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Civilian Personnel

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

CHAPTER 1

GENERAL

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*This publication is a new Fort Riley regulation.

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Glossary

CHAPTER 1

GENERAL

1-1 PURPOSE. This regulation establishes procedures for processing, documenting, and reporting requests for reasonable accommodation in the workplace by federal civilian employees and applicants for employment. Additionally, this regulation establishes procedures for collecting and annually reporting data on the numbers and types of reasonable accommodations requests received and processed throughout Fort Riley.

1-2. REFERENCES. Required and related references are listed in Appendix A.

1-3. SUGGESTED IMPROVEMENTS. The proponent agency of this regulation is the Equal Employment Opportunity Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to EEO Manager, ATTN: IMWE-RLY-EEO, Fort Riley, Kansas 66442-7000.

1-4. HISTORY. This publication is a new Fort Riley regulation.

1-5. APPLICABILITY. This regulation applies to all Department of the Army appropriated and non-appropriated fund activities, their employees and applicants, who are located at Fort Riley, Kansas, and serviced by the Fort Riley Equal Employment Opportunity Office (EEOO) and the Civilian Personnel Advisory Center (CPAC). These procedures do not apply to uniformed members of the Armed Forces or persons employed or applying for positions in the Army and Air Force Exchange System (AAFES). All Fort Riley supervisors or hiring officials are responsible for ensuring compliance with the policies and procedures contained herein.

1-6. ARMY INTERNAL CONTROL PROCESS. This regulation contains internal controls and identifies key controls that must be evaluated.

1-7. SUPPLEMENTATION. Local supplementation of this regulation is prohibited except upon approval of the Directorate of Human Resources (DHR).

1-8. OVERVIEW.

a. Establish prompt, fair, and efficient procedures to respond to requests for reasonable accommodation by individuals with disabilities, who are federal employees or applicants for federal civilian employment.

b. Increase awareness of the responsibility to provide for the expansion of opportunities for individuals with disabilities.

c. Ensure that managers and supervisors comply with the provisions of laws, regulations, and policies regarding reasonable accommodation.

d. Establish a standard procedure to capture data for reporting disability-related actions to higher headquarters.

CHAPTER 2

RESPONSIBILITIES

2-1. APPLICANTS, EMPLOYEES AND MANAGERS.

a. Applicants and employees with a disability must inform the employer that a reasonable accommodation is needed to participate in the application process to be considered for employment, to perform the essential job functions, or to receive equal benefits and privileges of employment.

b. Managers and supervisors at all levels, but especially immediate supervisors, will:

(1) Promote the reasonable accommodation process.

(2) Provide necessary resources to support the reasonable accommodation process.

(3) Provide all applicants and employees with information about their rights and responsibilities related to disabilities in the workplace; including their right to request reasonable accommodation because of a medical condition.

(4) Review reasonable accommodation requests received from applicants and employees; and, begin the interactive process to identify and implement a reasonable accommodation in coordination with the EEOO and the CPAC.

(5) Consider and approve reasonable accommodation requests, whenever possible.

2-2. EQUAL EMPLOYMENT OPPORTUNITY (EEO) MANAGERS.

The Equal Employment Opportunity (EEO) Manager will:

a. As the proponent for the Program for Individuals with Disabilities (PIWD), assist supervisors and coordinate with the CPAC on all reasonable accommodation requests.

b. Track and report reasonable accommodation requests in the annual Federal Agency Equal Employment Opportunity Program Status Report.

2-3. CIVILIAN PERSONNEL ADVISORY CENTER (CPAC).

The CPAC staff will:

a. Review and coordinate with the hiring supervisor and the EEOO all reasonable accommodation requests received from applicants for employment.

b. Where appropriate, provide information and assistance to supervisors regarding reasonable accommodation requests from applicants and employees with disabilities.

c. Assist with modifications to positions or reassignment to alternative positions as a result of reasonable accommodation.

CHAPTER 3

STEPS AND PROCEDURES FOR REQUESTS

3-1. THE REASONABLE ACCOMMODATION PROCESS.

a. An applicant or employee may initiate a request for reasonable accommodation orally or in writing. If the request is made orally, the individual will be asked to complete a written request for record-keeping purposes. See appendix B. Regardless of how it is initiated, the oral or written request starts the reasonable accommodation process and begins the interactive process required by law. A decision maker must begin processing an oral request immediately upon receipt of such a request and should not wait for the written confirmation.

b. When an individual with a disability requests assistance in completing the written request for reasonable accommodation, the supervisor must provide that assistance. Employees may also seek assistance from the Fort Riley EEOO or Fort Riley CPAC. A copy of the written confirmation request will be provided to the EEO Manager in their role as the Disability Program Manager (DPM).

c. The reasonable accommodation process is initiated when an individual with a disability, for a reason related to a medical condition, indicates to a supervisor in their chain of command, the Fort Riley EEOO, or Fort Riley CPAC the need for an adjustment or a change at work; or, a job applicant makes such a request to the CPAC. The medical condition does not have to be apparent to the individuals listed above. The requestor does not have to use any particular words, cite the Rehabilitation Act of 1973, or even use the term "reasonable accommodation" or "disability." For example, it is sufficient for a vision-impaired or deaf person or for an employee with mobility impairment to ask for assistance with certain work-related tasks or in the use of equipment. The disability does not have to be obvious, such as cancer, or a respiratory, cardiac, neurological, or immune deficiency disorder. It may be related to a specific medical diagnosis or simply be related to how the employee reacts to a new medication. It is impossible to list or identify every possible situation that can trigger a reasonable accommodation request.

d. A family member, health professional, or other representative may request a reasonable accommodation on behalf of the individual with a disability. The need for a reasonable accommodation should then be confirmed with the person who has the disability.

e. The request for accommodation begins an interactive and flexible process between the requester and the decision maker. The 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 and additional information, if needed.

f. Immediate supervisors will consider and approve requests for reasonable accommodation, whenever possible. Each reasonable accommodation request will be different and will have to be considered on a case-by-case basis. If the person receiving the request for reasonable accommodation does not have the authority to approve the request, they will forward it promptly to the appropriate official. They will ensure copies of the request are provided to the Fort Riley EEOO, the Fort Riley CPAC, and the installation Labor Counselor, Fort Riley Office of the Staff Judge Advocate. An employee or applicant should be informed as soon as possible about the status of their reasonable accommodation request, especially if an urgent situation exists.

g. The decision maker or any activity employee who obtains or receives information in connection to a request for reasonable accommodations is bound by strict confidentiality requirements. All records will be maintained in accordance with the Privacy Act of 1974 and the requirements of Title 29 C.F.R. Part 1611. This information may be disclosed only as follows:

(1) Agency officials and managers who need to know (including the deciding official who requested the information) may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information should only be disclosed if strictly necessary.

(2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

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

(4) The information may in certain circumstances be disclosed to workers' compensation offices or insurance carriers.

h. The activity will process requests for reasonable accommodation and provide accommodations, when appropriate, as soon as reasonably possible. All parties must recognize 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.

i. Where the requested accommodation is determined to be reasonable by management and will not pose an undue hardship to the Army, the reasonable accommodation should be provided or denied, in writing, within 30 business days of the request. The 30 business day time period stops running while information is being provided by the employee or a health care provider. Once the information is received, the time period begins running again. If there are extenuating circumstances that will preclude providing the requested reasonable accommodation within 30 calendar days, the requester will be notified of the reason for the delay and will be provided the anticipated completion date in writing. In the interim, management may also consider whether a provisional or temporary accommodation should be provided. "Extenuating

circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing delivery of an accommodation. The following are examples of extenuating circumstances:

(1) The purchase of equipment may take longer than 15 business days because of requirement under the Federal Acquisition Regulation.

(2) Equipment must be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(3) the employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before it is purchased by the agency.

(4) New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

j. For granted accommodation requests, decision makers have the responsibility for following through and making any necessary arrangements to ensure the accommodation is provided in a timely manner. If the reasonable accommodation is not covered through the Computer/Electronic Accommodations Program (CAP), the organization will determine how funding will be provided to support the provision.

k. Prior to denying any accommodation request, decision makers will coordinate with the Fort Riley EEOO, Fort Riley CPAC, and the installation Labor Counselor for a review of the request. If a request for a reasonable accommodation is denied, the individual will be informed in writing and advised that a request for reconsideration may be submitted with any additional information within 10 calendar days of receipt of the denial.

l. Supervisors will complete EEOC Form 557b, Reasonable Accommodation Information Reporting Form (see appendix D) and submit it (without any medical documentation), to the Fort Riley EEOO, who will maintain it for the length of the employee's tenure with Fort Riley or a minimum of three years.

3-2. MEDICAL INFORMATION.

a. If the disability or need for accommodation is not obvious or already known by the command, employees or applicants for employment must provide relevant medical information related to the disability; for example, the functional impairment and/or limitations at issue; and, the requested accommodation. If additional information is needed, the decision maker will coordinate with the Fort Riley CPAC and the Fort Riley EEOO for assistance in requesting the information.

b. Additional medical information may be requested, only to the extent reasonably necessary, if the initial medical information, if any:

(1) Does not clearly explain the nature of the disability, the need for reasonable accommodation, or the permanent or temporary nature and duration of the disability.

(2) Does not clearly explain the activity or activities the impairment limits or the extent to which the impairment limits the individual's ability to perform the activity or activities.

(3) Does not clarify how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the workplace.

c. DD Form 2870 (Authorization for Disclosure of Medical or Dental Information), may be used to request the use and/or disclosure of an individual's protected health information in order to process the reasonable accommodation request. The applicant or employee should check block 7, "OTHER," on the form and write "reasonable accommodation request" in the space provided. In most cases, it will be unnecessary to request and/or provide an applicant's or employee's entire medical record unless all the information contained therein is related to whether the applicant/employee can perform the essential job functions.

d. The decision maker may have the medical information reviewed by Occupational Health (or a medical expert of the command's choice at the employer's expense) to assist in assessing functional abilities. If the medical documentation provided by the employee does not result in sufficient information on which to assess the employee's accommodation request, the activity may require the requestor to be examined by a health care professional of the agency's choice at the activity's expense.

e. In accordance with the Rehabilitation Act of 1973, medical information may not be requested where:

(1) The disability, the need for reasonable accommodations, and the type of accommodations necessary are obvious or already known. For example, requesting medical information for a deaf employee working in an office is unnecessary for a decision maker to provide an accommodation to assist the employee in using their phone.

(2) The individual has already provided the agency with sufficient information to document the existence of the disability and how it functionally limits the individual from performing the essential duties of the position the person holds or for which the person is being considered.

f. The Rehabilitation Act also requires that all medical information be kept confidential and maintained in a secure location. If necessary, medical information may only be shared with other agency officials who need the information to perform their duties. When medical information is disclosed to appropriate officials, they must be informed regarding the confidentiality requirements under the law.

g. In order to maintain the confidentiality of the medical information and the reasonable accommodation request data, these records must be filed separately from the employee's personnel files maintained in most offices. All documents that identify the employee's medical condition, diagnosis, treatment plan, or prognosis are to be treated as medical records. These include doctor or other care provider notes that relate to the disability, such as sick slips and return to duty notes. Access to these medical records must be limited to the supervisor and only those management officials with a need to know the information in order to perform their official duties. Failure to maintain the confidentiality of this information may be determined to be a violation of the Privacy Act or the Health Insurance Portability and Accountability Act (HIPAA) of 1996, resulting in liability to the employer and possible disciplinary action against the offending official.

3-3. TYPES OF REASONABLE ACCOMMODATION. There is no standard "one size fits all" answer to what constitutes a reasonable accommodation. If one is identified, it must be tailored to the individual's needs and must result in the employer's mission still being met. Cost alone may not be used as a reason for not providing a reasonable accommodation. Creativity and flexibility should govern the interactive process of identifying a reasonable accommodation. The outcome should focus on the employee still being able to perform all of the essential tasks of the position for which the employee was hired. If the interactive dialogue reveals that the employee will not be able to perform all of the essential tasks of the employee's permanent position, even with a reasonable accommodation, the decision maker should immediately notify the Fort Riley CPAC. The following options should be considered in this process:

a. Modifications or adjustments may be made to the application process, to the job or to the workplace. Refer to the examples described for reasonable accommodation in the glossary. A variety of resources, some cost-free, are available to assist management in making modifications to workplace facilities and equipment. Assistance may be obtained from the Fort Riley EEOO; Fort Riley CPAC; the Irwin Army Community Hospital, Occupational Health; and, the Department of Defense (DoD) Computer/Electronic Accommodations Program (CAP).

b. Alternative work schedules, such as flextime or telework, and use of paid and unpaid leave, each providing specific flexible work arrangements between a supervisor and an employee.

c. Reassignment is the accommodation of last resort. Reassignment is available only to employees, not to applicants. Reassignment must be considered if no other accommodation is available to enable the individual to perform the essential functions of the current position or if the only effective accommodation would cause an undue hardship to the organization. Reassignment may be made only to a vacant position for which the employee is otherwise qualified. The law does not require the organization to create a new position or move other employees from their jobs in order to create a vacancy. The law also does not require a change of supervisor as a reasonable accommodation. Reassignment cannot be an adverse action and must be noncompetitive.

d. If reassignment is being considered as an accommodation, the decision maker should explain to the employee why they cannot be accommodated in the current position. The decision maker should determine the employee's preferences with respect to the reassignment. For example is the employee willing to be reassigned:

(1) Outside the facility or outside the commuting area, including outside the geographical area, and if so, to what locations;

(2) To a different type of position for which he/she may be qualified, and if so to what type(s);

(3) To a different sub-component of the department, and if so, to which one(s);

(4) To a lower-grade position, if no position is available in their current grade level. If so, identify down to what grade level.

e. If reassignment is being considered as an accommodation, the decision maker must consult with the Fort Riley CPAC for assistance in conducting a vacancy search based upon the employee's expressed preference and qualifications. A search must first focus on equivalent positions within the organization before extending the search to other areas within the employee's expressed preferences.

f. 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 Program matches. 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.

3-4. DENIAL OF REASONABLE ACCOMMODATION.

a. If an individual's request for reasonable accommodation is denied, the individual must be notified in writing of the reason. The denial must follow the format of EEOC Form 557a, Resolution of Reasonable Accommodation Request (see appendix C). Where appropriate, the notice of denial should be provided in an alternate format; such as large print, Braille, etc.

b. Where the employer identifies a different accommodation, the notice must explain why the employer rejected the individual's request and why the employer's chosen accommodation would be effective. While the law requires the employer to consider the individual's preference, the employer selects and implements the accommodation deemed most appropriate for both the individual and the organization.

c. In determining if 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.

d. At all stages of the process, the decision maker should be coordinating with the Fort Riley EEOO, the Fort Riley CPAC, and the Labor Counselor.

3-5. AVENUES OF REDRESS FOR DENIED REASONABLE ACCOMMODATIONS REQUESTS.

a. An employee or applicant, who is denied reasonable accommodation, may file a discrimination complaint with the EEOO. To be timely, the individual must contact the EEOO within 45 calendar days of the receipt of the denial decision.

b. An employee may also file an appeal with the Merit Systems Protection Board (MSPB) if the discrimination allegation is in conjunction with some other personnel action that is otherwise appealable. A MSPB appeal must be filed within 30 calendar days of the effective date of the matter being appealed.

c. An employee may also file a negotiated grievance, if applicable, over the denied accommodation request in accordance with the local Collective Bargaining Agreement (CBA). Employees not covered by the CBA may still request reconsideration of the decision to the decision maker. If the decision maker does not reverse the denial, the individual must then be informed of the appropriate senior management official, normally the staff principal, director, or commander of the affected activity, to whom a request for review can be made.

d. Employees seeking to redress the denial of their accommodation request through any of the avenues listed above also have the option of initiating Alternative Dispute Resolution (ADR) through any applicable ADR process established by the Army that covers such disputes. However, employees must be aware that the ADR process does not affect the time limits governing the EEO complaint process, the MSPB appeal process, or the union grievance procedures. An individual's participation in the ADR procedures does not satisfy the requirements for pursuing one of the three options listed above.

3-6. TRACKING REQUIREMENTS. The Fort Riley EEOO is responsible to the Department of the Army (DA) proponent for the Individuals with Disabilities (IWD) Program. On an annual basis, activities and individuals will report the following information to the Fort Riley EEOO:

a. Fort Riley CPAC:

(1) The number and types of reasonable accommodation requests received by CPAC in the application for employment process and whether those requests were granted or denied.

(2) The jobs (occupational series, grade level, and organization) for which reasonable accommodations were requested.

(3) The types of reasonable accommodations that were requested for each of those jobs.

(4) The number and types of reasonable accommodations for each job, by organization, that were approved, and the number and types that were denied.

b. Supervisors:

(a) The number and types of requests for reasonable accommodation received by supervisors that relate to the benefits or privileges of employment and whether those requests were granted or denied.

(b) The reasons for denial of any requests for reasonable accommodation.

(c) The amount of time taken to process each reasonable accommodation request.

(d) The sources of technical assistance consulted in trying to identify possible reasonable accommodations.

b. Each directorate/special staff office/organization serviced by the Fort Riley EEOO will submit the Reasonable Accommodation Annual Tracking Information data (see Appendix E), detailed above, to the EEOO upon receiving a RA request.

3-7. DISPOSITION OF REASONABLE ACCOMMODATION REQUEST DATA, TO INCLUDE MEDICAL

a. Documentation related to a particular individual who has requested reasonable accommodation must be filed apart from other personnel records, safeguarded regarding confidentiality requirements, and maintained for the duration of that employee's employment.

b. The tracking information data should be maintained for a period of three years. This data will assist management in evaluating its performance regarding the adequate and timely processing of reasonable accommodation requests and to take corrective action, if required.

CHAPTER 4

DISABILITY RETIREMENT APPLICATION

4-1. THE DISABILITY RETIREMENT PROCESS

a. An employee who meets the timeline criteria established by their retirement system and has become disabled shall be retired on the employee's own application or on application by the employee's agency. Any employee shall be considered to be disabled only if the employee is found by the Office of Personnel Management (OPM) to be unable, because of disease or injury, to render useful and efficient service in the employee's position and is not qualified for reassignment, under procedures prescribed by the Office, to a vacant position which is in the agency at the same grade or level and in which the employee would be able to render useful and efficient service.

b. An employee must fill out the appropriate forms according to their retirement system (FERS or CSRS) in order to apply for disability retirement. An employee should consider applying for disability retirement only after they have provided the agency with complete documentation of their medical condition and the agency has exhausted all reasonable attempts to retain the employee in a productive capacity, through accommodation or reassignment.

c. An employee who selects to complete the written forms for disability retirement may seek assistance from the Fort Riley CPAC benefits specialist.

d. After the forms are submitted to, and reviewed by, the CPAC benefits specialist, they will be forwarded to the EEO Reasonable Accommodations Program Manager for further review and signature. After the EEOO reviews the documentation, they will return them to CPAC who will forward them to the OPM.

4-2. FERS REQUIREMENTS FOR DISABILITY RETIREMENT

a. An employee who is subject to the FERS must meet all of the following conditions to be eligible for disability retirement:

(1) The employee must have completed at least 18 months of Federal civilian service which is creditable under FERS.

(2) The employee must, while employed in a position subject to the retirement system, have become disabled, because of disease or injury, for useful and efficient service in your current position.

(3) The disability must be expected to last at least one year.

(4) The agency must certify that it is unable to accommodate the employee's disabling medical condition in the employee's present position and that it has

considered the employee for any vacant position in the same agency at the same grade or pay level, within the same commuting area, for which the employee is qualified for reassignment.

(5) The employee, or their guardian or other interested person, must apply before the employee's separation from service or within one year thereafter. The application must be received by either OPM or the employee's former employing agency within one year of the date of separation. This time limit can be waived only if the employee was mentally incompetent on the date of separation or within one year of this date.

(6) The employee must apply for social security disability benefits. Application for disability retirement under FERS requires an application for social security benefits. If the application for social security disability benefits is withdrawn for any reason, OPM will dismiss the FERS disability retirement application upon notification by the Social Security Administration.

b. The employee must complete SF 3107, Application for Immediate Retirement, and SF3112, Documentation in Support of Disability Retirement. Both forms are available electronically at the Office of Personnel Management's website (<http://www.opm.gov/forms/html/sf.asp>), and at the Army Benefits Center- Civilian website (<https://www.abc.army.mil/Forms/RetirementForms.htm>).

c. If the employee is under age 62, they must also provide documentation that they have applied for social security disability benefits after separation from the agency.

4-3. CSRS REQUIREMENTS FOR DISABILITY RETIREMENT

a. An employee who is subject to the CSRS must meet all of the following conditions to be eligible for disability retirement:

(1) The employee must have completed at least five years of creditable Federal civilian service.

(2) The employee must, while employed in a position subject to CSRS, have become disabled, because of disease or injury, for useful and efficient service in the current position. "Useful and efficient service" is defined as fully successful performance of the critical or essential elements of the position or the ability to perform at that level- and satisfactory conduct and attendance.

(3) The disability must be expected to last at least one year.

(4) The agency must certify that it is unable to accommodate the disabling medical condition in the employee's present position and that it has considered the employee for any vacant position in the same agency, at the same grade or pay level, and within the same commuting area, for which the employee is qualified for reassignment.

(6) The employee, or their guardian or other interested person, must apply before the employee's separation from service or within one year thereafter. The application must be received by OPM within one year from the date of separation. This time limit can be waived only in instances involving incompetency.

b. The employee must complete the SF 2801, Application for Immediate Retirement, and the SF 3112, Documentation in Support of Disability Retirement. Both forms are available electronically at the Office of Personnel Management's website (<http://www.opm.gov/forms/html/sf.asp>), and at the Army Benefits Center- Civilian website (<https://www.abc.army.mil/Forms/RetirementForms.htm>).

APPENDIX A

REFERENCES

Section I Required Publications

The Americans with Disabilities Act of 1990

Title 29, Code of Federal Regulations

Executive Order 13164

Rehabilitation Act of 1973

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

Section II Related Publications

AR 600-7
Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army

AR 690-600
Equal Employment Opportunity Discrimination Complaints

Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164
Establishing Procedures to Facilitate the Provision of Reasonable Accommodation

Health Insurance Portability and Accountability Act of 1996

Privacy Act of 1974

Section III Referenced Forms

DD Form 2870
Disclosure of Medical or Dental Information

EEOC Form 557
Confirmation of Request for Reasonable Accommodation

EEOC Form 557a
Resolution of Reasonable Accommodation Request

EEOC Form 557b
Reasonable Accommodation Information Reporting Form

SF 2801
Application for Immediate Retirement

SF 3107
Application for Immediate Retirement

SF 3112
Documentation in Support of Disability Retirement

APPENDIX B

EEOC Form 557, Confirmation of Request of Reasonable Accommodation

Send a signed copy of this form to: EEO; ATTN: DPM; 500 Huebner Road, Room 120, Fort Riley, KS 66442; or, fax: (785) 239-3119

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION		EEOC Form 557 1 of 1
1.		
<p>_____</p> <p>Applicant's or Employee's Name</p>	<p>_____</p> <p>Applicant's or Employee's Telephone No.</p>	
<p>_____</p> <p>Date of Request</p>	<p>_____</p> <p>Employee's Office</p>	
2. TYPE OF ACCOMMODATION REQUESTED, IF KNOWN. <i>(Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change)</i>		
3. REASON FOR REQUEST.		
<p>If accommodation is time sensitive, please explain:</p>		
<p>(Disability Program Manager will assign number)</p>		
4. Log No.: _____		
<p>Privacy Act Statement:</p> <p>The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.</p>		
EEOC Form 557 (Revised 04/10) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED		

APPENDIX C

EEOC Form 557a, Resolution of Reasonable Accommodation Request

Send a signed copy of this form to: EEO; ATTN: DPM; 500 Huebner Road, Room 120, Fort Riley, KS 66442; or, fax: (785) 239-3119

RESOLUTION OF REASONABLE ACCOMODATION REQUEST

EEOC Form 557a 1 of 2

(Must complete numbers 1-3; complete number 4-7, if applicable)

1. Name of Individual requesting reasonable accommodation:

2. Accommodation(s) requested:

3. Accommodation(s):
 _____ approved as specifically requested
 _____ approved but different from original request
 _____ denied

*If the approved accommodation is different from the one(s) originally requested, identify the alternative accommodation(s):

4. If an alternative accommodation was offered, indicate whether it was:

_____ accepted

_____ rejected

5. Request denied because: (may check more than one box)

- Requestor does not have a Rehabilitation Act disability
- Accommodation ineffective
- Accommodation would cause undue hardship
- Medical documentation inadequate
- Accommodation would require removal of essential function
- Accommodation would require lowering performance or production standard
- Other (Please identify) _____

EEOC Form 557a (Revised 04/10) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

EEOC Form 557a 2 of 2

6. Detailed reason(s) for the denial (Must be specific, e.g., *why* accommodation is ineffective or causes undue hardship):

7. If the deciding official offered an accommodation that is different from the one originally requested, explain: (a) the reasons for the denial of the accommodation originally requested; and (b) why the alternative accommodation would be effective.

8. An individual who disagrees with the resolution of the request may ask the Director, Office of Diversity and Inclusion to reconsider that decision within 10 business days of receiving the "Resolution" form. Note that requesting reconsideration does not extend the times limits for initiating administrative, statutory, or collective bargaining claims.

9. If you are dissatisfied with the resolution and wish to pursue administrative, statutory, or collective bargaining rights, you must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor in the Office of Diversity and Inclusion within 45 days from the date of receipt of this Form or a verbal response (whichever comes first).
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.
- For adverse actions over which the Merit Systems Protection Board (MSPB) has jurisdiction, initiate an appeal to the MSPB within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3.

Name of Deciding Official

Signature of Deciding Official

Date reasonable accommodation denied/approved _____

EEOC Form 557a (Revised 04/10) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED

APPENDIX D

EEOC Form 557b, Reasonable Accommodation Information Reporting Form

Send a signed copy of this form to: EEO; ATTN: DPM; 500 Huebner Road, Room 120, Fort Riley, KS 66442; or, fax: (785) 239-3119

REASONABLE ACCOMODATION INFORMATION REPORTING FORM	EEOC Form 557b 1 of 2
<p>Name of Individual requesting reasonable accommodation:</p> <p>_____</p>	
<p>Office of Requesting Individual: _____</p>	
<p>1. Reasonable accommodation : (check one)</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Approved (Whether it is what was originally requested or an alternative) <input type="checkbox"/> Denied </p>	
<p>(Attach copy of the "Resolution of Reasonable Accommodation Request" form.)</p>	
<p>2. Date accommodation requested: _____</p> <p>Who received request: _____</p>	
<p>3. Date accommodation request referred to Disability Program Manager, if applicable:</p> <p>_____</p>	
<p>Name of decision maker: _____</p>	
<p>4. Determined that individual does ___ does not ___ have a disability as defined by the Rehabilitation Act; or no disability determination made ___</p>	
<p>5. Date accommodation approved or denied: _____</p>	
<p>6. Date accommodation provided (if different from date approved): _____</p>	
<p>7. If time frames outlined in the Procedures were not met, explain why.</p> <p> </p>	
<p>8. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):</p> <p> </p>	
<p style="font-size: small;">EEOC Form 557b (Revised 04/10) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE AND MUST NOT BE USED</p>	
EEOC Form 557b 2 of 2	

9. 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 or social event)**10. Accommodation(s) requested:****11. Accommodation(s) provided** *(if different from what was request):***12. Cost of accommodation provided:****13. Was medical information required to process this request? If yes, explain why.****14. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations** *(e.g., Job Accommodation Network, disability organization):***15. Comments:****16. Please attach all documentation connected with this request.**

APPENDIX E**IMPLEMENTATION OF THE DEPARTMENT OF DEFENSE TELEWORK PROGRAM FOR REASONABLE ACCOMMODATIONS**

1. References.

- a. Public Law 106-346, § 359 Executive Agencies Establish Telework Policies.
- b. DoD Instruction 1035.01, Telework Policy and Guide, 22 October 2001.
- c. Memorandum, Deputy Secretary of Defense, 3 March 1995, Expanding Flexible Work Arrangements in the Department of Defense.
- d. AR 25-1, Army Information Management.
- e. AR 25-2, Information Assurance.
- f. AR 380-19, Information Systems Security.

2. The law and Department of Defense (DoD) Policy require the establishment of a program under which eligible employees may participate in teleworking to the maximum extent possible without diminished employee performance. We must strive to meet the requirements of Section 359, that an additional 25 percent of the eligible Federal workforce be permitted or given the opportunity to telework.

3. In implementing Public Law 106-346, the DoD Policy is designed to actively promote telework as a flexibility for managers and their employees throughout the DoD, and to enhance the DoD's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability.

4. The DoD Telework Policy and Guide contain the basic parameters and conditions for implementing this Program. The following additional guidance is provided:

- a. The program should not be implemented until appropriate coordination with the servicing Civilian Personnel Activity Centers (CPACs) has occurred, and formal union notification and negotiations, upon request, have been completed.
- b. The DoD Telework Agreement and Safety Checklist (DD Form 2946) must be completed prior to the commencement of either regular and recurring or ad hoc telework arrangements.
- c. The installation and activity commanders/directors/chiefs will determine the availability of government owned Automated Information Systems (AIS) to support employees performing official duties in their homes. Where appropriate,

commanders/directors/chiefs, in coordination with the local Designated Approval Authority (DAA) may approve the use of personally owned AIS for official government business in accordance with AR 25-1, Army Information Management. Once approved for use, personally owned devices must be certified and accredited in accordance with AR 380-19, Information Systems Security. All remote connections to DoD networks must be established through approved Remote Access Dial-In User Service (RADIUS) compliant servers. Without exception, AIS must be equipped with current approved anti-virus software and government data must be protected in accordance with DoD, Army, and local policies. All activities will comply with the provisions contained in Section D, DoD Telework Policy. Additionally, personally owned devices and all associated storage media containing Sensitive But Unclassified (SBU) or privacy act protected data must be erased or destroyed in accordance with AR 380-19, Information Systems Security, prior to an extended leave or absence, relocation, or termination of employment. The organizational Information Management Officer (IMO) will act as interface to the NEC.

d. All files, records, papers, machine-readable materials, and other documentary materials, regardless of physical form or characteristics, created or received during telework are property of the United States Government and shall be managed in accordance with regulations and local policy. Employee agrees to protect all government records from unauthorized disclosure or damage and will comply with requirements of Privacy Act of 1974, USC 552a.

e. No classified information handling and/or processing will be permitted at a telework site. Adherence to established technical standards for government furnished equipment, network, and security issues is required. The standards are outlined in AR 25-2, and Fort Riley Information Assurance Policies. All sensitive information stored outside of the employee's government furnished computer must be stored in an approved, lockable container.

f. Government Furnished Equipment.

(1) Commanders/Directors/Chiefs may provide a government laptop and Common Access Card (CAC) readers to employees, if available, on a case-by-case basis. Desktop computers, keyboards, monitors, and fax machines are not recommended for use in a private residence unless the use of a laptop is deemed inappropriate for the teleworker due to physical limitations or laptop computers are not available. A teleworker must be able to produce his/her government owned AIS for immediate inspection. Employees must protect any government-owned equipment and use the equipment only for official purposes.

(2) Any misuse of government equipment will be treated the same as if it occurred on the agency's premises. Commanders/Directors/Chiefs must ensure that government equipment assigned to telework participants is properly accounted for (sub hand receipted) and coordinated with the hand receipt holder as appropriate. The hand receipt holder is responsible for ensuring that all government equipment is appropriately identified and labeled.

(3) IAW reference (b), adherence to local policy for off-site use of government equipment is required. Software and communications, with appropriate security measure, are required for any regular and recurring telework that involves sensitive unclassified data including Privacy Act data, For Official Use Only data, or to remotely access (login) to the Fort Riley Installation Campus Area Network (FRICAN) or any of its virtual networks.

5. Activities will ensure that sufficient data are maintained regarding the number of positions eligible for telework, number of employees offered the opportunity to telework, and the number of employees actually teleworking so that they may comply with required DoD and Army reporting requirements.

APPENDIX F

LIST OF REASONABLE ACCOMMODATION RESOURCES

Fort Riley Disability Program Manager
Equal Employment Opportunity
500 Huebner Road, Room 120
Fort Riley, Kansas 66442-4020
Phone: (785) 239-2595

Computer/Electronic Accommodation 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: www.tricare.osd.mil/cap

Job Accommodation Network (JAN)
918 Chestnut Ridge Road
Suite 1, West Virginia University
P. O. Box 6080
Morgantown, WV 26506-6080
1800-526-7234
Web Site: www.janweb.icdi.wvu.edu

Additional websites

Department of Labor: dol.gov/dol/odep/

Uniform Federal Accessibility Standards: access-board.gov/ufas/ufashtm/ufas.htm

Department of the Army Equal Employment Opportunity Agency, Disability Program:
http://eeoa.army.pengaton.mil/web/pro_comp/outreach_spec_prog/piwd/objectives.cfm

GLOSSARY

Section I Abbreviations

AAFES

Army and Air Force Exchange Service

ADR

Alternative Dispute Resolution

AIS

Automated Information System

CAP

Computer/Electronic Accommodations Program

CBA

Collective Bargaining Agreement

CPAC

Civilian Personnel Advisory Center

CSRS

Civilian Service Retirement System

DHR

Directorate of Human Resources

DoD

Department of Defense

DPM

Disability Program Manager

EEO

Equal Employment Opportunity

EEOC

Equal Employment Opportunity Commission

EEOO

Equal Employment Opportunity Office

FERS

Federal Employee Retirement System

HIPPA

Health Insurance Portability and Accountability Act

IWD

Individuals with Disabilities

MSPB

Merit Systems Protection Board

NAF

Non-Appropriated Fund

OPM

Office of Personnel Management

PIWD

Program for Individuals with Disabilities

PPP

Priority Placement Program

RADIUS

Remote Access Dial-In User Service

SBU

Sensitive But Unclassified

TSACS

Terminal Server Access Controller

Section II

Terms

Alternative Dispute Resolution (ADR). A term applied to a varied array of techniques for resolving disputes without normal litigation. ADR can be as simple as a settlement agreement negotiated directly between the two parties, or as involved as binding arbitration. There are many other approaches, including: mediation; neutral fact finding; facilitated problem solving; ombudsman investigation; and interest based negotiation, among others. Most techniques stress cooperative examination of underlying facts, issues, and interests, and avoidance of rigid adversarial positions.

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.

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, any agency official in the selecting official's chain of command, or a Human Resources staff member assigned to process the vacancy.

Disability Program Manager (DPM). A DPM 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 DPMs will be appointed. The 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 employee advocate. The DPM also oversees the information tracking and provides ongoing assessment of the organization's reasonable accommodation program.

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.

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.

Individual with a disability. A person who (1) has a physical or mental impairment that substantially limits one or more major life activities, e.g. walking, seeing, self-care, working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Individuals solely regarded as having a disability are not entitled to reasonable accommodation.

Interactive process. An on-going communication between management and the employee requesting reasonable accommodation. The process includes decision-making regarding potential accommodations.

"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 job in question.

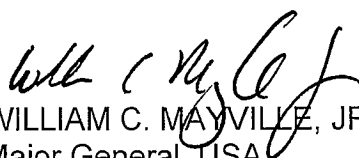
Reasonable Accommodation. An effort on the part of the employer to accommodate an individual's disability by making adjustment to the application process, the job or work environment which will enable that individual to interview for or perform the essential functions of the job, but which does not involve undue hardship to the employer. Reasonable accommodation may include:

a. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job, e.g. providing application forms in alternative formats like large print or 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 sign language interpreters, special computer keyboards, or voice amplification devices.

c. Modifications or adjustment that enables employees with disabilities to enjoy the benefits and privileges of employment as are available to a similarly situated employee without a disability, e.g. removing physical barriers in an office.

Undue hardship. Any accommodation that would be unduly costly, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the business. 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.


WILLIAM C. MAYVILLE, JR.
Major General, USA
Commanding General

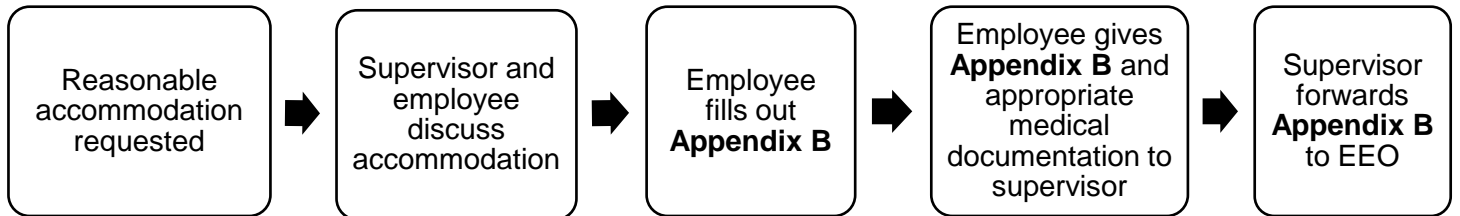
OFFICIAL:


KENNETH F. STAGGEMAN
Director of Human Resources

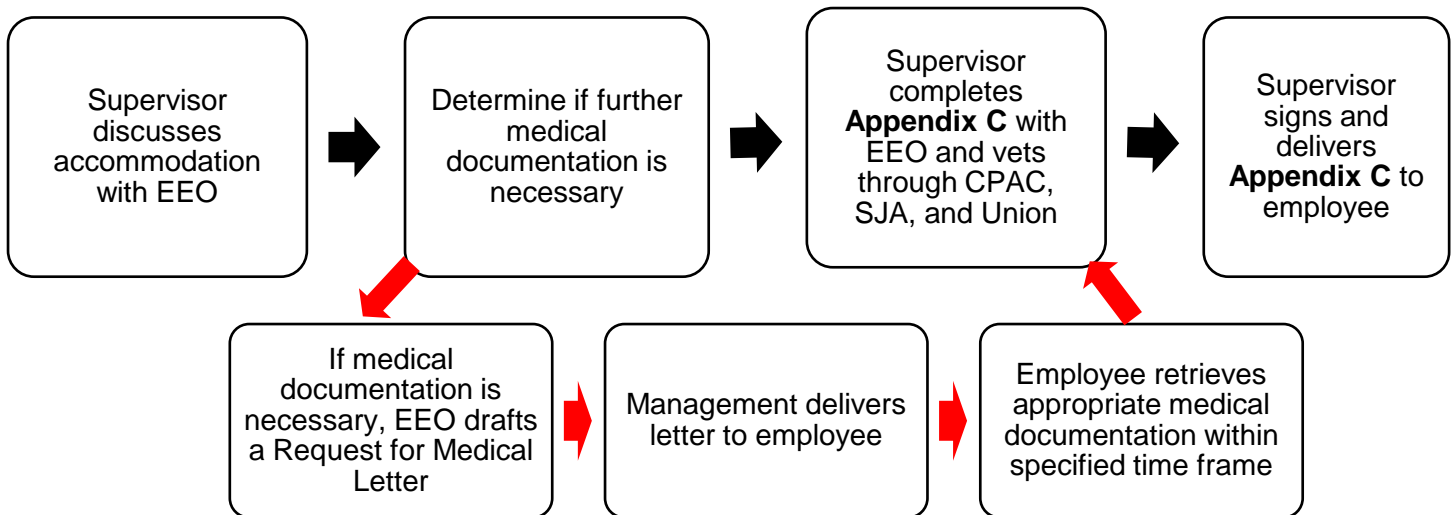
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The Reasonable Accommodation Process

STEP 1 (Appendix B)



STEP 2 (Appendix C)



STEP 3 (Continuous Dialogue)

