

INTEGRATION AGREEMENT

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HEADQUARTERS

UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY

AS HIGHEST SERVICE AUTHORITY OF THE U.S. ARMY IN GERMANY

AND THE

UNITED STATES ARMY, EUROPE

HEAD WORKS COUNCIL,

IN COOPERATION WITH THE

UNITED STATES ARMY, EUROPE

HEAD REPRESENTATIVE OF SEVERELY HANDICAPPED EMPLOYEES

CONCLUDE THE FOLLOWING

SHOP AGREEMENT

**Regarding the Integration, Equality of Opportunity, and Promotion of Employment
of Severely Handicapped Persons and Persons of Equal Status**

pursuant to the provisions of section 83 of the Social Security Code IX (SGB IX), Rehabilitation and Integration of Handicapped Persons, in conjunction with the appropriate provisions of the German Personnel Representation Law (modified version) (modified GPRL).

PREAMBLE

Head Works Council, Head Representatives of Severely Handicapped Employees, and the Highest Service Authority, in consultation with the employer's representative of the Highest Service Authority, agree that the employment and development of severely handicapped persons and persons of equal status within the meaning of the SGB IX and their rights to equal opportunity for employment are a continuous responsibility of commanders, agency chiefs, and supervisors in the organizations, units, and facilities of the U.S. Army in Germany.

This Integration Agreement is to be understood as a contribution to the improvement and implementation of opportunities for vocational advancement of severely handicapped persons and persons threatened by handicaps in the above employing organizations. The U.S. Army in Germany will make every effort to keep the total number of severely handicapped persons and persons of equal status at a level equivalent to the legal quota for employment of severely handicapped persons and persons of equal status at all times.

Within the framework of the obligation of the U.S. Army in Germany to provide special welfare and development measures for career advancement to severely handicapped persons and persons of equal status, it is primarily incumbent upon the employing organizations, the employers' representatives, and the employees in the personnel offices to promote the employment of severely handicapped persons and persons of equal status, and to assist them in their professional growth in any justifiable way.

The Highest Service Authority will see to it that the contents and the regulations of this integration agreement will be observed in all organizations of the U.S. Army in Germany.

Section I – Applicability. This integration agreement applies to Local National severely handicapped persons within the meaning of the SGB IX, as well as to persons of equal status employed IAW the provisions of CTA II and administered by the U.S. Army Civilian Human Resources Agency, Europe Region (CHRA-E) or the U.S. Army and Air Force Exchange Service, Europe (AAFES-E). Personnel with a handicap degree of at least 50 qualify as severely handicapped persons (SGB IX, sec 2, para 2). Persons of equal status are persons granted equal status to severely handicapped persons IAW sec 68 SGB IX in conjunction with sec 2, para 3 SGB IX. Status as severely handicapped person must be proven by the submission of a copy of the severely handicapped pass (Schwerbehindertenausweis) issued by the pension office (Versorgungsamt); equal status (Gleichstellung) must be proven by submission of the official certificate of recognition for equal status (Gleichstellungsbescheid) issued by the Labor Agency (Agentur für Arbeit). The Severely Handicapped Employee Representative (SHER) will be informed by the personnel office without delay of an employee's severely handicapped status or equal status.

Section II – Integration of Severely Handicapped Persons and Persons of Equal Status

1. Employment of Severely Handicapped Persons and Persons of Equal Status

a. In connection with filling a vacant position, it must be reviewed carefully whether or not it may be suited for a severely handicapped person or person of equal status, and if severely handicapped persons or persons of equal status – in case of announcements for external recruitment in particular severely handicapped persons or persons of equal status who are registered with the labor agency – can be considered (SGB IX, sec 81, para 1, first sentence). In doing so, it must be assumed that all jobs

are basically suitable for occupation by severely handicapped persons or persons of equal status unless there are special employee health requirements in the individual occupational fields.

b. Before filling a vacant position with an external candidate, the labor agency will be asked in writing whether severely handicapped persons or persons of equal status are registered and qualify for the vacancy. A copy of the inquiry will be provided to the responsible SHER. When received, the responsible SHER and works council will be informed without delay about placement proposals for and applications from severely handicapped persons. In connection with the review required by paragraph b, first sentence, the participation of the SHER and the works council is required.

c. In both form and content, vacancy announcements (internal and external) must be formulated in a way to target severely handicapped persons and persons of equal status. The provisions of Army in Europe Regulation (AER) 690-70 or EOP 15-10 LNG for AAFES-E - in its relevant version - will be strictly followed. In case there are severely handicapped persons and/or persons of equal status among the applicants, one copy each of their application documents will be submitted to the responsible SHER without delay.

d. In case of equal qualifications and personal suitability, severely handicapped persons and persons of equal status applying for internally and externally announced positions will receive priority consideration within their priority group irrespective of the classification of the position. If a severely handicapped applicant or an applicant of equal status does not meet the qualifications required for the announced position, the SHER will be informed and heard.

e. If a severely handicapped applicant or an applicant of equal status meets the qualifications required for the announced position, the SHER will be provided with a copy of the referral list at the same time the referral list is submitted to the selecting supervisor. In these cases, the SHER is entitled to participate in all job interviews. If the SHER sits in on job interviews it has the right of access to all application documents that are available to the selecting official. Participation of the SHER in the job interview can only be rejected by the affected severely handicapped person or person of equal status.

f. At least two days before the initiation of works council cooperation proceedings in accordance with section 75, paragraph 1, numbers 1 and 2, (modified) German Personnel Representation Law, the SHER must be heard with respect to the selection. In doing so, if applicable, the SHER must be informed in writing of the reasons for non-selecting a severely handicapped applicant or applicant of equal status.

g. In case workplaces already equipped at great expense for the employment of severely handicapped persons must be filled again, qualified severely handicapped applicants or applicants of equal status take precedence over other applicants provided that the layout of the workplace or the work materials available at the workplace match

the handicap of the applicant. In deviation from the provisions of AE Regulation 690-70 or EOP 15-10 LNG for AAFES-E, external and internal applicants will be considered simultaneously for such workplaces.

h. Severely handicapped persons or persons of equal status who have been terminated in connection with operational measures are to be re-hired on a preferential basis provided they meet the occupational aptitude and personal qualifications.

2. Employment of Severely Handicapped Persons and Persons of Equal Status

a. Supervisors and coworkers have to act on the assumption that severely handicapped persons or persons of equal status will consider it self-evident to fulfill their duties within the scope of their individual performance capacity. The efforts of severely handicapped persons or persons of equal status to produce adequate work products in spite of their mental or physical impairments must be supported vigorously by supervisors and coworkers. In connection with the assignment of new tasks to severely handicapped persons or persons of equal status, it must be considered that in individual cases it will take more time to get them completed. In problematic cases, the SHER must be informed without delay to resolve the problem, as the case may be in consultation with the integration office together with the collaboration of supervisor, the employer's representative, and the works council.

b. The special integration service (Integrationsfachdienst) of the labor agency may be called in to assess the individual performance capacity of a severely handicapped person or person of equal status. In problematic cases, the vocational adjustment of severely handicapped persons or persons of equal status will be done in close cooperation with the special integration service and consultation of the SHER.

Section III – Promotion of Professional Advancement

1. Severely handicapped persons or persons of equal status are to be employed in a manner allowing them to use and develop their skills and knowledge as fully as possible.

2. The procedures for the selection of applicants for occupational training are to be established in a manner to avoid the discrimination of severely handicapped persons or persons of equal status. Section II, paragraph 1 applies analogously to the selection and takeover of severely handicapped apprentices or apprentices of equal status.

3. Participation of severely handicapped persons or persons of equal status in training and developmental measures at all levels must be guaranteed. In particular, it is necessary to guarantee their participation in measures that correspond to their handicap and expertise and promote their occupational development.

4. The efforts of severely handicapped employees or employees of equal status to be employed with higher level duties must be supported. Within the scope of available

opportunities, they are to be assigned to higher level duties provided that they may be expected to possess the necessary knowledge and skills for the performance of these duties. At this, sufficient time for on-the-job training and trial work periods must be provided.

5. In supervisory training courses as well as in continued educational seminars on “personnel management”, the topic “Employment and Special Situation of Severely Handicapped Persons and Persons of Equal Status in the Organization and at Work” will be introduced as integral part of the subject-matter.

Section IV – Examinations

1. When competing with non-severely handicapped persons, examinations of severely handicapped persons or persons of equal status can involve hardship. During examinations and selection processes, accommodations to offset disadvantages must therefore be made for severely handicapped persons or persons of equal status that are based on and appropriate to the handicap. For tests that concern the protection of material assets or people (e.g. driving tests) accommodations to offset disadvantages that might jeopardize the protective purpose may not be granted.

2. Personnel with responsibility for recruitment and placement of Local National employees will—

a. Inform severely handicapped employees and employees of equal status that they may request special accommodations to offset disadvantages for their handicap. In doing so, they will provide the address and telephone number of the appropriate SHER for help and support.

b. Review the need for special accommodations to offset disadvantages based on a statement on potential consequences of the handicap on the examination process, and, if appropriate, provide for necessary accommodations for the handicap without lowering professional requirements for the physical and psychological impediments of severely handicapped personnel or employees of equal status during the evaluation and assessment of practical and verbal examinations. The type of handicap may only be disclosed with the consent of the employee in question.

c. On request by the severely handicapped employee or employee of equal status, discuss the scope and type of special accommodations to offset disadvantages during examinations with the appropriate SHERs before the examination, and permit the responsible SHER to be present during the examination. The SHER will not be involved if the severely handicapped employee or employee of equal status expressly declines his or her involvement vis-a-vis the SHER.

d. Ensure that the accommodations to offset disadvantages for the handicap are not detrimental to the assessment of the examination results.

2. Severely handicapped employees or employees of equal status may retake the examination if there is no conflict with the rules for vocational training or other legislative provisions. The reexamination may be only on the subject matter in which the examination performance of the severely handicapped employee or employee of equal status is deficient. At the request of the severely handicapped employee or employee of equal status, verbal examinations may be conducted in the form of individual examinations.

Section V – Working Conditions

1. For severely handicapped persons and persons of equal status, working conditions must be established that meet their special demands as best as possible. They are entitled to employment that caters for the needs of the disabled. This may require special provisions in organizational rules, procedures, general service regulations, and work schedules. On this score, necessary measures must be taken according to the type and degree of their handicap under consideration of the personal impairment of the performance capacity caused by the handicap.

2. Managers, employer's representatives, works councils, and representatives of severely handicapped employees in consultation with the responsible offices (industrial safety staff, and, if necessary, the construction work staff) and the integration office, will ensure that workplaces, social rooms, equipment, and work processes in the organizations are established and maintained according to SGB IX, section 81, paragraph 4.

3. Taking into consideration the individual performance capacity of the severely handicapped person or person of equal status, special provisions regulating work hours and breaks may be necessary. The handicap and the traffic may justify concessions in connection with the establishment of the beginning and end of the daily work hours. This also applies to flexible work hours or comparable work schedules.

4. Depending on the type and degree of the handicap, work equipment must be provided to facilitate work and increase performance capacity. The workplace in particular must be equipped with technological equipment if such equipment is required to accommodate or alleviate the handicap. In this connection, services provided by the responsible authorities (for example, the integration office) could deem to be necessary. Requests for services of this type will be submitted to the responsible offices by the severely handicapped employee representatives and/or the employer's representatives. In cooperation with the employer's representative, the severely handicapped employee representative will coordinate further actions with the authorities.

5. The establishment of part-time workplaces will be promoted. Severely handicapped persons or persons of equal status are entitled to part-time employment if the reduced work hours are necessary because of the type and severity of the handicap. Sec 81, para 4, sentence 3, last subclause SGB IX applies accordingly.

Since planning of part-time workplaces is hardly possible, the employer's representative, the servicing personnel office, and the severely handicapped employee representative will jointly search for a suitable part-time position if necessary. In case the disability condition improves in the long run, the severely handicapped person or person of equal status will be provided the opportunity to increase the regular weekly work hours again (up to full-time) unless the employer is able to assert that such increase is unreasonable.

Section VI – Prevention

1. In order to determine, act upon and resolve difficulties of various types and various causes (person-, behavior-, or organization-related), management will point out the problems as early as possible and involve the SHER and works council. The associated objective is to consider all opportunities for continuation of employment within and outside the organization IAW SGB IX, sec 84, para 1 in order to continue employment preferably on a permanent basis.

2. A condition of enduring employment of severely handicapped persons or persons of equal status in accordance with the persons' aptitude is to adequately consider his state of health in connection with the assignment of work. Health impairments should be prevented by appropriate preventive measures. If physical or mental impairments emerge despite all preventive measures, the integration team and all other available specialists (e.g. the safety specialist, the integration office's service center) will assist the severely handicapped persons or persons of equal status to overcome the resultant difficulties.

Section VII – Additional Regulations

1. Duty travel with a third party

a. Severely handicapped employees or employees of equal status who, because of their disability, can perform duty travel only with the help of a third party may only be exempt hereof upon their own request.

b. If duty travel by a severely handicapped employee or employee of equal status with the help of a third party cannot be avoided, the severely handicapped employee or employee of equal status may be accompanied by a person who is not an employee of the U.S. Army. Costs for travel and accommodations must be reimbursed as additional expenses according to CTA II, appendix R, chapter I, paragraph 4.

c. Prerequisites for duty travel by a severely handicapped employee or employee of equal status with the help of a third party are met if the severely handicapped pass is annotated with an "aG" (extraordinary walking disability), "H" (helplessness), or "B" (requirement to be permanently accompanied).

2. Opportunities for Parking

a. If parking spaces are available at the employing organization, spaces must be designated for severely handicapped employees and employees of equal status who depend on a motorized vehicle because of their handicap. If possible, parking spaces located close to the workplace must be provided. Severely handicapped employees and employees of equal status who have a pass with a "G" (impaired mobility in road traffic), "aG", "H", or "B" are entitled to reserved parking places.

b. If the organization's budget allows, parking spaces may be leased for severely handicapped employees and employees of equal status. Where appropriate, suitable parking spaces should be established for drivers who use wheelchairs.

c. Prior to the establishment and reservation of parking spaces for severely handicapped employees or employees of equal status the responsible SHER will be heard.

d. If possible, the parking spaces made available for severely handicapped employees and employees of equal status should be included in proposed surveillance programs of the concerned organization or installation.

e. If parking space cannot be provided, severely handicapped employees and employees of equal status should be informed of possibilities to obtain exceptional permission according to the Road Traffic Regulation (*Straßenverkehrsordnung*), sec 46, para 1, no11, and the administrative ordinances of the individual Federal States (*Bundesländer*).

3. Care in Connection with Catastrophes. Employing organizations must ensure that the safety of severely handicapped employees and employees of equal status is guaranteed in the case of fire or catastrophe. Allowances must be made in the employing organization's evacuation plan for the special needs of severely handicapped employees and employees of equal status, to include severely handicapped employees and employees of equal status suffering from seizures, blindness, deafness, and walking disabilities as well as severely handicapped employees and employees of equal status who are chronically ill. In connection with the establishment of evacuation plans, the severely handicapped employee representative will be consulted.

4. Employer-Owned Accommodations. When leasing accommodations, employers must consider the special needs of severely handicapped employees and employees of equal status, proximity to the workplace, type and scope of the handicap, marital status, and other personal circumstances. The needs of severely handicapped employees and employees of equal status will be considered above non-severely handicapped employees when assigning or leasing accommodations owned by the employer.

Section VIII – Survey and Controlling, Duration

1. By no later than 30 June of each year, the Highest Service Authority, represented by the representative of the employer, will submit a central annual report to the USAREUR SHE representative depicting the employment structure of severely handicapped employees and employees of equal status in Germany. Corresponding statistics are to be prepared by the representatives of the employer and submitted to the district and local works councils at the intermediate command level and in all local works council agencies. The report should include information with respect to:

- a. Number of severely handicapped employees and employees of equal status in all agencies
- b. Total number each of severely handicapped/equal status blue collar and white collar employees in all agencies (absolute and percentage figures) as well as the corresponding breakdown in male and female employees.
- c. Number of severely handicapped/equal status apprentices, to include gains and losses.
- d. Actual losses and new appointments of severely handicapped employees and employees of equal status.
- e. Gains and losses within the area of responsibility (cancellation/recognition of severely handicapped employee status/equal status)

2. The representatives of the employer will discuss the survey at the assemblies of severely handicapped employees and employees of equal status pursuant to SGB IX, sec 83, para 3.

3. To ensure the comprehensive implementation of this agreement, a joint integration team will be established at the level of the Highest Service Authority that is composed of the representative of the employer, a representative of the USAREUR Head Works Council and the USAREUR Head SHE Representative. The joint integration team will meet according to the requirements; however, at least once annually. Among other things, the task of the joint integration team is to develop and to recommend comprehensive measures. Representatives of the responsible integration office, labor agency, or other specialist may be called in at any time.

4. Duration. This shop agreement will come into effect on the date of signature. It may be terminated by either party to the end of a calendar year quarter with an advance notice of 3 months; however, it will stay in effect until a new shop agreement on the integration of severely handicapped persons and persons of equal status has been concluded.

5. This integration agreement supersedes the integration agreement of September 27, 2001.

Section IX – Signatures

For the Highest Service Authority: For the Head Works Council:



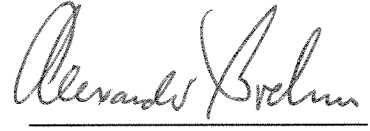
DONALD F. COPSON
Civilian Personnel Director
U.S. Army Europe

18 Aug 2009
(Date)



ANDREAS ROGEL
Chairman

18 AUG 2009
(Date)



ALEXANDER BREHM
Deputy Chairman

18 AUG 2009
(Date)

For the Head Severely Handicapped Employee Representative:



HEIDI STALEY
Head Severely Handicapped
Employees Representative

18 AUG 2009
(Date)