _____ **Date:** _____

Employee Office Symbol: _____ **Supervisor:** _____

Part II. Accommodation Requested and Agreement to provide medical evidence.

Accommodation Requested. (Be as specific as possible):

Reason for Request:

If request is time-sensitive, please explain:

Signature of employee affirms above request and acknowledges employee agreement to submit relevant medical evidence at agency request and to release pertinent information to the appropriate parties with a need to know.

Signature of Employee

Part III. Agency Actions

Action taken by Supervisor

____ **Employee Request forwarded to EEO Office for RA Committee action.**

____ **Actions taken (Be Specific):**